

**Selected Articles from Specific Laws Related to the Implementation of TRIPS**

1. Code of Civil Procedures; No. 24 of 1988
2. High Court of Justice Law; No. 11 of 1989
3. Criminal Procedure Law; No. 9 of 1961
4. Evidence Law; No. 30 of 1952
5. Criminal Law; No. 16 of 1960
6. Civil Code; No. 43, 1976

## **Code of Civil Procedures**

### **Article 3/2**

The possible interest is sufficient, if the purpose of the petition is taking caution to prevent an imminent damage or documenting evidence where there is a demonstrable risk that such evidence might be destroyed when in dispute.

### **Article (32)**

The Judge of summary matters shall rule temporarily, without prejudice to the right of the following, however, this does not prevent the jurisdiction of the court of merits if these issues were raised to it indirectly:

1. Summary matters where there is demonstrable risk of time lapse.
2. Examination of petitions for appointing an agent, guardian of money, provisional seizure or guardianship or travel prevention orders.
3. The summary examination to prove a situation.
4. The plea to hear a witness where there is a risk of losing the chance to hear his testimony for a subject that is not yet presented to the court and that it is possible to be brought up. The witness's expenses shall be borne by the party who asked for his testimony.

### **Article 33**

1. The court or the summary judge shall decide on the summary matters without notifying the counter parties unless the court or the judge decides otherwise.

### **Article 51**

The value of lawsuits relating to real estate is estimated according to the value of the real estate. The value of lawsuits relating to movables is estimated according to the value of the movable object.

### **Article 56**

A claim is filed upon the plaintiff's request by a claim document deposited at the court's record unless provided otherwise by the law.

The written request shall include the following information:

- 1- The name of the court to which the claim is filed.
- 2- The full name of the plaintiff, his profession or occupation, place of work and domicile,

the full name of his representative, his profession or occupation, place of work and domicile.

3- a- The full name of the defendant, his profession or occupation, place of work and domicile, the full name of his representative, his profession or occupation, place of work and domicile.

b- If the defendant or his representative did not have a known place of work or domicile; then the last known place of work or domicile.

4- Appointment of a chosen domicile in the Kingdom for the plaintiff if he did not have one in the Kingdom in accordance with Article 19 of this Law.

5- Subject matter of the claim.

6- Particulars of the claim and its basis.

7- Signature of the plaintiff or his representative.

8- Date of filing the claim.

#### **Article 57**

1- The plaintiff shall submit his lawsuit to the court's record attached therewith:

a- All documents that support his lawsuit with a list of such documents and copies thereof equal to the number of defendants;

b- A memorandum of the particulars which he wants to prove by witnesses including the names of his witnesses and their detailed addresses and copies thereof equal to the number of defendants.

2- The plaintiff or his representative must sign each of the above-mentioned documents. The signature shall be associated with his endorsement that the copy thereof matches the original.

3- After the fees are paid, the record shall register the lawsuit in the lawsuits' register on the same day giving it a serial number according to the priority of filing, and shall stamp it, along with the defendants' copies, with the court stamp along with other attached documents. The date of registration shall be written beside its number by day, month and year and shall also be noted on the list.

4- A copy of the claim shall be delivered to the defendant attached therewith copies of the documents and the memorandum referred to in Paragraph (1) of this Article.

5- The lawsuit shall be considered as filed and shall have its legal effect as of the date of registration even if the court was not competent.

**Article 58**

2- A copy of the lawsuit and attachments of documents and copies thereof shall be given to the bailiff in order to notify the defendant(s).

**Article 59**

3- Three days after the date of notifying the defendant's counter-argument to the plaintiff, or the next day after the date on which the counter-argument was to be submitted, the court's record shall present the file of the lawsuit to the Chief of Court or to the competent Judge to determine a hearing session. The plaintiff and the defendant will be notified of such date according to the rules. The Court may postpone the appointment of the session and allow the plaintiff to respond to the counter-argument if so requested by the plaintiff.

**Article 63**

Subject to the provisions of the Bar Association Law and the Magistrate Court Law:

1-It is not allowed for any litigants- other than lawyers- to attend a lawsuit session unless through lawyers representing them by virtue of a power of attorney.

**Article 100**

The Court shall have the right to order any litigant to disclose any documents in his possession or under his control that it deems necessary to issue a decision in the lawsuit.

**Article 107**

If any of the parties failed to meet the court's decision with regard to exhibiting documents or permitting examination thereof, then if the failing party was the plaintiff, he will be subjecting his case to dismissal on the basis of lack of pursuance. If the failing party was the defendant, he will be subjecting his defense to cancellation if he has submitted defense in the first place. The court shall issue its decision of dismissal or cancellation upon the request of the party requesting the examination of the document.

**Article 115**

The plaintiff may petition for:

4- A placement of provisional seizure or a temporary provision.

**Article 160**

A verdict shall specify the court by which the decision was issued, the date of issuance, venue of issuance, the names of the judges who contributed to its issuance and attended the session of where it was rendered thereafter, the complete names of the litigants and their attendance or absence and the names of their attorneys. The resolution must also include a brief overview of the particulars of the lawsuit, all requests of the litigants and a summary of their appeal and their petitions, their basic defenses and the reasons of the resolution and the wordings thereof.

### **Article 161**

1. The Court shall decide to compensate, along with the final decision the litigant in favor of which the verdict was issued, for the fees and expenses of the lawsuit and the procedures through it. The Court may also decide during the course of the lawsuit, the expenses of any specific petitions or session when requested by any of the parties without prejudice to any decision that might be issued later on with regard to expenses.
2. Compensation for fees and expenses of a counter-claim shall be decided in the same way it is decided in an original claim.

### **3. Article 166**

In addition to fees and expenses of different kinds, the Court may decide on compensation for fees of the attorney from the litigant against which the decision was issued.

## **High Court of Justice Law**

### **Article 9 of the High Court of Justice Law**

One- This Court shall have the exclusive competence to look at appeals filed by persons with an interest, and relate to the following:

1- Appeals in results of elections from the following entities: Municipalities, Chambers of Industry and Commerce, unions, Associations and Clubs registered in the Kingdom and any other appeals in all elections that are held according to enacted laws and regulations.

2- Appeals, filed by people with interest, of final administrative resolutions related to appointment of public offices, annual raises, promotion, transfer, or delegate.

3- Public employees' requests for the cancellation of final administrative resolutions of their retirement, entrustment, discharge from work, or their illegal cessation.

4- Public employees' requests for the cancellation of final administrative resolutions issued against them by the disciplinary authorities.

5- Disputes related to wages, raises, retirement rights due to public employees or those of them who are retired or the heirs thereof.

6- Appeals filed by any injured person to cancel any decision or resolution issued according to any law that contradicts the Constitution, or according to any regulation that contradicts the law or the Constitution.

7- Appeals filed by any injured person to cease the enforcement of a temporary law that contradicts the Constitution or a regulation that contradicts the law or the Constitution.

8- Appeals, disputes and other matters that are rendered to be in the competence of this Court according to any other law.

9- Appeals filed by individuals or entities to cancel final administrative resolutions.

10- Appeals of any final administrative resolution even if immunized by the law according to which it was issued.

11- Appeals of any final resolutions issued by administrative entities with judicial jurisdiction except for resolutions issued by settlement and arbitration councils of labor disputes.

b- The Court shall be of competence to look at requests for indemnification for resolutions and procedures provided for in Paragraph (a) of this Article whether filed to it directly or indirectly.

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1- The Court shall not look at appeals or requests concerning reign acts.

2- The claims filed by persons with no personal interest shall not be accepted.

## **Article 10 of the High Court of Justice Law**

Claims shall be filed against the person who issued the appealed decision provided that these claims are based on one or more of the following reasons:

1-Incompetence.

2-Contradicting, misapplying or misinterpreting the Constitution, laws, or regulations.

3-The resolution or the procedures of its issuance are defected subjectively.

4-Abuse of authority.

**Criminal Procedure Law****Article 157**

The testimony of quoting what a person, alleging the occurrence of an infringement upon him, said about anything relating to that infringement or relating to the circumstances surrounding it may be accepted provided that the person said what is being quoted during the occurrence of the infringement, a short period after that, or as soon as he got the chance to file a claim thereof, if the quoted saying is related to the infringement in such a way that makes the saying part of the circumstances relating to the committing of the crime or if the person said what is being quoted when he was on his death bed, or what was thought to be his death bed, as a direct result of the infringement. The testimony may be accepted even if the person being quoted did not appear as a witness or if it was impossible for him to show at the trial because of death, disability, sickness or absence from the Hashemite Kingdom of Jordan.

**Article 168**

The person accused of felonies not punishable by imprisonment may assign a representative to attend trial on his behalf unless the court required his attendance in person.

**Article 169**

If the person accused of a felony did not attend the court at the time and date specified in the claim note delivered to him according to rules, the court may hold a trial in absentia even if he was guaranteed. The court may also issue a note of arrest against him.

## **Evidence Law**

### **Article 20**

A litigant may request to oblige his opponent to submit documents or papers having a bearing on the result of the lawsuit that are under his control :

1. If the law permits a request for him to submit them or hand them.
2. If his opponent used them at any phase in the lawsuit.

### **Article 21**

It should be specified in this request:

1. Description of the document or the paper.
2. The content of the document or paper with as much detailing as possible.
3. The incident being proved by the document or the paper.
4. The indicators and the circumstances supporting the claim that it is under the opponent's control.
5. The reason for obliging the opponent to submit it.

### **Article 22**

If the requester proved his request or if the opponent admitted having possession of the document or the paper or if he was silent about that, the court shall decide to oblige him to submit the document or the paper at once or as soon as possible. If the opponent denied and the requester did not submit enough evidence to prove his request, the denier has to take an oath that the document or the paper does not exist, that he does not know of its existence or place, and that he did not hide it or neglect in searching for it as to deprive his opponent from using it for evidence.

### **Article 23**

If the opponent did not submit the paper or the document on the date and time the court specified or if he was reluctant to take the mentioned oath, the copy supplied by his opponent shall be rendered as correct and identical to the original. If his opponent did not supply a copy of the paper or the document, the court may approve the opponent's allegations of the form and content thereof.

**Article 37**

If a lawyer, agent or doctor learned about an incident or information through his profession, he must not divulge this even after the end of his service or the expiration of his capacity unless the information deals with committing a felony or a crime. They also have to testify, whenever asked, about that incident or information and who divulged it to them provided that this does not contradict with the rules of the laws governing them.

## **Criminal Law**

### **Article 30**

Taking into account the rights of others with good intention, the things that resulted from a crime or an intended felony or that was used in its committing or prepared for its committing may be confiscated. Those things, however, shall not be confiscated in an unintended felony or in a contravention unless stated by the law otherwise.

### **Article 31**

Items which manufacture, items of ownership, or items for sale which are illegal shall be confiscated even if it was not owned by the accused or if there was no ruling against him.

### **Article 61**

A human being shall not be rendered criminally liable for any act if he did it in any of the following ways:

1. In execution of law.
2. Following an order issued to him by a competent authority that he should comply with unless the order is illegal.

### **Article 355**

3. A person who because of his profession accessed a secret and disclosed this secret without a legitimate reason shall be punished by imprisonment up to three years.

## **Civil Code**

**Section (48):** Whoever shall be subject to unlawful assault in respect of any right which attaches to his person shall be entitled to apply for the abatement of that assault together with compensation for any damage he may have suffered.

**Section (49):** Whoever is disputed by others in the use of his name or surname or both without justification and whoever suffers usurpation of his name or surname or both without legal ground, shall be entitled to apply for the abatement for that assault together with compensation for any damage he may have suffered.

**Section (66):**

1. Liability for damage shall be due from the person who exercises his right unlawfully.
2. The exercise of the right shall be unlawful:
  - a. If there is intent to aggress.
  - b. If the interest to be achieved from the act is unlawful.
  - c. If the benefit therefrom is disproportionate with the damage inflicted on others.
  - d. If it exceeds custom and usage.

**Section (256):** Every injurious act shall render the person who commits it liable for damages even if he is non-discerning person.

**Section (257):**

1. The injurious act may be direct or causative.
2. And if it is direct the damages shall be due unconditionally and if it is causative it shall be subject to the proof of trespass or intent or that the act led to the injury.

**Section (258):** If the person who commits the act and the person who causes it are present responsibility shall attach to the former.

**Section (259):** If any person deceives another he shall be liable for the damages resulting from that deceit.

**Section (260):** No person whose property is damaged by another shall damage the property of that other, and otherwise each of them shall be liable for damages for what he has damaged.

**Section (261):** If the person proves that the damage resulted from an extraneous cause with which he had nothing to do like the act of God, sudden accident, force majeure, acts of others or the act of the person injured, he shall not be liable for damages unless the law or contract otherwise provides.

**Section (262):** Whoever causes damage while in defense of one's person or property or of the person or property of others shall not be liable provided that he shall not exceed necessity, and otherwise he shall be liable for damages to the extent of his excess.

**Section (263) :**

1. The act shall be attached to the person who commits it and not the person who orders it unless he is under duress provided that the material duress in actual disposition shall solely be the obligation duress.
2. And yet public official shall not be responsible for his act causing damage to others if he commits it in compliance with an order from his supervisor when compliance with such order was obligatory or he believed that it was obligatory and he proves that he believed that the he committed was lawful and his belief was based on reasonable grounds and that in committing that act he excised diligence and care.

**Section (264):** The Court may decrease the amount of damages or may not grant any damages if the injured person has contributed by his act to the causing of the damage or to its increase.

**Section (265):** If the persons responsible for the injurious act shall be several every one of them shall be liable for his share therein and the Court may rule between them m equally or jointly.

**Section (266):** Damages shall in all cases be estimated by the amount of the damage inflicted on the injured person and his loss of profit provided that the same shall be the natural result of the injurious act.

**Section (267):**

1. The right to damages shall also include moral damage, so any trespass on another's liberty, honor, reputation, social status or financial standing shall render the person who commits the trespass liable for damages.
2. And damages may be awarded to spouses and close relatives in the family for the moral damage inflicted upon them by the death of the injured.
3. And liability for damages for moral damage shall not devolve upon others unless their amount is defined by virtue of a contract or a final judicial decision.

**Section (268):** If the Court can not finally decide the extent of damages it may preserve for the injured person the right to apply for reconsideration of the estimation within a limited period of time.

**Section (269):**

1. Damages may be subject to payment by installments and they may be a fixed income and in these two cases the debtor may be obliged to provide a guarantee for an amount estimated by the court.
2. And damages shall be estimated in money but the court may subject to the circumstances and on the application of the injured person order restoration to the former position or decree by way of damages the execution of a certain matter attached to the injurious act.

**Section (270):** Any condition for exemption from the liability resulting from the injurious act shall be void.

**Section(271):** Civil liability shall not affect criminal liability when its prerequisites are fulfilled and the criminal penalty shall not affect the limitation of the extent of the civil liability and the estimation of damages.

**Section(272):**

1. A case for damages resulting from the injurious act shall not be heard after the lapse of three years from the day on which the injured person knew of the occurrence of the damage and the person liable for it.
2. But if that case resulted from a crime and the criminal case is still being heard after the lapse of the time-limitation mentioned in the preceding sub section the hearing of the case for damages shall not be precluded except by preclusion of the hearing of the criminal case.
3. And the case for damages shall not in all cases be heard after the lapse of fifteen years from the day on which the injurious act occurred.