

The Law of Commercial Data

Royal Decree No. M/5

14 Rabi' II 1423 / 25 June 2002

Article 1:

As regards the implementation of the provisions of this Law, any clarification related, whether directly or indirectly, to the following shall be considered as commercial data:

Number of goods, their quantity, size, volume, capacity, weight, production date, or expiry date.

Place or country where they were manufactured or produced.

Components of their composition.

Name of producer or manufacturer or his attributes.

Patents or other industrial proprietary rights or any concessions, rewards, or commercial or industrial features.

Nomenclature or form by which some goods are normally defined or evaluated.

Article 2:

The commercial data shall be at least in Arabic and shall be truthful in all aspects, be it placed on the products themselves, on the shops or warehouses or their addresses, packaging, invoices, letterheads, or advertising venues, or otherwise as may be used in displaying goods to the public.

Article 3:

Medals, diplomas, rewards, or honorary degrees of any kind may not be indicated except for products to which such distinctive features apply, and for trade marks, and persons who acquired such distinctive features and to those who have succeeded to such rights. Such indication, however, shall include correct data relevant to the date, type, and the authority which granted such distinctive features. A party which participates in the display of products with others may not use for its own products those distinctive features awarded on jointly displayed products unless the source and type of distinctive features are indicated clearly.

Article 4:

The seller's name or address may not be affixed to products imported from a country other than that where the sale takes place, unless accompanied by a precise statement legibly written, indicating the country or place where the

product was manufactured or produced. Persons residing in an area well known for manufacturing or producing certain products, and who trade in similar products imported from another area, may not use their trade marks on such similar products in a way that could be misleading to the public as to the origin of such products, even if such marks may not bear names or addresses of those persons, unless proper measures are taken to avoid confusion.

Article 5:

A manufacturer who owns a main factory in a certain area may not use the designation of such area on products manufactured for his own account in another area, unless such designation is coupled with the indication of the other area in a way that precludes any confusion.

Article 6:

Where quantity, size, volume, capacity, weight, origin, or ingredients of products are factors in determining their value, then import, sale, or display for sale of such products may be barred by a decision of the Minister of Commerce, unless such products bear one or more of such data. The method of affixing such data on the products and, when not possible, the alternative measures to be used, shall be determined by a decision of the Minister of Commerce.

Article 7:

Without prejudice to any harsher punishment, anyone violating the provisions of this Law shall be punished with a fine not exceeding one hundred thousand riyals. In case of repeated violation, the punishment shall be doubled, and the place of business closed for a period not exceeding a year.

Article 8:

Competent officers of the Ministry of Commerce are entrusted with inspecting and recording violations to the provisions of this Law.

Article 9:

The Bureau of Investigation and Prosecution shall have the jurisdiction to investigate violations to the provisions of this Law and to prosecute such violations before the competent juridical authority.

Article 10:

The Board of Grievances shall have the jurisdiction to adjudicate violations and disputes arising from implementation of the provisions of this Law.

Article 11:

The Board of Grievances may render a judgment to confiscate seized items and sell whatever is sellable and to deduct its value from the compensation and fines which may be imposed, and destroy the remaining or dispose of it in the

manner it may deem appropriate. The Board may render a judgment to publish the decision of conviction, confiscation, or destruction in one of the daily newspapers issued in the area of residence of the convicted at his expense.

Article 12:

Without prejudice to the right of the parties concerned to claim compensation for damages arising from the use of untruthful data, they may at any time, even prior to filing any lawsuit, resort to the Board of Grievances to take the necessary protective measures.

Article 13:

The Minister of Commerce shall issue the Implementing Regulations and decisions necessary for the implementation of the provisions of this Law within one hundred and eighty days from the date of its issuance.

Article 14:

This Law shall be published in the Official Gazette and become effective from the date of its publication