

“The legal framework of Invention registration in Palestine”

“A Comparative Analysis Study”

Abstract:

This thesis discusses the legal requirements for registration of an invention in order to be granted the prospective patent. Undoubtedly, familiarity with these conditions is a key and major criterion to identify the existing legal framework in Palestine and its drawbacks and to determine the extent of compatibility of existing law with international conventions and agreements in light of universal legal and economic developments and rapid transfer of technologies of such patents from one country to another. It is also vital to examine closely the different legal frames as opposed to the existing frame with regard to examination and registration of an invention following Palestinian endeavors to join international organizations and conventions including The Paris Convention and The Agreement on Trade-Related Aspects of Intellectual Property Rights ([TRIPS](#)) after it attained the status of a “Non-member observer state” in the United Nations.

In order to achieve this sought after objective, the researcher adopted the comparative analytical approach in tackling the subject of this study by addressing the texts of The Patents and Design Law No. 22 of 1953 applicable in the West Bank and governing this issue ; this law is analyzed and compared with the Jordanian Patent and Design Ordinance no. 22 for the year 1999 in addition to Egyptian Intellectual Property Law

no. 82 for the year 2002, so as to determine the extent of their compliance with Paris Convention and TRIPS which the aforesaid laws rely on.

The thesis is divided into two chapters; the first chapter addresses the objective requirements needed by any invention in terms of novelty, innovation, industrial benefit, and finally legitimacy. The fulfillment of these requirements in the registration application is of great significance. The second chapter discusses the formal requirements for invention registration procedures by the competent employee and the enforced system on the national level. It also analyzes the extent of efficiency of verification of these requirements in granting a patent for a highly technological invention.

The researcher concluded his thesis with a number of recommendations including the following: The enforced law in the West Bank is inadequate in relation to the fulfillment of the objective requirements needed for local filing (registration) of an invention. This would eventually have a negative impact on any international registration. There is also inadequacy in the formal requirements for registration of any invention at any competent body. This, in return, would negatively affect the fulfillment of the objective requirements. Moreover, the enforced law in the West Bank is old and is in need for substantial amendments to comply with international conventions and to disseminate advanced technological knowledge. This has, in the final run, lead to the reluctance and inhibition of the Palestinian inventor to invent and develop.

The researcher completed his study by proposing recommendations for the Palestinian legislator; there is a need to unify legislation between Gaza and the West Bank in Palestine. In addition, the present legislation must be amended through the adoption of a developed legal framework which is the restricted pre-examination framework as stated in both Jordanian and Egyptian laws. Moreover, the condition of absolute novelty which is in harmony with the aforementioned examination must be considered. More attention should be given to registration offices along with training and upgrading of a cadre capable of running and managing Patents Section. Employees should be trained on different technological aspects especially those related to filing and registration of patents. There should also be an easy access to technological information through the establishment of an Arab or regional data base to serve this purpose. Services offered by international organizations, like World Intellectual Property Organization (WIPO), must be exploited to serve the Palestinian inventor.