
**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

ISRAEL

The present document reproduces the text¹ of the Patents and Designs Ordinance (repealed as to patents), as notified by Israel under Article 63.2 of the Agreement (see document IP/N/1/ISR/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

ISRAËL

Le présent document contient le texte¹ de l'Ordonnance sur les brevets et les dessins et modèles (abrogée pour ce qui est des brevets), notifiée par Israël au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/ISR/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

ISRAEL

En el presente documento se reproduce el texto¹ del Decreto sobre patentes y dibujos y modelos industriales (derogado en lo que respecta a las patentes), notificado por Israel en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/ISR/1).

¹ English only./Anglais seulement./En inglés solamente.

DESIGN PROVISIONS IN THE PATENTS AND DESIGNS ORDINANCE

An Ordinance to provide for the Grant of New Patents, the
Registration of Patents and Designs Generally and the Requirements of
International Conventions relating to Industrial Property.

(Excerpts)

1. SHORT TITLE.—This Ordinance may be cited as the Patents and Designs Ordinance.

PART I PRELIMINARY

2. INTERPRETATION.—In this Ordinance, unless the context otherwise requires—

"article" means, as respects designs, any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural;

"copyright" means the exclusive right to apply a design to any article in any class in which the design is registered;

"court" means the court having jurisdiction in the matter as prescribed by the provisions of this Ordinance or, where no court is prescribed, the Supreme Court sitting as a Court of Appeal;

"design" means only the features of shape, configuration, pattern or ornament applied to any article by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to, and are judged solely by, the eye, but does not include any mode or principle of construction or anything

which is in substance a mere mechanical device;

"district court" means the district court or district courts appointed by Order of the Minister of Justice to exercise jurisdiction under this Ordinance;

"invention" means a new product or commercial commodity or the application in some new manner for any purpose of industry or manufacture of any means already discovered, known or used;

"inventor and applicant" includes, subject to the provisions of this Ordinance, the legal representative of a deceased inventor or applicant;

"legal representative" means the executor of a will or administrator appointed by the court or, if there is no executor or administrator, the person or persons who, under the law of succession applicable, are liable for the payment of the debts of the deceased;

"patent" means letters patent for an invention;

"patentee" means the person at the time being entered on the register as the grantee or proprietor of the patent;

"patent agent" means a person, firm or company carrying on for gain the

Date of basic Ordinance: January 1, 1925; of Ordinances containing amendments: January 22, 1937; June 24, and September 30, 1948 (Nos. 11 and 36, respectively); January 18, 1951; June 12, 1952; and January 4, 1961.

Official text published in "The Laws of Palestine in Force on the 31st Day of December", 1933 (Drayton), Volume II, Chapter 105, page 1076 (in English); "Government of Palestine: Ordinances, Regulations, Rules, Orders and Notices; Annual Volume for 1937", Volume I, page 1 (in English); "Laws of the State of Israel", Volume I, Ordinances 5708-1948, pages 23 and 93 (in English); "Sefer Ha Chukim", No. 65, page 29; No. 99, page 238; No. 323, page 16 (in Hebrew).

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business of applying for or obtaining patents in Israel or elsewhere;

"proprietor of a new or original design,"—

(a) where the author of the design for good consideration executes the work of some other person, means the person for whom the design is so executed;

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired;

(c) in any other case, means the author of the design; and, where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

3. REGISTRY OF PATENTS AND DESIGNS.—

(1) There shall be a register of patents and a register of designs under this Ordinance which shall be kept at the Law Courts, Jerusalem, or at such other place as may be from time to time appointed by the Minister of Justice by order.

(2) The register of patents shall contain the names and addresses of grantees of patents and of persons registered as patentees in pursuance of the provisions of . . . section 54, and shall also contain notifications of assignment, licences, amendments and revocations of patents and such other matters as may be prescribed.

(3) The register of designs shall contain the names and addresses of proprie-

tors of registered designs, notifications of assignment, licences, cancellation of registration of designs and such other matters as may be prescribed.

(4) There shall be a registrar of patents and designs (in this Ordinance called "the registrar") appointed by the Minister of Justice, who shall be assisted by such officers and clerks as the registrar, with the sanction of the Minister of Justice, may from time to time determine.

(5) The register of patents and the register of designs shall, in the absence of proof to the contrary, be evidence of any matters by this Ordinance directed or authorised to be entered therein.

PART II PATENTS

[Omitted]

PART III DESIGNS

30. APPLICATION FOR REGISTRATION OF DESIGNS.—(1) The registrar may, on the application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in Israel¹ register the design under this Part.

(2) The same design may be registered in more than one class and, in case of doubt as to the class in which a design ought to be registered, the registrar may decide the question.

(3) The registrar may, if he thinks fit, refuse to register any design presented to him for registration and shall refuse to register a design of which, in his opinion, the use will be contrary to law, morality or public policy.

1. The original text reads "Palestine" but section 15(a) of the Law and Administration Ordinance, 5708—1948, provides that "Palestine", wherever appearing in the law, shall henceforth be read as "Israel". Note, however, that section S of the Patents, Designs and Trade Marks (Adaptation) Ordinance, 5708—1948, reads as follows—

"In respect of patents granted and designs registered prior to the 6th Iyar, 5708 (15th May, 1948), and in respect of applications for the grant of patents and the registration of designs made to the former Registrar prior to the said date, section 11(1)(d), 22(2)(iii), 30(1) and 36(1)(a) of the Patents Ordinance shall be construed as if section 15(a) of the Law and Administration Ordinance 5708—1948, did not apply thereto."

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(5) A design, when registered, shall be registered as of the date of the application for registration.

31. REGISTRATION OF DESIGNS IN NEW CLASSES.—Where a design has been registered in one or more class or classes of goods the application of the proprietor of the design to register it in some one or more other class or classes shall not be refused nor shall the registration thereof be invalidated—

(a) on the ground of the design not being a new or original design by reason only that it has so previously registered; or

(b) on the ground of the design having been previously published in Israel by reason only that it has been applied to goods of any class in which it was previously registered:

Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from the previous registration.

32. CERTIFICATE OF REGISTRATION.—(1) The registrar shall grant a certificate of registration to the proprietor of the design when registered.

(2) The registrar may, in case of loss of the original certificate or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

33. COPYRIGHT ON REGISTRATION.—

(1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Ordinance, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for extension of the period

of copyright is made to the registrar in the prescribed manner, the registrar shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the registrar in the prescribed manner, the registrar may, subject to any rules under this Ordinance and on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

34. [*Repealed by the Patents and Designs Ordinance (Amendment) Law, 5712-1952.*]

35. INSPECTION OF REGISTERED DESIGNS.—

(1) During the existence of copyright in a design or such shorter period, not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him or a person authorised by the registrar or by the court:

Provided that, where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

36. CANCELLATION OF REGISTRATION OF DESIGN.—Any person interested may at any time apply to the registrar for cancellation of the registration of a design on the ground that such design has been

published in Israel prior to the date of registration.

37. PIRACY OF REGISTERED DESIGN.—(1) During the existence of copyright in any design it shall not be lawful for any person,—

(a) for the purposes of sale, to apply to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or to expose for sale that article.

(2) If any person acts in contravention of this section, he is liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds as liquidated damages or, if the proprietor elects to bring an action for the recovery of damages for such contravention and for an injunction against the repetition thereof, he is liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as liquidated damages in respect of any one design shall not exceed one hundred pounds.

38. [Repealed by the Patents, Designs and Trade Marks (Adaptation) Ordinance, 5708-1948]

PART IV GENERAL

39. GOVERNMENT'S RIGHT TO USE PATENTS.—A patent shall have the like effect against the Government of Israel as it has against any other person:

Provided² that any government depart-

ment may make use of any patent on such terms as may be agreed upon between the department and the patentee with the approval of the Minister of Finance or, in default of agreement, as may be fixed by the President of the Supreme Court or a referee nominated by him.

40. INSPECTION OF, AND EXTRACTS FROM REGISTERS.—Every register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to the provisions of this Ordinance, and certified copies, sealed with the seal of the registry of patents, of any entry in any such register shall be given to given to any person requiring them on payment of the prescribed fee.

41. PROHIBITION OF PUBLICATION OF SPECIFICATION, DRAWINGS, ETC.—(1) Where an application for a patent has been abandoned or became void, the specifications and the drawings, if any, accompanying or left in connection with such application shall not, save as otherwise expressly provided by this Ordinance, at any time be open to public inspection or be published by the registrar.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not, at any time, be open to public inspection or be published by the registrar.

42. POWER OF REGISTRAR TO CORRECT CLERICAL ERRORS.—The registrar may, on request in writing accompanied by the prescribed fee,

(a) correct any clerical error in, or in connection with, an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the

2. The operation of this proviso is at present suspended—see section 68, *infra*.

representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

43. ENTRY OF ASSIGNMENTS AND TRANSMISSION IN REGISTERS.—(1) Where a person becomes entitled by assignment, transmission, licence or other operation of law to a patent or the copyright in a registered design or to any interest therein, he shall make application to the registrar to register his title, and the registrar shall, on proof of title to his satisfaction, register him as the proprietor of such patent or design and shall cause an entry to be made on the register of the instrument affecting the title or creating such interest.

(2) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Ordinance and to any rights appearing on the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design, and to give effectual receipts for any consideration for any such assignment, licence or dealing.

(3) Except in applications made under section 44, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of subsections (1) and (2) shall not be admitted in evidence in any court in proof of the title to a patent or copyright in a design or to any interest therein, unless the court otherwise directs.

44. RECTIFICATION OF REGISTERS BY COURT.—(1) The district court may, on the application of any person aggrieved by the non-insertion in, or omission from, the register of patents or designs of any entry or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining in either such register, or by an error or defect in an entry in either such register, make such order for making, expunging

or varying such entry as it may think fit.

(2) The court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the registrar who shall have the right to appear and be heard thereon and shall appear if so directed by the court.

(4) Any order of the court rectifying a register shall direct that notice of the rectification be served on the registrar in the prescribed manner who shall, upon the receipt of such notice, rectify the register accordingly.

45. EXERCISE OF DISCRETIONARY POWER BY REGISTRAR.—Where any discretionary power is by or under this Ordinance given to the registrar, he shall not exercise that power adversely to the applicant for a patent ... or for registration of an Ottoman patent under section 54, or for amendment of a specification or for registration of a design, without giving the applicant an opportunity of being heard.

46. COSTS.—The registrar shall, in any proceedings before him under this Ordinance, have power by order to award to any party such costs as he may consider reasonable and to direct how and by what parties they are to be paid.

47. EVIDENCE BEFORE REGISTRAR.—(1) Subject to any rules under this Ordinance, in any proceeding under this Ordinance before the registrar, the evidence shall be given by a sworn declaration in absence of directions to the contrary but, in any case in which the registrar thinks it right so to do, he may take evidence viva voce in lieu of, or in addition to, written evidence or allow any deponent to be cross-examined on his declaration.

(2) Where any part of the evidence is taken viva voce, the registrar shall have all the powers of a magistrate in respect of compelling the attendance of witnesses and all kindred matters.

48. CERTIFICATE OF REGISTRAR TO BE EVIDENCE.—A certificate purporting to be under the hand of the registrar as to any entry, matter or thing which he is authorised by this Ordinance to make or do, shall, unless the contrary be proved, be evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or left undone.

49. DECLARATION BY MINOR, LUNATIC, ETC.—If any person is by reason of his not yet having attained his full age or by reason of lunacy or other disability incapable of making any declaration or doing anything required or permitted by or under this Ordinance, the guardian, curator or other person authorised by law on their behalf may make such declaration or a declaration as nearly corresponding thereto as circumstances permit and do such thing in the name of such person subject to the disability.

50. REGISTER OF PATENT AGENTS.—(1) No person shall practise, describe himself or hold himself out, as a patent agent unless he is registered as a patent agent in the registrar of patent agents.

(2) Any person who contravenes the provisions of this section is guilty of an offence and is liable to a fine of twenty pounds.³

(3) Nothing in this section shall be taken to prevent persons licensed to practise as advocates in Israel from filing any documents in the registry of patents and designs or from appearing on behalf of any person in any proceeding or on any application.

(4) The register of patent agents shall be kept by the registrar, and the registrar shall be entitled to charge such fee as may be prescribed in respect of every registration.

51. APPEALS.—(1) Actions for infringement

of patents and of copyrights in designs shall be within the jurisdiction of the district court.

(2) Appeals from decisions of the registrar as to any of the following matters shall be to the district court—

(a) refusal to accept a specification of a patent;

(b) ...

(c) refusal to register an Ottoman patent (section 54);

(d) decision with respect to an opposition to the grant of a patent;

(e) dismissal of an application for restoration of a patent;

(f) orders as to amendment of specification or patents;

(g) refusal to register a design;

(h) order upon application for cancellation of a registration of a design.

(3) Every such appeal shall be made by notice of appeal lodged at the office of the court within one month of the date of the decision of the registrar.

52. APPLICATIONS IN PURSUANCE OF INTERNATIONAL CONVENTION.—(1) In this section, "the Convention" means the International Convention for the Protection of Industrial Property of 1883, as amended in 1911, 1925 and 1934.

(2) A person who, in any of the countries parties to the Convention, has applied for a patent or for registration of a utility design or a design, and the successor of such person, may apply for a patent in respect of the same invention, or for registration of the same design, in Israel in accordance with the provisions of this section; and upon his doing so, his application shall have priority over any other application subsequent to this application abroad as aforesaid.

(3) An application under subsection (2) shall be made:

3. Note that by a law passed in September 1954 the courts have been empowered to impose fines fifteen times the amount fixed in provisions antedating the establishment of the State of Israel, subject to a maximum of 5,000 pounds, or in the case of offences committed by corporations, of 10,000 pounds. (Communication of the Israeli Patent Office.)

54. OTTOMAN PATENTS.—Notwithstanding the provisions of this Ordinance, the proprietor of any Ottoman patent granted under the Ottoman Law of Patents before the 1st January, 1918, may, within twelve months from the date of the commencement of this Ordinance, register such patent at the registry of patents upon complying with the provisions of Public Notice No. 136 of the 30th September, 1919, and any patent so registered shall be deemed to have the same effect as though it had been registered under the Public Notice before the date at which this Ordinance came into force.

55. OFFENCES.—(1) Whoever makes or causes to be made a false entry in any register kept under this Ordinance or a writing falsely purporting to be a copy of an entry in any such register, or produces in evidence any such writing, knowing the entry or writing to be false, is guilty of an offence and is liable to imprisonment for one year or a fine of one hundred pounds.⁵

(2) Whoever falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered, is guilty of an offence and is liable to a fine of ten pounds.⁵

(3) Whoever sells an article having stamped engraved or impressed thereon or otherwise applied thereto the word "patent", "patented", "registered" or any other word expressing or implying that the article is patented or that the design applied thereto is registered, shall be deemed, for the purposes of this section, to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Whoever, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered" or any word or words implying that there is a subsisting copyright in the design,

is guilty of an offence and is liable to a fine of twenty five pounds.⁵

(5) The proper court for the trial of any offence under this section shall be the district court either of the place where the offence or any act forming part thereof was committed or where the accused or any of the accused resides or carries on business.

(6) Nothing in this section shall prevent any person aggrieved or injured by any act to which this section applies from taking proceedings for obtaining relief by way of injunction and/or damages in respect of such injury, whether such person shall or shall not have given any information or taken any steps leading or intended to lead to the prosecution by way of any form of criminal process of any person who may be criminally prosecuted under this section in respect of the act for which such proceedings are taken.

56. RULES.—(1) The registrar, with the sanction of the Minister of Justice, may make such general rules and do such things as he thinks expedient, subject to the provisions of this Ordinance,—

(a) for regulating the practice of registration under this Ordinance;

(b) for classifying goods for the purposes of designs;

(c) for making or requiring duplicates of specifications, drawings and other documents;

(d) for securing and regulating the publishing and selling of copies at such prices and in such manner as he thinks fit, of specifications, drawings and other documents;

(e) for securing and regulating the making, printing, publishing and selling of indices to, and abridgments of, specifications and other documents in the registry of patents, and providing for the inspection of indices and abridgments and other documents;

(f) for regulating the keeping of the

⁵. See note to section 50(2), *supra*.

register of patent agents under this Ordinance;

(g) prescribing the fees to be paid in respect of the grant of a patent and the registration of designs and applications therefor and in respect of other matters in relation to patents and designs under this Ordinance.

(2) Rules made under this section shall be published in Reshumot.

PART V SPECIAL EMERGENCY PROVISIONS

57. APPLICATION OF PART V.—This part shall only apply during a period in which a state of emergency exists in the State by virtue of a declaration under section 9(a) of the Law of Administration Ordinance, 5708-1948.⁶

58. RESTRICTIONS ON THE GRANT OF PATENTS AND THE REGISTRATION OF DESIGNS.—Where an application for the grant of a patent or the registration of a design is submitted to the registrar, the Minister of Defence may, if he deems it necessary for the defence of the State, and after consultation with the Minister of Justice, direct the registrar to refrain from doing, or to postpone the doing of, any act in respect of the application, and he may also, after consultation as aforesaid, issue a direction prohibiting or restricting the publication of information concerning the subject matter of the application, or the transmission of such information to specific persons or a specific class of persons. A copy of a direction issued under this section shall be delivered to the applicant.

59. APPEAL.—(1) Where the Minister of Defence issues a direction under section 58, the applicant may appeal against it to an appeal committee appointed under section 60.

(2) The appeal shall be submitted through the registrar in three copies,

one of which shall be forwarded by the registrar to the Minister of Defence.

(3) The submission of an appeal shall not stay the execution of the direction.

(4) The appeal committee may confirm the direction, with or without modifications, or cancel it.

(5) An appeal may be submitted at any time, and further appeals may be submitted from time to time, even where a previous appeal has already been determined, but the committee may order the appellant to pay costs where in its opinion the further appeal was unjustified.

60. APPEAL COMMITTEE.—(1) The Minister of Justice shall appoint an Appeal Committee for the purposes of this part.

(2) The Appeal Committee shall consist of three persons. The chairmen shall be a judge of the Supreme Court, and one of the members shall be appointed upon the recommendation of the Minister of Defence.

(3) Notice of the appointment of the Appeal Committee, and of its address, shall be published in Reshumot.

61. RESTRICTIONS ON THE SUBMISSION OF APPLICATIONS ABROAD.—No Israel national, and no other person owing allegiance to the State of Israel, shall apply in a foreign country for the grant of a patent or the registration of a design in respect of arms or munitions or any invention of military value, unless—

(a) he has previously obtained permission so to do from the Minister of Defence; or

(b) he has applied in Israel for the grant of a patent or the registration of a design in respect of the same matter and three months have elapsed since the day of that application without the Minister of Defence having issued a direction under section 58; or

(c) he has applied in Israel for the grant of a patent or the registration of

6. Such a declaration has been in effect since May 19th, 1948.