

Trade Secrets and Unfair Competition Law

Law No. 15 for the Year 2000

TABLE OF CONTENTS

	<i>Page</i>
Article 1:	1
Unfair Competition	
Article 2:	1
Article 3:	2
Trade Secrets	
Article 4:	3
Article 5:	3
Article 6:	3
Article 7:	3
Other Provisions	
Article 8:	4
Article 9:	4
Article 10:	5
Article 11:	5

Article 1

The law is called (Trade secrets and unfair competition law of 2000), and shall be effective after thirty days as of the date of its publication in the Official Gazette.

Unfair Competition

Article 2

A. Any competition contradictory to the honest practices in the commercial and industrial activities shall be deemed one of the unfair competition acts and particularly the following:

1. The activities that may by nature cause confusion with entity, products or commercial or industrial activities of one of competitors.

2. Untrue assumptions in practicing trade, whereby causing deprivation of trust from one of the competitors' entity, products or industrial or commercial activities.
3. The data or assumptions which use in commerce may mislead public in respect to the product's nature, methods of manufacturing, properties, amounts, and availability for use.

4. Any practice that reduce the product reputation, cause confusion in respect to the product general shape or presentation, or mislead the public on declaring the product price or the method of counting thereof.

B. If the unfair competition related to a trademark used in the kingdom either being registered or not and causes public misleading, provisions of paragraph (A) of such article shall be applied.

C. The provisions of paragraphs (A) and (B) of this article shall be applied on the services as necessary.

Article 3

A. Any concerned party may claim compensation for the damages caused to him as a result of any unfair competition.

B. Upon filing a civil lawsuit related to unfair competition or during the examination of such lawsuit, any interested party may submit an application to the relevant court accompanied by bank or cash security accepted by the court for adopting the following measures:

1. Stopping such competition.
2. Precautionary Impoundment of the related articles and goods wherever it was.
3. Reserving the related evidences.

C.1. Any interested party may before filing his lawsuit, submit an application to the court accompanied by bank or cash security accepted by the court for adopting the measures provided in paragraph (B) of such article without further notifying the respondent. The court shall approve for his request on proving any of the following:

- The competition has been committed against him.

- The competition is about to take place, and may cause great damage that is hard to be redressed.

- The interested party fears of losing the competition evidence.

2. If the interested party did not file his lawsuit within eight days as of the date of the court approval, all the measures adopted for this purpose shall be deemed void and null.

3. The respondent shall appeal against the court decision of adopting the precautionary measures before the court of appeal within eight days as of the date of his notification with the decision. The court decision shall be definite.

4. The respondent shall claim compensation for the harm caused to him, if proving that the plaintiff was not right in his request of adopting the precautionary measures or that the plaintiff did not file his lawsuit during the period provided in item (2) of such article.

D. The defendant shall claim compensation for the harm caused to him if the claim proved that the plaintiff was not right in his claim.

E. The court shall in every case resort to the opinions of the experienced people.

F. The court shall decide to impound the goods subject of infringement and the materials and tools used mainly in the infringement. The court shall further decide to spoil or dispose of such products, materials and goods in any commercial purpose.

Trade Secrets

Article 4

A. For the purposes of this law, any information are deemed trade secrets, if characterized by:

1. Is secret in the sense that it is not generally known in its final form or its precise components, among or readily accessible to persons within the circles that normally deal with this kind of information in question.

2. Has commercial value because it is secret; and

3. Has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

B. The provisions of such law shall not be applied on trade secrets contradictory to general system or public morals.

Article 5

A. The person lawfully in control of the trade secret is every person having the right of its disclosure, using and keeping.

B. The person lawfully in control of the secrets may prevent any person from misusing the protected trade secrets pursuant to such law.

Article 6

A. Any person obtaining, using or disclosing trade secrets in violation of the honest commercial practices, without the consent of the person lawfully in control of such trade secrets, is deemed misuse of the trade secret.

B. For the purpose of applying provision of paragraph (A) of such article, the following shall be deemed violation of the honest commercial practices:

1. Breach of the contracts.
2. Breach and inducement to breach of trusted secrecy of information.
3. The acquisition of trade secrets by third party who knows, or is able to know that such parties acquisition of such secrets was a result of violating honest commercial practices.

C. Individual access to trade secret or through reverse engineering shall not be deemed violation of the honest commercial practices.

Article 7

A. The person lawfully in control of trade secrets may claim compensation for the damages caused to him as a result of misusing such secret.

B. The person lawfully in control of trade secrets may, on filing a civil lawsuit for misusing trade secret or on examining thereof, request the following from the court, provided that his request is accompanied by bank or cash security accepted by the court:

1. To stop the misusing.
2. Precautionary Impoundment of the articles that include misused trade secrets, or the products that resulted of misusing, wherever it was.
3. Reserving the related evidences.

C. The provisions and procedures provided in article (3) of such law shall apply on using and misusing trade secrets in some cases other than those provided in such article.

Other Provisions

Article 8

If an official party stipulated, for approving for the marketing of pharmaceuticals, or agrochemical products in which new chemical materials are used, the submission of secret formulae or any data attained through considerable efforts such party should observe the following:

A. The protection of such data from the unclassified commercial use, through preventing any other person who did not obtain the applicant approval from depending thereon for marketing his pharmaceuticals and products except after 5 years as of the date of the applicant obtaining any approval for marketing his products.

B. Protecting such data from disclosure, unless:

1. The disclosure is necessary for protecting the public.
2. The official party has taken the necessary steps for the protection from unclassified commercial use of such data.

Article 9

A. Every provision or condition restricting competition included in the license contract related to any of the intellectual property rights, which may have negative effect on commerce, or many hinder the transference or dissemination of the technology shall be void and null, and in particular:

1. To prohibit the licensee from transferring modifications done on the technology included in the license contract except for the licensor (Back transferring of technology).
2. Preventing the licensee from arising Juridical or Administrative disputes in respect of the licensed intellectual property right.
3. To compel the licensee to accept the license with number of rights instead of one right only.

B. The intellectual property rights mentioned in paragraph (A) of this article particularly include:

1. Copyrights and neighboring rights.
2. Trademarks.
3. Geographical indications.
4. Industrial drawings and Industrial designs.
5. Patents.
6. Layout designs of integrated circuits.
7. Trade secrets.
8. New varieties of plant.

Article 10

The cabinet shall issue the necessary regulations for implementing the provisions of this law.

Article 11

The Prime Minister and the ministers shall be entrusted with the implementation of the provisions of this Law.

Source: World Intellectual Property Organization http://www.wipo.int
--

1 Official Gazette No. 4423 dated 2.4.2000