

CHAPTER 2

LEGAL RELATIONS: FROM THEORY TO PRACTICE

LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER JORDANIAN LEGISLATION AND INTERNATIONAL AGREEMENTS

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Abstract. Intellectual property (IP) is of great importance in the modern era, particularly with the increase in innovations we are witnessing in various fields, therefore, it has become necessary to find new mechanisms to protect the rights of inventors and their intellectual property from all forms of violation. The constant violation of intellectual property has promoted the policy-makers to give more attention to this area and at the international level, for this reason, several agreements and treaties have been concluded between countries, especially the Paris Agreement and the TRIPS Agreement, which are considered among the most important international agreements that deal closely with trade field. These international conventions have created important substantive provisions for intellectual property, and this research aims to find out the importance of IP and the extent to which it is protected at the international and local level. The comparative method, methods of analysis and synthesis are the basis of the research methodology presented in the article.

Keywords: intellectual property rights, legal protection, international agreements and treaties, TRIPS Agreement, Paris Agreement, Jordanian trademark law, Jordanian industrial designs law, Jordanian patent law.

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Introduction. The importance of intellectual property emerged significantly after the industrial revolution and the innovations, inventions, and technological advances that have taken place in technology and communication. The diverse expansion in the usage of Internet networks in different facets of life has contributed to a multiplicity of conflicts over intellectual property, therefore, states have resorted to concluding multiple international agreements to provide effective protection of intellectual property. Research on the issue of intellectual property needs a great deal of attention because of its relationship with the development of thinking, knowledge, creativity, innovation, and technology in the modern age. In this research, therefore we will deal with the essence of intellectual property and then with the security of intellectual property in the light of international agreements and Jordanian legislation

Literature Review. To achieve the purpose of the study it is necessary to explore the nature and types of intellectual property.

What is Intellectual Property? Intellectual property rights have become one of the concepts of the modern era, and it is the fruit of the effort that aims to achieve social benefit. and to realize what intellectual property means, it is necessary to define the intellectual property and clarify the significance of protecting intellectual property rights and its divisions.

Most of the legislation did not set a specific definition of intellectual property, except for a few. Many tried to develop different definitions to remove the ambiguity surrounding this concept, as it was recently introduced as a new legal term imposed by the successive developments in the technological sciences, and which have become a fundamental factor in economic and social progress. However, all these definitions have agreed that intellectual property is a property concerning intangible things from the intellectual product, but they differed in their function that is based on the different considerations of their concept and their legal adaptation in different legal systems (Najm, 2009). Intellectual property is defined in Jordanian legislation as a legal term that indicates what the human mind produces in terms of specific ideas that are translated into tangible things including all the rights resulting from the intellectual activity of the human being in the artistic, literary, scientific, industrial, commercial and other fields (Salah, 2015). The Egyptian legislator also issued the new Intellectual Property Rights Protection Law No. 82 of 2002 AD, which included several sections, each of which was organized into a separate branch of intellectual property aspects. And that is what the Jordanian legislator did.

Some have defined it as those rights of intangible creation of human intellect covering products, copyrights, works of art (literature, paintings, music, etc.), industrial property (patents, trademarks, industrial designs), and geographical indicators (Al-Kiswani, 1998). Others defined it as a legal term that denotes the specific ideas produced by the human mind that are translated into tangible things, so that all the rights resulting from the intellectual activity of the human being in the artistic, literary, scientific, industrial, commercial, and the like fields come within its scope, meaning all the rights arising from any intellectual activity or effort that leads to innovation in the industrial, scientific, literary and artistic fields (Muhammad, 1992).

It also can indicate the returns of intellectual, scientific, and literary creativity in the fields of writing publications, songs, music, invention, innovation, and trademarks (Idris, 2003). In other words, intellectual property is the product of the mind.

The importance of protecting intellectual property rights and its types. The first thing that comes to mind when talking about intellectual property is copyright, as many believe that intellectual property is limited to copyright and is related to publishing and literature. Therefore, this section will be divided into two branches: The first discusses the importance of protecting intellectual property rights and the second branch addresses the types of intellectual property.

1. The importance of protecting intellectual property. Protection of intellectual property rights means preventing states from importing commodity products and technology and using those rights without the consent of their owners,

and in particular, patents that protect inventions from being used without the consent of the patentor as inventions have become the basis for the establishment of modern industries that is based on modern and advanced technology. The aim of protecting intellectual property rights is to create a strong and integrated legal system that guarantees protection for innovators over their inventions and for authors over their works and to protect competing projects from the risk of imitation or robbery of the elements of intellectual property generally. Also, it aims to protect the huge effort spent in the implementation of these inventions, the high cost spent on scientific experiments, the production and marketing of goods, and services. For example, one of the threats that patentors of technological knowledge, computer programs and trademark suffers is piracy. Accordingly, the importance of protecting intellectual property rights is represented in the following (Al-Kiswani, 1998):

- a) Encouraging legitimate competition.
- b) Preventing unfair competition.
- c) Combating counterfeiting and forgery.
- d) Encouraging innovations, inventions, and developing industry, which leads to attracting capital and increasing investment.
- e) Encouraging inventors and thinkers to produce more.
- f) Accessing advanced technology and relying on it instead of old technology.
- g) The progress of mankind depends on new inventions and culture.
- h) Protecting intellectual property rights leads to advancing development and economic progress, providing job opportunities, and the emergence of new industries, which increase the welfare of life.
- i) One of the principles upon which the laws and laws have settled is that a person has what he creates, and this is something that common sense and the rules of justice and fairness agree upon, because the fruit of his effort regardless of the nature of this effort, whether physical or mental.

It can be said that the presence of legal protection for intellectual property rights promotes the propagation of technologies and developments that have been made available for the benefit of society.

Types of Intellectual property. The property technically includes two types that are industrial property and literary and artistic property. Industrial property includes patents, industrial designs, trademarks, brands, and others, while literary and artistic property includes copyrights (Najm, 2009). The intellectual property contains different and varied terms, but there is a fundamental link that unites them all, which is creativity and innovation, and it should be noted that separating the industrial property from the literary and artistic property is sometimes difficult, as artistic works are increasingly used in the industry. Some see that copyright protects the formulation and expression of the idea and not the idea itself, where the patent protects the idea or invention (Bali, 2001).

A. *Literary and artistic property (copyright):*

Copyright:

It indicates the author's right to his intellectual production in literature, science, and the arts, and it includes all forms of mental creativity in which the author's personality emerges. Among these forms:

1. Written works: It includes all works that reach the public through writing, and the nature or form of written works does not affect the difference in their content or form.

2. Works received orally, such as lectures and religious sermons.

3. Artistic works indicating the works that address the aesthetic sense of the public (Ben Idriss, 2014).

Related rights (neighboring rights) (Mamoun, 1987):

The term “neighboring rights” in a copyright refers to the rights of persons who put literary and artistic works into practice, and it is called related rights on the basis that they are adjacent to copyright in addition to being not independent rights from copyright but related to it. The main difference is that copyright relates to the rights of the creator of the work while neighboring rights are related to the rights of the performer of the work when converting it into a performance form, as well as sound recordings and broadcasting organizations (Mozari, 2012). Neighboring rights include the rights of performers, producers of phonograms, and the rights of broadcasting organizations in their radio and television programs.

B. Industrial property

They are the rights that protect the basic elements in the industrial or commercial establishments of the manufacturer or trader including the right to patents, industrial designs, trademarks, and trade names (Muhammad, 1971). It is also defined as an exclusive right on industrial or commercial elements that enables its owner to monopolize and exploit them during a certain period under the law. It is also known as the various rights of the creative activity related to commercial and industrial activity (Qailoubi, 1981). The industrial property rights can be divided into several branches that are:

1. Patents and utility models.
2. Marks and commercial data.
3. Industrial designs and models.
4. Layout designs of integrated circuits.
5. Undisclosed information.
6. Plant varieties.
7. Geographical indications (Salah, 2015).

Intellectual property includes many different concepts concerning intellectual production.

Aim. The research aims to find out the importance of IP and the extent to which it is protected at the international and local level.

Methods. The comparative method, methods of analysis and synthesis are the basis of the research methodology presented in the article.

Results. Let's make a comparative analysis of international regulations and laws of Jordan.

International protection of intellectual property rights considering international agreements. Undoubtedly, property rights are related to innovations and inventions, thus, the area of intellectual rights is wide as they include various types of intellectual production, commercial, and copyright. In this section, we will deal with the protection of property rights under the Paris Convention for the Protection of Industrial Property of 1881, and the protection of property rights under the Agreement of TRIS.

1) **The protection of property rights under the Paris Convention.** The Paris Convention was established in 1883, and it is the first agreement established to regulate industrial and commercial property rights at the international level, and it is considered one of the pillars on which the system of protection of property rights is based.

This agreement has been amended several times, and the last amendment was in Stockholm, 1967, and the Paris Agreement on industrial and commercial property gained great importance to the extent that it was considered the constitution of industrial property, and the Paris Agreement highlighted the most important provisions of protection, touching on the basic principles of protection and some special categories of industrial property (Ghamdi, 2004).

The basic provisions of the Paris Convention. The Paris Agreement set general rules and basic principles that member states of this convention must abide by (Fathy, 2012), these principles include the following:

(1) Under the national treatment, each Contracting State must grant the same protection to nationals of other Contracting States that it grants to its nationals. Nationals of non-Contracting States are also entitled to national treatment under the Convention if they are domiciled or have a real and effective industrial or commercial establishment in a Contracting State (Douda, 2011).

(2) The Convention provides for the right of priority, Article (4) of the Paris Convention stipulates in the case of patents (and utility models where they exist), marks, and industrial designs. This right means that, based on a regular first application filed in one of the Contracting States, the applicant may, within a certain period (12 months for patents and utility models; 6 months for industrial designs and marks), apply for protection in any of the other Contracting States. These subsequent applications will be regarded as if they had been filed on the same day as the first application. In other words, they will have priority (hence the expression "right of priority") over applications filed by others during the said period for the same invention, utility model, mark, or industrial design. Moreover, these subsequent applications, being based on the first application, will not be affected by any event that takes place in the interval, such as the publication of an invention or the sale of articles bearing a mark or incorporating an industrial design. One of the great practical advantages of this provision is that applicants seeking protection in several countries are not required to present all of their applications at the same time but have 6 or 12 months to decide in which countries they wish to seek protection, and to organize with due care the steps necessary for securing protection (Summary of the Paris Convention for the Protection of Industrial Property (1883) WIPO). This

principle eases the burden on the right holder of submitting multiple requests in the various countries of the Union, in addition to saving time, expenses, and effort (Salah, 2011).

(3) Independence of Patents. Article (4/2) Paragraph (A) stipulates that “Patents applied for in the various countries of the Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.” Likewise, Article (6) Paragraph (3) stipulates that “A mark duly registered in a country of the Union shall be regarded as independent of marks registered in the other countries of the Union, including the country of origin.” This indicates that when multiple applications are submitted to obtain the same patent or registering the same mark, drawing, or industrial model, all these patents will have their legal aspect, meaning that the patent or registration is independent of each other in terms of validity and invalidity even if they are granted as a result of using the right of precedence. Consequently, each right is subject to the local law of the country in which the request was made in terms of the conditions of protection, its duration, nullity, and expiry (Abdel-Rahim, 2012).

(4) Non-conflict with the Union Treaty. Article (19) of the Paris Agreement stipulates that “It is understood that the countries of the Union reserve the right to make separately between themselves special agreements for the protection of industrial property, in so far as these agreements do not contravene the provisions of this Convention.” permits the countries of the Union the right to conclude special agreements for the protection of industrial property privately, provided that these agreements do not contradict the provisions of the Paris Convention (Khashroum, 2005), and when examining this rule, it means the principle of equality among the citizens of the countries of the Union, as it paves the way for the achievement of legislative unity among its members but it is not a real unit to benefit from the consequences of implementing the agreement, especially the elements of industrial property (Jalal, 1983).

Based on the basic provisions of the Paris Convention, which aims to protect the rights of industrial property, we see that its provisions are binding on the member states of the Union and the countries organizing them must amend their laws following its content, and it is not permissible to agree to violate the provisions of the agreement. We also see that the provisions of the Paris Convention are self-executing, because the main objective of this convention is the right of every dependent or resident person in one of the countries party to the agreement to protect his invention, drawings, industrial models, trademarks, or any other form of the industrial property mentioned in the agreement, and any country that ratifies the Paris Convention, its provisions become a major part of the national law of that signatory country.

2) Legal protection of intellectual property under the TRIPs agreement. Endorsing the legal protection of intellectual property rights will undoubtedly attain successful economic growth, provides social and cultural security, achieves stability in commercial relations between countries, and leads to the provision of a decent living for citizens of member states. In addition to preserving the interests of

intellectual property rights holders and ensuring a suitable place and environment for the innovative activity that returns to benefit society.

The interest in protecting intellectual property within the framework of international relations factually is not new, however, what is new is the inclusion of an independent agreement dealing with intellectual property rights within the multilateral agreements of the World Trade Organization, which has been called The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). TRIPs agreement is the best agreement achieved in the international administration to protect property rights. This agreement went through many stages and difficulties resulting from the different levels of protection granted to these rights under the national laws of countries. As the international protection of intellectual property rights before the TRIPs agreement was not able to provide the desired level of protection for patentors due to the absence of the texts necessary to ensure their implementation by imposing the penalties and compensation demanded by the owners of intellectual rights.

Therefore, the TRIPs Agreement is considered the most leading agreement at the level of international laws because it links the law with the economy and because of its comprehensiveness and globalization. It also ensured the penalties that secure the commitment of states to their provisions. This Section will be divided into three parts. The first part introduces the basic principles of the TRIPs Agreement. The second part illustrates the rights addressed by this agreement, and in the third part, we introduce the provisions for the enforcement of intellectual property rights.

A. The basic principles addressed by the TRIPs agreement. The significance of the TRIPs agreement lies in the fact that it is the main agreement that dealt with the commercial aspects of intellectual property rights on one hand and that imposed obligation on its members to ensure that their legislation includes the provisions contained therein on the other hand, which led to a kind of substantive unification of the provisions of national legislation in the field of intellectual property rights (Sherawan, 2010). The TRIPs Agreement consists of 73 articles divided into 7 main parts. It also includes several basic principles concerning intellectual property rights as follows:

1. *Ensuring the principle of national treatment.* The agreement emphasized the principle of national treatment, as the previous agreements did when stipulated that it is impermissible to favor national creators and innovators and to offer them the treatment that exceeds that which the member state grants to foreign intellectual property rights holders, This is the text of Article Three of the Protocols Agreement, which stipulates that each member country is obligated to grant citizens of other countries that are members of the agreement treatment that is no less than the treatment it accords to its ports concerning the protection of intellectual property. The agreement affirmed the principle of national treatment, as in previous agreements, that calls for non-discrimination principles, treating foreign nationals no less favorably than one's own nationals. This is stipulated in the text of Article (3) of the TRIPs Agreement, which stipulates that " Each Member shall accord to the nationals of other Members treatment no less favorable than that it accords to its nationals with

regard to the protection of intellectual property." In a matter of fact, this principle attains a kind of equality between citizens of a member state and citizens of other countries that are members of the agreement. This equality also applies in terms of its scope, duration, enforcement, and how to obtain it, as well as the beneficiaries of it.

2. *The inclusion of the most-favored-nation (MFN) principle is a new principle in intellectual property.* This agreement is the first agreement to adopt the principle of the most-favored-nation (not discriminating among nationals of trading partners), and it is also the only one that adopted this principle in regulating intellectual property rights, which led to its international spread. This principle plays an effective role in imparting national treatment as a complement to it (Abu Delo, 2004). Article (4) of the TRIPs Agreement stated that "With regard to the protection of intellectual property, any advantage, favor, privilege or immunity granted by a Member to the nationals of any other country shall be accorded immediately and unconditionally to the nationals of all other Members."

3. *Establishing the minimum level of protection.* The national law of the member states of the TRIPs Agreement must respond to the requirements of the minimum requirements stipulated in the agreement and not to relinquish or contravene it. It should be noted that the levels included in the TRIPs of intellectual property rights are the minimum levels of protection, meaning that every member state in the agreement has the right to specify a higher level of protection of intellectual property rights in their national laws (Mohamadeen, 2000). It can be said that enhancing the level of protection of intellectual property rights is consistent with the interests of the advanced industrial countries as they are the owners of invention and technology.

B. Rights addressed in the TRIPs Agreement. The TRIPs agreement deals with the protection of the branches of intellectual property rights, their scope, and use in Articles 9 - 40 of the agreement, including copyright and related rights, as well as trademarks, geographical indications, designs, industrial designs, and patents. In addition to the layout designs of integrated circuits and the protection of undisclosed confidential information (Mahmoud, 2014).

C. Provisions for the enforcement of intellectual property rights. The enforcement rules included in the TRIPs Agreement, which came to achieve the requirements and objectives of the industrialized countries, are among the most important enforcement rules that have become in the hands of the World Trade Organization, to implement intellectual property rules from the developed countries viewpoint as the TRIPs Agreement obligated member states to follow a set of strict procedural rules that have not been known before in any agreement concerned with intellectual property rights (Sherwan, 2010).

Hence, the sections of this agreement dealt with the general protection that states should provide and adhere to by setting the appropriate judicial procedures, and the civil and administrative procedures and penalties. It also dealt with the implementation of temporary measures, the requirements of border measures. Finally, it devoted a section for the enforcement of intellectual property rights in Article 41 and I will explain in the following subsections:

1) *Establish appropriate judicial procedures.* Article (41) stipulates that “1. Members shall ensure that enforcement procedures as specified in this Part are available under their law so as to permit effective action against any act of infringement of intellectual property rights covered by this Agreement, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements. These procedures shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.” 2.” Procedures concerning the enforcement of intellectual property rights shall be fair and equitable. They shall not be unnecessarily complicated or costly or entail unreasonable time-limits or unwarranted delays.” According to this article the member states of the agreement must set in their laws appropriate measures to ensure the enforcement provided for in this part to facilitate effective measures against any infringement of intellectual property, and these measures must be applied in a manner that ensures avoiding the establishment of barriers to legitimate trade and providing guarantees against their misuse, provided that the procedures are fair and not be difficult and costly, and should not involve unfair time limits or unjustified delays, and it is required that the decisions are taken to be written and available to the parties concerned without any delay.

2) *Civil and administrative procedures and penalties.* The agreement dealt with civil and administrative procedures and penalties, the most important of which are the Fair and Equitable Procedures stipulated in Article 42 “Members shall make available to right holders civil judicial procedures concerning the enforcement of any intellectual property right covered by this Agreement. Defendants shall have the right to written notice, which is timely and contains sufficient detail,...” and in Article 43. This Article explained the civil judicial procedures concerning the enforcement of any intellectual property right covered by this Agreement and that the procedures shall not impose overly burdensome requirements concerning mandatory personal appearances as all parties to such procedures shall be duly entitled to substantiate their claims and to present all relevant evidence as specified in Article 43 “The judicial authorities shall have the authority, where a party has presented reasonably available evidence sufficient to support its claims....”.

Articles 43, 44, and 45 addressed the judicial procedures in terms of evidence, judicial warnings orders, and compensation. Articles 46 and 47 stipulated additional penalties regarding the establishment of an effective deterrent to infringement, and Article 47 permitted member countries to grant the judicial authorities the authority, to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the infringing goods or services and of their channels of distribution.

Article 48 regarding indemnification of the defendant granted the judicial authorities the right to order a party at whose request measures were taken and who has abused enforcement procedures to provide to a party wrongfully enjoined or restrained adequate compensation for the injury suffered because of such abuse and to order the applicant to pay the defendant acceptable the expenses and compensation. Article 49 required that the administrative procedures followed be

consistent with any civil remedy can be ordered as a result of administrative procedures on the merits of a case, such procedures shall conform to principles equivalent in substance to those outlined in this Section.

3) *Enforcement of provisional measures.* Article (50) paragraph 1 of the TRIPS Agreement granted the judicial authorities the authority to order prompt and effective provisional measures to prevent an infringement of any intellectual property right from occurring, and in particular to prevent the entry into the channels of commerce in their jurisdiction of goods, including imported goods immediately after customs clearance to preserve relevant evidence regarding the alleged infringement.

The judicial authorities also have the right to adopt provisional measures *inaudita altera parte* where appropriate, in particular where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed. In addition to requiring the applicant to provide any reasonably available evidence to satisfy themselves with a sufficient degree of certainty that the applicant is the right holder and that the applicant's right is being infringed or that such infringement is imminent, and to order the applicant to provide a security or equivalent assurance sufficient to protect the defendant and to prevent abuse.

4) *Special requirements related to border measures.* Border measures to protect intellectual property is a set of urgent measures taken by the customs authority on its own or at the request of the right holder to seize the imported or exported goods that constitute an infringement of an intellectual property right. The TRPs agreement created a series of border measures for intellectual property rights with the customs law within the country under the agreement (Sherwan, 2010). It should be noted that the competent authorities are allowed to destroy and dispose of infringing goods and they are obligated not to allow the re-export of infringing goods without changing their condition or subjecting them to different customs procedures except in exceptional cases without prejudice to any other right to file a lawsuit by the right holder as stipulated in Article 59 "Competent authorities shall have the authority to order the destruction or disposal of infringing goods in accordance with the principles set out in Article 46. In regard to counterfeit trademark goods, the authorities shall not allow the re-exportation of the infringing goods in an unaltered state or subject them to a different customs procedure, other than in exceptional circumstances."

5) *Optional recourse to criminal penalties.* Article 61 of the TRIPS Agreement requires its members to provide for criminal procedures and penalties to be applied at least in cases of willful trademark counterfeiting or copyright piracy on a commercial scale. Remedies available shall include imprisonment and/or monetary fines sufficient to provide a deterrent, consistently with the level of penalties applied for crimes of a corresponding gravity. In appropriate cases, remedies available shall also include the seizure, forfeiture, and destruction of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence. Members may provide for criminal procedures and penalties to be applied in other cases of infringement of intellectual property rights, particularly where they are committed willfully and on a commercial scale.

Accordingly, we can realize that the TRIPS agreement set forth protection for intellectual property represented by civil, administrative, and criminal protection according to the provisions of Articles 45, 46, 48, and Article 61, in addition to temporary border measures for the protection of intellectual property.

Legal protection of intellectual property in Jordanian legislation. The Jordanian legislations has taken a great interest to intellectual property as it is referred to in Article (71) in the Jordanian Civil Law No. 43 of 1976 under the term Moral rights, and the Jordanian legislator defined them as rights that subsist over a non-material thing. The Jordanian legislator issued a group of special laws, the most important of which are the Merchandise Marks Law of 1953, the Trade Names Law of 1953, the Jordanian Trade Law of 1966, the Copyright Protection Law of 1992, amended by Law No. 29 of 1999, in addition to the issuance of a set of laws related to invention privileges and fees, the amended Trademark Law of 1999, the Industrial Fees Law and industrial models for the year 2000 as well as the law of unfair competition and trade secrets for the year 2000 (Salah, 2015).

It should be noted that the Jordanian legislator gave the patent holder legal protection in the case of an infringement of the patent's subject matter, as the legal protection for the patent takes several forms, the protection may be punitive with some conservative measures as stipulated in Article 32, 33 of the Jordanian Patent Law No. 22 of 1999 and the protection may be civil as stipulated in Article 256 of Jordanian Civil Law No. 43 of 1976, but the Jordanian legislator linked the process of registering the patent is in accordance with the legal principles followed in Jordan to obtain the patent and the patent holder's right to claim compensation for the infringement that occurred on his patent, in other words, there are some conditions that must be followed and in the event that the patent is not registered in accordance with the conditions in force in Jordan, it is not permissible for the patent holder if he did not register his patent to claim for protection or any claim for any malfunction or damage. Therefore, the Jordanian legislator has made the right to claim compensation for damages resulting from acts of infringement limited to the holder of the registered patent (Article 32 of Jordanian Patent Law No. 22 of 1999).

As for the protection established for industrial designs and models, they are subject to Industrial Design Law No. 14 of 2000. The industrial design and models law of Jordan for year 2000 defined the meaning of industrial design in article 2 : any composition or arrangement of lines, which gives the product special appearance and appeal, whether by industry or handicraft, including textile designs.

Consequently, when the industrial drawing or model is officially registered, the owner of this drawing or model has the right to legal protection, under Article (10) of the same Law the owner of a protected industrial design shall have the right to prevent third parties not having the owner's consent from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes. However, the Jordanian legislator did not specify in detail the type of criminal punishment for this violation but considered the penalty for these acts as the penalty prescribed for misdemeanors in the Jordanian Penal Code.

As for civil protection, the Jordanian legislator considered it in accordance with the general rules of liability, as it stipulated (Any harm done to another shall render the actor, even though not a person of discretion, liable to make good the harm) indicating that whoever suffers harm in relation to the industrial drawing or model has to institute a civil lawsuit against the actor and compensation is requested in proportion to the size of the damage, but on the condition that the industrial drawing or model is complete with the conditions and elements and has been properly registered, and there are also conservative measures stipulated in Article 16 of the Industrial Designs Law, which relates to preventing infringement and preserving evidence.

It should be noted that there is also legal protection for trademarks that Jordanian Trademarks Law No. 34 of 1999 in Article (2) defines trademark as “Any visually perceptible sign used or to be used by any person for distinguishing his goods or services from those of others.” A trademark can be defined as every distinctive symbol or logo taken by the manufacturer, trader, or service provider to distinguish his products, goods, or services from those he manufactures or trades in.

The trademark has also civil protection, penal protection, and preferential measures in Jordanian legislation. Its Civil protection is based on the general rules of liability, that is, in the sense of reparation for damage and its guarantee through material compensation, and everyone who signs his trademark infringement has the right to file a civil lawsuit against the person who caused that damage and his claim by fair compensation, but the Jordanian legislator has set conditions before claiming compensation, as indicated by the text of Article 34 of the Jordanian Trademarks Law, stipulating "No person shall have the right to file a lawsuit to claim damages for any infringement upon a trademark not registered in the Kingdom" so, it is not allowed for any owner who has not registered his trademark in Jordan to file a lawsuit demanding compensation. However, the Jordanian legislator has given the right to every interested party to claim compensation for the damage he suffered as a result of unlawful competition as stipulated in Article 3 in the Unfair Competition and Trade Secrets Law No. 15 of 2000 which states that "Any concerned party may claim compensation for the damages caused to him as a result of any unfair competition." Thus, it can be said that the right to claim compensation is permitted in the event of violation of a trademark used in the Kingdom, regardless of whether it is registered or unregistered, when that use leads to mislead the public.

As for the criminal protection of the trademark, the Jordanian legislator has set the penal sanctions in Article 38 of the Jordanian Trademarks Law amended in 1999 and in Article 3 of the Jordanian Merchandise Marks Law No. 19 of 1953, and those articles included acts that infringe the right to the trademark as well. Putting the penalty prescribed in the law.

Likewise, the Jordanian Trademarks Law allowed the owner of the trademark to request the court to stop the infringement of the trademark and the precautionary seizure of the goods in addition to preserving the tool related to the infringement, and the Jordanian legislator also gave the court the discretion to impose complementary penalties represented in confiscation and destruction.

Discussion. Finally, We may conclude that because of its significance and necessity, the protection of intellectual property has become the subject of international legislation and local legislation , as the Paris Agreement has played a significant role in the development of international protection for industrial and commercial property rights, and the Paris Agreement is considered the first station which has revealed the need for international protection of intellectual property rights. As we have seen, international legislation has paid attention to these rights due to their importance, and to strengthen protection of intellectual property at this stage of recent developments, the international legislations approved the TRIPS Agreement because it established rules that were not included or stipulate in any previous agreement regarding the protection of intellectual property. This agreement included all areas of creativity and many rights related to intellectual property, and it also established many means and procedures related to legal protection in addition to the substantive and formal legal details binding on member states, However, some criticized it for having more interest in the purely commercial element of profit at the cost of moral rights, the advancement of thinking and the fostering of innovation, as it did not discuss concerns related to the use of digital technology. In addition, the Jordanian legislature has taken an interest in the issue of intellectual property and its protection through a range of laws released in this regard, in line with developments in the modern era, with a view to enhancing the economic, social and cultural growth of society, which leads to innovation and knowledge formation.

Conclusion. After discussing the protection of intellectual property at the international level and its importance we addressed the most important international conventions concerning intellectual property protection and showed the legal provisions that guarantee the protection of these rights, hence, we can draw the following conclusions:

1) The Paris Agreement and the TRIPS Agreement have dealt with intellectual property rights issues broadly and comprehensively and included various branches of intellectual property.

2) The TRIPS Agreement is considered part of the World Trade Organization Agreement, which is binding and comprehensive.

3) The TRIPs Agreement is reinforced by national laws issued in a manner compatible with the terms of the embedding agreement and the function of the options available by the interests of the concerned Member States.

4) The TRIPS Agreement obligated member states to implement the substantive provisions contained in previous international agreements.

5) The main objective of the TRIPs Agreement is to establish a general legal framework that regulates the protection of intellectual property rights among the member states in a manner that contributes to encouraging innovation and achieving a common benefit to attain social and economic well-being and a balance between rights and duties.

6) The TRIPs Agreement sets out the procedural rules required for the protection of intellectual property rights by enforcing civil and administrative restrictions and border measures, in addition to the criminal proceedings to be included in the laws of

the Member States. It also extended the scope and the term of protection to become a minimum of 20 full years.

7) The international agreements for the protection of intellectual property have created a unified global system for the protection of rights under binding international provisions to encourage technological innovation and technology transfer in a way that helps achieve the benefit of the producers and users of this technology.

8) The Jordanian legislation provides for the legal protection of intellectual property through several forms such as criminal protection, civil protection, and some conservative measures, taking into account the considerations and conditions that must be met, the most important of which is that it be registered in Jordan.

The researcher recommends the following:

- Promoting the legislative provisions regarding intellectual property rights and linking them to international agreements as well as civil, administrative, and criminal laws and rulings
- Expanding the content of modern agreements to cope with modern developments and technology.
- Establishing international courts for intellectual property with the appointment of specialized judges in this field.
- Continued cooperation between countries to protect intellectual property rights and to find a mechanism to work to enable this coordination through joint work for staff in this field and to activate legislation to protect their rights.
- Qualifying agencies concerned with protecting intellectual property and teaching intellectual property curricula in schools and universities to follow up on contemporary developments.
- Exchanging experiences and knowledge between member states to prevent mistakes and benefit from each other's experiences.
- Illegal counterfeiting and copying must be combated through the effective application of international agreements, especially the embedding agreement, and in coordination with the countries that are considered as transit centers for these counterfeit goods and goods.
- Exchange of experiences in the field of intellectual property between developing and developed countries to acquire the necessary expertise to protect intellectual property rights.

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