

The Importance of registering a patent in Jordan

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The Patent Law is mainly based on the Patent Cooperation Treaty, adopted on 19 June 1970 at Washington D.C., and the Paris Convention for the Protection of Industrial Property, adopted on 20 March 1883. The Patent Law is also compliant with the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

In accordance with the Patent Law, a patent is a certificate granted by the government for the purpose of protecting new inventions. This protection is limited to the geographical borders of Jordan and is valid for a period of twenty years from the date of submitting the patent application to the relevant authorities. However for the patent protection to remain active, the applicant is required to pay the relevant fees on an annual basis.

Due to rapid production development and recent increase in competition in the market, it is becoming critical for companies to continuously come up with new inventions and designs to keep ahead. The protection provided by patents can be crucial for the prosperity of innovative companies in an economy like that of Jordan which is characterized by constant change and challenges.

Reasons for Patenting Inventions

In addition to the above, the following are just some of the reasons that should motivate companies to register patents:

When a company registers a patent, it ensures a strong position in the market. This is because patents prevent third parties from utilizing the commercial benefits of new (registered) inventions. It also reduces the feelings of apprehension and unfair competition that are generated by the presence of counterfeiters.

Registering a patent increases the revenues obtained from an invention because steps can be taken to prevent imitators. This is very important as companies usually invest a lot of their money and time in the development of inventions.

A company can generate revenue by registering a patent because a holder of a patent may authorize other parties to utilize their invention for a one-off payment or a series of regular payments.

Companies with registered patents may make use of the patents for the purpose of innovation and technological exchange. This is because companies may go into negotiations with other local and international patent holders and enter into agreements whereby the parties agree to exchange patents and technology they may need for their work or future innovations.

It increases the chances of a company obtaining financial endorsements with better interest and terms. This is because companies who hold significant patents are more likely to be able to find investors willing to finance future projects.

Conditions for Patenting Inventions

In accordance with the Patent Law, an invention can only be patented if it satisfies the following conditions:

A. 1) It must be new in terms of industrial technology and previously undisclosed to the public anywhere in the world, prior to the date of filing a patent application, or the priority date claimed in the application, pursuant to the provisions of the Patent Law. This includes disclosure whether in written or verbal description, or through use, or any other means which affect knowledge of the invention,

2) Disclosure of an invention to the public shall not be taken into account if it occurs within a twelve month period before the date of filing the patent application (or the date of claiming priority in the application¹), and if such disclosure was a result of an act committed by the applicant, or the result of an unlawful act committed by a third party against the applicant.

B. It must involve an inventive step that, having regard to the prior art relevant to the patent application, it would not have been obvious to a person having ordinary skill in the prior art of the invention subject.

C. It must be applicable to an industry, including any type of agriculture, fishing, service or industry in their widest senses including handicraft.

Excluded Inventions

The Patent Law excludes the following from the list of inventions that can be patented in Jordan:

- Inventions which, if exploited, would be contrary to public order or morality.
- Inventions where the prevention of its commercial exploitation is necessary to protect life and health of humans, animals, or plants, or to avoid serious prejudice to the environment.
- Scientific discoveries or theories, and mathematical methods.
- Diagnostic, therapeutic and surgical methods for the treatment of both humans and animals.
- Plants and animals, other than microorganisms.
- Biological processes for the production of plants or animals, other than non-biological and microbiological processes.
- Inventions which the owner registered outside of Jordan more than 18 months prior to the date of filing for registration in Jordan.

Granting Patents

The Patent Law provides for a specific method by which a patent shall be granted. A patent will be granted to the inventor who can then transfer it to others. However, if the invention is a result of a joint effort, each of the related parties shall have the right to the patent jointly and equally, unless they agree otherwise. If the invention is independently made by more than one person, the right to a patent shall be granted to the person who is the first to file his application with the Registrar of Patents.

In relation to inventions created during employment, a patent will be granted to the employer if the invention is a result of an employment contract which requires the employee to carry out a particular inventive activity, unless otherwise stipulated by contract. However, if the economic value of the invention is not foreseen by the employer and employee at the time the employment contract was entered into, then the employee is entitled to fair compensation proportionate to the value of the invention. If the two parties fail to reach an agreement regarding the amount of compensation, this will be determined by the competent court.

Conclusion

Even though the registration of a patent may be a lengthy process at times, it often yields positive results. As such, companies that invest a lot of their money and time in the invention of new and innovative technology stand to gain much by patenting their inventions in an economy which is very fast changing.

Footnote:

1. Pursuant to Article 10 of the Patent Law, an applicant may claim for priority in his application should such application be submitted in a foreign country, which is a signatory to a bilateral or multilateral agreement with Jordan in relation to the protection of industrial property, within no more than twelve months prior to submitting his application in Jordan. If the Registrar grants the applicant priority, then the application date shall be regarded as the same date on which the application was filed in the foreign country as per the Paris Convention for the Protection of Industrial Property.