



RESEARCH ARTICLE

# The Development of the Legal Regulation of Patent in the Kingdom Of Saudi Arabia

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ARTICLE INFO	ABSTRACT
Received: Sep 27, 2024 Accepted: Oct 30, 2024	Saudi Arabia has been working for years to develop an effective legal framework that protects intellectual property rights and industrial property, especially patents. The first legislative text regulating patents was promulgated in the Kingdom of Saudi Arabia in 1989 and then repealed and enacted a new legislation in 2004. This text defines several amendments. A competent governmental authority for the protection of intellectual property, the Saudi Intellectual Property Authority, has been established. These legal achievements reflect the legislator's desire to create a sophisticated legislative framework for patent protection. This is confirmed by Saudi Arabia's efforts to accede to international patent conventions. This has brought Saudi law into line with international principles and standards. This research addressed the legal requirements for obtaining the patent document as well as the legal protection mechanisms at the national and international levels. In the analysis, it was questioned about the adequacy of existing legal texts in protecting patents and the need to further develop them. Legal recommendations were proposed to strengthen the legal protection of patents in the light of the worsening crimes of assault and the emergence of inventions of artificial intelligence technologies. The idea of reviewing national patent laws has a positive impact on Saudi Arabia's innovation and investment environment, which will enhance its competitiveness and qualify it for the world's top rank in intellectual property protection.
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## INTRODUCTION

The Kingdom of Saudi Arabia, like most countries in the world, seeks to establish a contemporary, advanced legal framework that protects intellectual property rights, within the framework of its support for innovation and the knowledge economy, and to obtain an advanced ranking in the Global Competitiveness Index. Legal scholars agree that the patent right granted by the state to the inventor and innovator is the most effective means of protecting intellectual property, and is seen as the strongest incentive for innovation, because it is a legal right in the hands of the innovator that enables him to protect his invention from any imitation and infringement.

In this context, the Kingdom of Saudi Arabia has worked to introduce important reviews in the level of its national laws regulating intellectual property, including industrial property and patents, especially in light of Vision 2030, which has contributed positively to enhancing innovation and creativity indicators. Statistics indicated that the Kingdom of Saudi Arabia has jumped to 15th place. In the Global Innovation Index for the year 2022 issued by the World Intellectual Property

Organization, a significant increase was noted in the year 2022 in the number of officially registered inventions in the Kingdom, an increase of 46.70% over the previous year 2,718 patents were granted in 2023.

At the legislative level, the first legal text regulating patents was issued in the Kingdom of Saudi Arabia on 17/1/1989, then it was canceled and replaced by the currently applied system, which is the system of patents and schematic designs for integrated circuits, plant varieties, and models on 17/7/2004, which entered into force on 5/9/2004.

Note that work was carried out in several stages to develop the patent legislation, the most recent of which was the amendment issued on 19 /9/2023.

Historically, the word “patent” goes back to the Latin word to be open “patere.” Saudi law has defined invention as “an idea arrived at by the inventor that results in solving a specific problem in the field of technology”.

As for the patent, legal scholars have defined it as the certificate granted by the competent authority in the country so that the invention enjoys legal protection and the inventor has the right to monopolize and exploit his invention for a specific period of time. In terms of its legal nature, a patent is considered intangible property.

Legal scholars agree that the basis of any legislation in the field of intellectual property is to establish a law that achieves the main goal of protecting it by preventing violation of this right and preventing its owners from abusing it. This calls for raising the following problem: Has the Saudi legislator succeeded in establishing effective legal protection for the patent? What are the legal mechanisms stipulated to achieve this?

To answer this problem, this research will be divided into two parts: the first part will be devoted to studying the legal conditions for obtaining a patent, and the second part will be devoted to analyzing patent protection in Saudi legislation in principle as well as in terms of the legal mechanisms that have been stipulated in the system related to patent.

## **2. Legal conditions of Patent**

The Saudi legislator imposed a number of formal and substantive legal conditions for the invention to enjoy legal protection. It should be noted that the Kingdom of Saudi Arabia has rapidly developed the quality of its administrative system by establishing a modern mechanism and establishing an integrated electronic system for everything related to patent registration, which is available on the website of the Saudi Authority for Intellectual Property as the body that receives and considers patent registration applications. This is in contrast to many countries that still rely on the paper application mechanism, which causes many difficulties for the inventor himself, in addition to the length of time that this primitive mechanism causes in deciding on the applicant, which calls for many legislations to follow the Saudi example by accelerating the development of their laws in order to A legal framework that stimulates invention and innovation.

### **2.1 Formal conditions**

In compliance with the international agreements to which the Kingdom of Saudi Arabia has acceded, the Saudi legislator established the Saudi Authority for Intellectual Property on 3/27/2017, in implementation of what was included in the first paragraph of Article 12 of the Paris Agreement, which stipulated that every country undertakes to establish a special interest in industrial property and a central office to inform the public on patents, utility models, industrial designs, trademarks or industrial marks.

The right to apply for a patent is considered a personal right submitted by its owner. It is noted that Saudi law does not stipulate that the applicant for a patent must have legal capacity. Accordingly, a

minor may personally initiate the patent application procedures, given that the patent application is a purely beneficial work. To clarify that this possibility does not apply to the right to use, the exploiter must be of legal age. The inventor's successor can also file a patent application. Or, if the matter concerns a legal entity, for example a university or a commercial company, the application is submitted by someone who has the legal capacity to represent the legal entity.

Although Saudi legislation allows the inventor to appoint an agent on his behalf to submit an application for obtaining a patent, unlike a number of countries such as Egypt that have established a legislative framework for the profession of patent agent, in the Kingdom of Saudi Arabia the matter remains for the inventor to choose any person whom he has personal trust to represent on his behalf before the competent authorities to submit an application. Obtain a patent for his invention. I believe that it is a matter of developing Saudi legislation to create this profession to further develop the legislative framework for patents and industrial property in the Kingdom of Saudi Arabia. In this law, the patent agent means anyone who acts on behalf of others before the official authorities to take one of the procedures stipulated in the system relating to patents, industrial designs and models and in the executive regulations.

For reference here, the procedures for applying for a patent differ from one country to another, as there are three different systems. It is the system of non-previous examination applied in French law. It is a system characterized by its simplicity and speed of decision, in which the examination is carried out from the formal aspect only and to ensure that the invention does not contravene public order and that it is legitimate. One of its disadvantages is that the patent is not immune, so it may be appealed whenever legal reasons are available.

And the prior examination system, in which the patent is not granted except after the prior examination to verify the availability of the objective conditions for the invention, and on the basis of this examination, the competent authority refuses to grant the patent due to the absence of one of the objective conditions imposed by the law. This system is applied in German law.

Finally, there is a mixed system that takes from the previous two systems and is the one adopted by the Saudi legislator. The administration examines the application from a formal standpoint, with the possibility of conducting a subsequent examination of the substantive conditions, and it is published to the public, especially the decision to invalidate the administrative declaration granting the patent, because this system is also characterized by guaranteeing the right to appeal the patent from every interested party, which is stipulated in article 32 of the patent law.

## **2.2 Objective conditions**

In a second stage, after the formal conditions are met, the Saudi Authority for Intellectual Property examines the application from an objective perspective and informs the applicant of the result of the examination via a report of either rejection or acceptance. It can also request amendments to the application within a period of three months, extendable by one month. In all cases, the applicant is required to pay the substantive examination fee, and if there is no response, the application is rejected. The applicant may appeal the decision to refuse to grant him a patent document before the competent appeals committee in accordance with the patent system.

For information, the Saudi Authority issues its decisions justifying the rejection, explaining the legal reasons on the basis of which the patent application was rejected, and the concerned person is notified of it and is also published officially.

It should be noted that the Saudi legislator has adopted a mixed examination system, which provides the patent with great protection from any possible challenge, because the application for obtaining the patent is first examined from a formal standpoint, and if the application meets all its conditions, the person concerned is asked to pay the fees, and the patent application is officially published within

three days. Months. However, if the formal conditions are not respected, the applicant is given a grace period to complete the procedures within 90 days. If he does not implement what the administration asked of him, his application will be considered as if it did not exist.

With regard to the substantive legal conditions for a patent, Article 43 of the Patent System stipulates a condition that the invention be new. Article 44 clarifies the meaning of this condition, which is that it must not be preceded in terms of the prior state of the art in this field. Everything that has been achieved should be disclosed to the public anywhere by written description or Orally, by use, or by any other method or means by which knowledge of the invention is obtained at a date prior to the filing date of the application for granting the patent. This condition requires the inventor to maintain the secrecy of his invention until the date of filing the patent application. If he discloses it, he will lose obtaining the patent and thus its legal protection.

The same article also stipulates that this invention must meet the condition of inventiveness and achieve an innovative plan in the field of human inventions, meaning that the idea of the invention must not be intuitive and ordinary, and this must be verified through the standard of the ordinary professional, so it is proven that it is available if the latter is not able to come up with this invention in an intuitive way as a result previous art.

The system also imposed a condition that the invention be industrially applicable. This condition is met if the invention can be manufactured or used in the industrial, agricultural, crafts, fishing, and service sectors. The invention can also be a new industrial product, a new industrial method, or a new industrial coordination.

In all cases, the application for obtaining a patent will not be accepted unless it is proven that there is an invention in accordance with the legal concept specified in Article Two of the system as an idea arrived at by the inventor that results in solving a specific problem in the field of technology. Invention means inventing something new that did not exist in the past, and its basis is that it is the fruit of an innovative idea that goes beyond existing industrial art or partial, non-essential modifications. Such a situation is not considered an invention and does not fall within the scope of known improvements in industry.

It is necessary to raise the question seriously today about the extent to which the current Saudi law regulating patents accommodates the developments taking place in the field of artificial intelligence and the extent to which it recognizes the inventions that occur with its techniques as an independent inventor who can be granted a patent. For information, technology experts have confirmed that artificial intelligence technology has imposed itself today and is a reality and it is inevitable to deal with it.

It is known that the term artificial intelligence appeared in the fifties of the twentieth century. According to technology jurists, it “refers to computer principles and algorithms that attempt to mimic and imitate aspects of human intelligence. Studies have also shown that artificial intelligence programs attempt to mimic human mental steps, which include understanding languages, responding to questions, identifying patterns solving problems and learning through experience

For these considerations, I see the necessity of developing laws in all countries of the world and accepting the innovations and inventions of artificial intelligence technologies, and accelerating the introduction of changes in their legislative texts to accommodate this fact that affects the lives of societies and countries' economic, development, and societal programs. Registering patents for artificial intelligence to provide legal protection for it is the future of creative man, and perhaps it is Who will determine the strength of countries' economies in the future?

In this context, it must be noted that the Saudi Authority for Intellectual Property has received the patent application known as DABUS, the subject of which is an artificial intelligence machine

manufactured by Dr. Stephen Thaler who attributed the invention to the machine and submitted the application on its behalf. This invention is a self-starting device for unified sense. In the first stage, this application was filed before the United States Patent Office, which rejected it, explaining that the invention is limited to humans and that the inventor must be a human. The American judiciary also supported this decision after objecting to it.

The same rejection trend was adopted by the Patent Office in Australia and was later supported by the Australian judiciary. In Europe, the European Union Intellectual Property Offices refused to recognize the inventor of DABUS, justifying their refusal by saying that the inventor is not a person but rather an artificial person. Today, hope in this famous case remains pinned on the decision of the Saudi Authority for Intellectual Property regarding Dr. Steven Thaler request to register the invention under the name DABUS and accept it from a legal standpoint, which is currently under implementation. Note that the application was not filed in East Asia except with the Kingdom of Saudi Arabia Patent Office.

The same legal problem has been raised in many comparative laws, especially by legal scholars who today call on countries to revise national legislation to accommodate creativity in the field of artificial intelligence with the aim of registering patents related to its technologies to protect the rights of the inventor. We mention here the Egyptian jurisprudential proposal regarding the existence of legal impediments to granting patents for pharmaceutical products developed with artificial intelligence programs. The example of the use of artificial intelligence programs in the manufacture of new medicines was discussed, which may constitute an obstacle to these new inventions passing the necessary legislative requirements during the technical examination stage of the application to grant the right. A patent, especially meeting the requirement of "non-obviousness" of the invention in accordance with the Egyptian law regulating patent.

Most legal scholars agree that the intellectual property laws in force today do not recognize artificial intelligence as an invention, which is what made the general tendency of intellectual property offices and the judiciary to reject applications for registering patents related to it, which is something that urgently calls for the intervention of the World Intellectual Property Organization and to work with member states in this matter. The topic and agreement on the necessity of revising their national laws regulating patents to solve this problem in order to preserve rights and introduce inventions achieved with artificial intelligence techniques into the economic cycle of countries and for the interest and benefit they achieve for the individual, society and the state. This is what a judge in the United States of America stated in a court ruling in a patent dispute: "It is up to legislators to expand the scope of innovation with the development of technology, there may come a time when artificial intelligence reaches a level of sophistication that it may satisfy the accepted meanings of the invention. But this "The time has not yet come, and if it does, it will be up to Congress to decide how to do so if it wants to expand the scope."

### **3. Patent legal protection**

#### **3.1 The principle of patent protection**

In terms of establishing the principle of protection, Islamic law preceded statutory laws in approving the principle of intellectual property protection, and in imposing enhanced penalties on those who infringe upon it. Therefore, we find great similarity between patent laws in Arab and Islamic countries.

Saudi legislation has enshrined the principle of protecting innocence from any assault, which is stipulated in Article 34 of the system, which stipulates that it is considered an infringement on the subject of protection to carry out any act of exploitation stipulated in the system. In this context, it can be said that the system has provided important protection for the patent against all forms of infringement that affect the invention obtained with a protection document, which is the

manufacture of the product subject of the invention, importing it, storing it, using it, and using the method of its manufacture without the permission and approval of the owner or without a written legal license registered with the Saudi Royal Commission. The intellectual entity that supervises the process of monitoring the exploitation of the patent, and any exploitation of the patent must be registered with it. Otherwise, it is considered exploitation outside the legal frameworks and an infringement on the patent.

The Saudi legislator has set a number of conditions that must be met in a patent in order to benefit from legal protection. Every invention that meets the legal conditions receives an administrative document for protection from the competent authority. It must be noted here that this protection is not absolute, as it may end once the patent is ruled invalid at a later date for granting the document. This is either because the conditions for granting it were not met or the law was violated at the stage of exploiting the patent by its owner or licensee.

All rights resulting from the patent owner and his heirs also benefit from the administrative decision granting the patent legally, these rights benefit from protection, which are the right to monopolize the exploitation of the patent and the right to dispose of it by sale, mortgage, or assignment whenever that is decided, but only within the period of protection determined by law, which is twenty years, because after the expiration of this period, the patent turns from private money to public money for the state, which it can dispose of as it wishes without Permission from the owner who loses this capacity upon the expiration of the legal protection period of the patent .

For reference, Saudi law grants the patent owner the right to permit and license others to exploit the patent within the frame work of voluntary licensing procedures.

Note that the Saudi legislator, with the aim of developing the Saudi system and making it consistent and harmonious with international agreements, especially the TRIPS and Paris agreements, which stipulate compulsory licensing, has organized a compulsory licensing contract, under which the patent benefits from full legal protection. It is known that compulsory licensing is the expropriation of ownership of the patent from the patent owner to another exploiter in the event that the patent owner fails to exploit his invention, for national security necessities, or for emergency situations, in exchange for fair compensation. We also note that, in contrast to comparative laws that did not define compulsory licensing, the Saudi legislator addressed the definition of compulsory licensing in Article 2 of the system, defining compulsory licensing as "permission for others to exploit the subject matter of protection without the consent of the owner of the protection document." Legal scholars approved of this general definition, which is sufficient and avoids problems such that the law becomes unable to keep pace with developments and developments related to its subject, in addition to the fact that the law loses its flexibility, which is not what any law aims to achieve.

It must be emphasized here that the patent owner has the right to appeal the administrative decision imposing a compulsory license, which confirms the dimensions of the protective legislative policy of Saudi law, which protects the rights of the patent owner and at the same time protects the invention from the abuse of its owner whenever this is proven. There is a balance between protecting the rights of the owners and the rights of society through the state' exercise of the decision to compulsory patent licensing for the requirements of the public interest.

As a reminder, all legal actions and processes that are the subject of a patent do not have their legal and contractual effects unless they are written and after noting the contract in the records of the Saudi Authority for Intellectual Property, and this is announced in accordance with the procedures established by the patent system with the aim of protecting the patent and the rights related thereto.

The scope of legal patent protection is limited in space and time. The patent benefits from protection in all parts of the territory of the Kingdom of Saudi Arabia. As for the duration of patent protection in Saudi law, it is not eternal, but rather relative, as stipulated in article 19 of the system, which is twenty

years. The period of protection is calculated starting from the date of submitting the application to the competent authority, and it is the same period imposed by the TRIPS agreement in article 33 which indicates the commitment of the Saudi legislator to the agreements to which the Kingdom has acceded and the harmonization of its legislation with what is stated in the texts of international agreements.

As a reminder, Saudi legislation enshrines the principle of equal protection, as it provides equal legal protection to all inventors in the case of joint invention on the basis that they all have the right equally unless they agree otherwise and in accordance with the provisions of the second paragraph of Article 5 of the patent system.

It should be noted that an invention may be granted temporary protection, within the meaning of article 30 of the Executive Regulations of the Patent System, at the request of the inventor. In the event that he wishes to display his invention in any official exhibition, he must submit to the Saudi Authority for Intellectual Property a request of his desire to display, with a brief statement describing the invention. If the exhibition is outside the Kingdom, a certificate certified by the official authority must be presented stating the displayed product its information and the date of its display.

What must be noted is that it is necessary to distinguish between invention and similar cases of human creativity, especially discovery, and that this law only applies to creativity that meets the legal conditions for it to be considered an invention. Which means that not every human creativity is considered an invention and enjoys legal protection, but rather the innovation must rise to the level, value and rank of the invention in the eyes of the Saudi legislator.

As a reminder, the agreement on the Commercial Aspects of Intellectual Property Rights, or what is known as the TRIPS agreement, stipulates the right of each country to exclude and exclude some innovations and discoveries from protection and not to consider them as patents. In implementation of this, the Saudi legislator stipulated in article 45 of the Patent System these exceptions and specifically specified them which are:

**A-** Scientific discoveries theories and mathematical methods.

**B-** Schemes, rules and methods for conducting business, practicing purely mental activities, or playing a game.

**C-** Plants, animals, and most of the biological processes used to produce plants or animals, with the exception of microbiology, abiotic processes, and microbiology processes.

**D-** Methods of surgical treatment of the human or animal body and methods of diagnosing disease applied to the human or animal body, with the exception of products used in any of these methods.

Article 4 of the Saudi patent system stipulates that some inventions are deprived of legal protection, as it explicitly states that a protection document is not granted if its commercial exploitation violates Islamic law. Paragraph B also stipulates that a protection document shall not be granted if its commercial exploitation is harmful to life or human, animal or plant health, or is seriously harmful to the environment.

It is up to the Saudi Authority for Intellectual Property, as well as the judiciary, to monitor the extent to which the exploiter of inventions respects what we have mentioned, as well as everything that might violate public morals and public order, at all stages of the invention, whether at the stage of submitting the application to obtain the document or later, and if it is proven that there is any violation of the law, the solution lies in Determining the invalidity of the patent document, which automatically results in the withdrawal of legal protection from it.

## 3.2 Legal mechanisms for patent protection

### 3.2.1 National protection

In order to support the protection of intellectual property rights at an institutional level, consideration was given to establishing a body specialized in registering and protecting intellectual property rights in general. This was actually achieved by establishing the Saudi Authority for Intellectual Property in 2018. This authority operates within the framework of advanced electronic management, which makes its work characterized by speed and quality.

Within the same framework, which is to protect inventions, a committee was established to consider patent claims. The committee is competent to consider all disputes and appeals against decisions issued regarding protection documents. It includes grievance against the decision to refuse to grant a protection document, invalidation of protection documents, transfer of ownership of the protection application or protection document, and finally, an appeal against Decisions to drop previously submitted patent protection documents to end their legal effect.

The Saudi patent system provides for two types of legal protection for inventions, namely civil protection and criminal protection, and stipulates a number of legal procedures that effectively protect patents from any infringement.

As for civil protection enshrined in Saudi law, it is guaranteed and practiced through three legal methods: urgent measures, preventing infringement of innocence, and compensation for proven assault against the aggressor. The law, specifically Article 34 of the system, has empowered the committee responsible for examining patent infringements with the authority to take urgent measures as it deems necessary to avoid the damages resulting from the infringement. This happens as soon as it receives a complaint against the assailant and the guarantees it deems necessary in return. The goal of this mechanism is to protect innocence and avoid the damage resulting from the assault.

The patent owner also has the right, according to the system, to file a civil lawsuit before the same committee against anyone who infringes the rights to his invention, such as making an exploitation outside the legal framework and without his prior consent. The committee rules to prevent infringement and oblige the violator to implement its decision.

As for the right of the injured party to compensation, which is of course subject to the discretion of the Competent Grievances Committee, it remains a personal right for everyone who exploits the patent, whether in his capacity as an owner or as a licensee, whether voluntarily or within the framework of a compulsory license, and in no case can the Committee intervene to rule on it on its own.

As for criminal protection, the Saudi legislator has entrusted the Grievance Committee to impose penal penalties on anyone proven to have infringed the patent. These penalties range from fine to imprisonment. The fine is estimated at no more than 100,000 Saudi Riyals, and its value is doubled in the case of recidivism. This fine is considered weak in value compared to the serious damage that could result from the infringement on the patent, which calls for it to be doubled to further enhance the protection of the patent from infringements. The system also stipulates that if the competent committee determines that the assault requires deterrence by a prison sentence, it will refer the file directly to the judiciary for a decision.

It must be clarified here that from a procedural standpoint, specifically with regard to qualitative jurisdiction, the Commercial Court is competent to consider lawsuits related to patents, and Saudi judicial jurisprudence obligatorily imposes prior notification by the plaintiff to the defendant in accordance with article 19 of the Commercial Courts System, and in the event If this warning is not respected, the Commercial Court will rule to reject the case in form.



However, if the matter relates to the crime of providing false information in obtaining a patent by any means, including advertising. Here, prosecution must be initiated by the Bureau of Investigation and Public Prosecution directly before the judiciary, and penalties shall be imposed including a fine, closing the store, as well as confiscation and destruction, in accordance with the commercial data system. This is what made a number of legal scholars criticize, saying that the law was brief and unclear. Note that all decisions and rulings condemning patent infringements are made public, which reflects the goal of the Saudi legislator in providing effective patent protection.

We conclude from article 34 that Saudi legislation stipulated that the infringement of the patent should occur on the territory of the Kingdom of Saudi Arabia in order to deter the crime. This is a legal position required by the principle of territoriality of laws, and accordingly the effect of Saudi law stops at the borders of the Kingdom's territory.

### **3.2.2 International protection**

It must be noted first that the Saudi National Authority for Intellectual Property operates at the level of joint work programs and full coordination with various international intellectual property offices. The current Saudi law provides dual external protection for patents, at both the regional and global levels.

Within the framework of providing regional protection for patents, the patent system for the countries of the Cooperation Council for the Arab States of the Gulf was issued on 10/22/1994, and in implementation of this system, the Patent Office for the countries of the Cooperation Council for the Arab States of the Gulf was established in 2001.

For reference, in recent years, the patent system of the Gulf Cooperation Council countries has been amended in an important number of its articles. According to this amendment, the Commercial Cooperation Committee has now exempted some inventions from responding to their request to obtain a patent in order to protect public order and public morals, including the protection of Human, animal and plant life and health or to avoid serious damage to the environment.

In order to provide more effective legal protection to the patent owner, a written licensing requirement was established if the patent owner decided to license others to exploit his patent. The system also imposed the supervision of the competent administrative authority regarding the licensing contract for exploitation or disposal, and placed it under its authority, which is considered an important support for the protection of the patent and the contracts related to it.

Article 19 of the aforementioned and amended system also stipulates that if the patent owner does not exploit the patent at all or exploits it insufficiently, the state on whose behalf the office chose to grant the patent may grant a compulsory license in exchange for fair compensation to the patent owner. One of the most important legal conditions for concluding this license, which in terms of the consent element is considered coercive for the patent owner because it was not done by choice and free will, is the necessity of 5 years having passed from the date of granting the patent.

To further support patent protection, the rights of the inventor to file a grievance were preserved. For this purpose, a grievances committee was formed at the Patent Office, consisting of twelve members of jurists and technicians from the GCC countries. It is formed by a decision of the Ministerial Council of the Cooperation Council every three years and is specialized in examining grievances filed by applicants. Patent applications, under the patent system of the Gulf Cooperation Council countries, and the committee issues its decisions by a two-thirds majority of the members present.

At the global level, it is known that many international agreements have been established to protect patents, including the Paris Convention of 1883 for the protection of industrial property and the Strasbourg Convention regarding the International Classification of Patents. The Convention on

International Recognition of the Deposit of Microorganisms in the Patent System and the International Patent Cooperation Convention concluded, as well as the Patent Law Convention concluded in Washington in 1970. This agreement is considered one of the most important international protection mechanisms as it establishes a global system at the level of filing a patent application and is administered by the World Patent Organization. Intellectual. Strict procedures are applied to the submitted application. After filing, the international search begins, then the international publication, as well as the additional international search, leading to the international preliminary examination and finally the national stage.

To further support the international protection of patents and other industrial property rights, broadly in all classifications and fields of intellectual property, the Kingdom of Saudi Arabia has joined 13 international agreements. It should be noted that the Kingdom of Saudi Arabia joined the membership of the World Intellectual Property Organization (WIPO) in 1982 and to most of the international agreements aimed at to provide legal protection for industrial property and patents. In addition to its accession to the TRIPS agreement on 11/01/2005, it joined the Paris Convention for the Protection of Industrial Property mentioned above. The Saudi Authority for Intellectual Property is working soon to join 15 international treaties and agreements in order to develop the intellectual property sector and strengthen its legal system to protect human thought and creativity.

To clarify, the Saudi law currently in force is in complete harmony with the content, principles and philosophy of the aforementioned international agreements. It has worked to revise its laws and develop its legislative policy, out of its commitment to implementing and respecting the set of principles stipulated in the field of intellectual and industrial property in general and the field of patents as the principle of equality between inventions, whatever they may be. The place or field of the invention and what relates to the duration of legal protection of the patent. The principle of national treatment, the principle of the most favored nation, and the principle of the patentability of all inventions.

The Saudi National Authority also works at the level of joint work programs and full coordination with various international intellectual property offices and organizations specialized in the field, such as WIPO and the World Trade Organization.

A debate has arisen among economists about the usefulness of these agreements in protecting industrial property rights?

The discussion produced a difference in positions, including those in favor and those opposed. The opinion supporting these agreements sees the necessity of establishing legal rules that protect these rights by adopting an incentive system, as granting companies a patent enables them to temporarily monopolize the product and achieve profits that encourage them to research, and that the benefits that inventors achieve for a specific period are the price of society's technological progress. The dissenting opinion believes that establishing strict legal rules to protect patents and industrial property rights in general will result in society incurring several losses, including the monopoly power enjoyed by the owner of the invention, which leads to double spending by organizations of funds in the field of research and development in the country that produces intellectual property.

Another negative is the misuse of the patent by exploiting it to penetrate foreign markets and placing barriers that prevent competing companies from entering those markets. Supporters of this trend also believe that establishing strict laws protecting patents will lead to an increase in the rate of imported goods in developing countries that used to produce them by imitation. In addition, foreign companies tend to raise the price of patented goods, especially in the markets of developing countries.

#### 4. RESULTS AND CONCLUSION

After completing the study of the law regulating patents in the Kingdom of Saudi Arabia, we note that the Saudi legislator has established a special and clear legislative text that regulates the legal conditions for obtaining a patent document from the state and a set of mechanisms that it stipulates to protect the patent from any attack on it.

We also note that patent rights and intellectual property rights as a whole have been the subject of great interest by the Saudi legislator, who seeks from time to time to amend his legislation to develop it, as legislative texts have been amended on many occasions, and an administrative structure has recently been established specialized in protecting intellectual property rights of all literary types. The Industrial Authority is the Saudi Authority for Intellectual Property. This body, which works with high quality, a digitization system, and a modern electronic platform, receives patent claims, which contributes to creating a high quality of services, especially reducing the time for deciding on claims to only months, as well as adjudicating them in disputes related to the patent, which is what distinguishes the effectiveness of the legal and institutional protection existing in the Kingdom Saudi Arabia for patents compared to some countries that still rely on the paper mechanism in registering patents, which leads to a slowness in the consideration of claims reaching in some systems a period of 5 years.

This is in addition to the Kingdom of Saudi Arabia's continuous endeavor to join most international agreements related to patents and intellectual property, which has contributed to creating an advanced legal framework consistent with international standards in order to enhance the protection of inventions and intellectual property.

To further support patent protection in the Kingdom at the level of national law, we offer the following recommendation:

**First:** We recommend the need for Saudi law to keep pace with the revolution of inventions and innovations achieved today in the field of artificial intelligence technologies, by developing legislative texts to accommodate them and pave the way for their registration with the Saudi Authority for Intellectual Property, due to the future benefits that this has on development, the economy, society and the state.

**Second:** We recommend the creation of a patent agent profession through which a patent application can be submitted to avoid cases of rejection of patent registration applications, avoid losing human creativity, and gain the largest possible number of inventions, innovations, and patents, as in most cases inventions and creations are neglected by their owners and abandoned and forgotten simply because their application for registration is rejected innocently.

**Third:** We recommend abolishing all financial fees imposed on the inventor as a natural person, as we do not forget that fees are a real obstacle for individuals to humble their financial means, as this financial burden may prevent the inventor from applying, especially young people and those who have no income, to request registration of their invention in order to obtain a document for the invention, which becomes the result. Eliminating the fees required at all stages of application submission and making patent applications free at all stages is a rational solution that allows patent registration applications to flow without any obstacle. This solution has great benefits for individuals and society, as the invention becomes the property of the state after the expiration of its legal protection period, and therefore we should not miss the opportunity to benefit from an innovation or invention.

**Fourth:** We recommend further deterring all forms of patent infringement. We recommend imposing original criminal penalties with imprisonment against anyone who infringes or attempts to

infringe upon a statutory patent, in addition to compensation for the damages caused to both the patent owner as well as society and the state.

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## COMPLIANCE WITH ETHICAL STANDARDS

### Conflict of interest

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