



# Newsletter

| 51<sup>st</sup> Edition, December 2024 |

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Welcome to the 51<sup>st</sup> edition of our newsletter. In this edition, we will present to our readers the following:

**Section A**, discusses the Arabic Language Protection Law No. 35 of 2015 and the key obligations placed on companies, institutions, entities, ministries, and individuals when conducting their activities, business, correspondence, and all legal aspects related to this matter.

**Section B**, explores "The Impact of the Commercial Law and Trademark Law on Foreign Investment in Iraq," providing key insights into the legal frameworks that influence the investment landscape. It highlights how these laws affect foreign investments, ensuring an understanding of their critical role in shaping the business environment in Iraq.

**Section C**, outlines the types of Vocational Licenses and the Requirements for obtaining them, offering essential information for navigating the licensing process.

"...Jordan's Arab depth will remain the foundation..."  
King Abdullah II Ibn Al Hussein

November 1, 2024

Speech from the Throne at the Opening of the Third Regular Session of the  
Nineteenth Parliament

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## SECTION A: A GLIMPSE INTO JORDANIAN LEGISLATION

### “The Arabic Language Protection Law”

#### Introduction

December 18, 2024, marks World Arabic Language Day, honoring a language spoken fluently by 460 million people worldwide and foundational to nearly one billion more for religious purposes. The credit for commemorating this day goes to the Syrian political researcher and diplomat, Dr. George Jabbour. Since 1964, Dr. Jabbour has shared his expertise as a professor and lecturer at prestigious institutions, including Oxford and Cambridge universities in the United Kingdom. Later, he became a professor and the head of the Political Science Department at the Institute of Arab Research and Studies from 1977 to 1979. Dr. Jabbour was the first to celebrate the Arabic Language Day at the University of Aleppo on March 15, 2006. Subsequently, the Syrian Arab Republic presented this idea to the United Nations General Assembly (UNESCO) in 2008, which then decided that December 18 of each year would be recognized as World Arabic Language Day.

In line with the Hashemite Kingdom of Jordan's commitment to implementing the provisions stated in agreements and treaties, international agreements to which it is a party, and in alignment with Article (1) of the Jordanian Constitution, which states: "The Hashemite Kingdom of Jordan is an independent, sovereign Arab state. Its government is indivisible, and no part of it may be relinquished. The Jordanian people are part of the Arab

nation, and the system of government is parliamentary with a hereditary monarchy."

Additionally, Article (2) of the Constitution stipulates: "Islam is the religion of the state, and Arabic is its official language."

This study will address the key aspects covered by the Arabic Language Protection Law, divided into four main sections:

- Entities subject to the provisions of the Arabic Language Protection Law.
- The nature of transactions and documents covered under the provisions of the Arabic Language Protection Law.
- The fundamental obligations imposed by the Arabic Language Protection Law on the entities subject to its provisions.
- The penalties for violating the provisions of the law under study.

#### First: Entities Subject to the Provisions of the Arabic Language Protection Law

The entities required to comply with the provisions of the Arabic Language Protection Law, according to Article (3/a) of the law, are as follows:

- Ministries and government departments.
- Official public institutions.
- Public and private institutions.
- Municipalities.
- Professional associations.
- Societies.
- Clubs.
- Political parties.

- Civil society organizations.
- Companies.

### **Second: Nature of Transactions and Documents Covered by the Provisions of the Arabic Language Protection Law**

The law addressed in this publication requires the entities subject to its application to use the Arabic language in their official activities. This includes, but is not limited to:

- Their names, documents, transactions, records, and registers.
- Contracts, treaties, agreements, and tenders in which they are a party.
- Official letters, publications, price lists, and schedules.
- Labels and information related to Jordanian-made products, including products manufactured in the Kingdom under a license from foreign companies.
- Internal work regulations for any company, institution, or official, civil, or private body.
- Employment contracts, instructions issued under laws and regulations, and procedural and operational manuals.
- Any visual, auditory, or written advertisements directed at the public.
- Any promotional or non-promotional publications and media campaigns.

The law mandates the use of Arabic in all these contexts to ensure compliance with its provisions.

### **Third: Fundamental Obligations Imposed by the Arabic Language Protection Law on Entities Subject to Its Provisions**

#### **1. Advertising and Media Obligations:**

- Article (4) of the Arabic Language Protection Law stipulates:
  - "All advertisements broadcast, published, or displayed on public roads, in public places, or on public transportation must be in Arabic. A translation into a foreign language is permitted, provided that the Arabic text is larger in size and occupies a more prominent position."
  - "Foreign-language films and works licensed for display in the Kingdom must include translations into Arabic, either through subtitles or audio dubbing."

#### **2. Signage and Official Documents:**

- Article (5) of the law mandates that the names of institutions subject to the law's provisions, as well as their official stationery, must be in Arabic.
- Jordanian banknotes, coins, stamps, and medals must also use the Arabic language.
- This requirement extends to academic certificates and official attestations.

In a related context, the law allows for translations of Arabic text into another language, provided that the Arabic text is larger in size and occupies a more prominent position. This ensures the Arabic language maintains its primary role in public and official communications.

**3. Street and Public Space Naming:**

- Article (6) of the Arabic Language Protection Law requires that streets, neighborhoods, public squares, and other locations be named in Arabic. Non-Arabic proper names are exempt from this requirement.

**4. Legislative and Diplomatic Language Requirements:**

- The law mandates that the legislative authority draft all legislation in Arabic.
- The language of conversations, negotiations, memos, correspondence, agreements, and treaties conducted with other governments, international institutions, organizations, and entities must be Arabic.
- Arabic must also be the language used for speeches delivered in international meetings and official conferences.

In addition, the law requires that Arabic be used for drafting contracts, treaties, and agreements between the Hashemite Kingdom of Jordan and other countries or companies of non-Jordanian nationality. A translation into the language used by the other party may be attached. It is noted that both versions hold equal legal value.

**5. Education and Educational Institutions:**

- The law requires educational institutions to teach all sciences and knowledge in Arabic, except for cases determined otherwise by the Ministry of Education or the Ministry of Higher Education and Scientific Research.

**Fourth: Penalties for Violating Law**

The Arabic Language Protection Law imposes a fine on anyone who violates its provisions or the regulations or instructions issued under it. The fine ranges between **1,000 Jordanian Dinars** and **3,000 Jordanian Dinars**.

**Conclusion**

This study outlined the basis for celebrating World Arabic Language Day, in addition to highlighting the key general provisions addressed by the law, the entities required to implement its provisions, and, finally, the legal penalties for violating the law.

As part of our professional responsibility, we stress the importance of complying with the provisions of this law. Should you need assistance in updating your status to meet these requirements, please let us know, and we will take the necessary steps on your behalf following established procedures.

## SECTION B: The Impact of the Commercial Law and Trademark Law on Foreign Investment in Iraq

### Introduction

Both the Commercial Law and the Trademark Law play a crucial role in shaping the investment climate and its appeal to foreign investments, which present both challenges and opportunities. This section will examine the importance of the provisions within the Iraqi Commercial Law No. (30) of 1984 and the Trademark Law, highlighting their impact on foreign investment in Iraq. It focuses on safeguarding the rights of the parties involved, outlining their legal obligations, and determining the applicable law in potential disputes.

### First: Iraqi Commercial Law No. (30) of 1984 and Its Impact on Foreign Investment

The Iraqi Commercial Law sets out the legal framework for commercial activities, including rules regarding the trading of company shares, bonds, commercial contracts, and matters related to liquidation and bankruptcy.

In this context, the law defines a "trader" as any natural or legal person who conducts commercial activities in their name and for their own account in a professional manner, in accordance with the applicable Commercial Law. The trader must meet certain eligibility requirements, and non-Iraqis can engage in commercial activities in Iraq if they meet development plan requirements and obtain approval from the relevant authorities.

1. **Registration in the Commercial Register and Maintaining Commercial Books:**  
A key legal requirement for conducting business in Iraq is registering with the Commercial Register and maintaining commercial books in accordance with the law. Traders with capital exceeding 30,000 Iraqi Dinars must keep detailed commercial books, including records of their financial position and business activities.

The law mandates the keeping of a journal and ledger to record all commercial transactions on a daily basis, with the ledger summarizing the financial details of the trader's business by the end of the financial year.

2. **Choosing a Commercial Name:**  
Traders must select a unique commercial name for their business, which must be in Arabic, although foreign branches can use a name in another language if they add "Branch of Iraq" to it. The name must not be misleading, and it should reflect the nature of the business.

If a trader fails to meet these legal requirements or violates the laws regarding commercial books or commercial name registration, they may face a financial penalty.

Additionally, the Iraqi Commercial Law governs commercial papers used in transactions, such as bills of exchange and checks, which are important for ensuring trust and credit in commercial dealings. The law imposes penalties for issuing checks without sufficient funds.

## Second: Trademark Law No. (21) of 1957 and Its Impact on Foreign Investment

A trademark is a vital tool for consumers to identify the source of products or services, and it serves as an indicator of the quality and uniqueness of the goods and services it represents.

In Iraq, the Trademark Law does not require visual recognition for protected trademarks, unlike other jurisdictions like Egypt and Jordan, which may make it difficult for the average consumer to distinguish between products and services. The law also allows trademarks to be written in both Arabic and foreign languages, which could lead to the use of unclear terms that may contradict local consumer tastes and traditions, and potentially diminish the identity of the Arabic language.

Regarding trademark protection, Iraqi law provides broader protection than other jurisdictions, extending it to marks that are not just identical or similar to those used on the same or similar goods or services, as required by the TRIPS Agreement of 1994. This protection also covers cases where the use of a mark could lead consumers to believe there is a connection between the owner of the mark and the goods or services, even if they are unrelated.

Legal protection for trademarks is based on international conventions, such as the Paris Convention for the Protection of Industrial Property (1883) and the TRIPS Agreement (1994), which Iraq joined in 1975. These agreements protect trademarks even if they are not registered within the country's territory and prohibit the use of marks that resemble registered ones for similar products.

## Conclusion

In conclusion, these laws play a significant role in creating an attractive investment environment in Iraq. The Commercial Law regulates commercial activities, while the Trademark Law strengthens legal protections, safeguarding rights and obligations in investment contracts. While these laws may have complexities and challenges, they also ensure that local and foreign investors are subject to legal provisions that protect the rights of all parties involved and enforce obligations on them.



## SECTION C: START UPS & SMEs:

### Vocational License Types and Requirements

In most industries, obtaining the appropriate government licenses is essential to conduct business legally. However, one of the most common legal mistakes that startups and SMEs make is choosing the right license, whereby such entities often encounter difficulties deciding the appropriate licenses required from them to operate their business. In this Newsletter, we will cover everything about vocational licenses, including registration, renewal procedures, types, and compliance with relevant laws and regulations, while highlighting the importance of adhering to Jordanian legal requirements.

As stipulated in **Article 4** of the **Jordanian Vocational License Law No. 28 of 1999 and its amendments**: “... no person may practice any profession in the municipality area or outside it unless he obtains a license for that purpose and pays the fee due ...”. The Greater Amman Municipality “GAM” is responsible for issuing both types of vocational licenses: Commercial and Residential. Moreover, any natural or legal person seeking to obtain or renew a license must provide a certificate from the relevant authorities verifying that the profession is licensed and that the applicant is registered at the Chambers of Commerce, or the Ministry of Industry, Trade and Supply, or other relevant governmental institutions responsible for issuing this profession license.

The commercial license application must be submitted to the head of the municipality using the applicable form, accompanied by the necessary documents and data depending on the activity type, such as (i) the company’s commercial registry, (ii) a lease contract, (iii) property ownership documents, (iv) permits, and (v) approvals from relevant authorities; for example, restaurants require an approval from the Civil Defense Department to obtain the license.

The license's validity is specific to the location and profession stated in the application. The head of the municipality must approve or reject the application within one month. If approved, the license is valid for one year, beginning on January 1st and ending on December 31st. Renewal is required annually, during the months of January and February.

Issuing the residential vocational licenses is an innovative solution introduced by the government to support startups and SMEs. These licenses allow individuals to work from home in activities such as e-commerce or home-based food preparation.

However, certain restrictions were imposed. Residential vocational license applicants are prohibited from holding another vocational license and must ensure their activities do not negatively impact neighbors. This includes avoiding the use of industrial equipment or flammable materials that could pose risks to public health and safety. To enforce compliance, GAM employees will conduct home inspections.



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Non-compliance with these laws and regulations may lead to penalties, including license cancellation. Late registration or renewal also incurs fines. As a result, practicing a profession without a license constitutes a violation of the relevant laws and regulations.

In conclusion, proper issuance of vocational licenses with the GAM is crucial to avoid penalties and fines. Engaging in commercial activities without proper registration is illegal unless explicitly exempted by law. Therefore, startups and SMEs must ensure compliance with all applicable licensing requirements to operate legally and effectively. Fortunately, both types of vocational licenses feature straightforward application and renewal processes.



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If you would like to discuss further any aspects of this Newsletter, please feel free to get in touch with one of our lawyers, using the contact details in the Contributors section below.

If you feel that other persons would be interested in reading this Newsletter, please feel free to share.

If you wish not to have our upcoming Newsletter or if you wish to amend the contact details, please inform us by sending an email to [info@hammourilaw.com](mailto:info@hammourilaw.com), titled “*non-subscription*” and/or “*amending the contact details*”.

Warm regards,

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## ABOUT HAMMOURI & PARTNERS ATTORNEYS AT-LAW

Hammouri & Partners Attorneys at-Law, is a Jordanian multi-practice law firm, founded over two decades ago (established in 1994) by the late Professor Mohammad Hammouri. Professor Hammouri was a renowned Jordanian attorney and an arbitrator, a former Minister of Culture and National Heritage and a former Minister of Higher Education, who wrote a plethora of books, primarily on constitutional rights.

Professor Mohammad Hammouri also founded the first School of Law in the Hashemite Kingdom of Jordan at The University of Jordan, in which he was its first dean. Today, the firm is managed by Dr. Tariq Hammouri, a distinguished academic and attorney and a former Minister of Industry, Trade and Supply. Dr. Tariq Hammouri is both an experienced attorney and an arbitrator, an expert in the Corporate sector, Commercial Transactions, Financial Markets, Banking Law and International Trade. He is an Associate Professor at the School of Law, University of Jordan and (formerly) the Dean of the School of Law. Dr. Hammouri is also an officially appointed member of the International Center for Settlement of Investment Disputes (ICSID) Panel of Arbitrators upon designation by the Government of the Hashemite Kingdom of Jordan, for the period of 2020 to 2026.

Hammouri & Partners' team consists of more than 30 attorneys and a number of other professionals working in the firm's specialized departments, providing professional legal services at a local, regional and international level. We also have a strong presence in Iraq, with an office located in Baghdad, the capital of the Republic of Iraq, and a branch in Erbil, within the Kurdistan Region, to offer comprehensive legal services across the country. The Iraq office has been operational since September 2023.

The firm's legal services cover numerous areas of practice, including the following: Corporate and Commercial Law (whether that is corporate set-up or drafting of all types of commercial agreements), Intellectual Property Law, Banking and Finance Law (the Firm advises local and international banks regarding all Banking Transactions and Regulatory Compliance). Additionally, the Firm's Litigation and Arbitration department have the capabilities and competence to represent parties in the most complex and novel legal matters, as it encompasses expertise in several areas of law, whether it is before courts or arbitral tribunals. Hammouri & Partners Attorneys at-Law was one of the first firms in Jordan to establish a specialized International Department to cater for the needs and requirements of international clients on an array of tasks with cross-border elements, such as those regarding bilateral and international trade negotiations, projects, contracts and others.

In addition to what has previously been stated, Hammouri & Partners provides legal advice and consultation to various industries such as those of Construction & Infrastructure, Manufacturing, Engineering, Trade, Securities and Energy, as some of its clients are major energy, healthcare, information technology and telecoms companies.

Hammouri & Partners Attorneys at-Law provides its broad services throughout Jordan as well as worldwide, through established collaborations with reputable law firms in the MENA region, Europe, the United Kingdom and the USA. Hammouri & Partners has earned regional and international acclaim by the most reputable legal directories. Chambers and Partners Global, International Financial Law Review (IFLR 1000) and the Legal 500, all highlight Hammouri & Partners as a leading law firm in the Jordanian legal services industry.

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