

Subject: Reply to IB of WIPO regarding SCP/26/7

Madam ,

Sir ,

In reference to the memorandum No C. 8687 , dated on August 21, 2017 & based on the decision of standing committee on the Low of Patent (SCP) , Doc.SCP/26/7 , the following is the reply of Patent Section of Industrial Property Protection Directorate – Ministry of Industry , Trade & Supply – Jordan

Regarding Jordan Case which is one of the developing countries , the relevant exceptions & limitations to patent rights , the related approval request from authorities which was prepared by Industrial Property Protection Directorate - Ministry of Industry , Trade & Supply , concerning the need to update for patent low No. 32 of 1999 , in order to cope with Patent Cooperation Treaty (PCT) in a preparatory step towards the accession .

Jordan officially succeeded to deposit the PCT accession document and become the 152th member state on March 9, 2017, henceforth PCT get into force on June 9, 2017 .

Two updates on Jordanian Patent Low were issued & published in the official Gazette as follows :

- Amending low No. 16 (published in the official Gazette No. 5460 on 16/5/2017) , according to this amending low , the following main articles were included as in pages (3353 – 3356) with the following main remarks :

Article 2 : According to the old patent record , it should be amended to include the record of patents and patent applications .

Article 3 : According to the new register , main bibliographic data are to be included for patents & patents applications including their numbers , owners& related legal status & actions .

Also , according to this low , patent applications should be published , after 18 months from priority date or from filing date in Jordan , wherein the abstract & drawings & related information are included .

According to this article , public are able to review the patent & patent application register .

Patent applications , could be applied electronically besides the paper applications .

Article 4 : Talking about Arbitration specialization responsibility of the courts regarding patent & patent applications .

Also , to give the right to the applicant to withdraw his patent application before grant date .

Article 5: According to this article , it will be possible to make all legal transactions for patent applications including ownership transfer , mortgage , pledge & heritage .

Article 6 – 8 : replacing the corresponding item (Patent) from these articles by (Patent application) .

Article 9 : replacing the court from (High Court of Justice) with Administrative Court .

- Amending law No. 17 (published in the official Gazette No. 5460 on 16/5/2017) , according to this amending law , the following main articles were included as in pages (3358 – 3360) with the following main remarks :

Article 2 : In this article more specification , for the patents applications exceptions & limitations for patents as copied below from the law

(A patent shall not be granted in the following cases :

A .

.1 The inventions whose exploitation is detrimental to public order or public morality .

.2 The inventions whose non-exploitation is necessary to protect the life and health of humans, animals and plants or to avoid severe damage to the environment .

For implementing the provisions of items (1) and (2) of this paragraph, non-granting of protection shall not be provided for just because such patent exploitation is disallowed under other enforceable laws .

B. Discoveries, scientific theories and mathematical methods .

C. Diagnostic, therapeutic and surgical methods necessary for the treatment of humans or animals .

D. Plants and animals other than microorganisms .

E. Biological methods for the reproduction of plants and animals other than non-biological and microbiological methods .

Article)

Article 3-4 : Modification to specify the relation between worker who intends to apply for patent application and work owner (Establishment) in terms of the

patent application ownership for cases where the worker used the resources of work owner (Establishment) .

Article 5 : This amendment deals with patents licensing and compulsory licensing conditions wherein all compulsory licensing are specified .

Article 6 : According to this amended article , the right for patent owner is to be able to protect his patent from the external importation for the patented items , unless there is an official approval (Contract) from patent owner with the official communication with pateb

Accordingly , it could be noticed that these inputs were previously prepared to cope with the international good practices , mainly regarding the new actions that took into account treating patent applications like patents in terms of legal rights & determining the specialization of courts for arbitration .

Regarding the limitations / constraints , for Jordan case the current system of patent could be assured that it is harmonized with the international good practices except the limitation on programs , software & IT applications innovations that according to the current low are excluded from patentability as they are considered as copyrights that could be protected within (National Library) as copyrights .