

Comparing the intellectual property protection laws of Jordan and Iraq

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ABSTRACT

Given the complexity and diversity of legal systems, national legislation helps to regulate the rights of artists and inventors and ensure the protection of their intellectual property rights. The purpose of this study is to compare and contrast the intellectual property protection laws of Iraq and Jordan, determine how well they align with international norms, and point out any legislative gaps that might compromise the efficacy of intellectual property protection in both nations. Using a descriptive analytical methodology, the study critically examined the laws and legal frameworks governing intellectual property rights in Jordan and Iraq and made analytical comparisons between the two nations' legal systems. Although there are certain discrepancies in legislative texts and regulatory structures that could impact the effectiveness of law implementation, the research identified significant similarities between the fundamental ideas regulating intellectual property protection in Iraq and Jordan. In order to improve the degree of intellectual property protection, the study also showed that both systems must improve their conformance with international standards and offer legislative remedies to current theoretical and practical problems. In order to improve intellectual property protection, national laws must converge with worldwide standards. This can be achieved by revising legislative frameworks and creating legal policies that reflect trends around the world.

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1. Introduction

In the context of innovation and economic growth, intellectual property protection is crucial. It is the cornerstone that inspires artists and inventors to generate fresh concepts and create in response to the demands of the contemporary world. Thus, it is crucial to comprehend the legal structure that oversees the defense of these rights [1]. A comparative analysis of legal systems across nations is necessary to comprehend their efficacy and conformity with international protection requirements, as national legislation is crucial in regulating and controlling intellectual property protection [2].

However, when comparing legal systems with different historical and cultural backgrounds, like those in Iraq and Jordan, theoretical research on intellectual property protection frequently leaves a knowledge gap about how closely national legislation adheres to international standards. Studies that thoroughly analyze how well these two systems align with international norms—such as the Paris Convention, the World Intellectual Property Organization's (WIPO) proposed agreements,

and the Global Understanding on Intellectual Property Rights (GUI), which serve as the main benchmark for evaluating the efficacy of national laws—are scarce [3, 4].

Thus, the significance of the current study, which aims to close this gap by conducting a theoretical and comparative analysis of the laws and legal texts governing intellectual property protection in Jordan and Iraq, with an emphasis on evaluating their conformity to the international framework and identifying any gaps that might impede the defense of innovators' and creators' rights [5]. The significance of this study is in offering a theoretical viewpoint that deepens comprehension of the legal distinctions and parallels between the two systems and establishes the groundwork for evaluating and creating legislation that complies with international norms [6]. The goal of this is to provide a robust legal framework that supports economic development and fosters innovation. Additionally, the study intends to clarify theoretical voids that could impact the efficacy of intellectual property protection and offer scholarly suggestions that can enhance legislative performance. This is accomplished by carefully examining and refining national law comparisons, guaranteeing objective outcomes that deviate from the pragmatic side to validate the applicability of legal texts to global frameworks.

2. The Intellectual Property Theory Framework

Given the global industrial and technical advancements, intellectual property is a contemporary legal term that is becoming increasingly important. The protection of intellectual property is the cornerstone that ensures the rights of artists and inventors and acts as a motivator to promote and spread creativity. A collection of definitions that describe the nature and traits of intellectual property serve as the foundation for understanding the notion. Its categories and characteristics differ according on national and international laws [7].

The rights that people or businesses are given based on their technological and intellectual works are known as intellectual property, and they enable them to safeguard their creative assets against unapproved use by third parties. Depending on the nature of the creative work, these rights can take many different forms, but the most common ones are as follows [8]:

- Literary, artistic, and creative works are protected by copyright, which gives the owner of the right authority over how their work is used, who can write it, and how it is distributed. The goal of the copyright system is to protect the author's rights to his money and the way his work is used, all the while promoting literary and artistic innovation.

- Patents: Awarded to creators of novel technical and industrial advancements, patents prevent infringement and imitation, hence promoting creativity and scientific advancement. For a set amount of time, a patent gives the creator the authority to profit from their creation.

- Trademarks: Set apart a specific entity's goods and services and safeguard the owner's right to use a specific mark to set their goods and services apart from others. Using a trademark helps to guarantee the legitimacy of goods and business.

- Trade secrets: To preserve a unique value that sets the business or product apart, proprietary knowledge that obtains commercial value through secrecy, such as manufacturing techniques or product formulas, must be kept secret.

2.1. Fundamentals of Protecting Intellectual Property

The main tenets of intellectual property protection are to uphold artists' rights and strike a balance between the rights of rights holders and societal interests. The following are the most crucial of these principles [9, 10]:

- Individual rights: By guaranteeing legal protection, this notion seeks to promote more creativity while acknowledging that creators have complete sovereignty over the products of their labor.

- The concept of exceptions and limitations: This protects owners' rights while permitting some restricted uses of intellectual property rights to further the public good, including duplicating for research or educational purposes.

- The balancing principle seeks to strike a balance between society's interest in accessing knowledge and technology and the rights and interests of innovators.

- The gradual protection principle refers to figuring out how long protection should last in order to give the creator sufficient security while also permitting the creative works to be made available to the general public.

2.2. Historical Evolution and Applicable International Accords

The idea of intellectual property has evolved significantly throughout time. It has its roots in ancient times, when customary accumulation or will transfers were used to transmit rights. However, the rise of economic monopolies and royal property regimes during the Middle Ages marked the beginning of its explicit legal regulation. A number of international accords and treaties were established as a result of the necessity to control intellectual property rights on a global basis as civilizations advanced. These are the most crucial ones [11, 12]:

- One of the earliest international accords pertaining to the protection of industrial property was the Paris Convention (1883). It seeks to give inventors fair and appropriate protection as well as to safeguard patents and trademarks in member states.

- The Berne Convention (1886): This ensures fair copyright and authorship rights while regulating author rights and protecting the texts of literary and creative works among member states.

Trade-Related Aspects of Intellectual Property Rights (TRIP): The Universal Agreement (1994) At the level of international trade, this has emerged as one of the most important legal frameworks governing the protection of intellectual property rights. In addition to improving international cooperation in defending the rights of writers, inventors, and producers against unauthorized exploitation, this agreement seeks to establish universal harmonization of intellectual property laws among member governments.

3. The Legislative Aspect in Iraq

The foundation for assessing the degree of intellectual property rights protection in every nation is the legislative component. The rights of artists and inventors are governed by legal texts, such as laws and regulations, which shield them against infringement and illegal copying. Iraq's intellectual property protection laws are distinguished by their influence on contemporary international norms and trends, which have compelled the country to update its laws to conform to them. Here, we will offer a thorough examination of the Iraqi legal system, emphasizing its fundamental tenets and clauses while also going over the difficulties in putting it into practice.

3.1. An Overview of the Laws Concerning Intellectual Property in Iraq

Starting with the Copyright and Related Rights Law No. 3 of 1971, which attempts to govern the rights of authors and associated organizations, Iraq has passed specific laws and regulations to safeguard intellectual property. One of the earliest laws in Iraq, Patent Law No. 86 of 1924, is also included. Additionally, it contains Trade Secrets Law No. 11 of 2019 and Trademark Law No. 21 of 1957, which address contemporary needs and offer improved protection for private and business data. Due to the rapid changes in the fields of creativity and innovation, the emergence of new forms of intellectual property, and the political and security challenges Iraq has faced that affect legal implementation and stability, these laws still need to be updated and kept in line with international principles and standards [13].

3.2. Fundamental Ideas and Clauses of Iraqi Law

Fundamental ideas that uphold the rights of investors and innovators are the foundation of Iraqi intellectual property laws. This is made abundantly obvious in the documents that outline the author's right to the sole use of his creations, the inventor's right to safeguard his invention, and the trademark laws that give the owner the authority to prevent unauthorized use or copying of his trademark. These clauses all adhere to a general framework that seeks to offer efficient legal protection that permits the protection of rights and offers legal mechanisms for intellectual property rights that are in line with international norms regarding the length of protection, registration procedures, and sanctions for infractions [14].

3.3. Present Legislative Obstacles and Restrictions

The efficacy of Iraq's intellectual property protection system is hampered by a number of issues, even in spite of national legislation. The most important of these issues is that inventors and stakeholders lack legal knowledge and awareness, which restricts their capacity to take use of rights. Furthermore, specialist organizations like the Iraqi Intellectual Property Commission lack the technical tools and properly qualified staff needed for investigation, documentation, and follow-up, resulting in a weak administrative and logistical infrastructure. Additionally, Iraqi law currently lacks effective mechanisms to promote international cooperation as well as measures that keep up with cutting-edge international standards, particularly in the areas of arbitration and dispute settlement. Furthermore, because of political and economic circumstances, laws are not being implemented effectively on the ground, which has resulted in a rise in instances of illicit counterfeiting and violation of intellectual property rights [15].

3.4. A Comparative Analysis of Iraqi Law with That of Its Regional and Global Rivals

We discover that Iraqi legislation falls short in both text and application when compared to regulations in adjacent and developed nations. Iraq has yet to keep up with the qualitative advancements in international accords and laws that govern intellectual property rights around the world, including the Paris Convention, the Berne Convention, the Marrakesh Agreement, and others. Furthermore, the absence of sophisticated executive and technological rules that guarantee prompt action and more efficient protection of rights has resulted in various Iraqi laws, such as those pertaining to punishments, being loose and occasionally disturbed.

Therefore, Iraq's legislative element draws attention to a reality that necessitates ongoing evaluation and improvement, especially in terms of modernizing domestic laws to conform to international norms, creating protective mechanisms, and fostering international collaboration. By ensuring the promotion of creativity and innovation, lowering instances of infringement and illegal imitation, and attaining a high degree of intellectual property rights protection and sustainable economic development, Iraq's competitiveness on the global stage will be improved. In order to coordinate efforts and improve protection at the national and international levels, this also calls for the development of distinct and cohesive national strategies that include strengthening laws, enhancing human capacity, updating institutional infrastructure, and enacting international agreements that Iraq has signed [16].

4. Legislative Aspects in Jordan

4.1. Laws in Jordan Concerning Intellectual Property

One of the main pillars that establishes the legal framework and offers legal protection for inventors, inventions, trademarks, and other associated material and moral rights is the legislation governing intellectual property protection in Jordan. Instead of taking a haphazard approach, Jordan has enacted a set of modern, suitable laws that are in line with international norms and include explicit clauses that ensure the protection of innovators' and creative producers' rights [17].

- Law No. 22 of 1992 on Copyright and Related Rights and its modifications

One of the main tenets for safeguarding creative works of literature and art is the Jordanian Copyright Law. In addition to defining the rights of artists, the length of protection, and the steps required for registration and protection, it covers the protection of literary, musical, artistic, and software works. The law contains clauses that specify how to address infractions and penalize copyright infringement.

- Industrial Design, Patent Law, and Associated Amendments

In Jordan, patent laws are one of the most crucial components of the legal protection of technological and industrial advancements. They specify the requirements for acquiring a patent, the length of protection, the holder's rights, the channels for appeal, and possible infringement. This law seeks to promote innovation and scientific research and is generally in accordance with the International Patent Convention [18].

- Law No. 33 of 1952 on Trademarks and Trade Names, as amended

A legal framework for trademark registration, protection, and trading is provided under Jordanian law. It contains clauses about trademark infringement, registration requirements, and the kinds of trademarks that are protected. It seeks to safeguard consumer safety, distinguish goods and services, and offer the trademark long-term protection after registration.

- Additional Relevant Regulations

Other laws and regulations pertaining to trade secrets, industrial designs, and related rights exist in addition to the primary texts; these all contain clauses that guarantee the preservation of intellectual property rights in all of their facets. Additionally, Jordan has ratified a number of international accords, including the Paris Convention, the Berne Convention, and the TRIPS Agreement, which have improved Jordanian laws' conformity with global norms [19].

4.2. Fundamental Ideas and Clauses of Jordanian Law

A number of core ideas that serve as the cornerstones for the development and philosophy of rights protection are shared by Jordanian intellectual property laws [20]:

- Direct and thorough protection of rights: Laws ensure that the material and moral rights of writers and artists are safeguarded, defining the legal procedures and time frames for doing so.
- Non-transferability and non-infringement of rights: The owner of the right is free to choose how to use it and may take legal action if an infringement or violation occurs.
- As a tool for claiming rights, registration is crucial since it acts as formal documentation of right ownership and is utilized in defense and evidence processes.
- Respect for international agreements: The clauses are applied in line with the international commitments Jordan has accepted, which makes it easier to defend rights internationally.

4.3. Jordan's Present Legislative Obstacles and Restrictions

Even though laws and directives have been issued with great progress, there are still issues with their enforcement and implementation. These consist of [21]:

- Absence of legal knowledge and instruction for pertinent parties: One significant barrier that has a detrimental effect on the enforcement of rights is a lack of knowledge about intellectual property protection regulations.
- Some legislative texts' inability to keep up with the latest technical advancements: Legislation must be updated and modified to effectively safeguard intellectual property in the digital environment in accordance with international norms and contemporary technical requirements, especially in the areas of digital technology and the internet. These difficulties stem from the

continuous need to improve Jordan's legal system so that it can be adaptable and efficient in the face of quick changes, protect the rights of producers and artists, and increase the country's economic competitiveness on the international stage.

5. Examining and contrasting the laws of Jordan and Iraq

5.1. Parallels and Dissimilarities between Jordanian and Iraqi Law

Fundamental concepts pertaining to intellectual property rights, which are generally in line with international norms, demonstrate the parallels between Iraqi and Jordanian law. Legally speaking, both Iraqi and Jordanian laws uphold the fundamental ideas of protecting the rights of creators and inventors by relying on the ideas of exclusive rights, the length of protection, and registration and publication procedures. The regulation of copyright, patents, and trademarks significantly overlaps with respect to the categories of rights. Both nations enact legislation with comparable rights acquisition processes, protections, and appeal and litigation procedures.

Both laws rely on international agreements, including the Berne Convention, the Patents Convention, and the Treaties of the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO), and they acknowledge global principles pertaining to the protection of intellectual property rights. These agreements serve as a framework to guarantee that national laws align with global norms, so promoting the protection of inventors' and artists' rights on a regional and global scale [22].

Regarding the discrepancies, they are visible in certain laws and rules that reflect the disparities in the two nations' legal developments as well as their historical and cultural contexts. Perhaps as a result of legislative accumulation or inadequate coordination mechanisms across texts, Iraqi legislation is occasionally characterized by a lack of ongoing updating with regard to protection periods, registration procedures, application criteria, and the duration of rights. This is contrasted with Jordanian law, which exhibits more adaptability in reacting to economic and technological advancements and consistently modifies its laws to ensure adherence to global norms.

Furthermore, several specific aspects, such the requirements for patent registration, trade secret rights, and the legal processes each nation follows in the event of infringement, have regulatory variations. While Jordanian law offers precise steps for registering complaints and enforcing sanctions, Iraqi law may have trouble putting some of its provisions into practice because of lax enforcement or a lack of funding for supervision and enforcement.

Furthermore, the degree of extra protection offered for some rights, like copyright protection, varies. Compared to Iraqi legislation, which has to be updated to more accurately define copyright and broaden the extent of protection, Jordanian laws provide more thorough mechanisms for safeguarding the rights of authors and artists [23].

5.2. Evaluating Legislation's Conformance to International Standards

By analyzing the degree to which legal texts adhere to the tenets of pertinent international agreements and the existence of procedures that guarantee the efficient application of these provisions, the compatibility of the Jordanian and Iraqi systems with regard to international standards is evaluated. As evidenced by its structural and legislative preparedness to engage with international obligations, including registration and protection mechanisms, legal procedures, and the duration of protection, it is observed that Jordanian legislation is more compatible with the TRIPS treaties and the Berne Convention. This is because, in order to comply with its international commitments, Jordan has recently revised and amended its laws, either by passing new legislation or by changing old ones.

Regarding Iraq, its laws occasionally fall short of complete compliance with international agreements, even if the country is dedicated to upholding their values. This can sometimes be attributed to a lack of efficient enforcement mechanisms, a lack of updated legislation that keeps up

with global trends, and a lack of ongoing updating. International investors and innovators lose faith in the intellectual property protection system as a result, and protection becomes less effective [24].

5.3. Examination of Possible Legal Loopholes in Both Systems

The efficiency and efficacy of intellectual property rights protection in both systems may be impacted by certain legislative loopholes, even if Iraqi and Jordanian laws generally comply with international norms. The following succinctly describes the most noticeable of these gaps [25]:

- Absence of legislative modernization: Iraqi legislation is unable to update to reflect contemporary economic and technological advancements, which restricts its capacity to defend intellectual property rights resulting from software, digital inventions, and cutting-edge media. To improve this, new laws must be passed or significant changes must be made.

- Absence of executive and enforcement mechanisms: Even if there are legal texts in place, ineffective enforcement mechanisms—particularly in Iraq—leave gaps for violations of human rights and make it challenging to apply sanctions, particularly given the lack of adequate oversight and enforcement resources.

- Lack of knowledge and education: To guarantee that creators and rights holders successfully profit from the laws, specific awareness-raising and training initiatives are needed to close the knowledge gap between the legal and societal understanding of intellectual property rights.

- the lack of explicit clauses protecting new rights, especially trade secrets, digital copyrights, and commercial data. To guarantee coverage of recent advancements, legislation in both nations needs to be further developed and incorporate protective safeguards.

- Limited international cooperation and coordination among pertinent authorities: Ineffective coordination among judicial, security, and technical institutions reduces the efficacy of laws, especially when it comes to prosecuting instances involving digital rights violations, piracy, and electronic smuggling.

- The deterrent effect of penalties and preventive actions is insufficient. Penalties may not always be appropriate for the severity of the violation or the expenses incurred, which lessens their ability to deter offenders.

The examination demonstrates that the fundamental ideas of Jordanian and Iraqi law are in line with international norms. To guarantee more effective protection of intellectual property rights, however, it is nevertheless imperative to update laws, bolster enforcement strategies, and increase public awareness—especially in light of digital difficulties and the quick advancement of technology [26].

6. Results and Discussion

6.1. Maintaining the Fundamentals of Intellectual Property Protection while Balancing Law

According to the study, the laws of Jordan and Iraq both uphold the fundamental values outlined in international accords, including the Berne Convention on Copyright, and support the protection of trade secrets, patents, and trademarks. Nonetheless, there are loopholes in the way some principles are applied, especially when it comes to safeguarding contemporary digital and technology property rights. The need to more effectively update both laws is evident in the fact that Iraqi legislation has fallen behind in keeping up with technological advancements, while Jordanian legislation has only partially acknowledged some of them.

Since adherence to the principles is still dependent on the capacity of the legislative and executive branches to carry them out in reality, it is evident that theoretical agreement does not always transfer into effective implementation methods. To create regulatory instruments and sanctions, this needs more analysis. This emphasizes how crucial it is to update laws and make

qualitative changes that will enable the preservation of creators' and innovators' rights in the digital era [27].

6.2. The Conformity of Law to International Standards

It seems that the laws of Jordan and Iraq range from relative harmony to partial conformity with international norms, such as the Berne Convention and other harmonization tools. More recent changes have been made to Jordanian law than to Iraqi law, making it more in line with global trends, especially when it comes to copyright and digital laws. On the other hand, Iraqi law is still criticized for not protecting certain contemporary innovation rights, like trade secrets and digital data.

Given that intellectual property protection has expanded globally as a result of technology improvements and the rise of the digital market, this overlap with international standards is crucial to improving the opportunity for rights exchange and worldwide litigation. This necessitates that both nations update their legal and regulatory frameworks to address global concerns and stay abreast of international trends [28].

6.3. Possible Legal Gaps and How They Affect the Protection of Rights

The findings showed glaring flaws in both laws, such as insufficient safeguards for digital property rights, especially those pertaining to software, business data, and trade secrets and industry. Inadequate sanctions and a dearth of safeguards against piracy and cyber-piracy are also among them. The authorities' capacity to adequately punish offenders is hampered by the absence of comprehensive laws pertaining to internet infringement and e-commerce.

It should be mentioned that the ability of copyright holders to safeguard their creations is directly impacted by legislative gaps. They also lessen the deterrent power of the law by making fines less effective and giving offenders more ways to avoid punishment. Therefore, given the growing reliance on contemporary technology, it is imperative that laws be strengthened and that contemporary legal instruments be made available to combat digital crimes [29].

6.4. Difficulties in Applying and Implementing Legislation

According to the report, insufficient implementation methods pose the biggest obstacle, especially in Iraq, where a lack of legal knowledge, bureaucratic red tape, and scarce resources all contribute to the effectiveness of legislation. Even though Jordan has more sophisticated legislation, its effective implementation is hampered by a shortage of trained staff and poor coordination across pertinent authorities.

Effective legislation, not only legal language, depends on their practical application. This emphasizes how important it is to build the executive and legal infrastructure for supervision and protection in order to guarantee that legislative frameworks are implemented effectively and to create a favorable legal environment that effectively protects inventors and fosters innovation. In order to promote compliance and decrease infractions and infringements, these initiatives must be supported by community awareness programs that increase knowledge of intellectual property rights among key authorities and individuals [30].

The study's conclusions emphasize how crucial it is to update Jordanian and Iraqi laws to reflect current technology advancements and acknowledged global leaders in the field of intellectual property protection. They also highlight the necessity of creating an integrated legal system that guarantees fairness and efficient implementation of decisions, strengthens the two nations' capacity to defend creators' rights, and fosters an innovative atmosphere.

7. Conclusion

The findings of this study show that comparing the intellectual property protection laws of Iraq and Jordan offers valuable scientific evidence for determining the degree of similarity and difference

between the two nations' legal systems as well as their efficacy and adaptability in defending the rights of inventors and creators. The findings demonstrated that, for the most part, both systems' laws are in line with international norms, especially when it comes to fundamental ideas and pertinent laws. To improve the capacity to handle modern issues, there are evident legal gaps that must be filled, particularly in view of the quick advancement of technology and the globalization of the digital economy.

This study is valuable because it emphasizes how crucial adherence to international standards is to strengthening nations' standing as conducive to innovation and creativity. Protecting creators' rights and attaining more effective justice—both of which are critical for advancing social and economic development—are greatly aided by national laws that are in line with international agreements. The necessity of updating existing laws and incorporating contemporary legal instruments that keep up with advancements in the sphere of intellectual property is also highlighted by the critical analysis that was provided. It also emphasizes the necessity of enhancing legal and cultural knowledge and fortifying specialized organizations.

It is hoped that the findings of this study will encourage scholars and policymakers to carry out additional theoretical and applied research and implement successful legislative measures that guarantee more effective intellectual property protection and foster innovation and sustainable growth. Therefore, it is crucial to keep creating legal frameworks that protect rights and strike a balance between various interests, while also taking into consideration the unique characteristics of each system and improving the capacity to adjust to changes on a global scale. In terms of intellectual property protection, this will improve Iraq's and Jordan's standing both regionally and globally.

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