

Judicial and Alternative Means of Settling Intellectual Property Rights Disputes and Controlling them :An Analytical Study in the Provisions of the Jordanian Judiciary"

Prepared by

Aseel Majd Mohammad Al - Adwan

Supervised by

Mohammad Al-Gazawi

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Abstract

This study aims to achieve a main goal that is represented in identifying the judicial and alternative means of settling the disputes on intellectual property rights and enforcing control on them. It also aims to identify the meaning and types of intellectual property. It aims to identify the means of providing legal protection for the business, literary, and industrial intellectual property rights. It aims to identify the alternative means for intellectual property rights and their role in settling them. It aims to shed a light on the administrative control and judicial protection of intellectual property rights. It adopts the descriptive and analytical approaches. It was found that the intellectual property rights enjoy a dual legal protection. The latter protection is either provided through the national or international legal protection. However, the protection of intellectual property rights shall remain insufficient, unless it was supported with an effective judicial intervention through enforcing control on it. The study recommends adding a text to the Jordanian Arbitration Law acknowledging the use of an expedited arbitration system as it's acknowledged in the WIPO Expedited Arbitration Rules. That is because the latter system shall be fast, and offers lower costs, and more protection for the intellectual property rights. Such protection is needed due to the nature of the intellectual property rights. The study recommends applying the Jordanian Arbitration Law to experiments, because experiments serve as a special type amongst the types of proof methods. It is because experiments play a significant role in revealing the hidden facts and identifying whether there are counterfeits for patents or not.