



## Department of Distance Education Punjabi University, Patiala

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**Class : B.A. III (Defence & Strategic Studies) Semester : 6**

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### ***Lesson No.***

- 1.1 : Region – Regional Security, Regional Cooperation, Military Alliances – Conceptual Aspects
- 1.2 : North Atlantic Treaty Organisation (NATO) Aim, Organisation, Working
- 1.3 : Gulf Cooperation Council (GCC) Aim, Organisation, Working

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**REGION- REGIONAL SECURITY, REGIONAL COOPERATION  
MILITARYALLIANCES - CONCEPTUAL ASPECTS**

**1.1.1 Introduction**

With the end of the Cold War and the trend toward economic globalization as well as the increasing complexity of international relations made the concept “region” risks becoming an empty idea. These forces have redefined the structural and agentive relationships between the global, regional, and national contexts. Moreover, they are leading us to re-examine the theoretical foundations of the study of regionalism. Our regional images are often based on unexamined and outdated meta geographical conceptions of the world perspective view that assumes discrete, sharply bounded, static continental units fit together in an unambiguous way. Yet, the world is not structured in such a neat manner; to the contrary, regions disappear and reappear as they are transformed by various economic, political, and cultural factors. Often those engaged in defining the concept “region” are content to list physical, political, and economic criteria without embarking on theory development. For example, Edward Mansfield and Helen Milner (1997) emphasize geographical proximity and specificity as the key defining traits of a region. Or, researchers refer to early conceptual analyses (for example, Thompson 1973) and essentially leave the concept undefined. Scholars in history and political science seem to think that they will know a region when they see one. For economists, the choice is even easier; region is coextensive with a preferential trading agreement or a customs union. Thus, L. Alan Winters (1999) discusses in detail the concept of multilateralism but takes its counterpart, regionalism, almost for granted. For him, it refers to “any policy designed to reduce trade barriers between a subset of countries, regardless of whether those countries are actually contiguous or even close to each other.”

These are inadequate solutions to the definitional problem because both the character and functions of regions have recently experienced a major transformation. During the Cold War, most regions were either political or mercantile clusters of neighboring countries that had a place in the larger international system. Occasionally, political and military motives fostered the establishment of super regions such as the North Atlantic Treaty Organization (NATO) and the Organization of African Unity (OAU). However, since the late 1980s, sub-regional and micro-regional organizations have become more common, for example, the Baltic Council of Ministers, the Visegrad Group, South Asian Association for Regional Co-operation (SAARC), Association of South East

Asian Nations (ASEAN) and the Shanghai Group etc. This trend is, in part, a response to the fragmentation of great-power blocs, especially in Eastern Europe and Central Asia.

### **1.1.2 Definition of a Region**

While answering this question, Palmer & Perkins observe, "Because of the frequent use of the term 'region' to mean areas smaller than states, it is important to emphasise that in international relations, a region is 'invariably' an area embracing the territories of three or more states. These states are bound together by ties of common interest as well as geography. A region, in international relations, is not essentially a geographic area or unit. A region may be conceptualized in terms of area, military/political group or economic groupings or transnational units.

In the words of Schleicher, "An international region consists of area of a number of countries which for at least one purpose distinguish it from other areas."

In the words of Algengro Alvarez, "There is no rigid rule to determine regions. Their existence must be shown by circumstances and in particular, by the agreements made by the states that constitute them. Regions are constituted by certain countries having affinities of race, institutions, or, above all political interests."

### **1.1.3 Regional Organizations**

Since 1945, especially since the 1990s, regionalism and regional cooperation have been growing features of world politics. In the decades after World War II, the cold war and decolonization resulted in the establishment of multilateral regional organizations across the world, including the North Atlantic Treaty Organization (NATO), the predecessors of what is today the European Union (EU), the Organization of American States (OAS), the Organization of African Unity (OAU, the predecessor of the African Union, AU), the Arab League and the Association of South East Asian Nations (ASEAN). In the 1990s the end of the cold war and the advance of globalization triggered the so-called new regionalism, with the establishment of a number of regional cooperation frameworks, such as the North American Free Trade Agreement (NAFTA) and the Asia-Pacific Economic Cooperation (APEC) process, as well as efforts to rejuvenate and strengthen existing regional institutions and the creation of several sub-regional ones in Europe and Africa.

Security cooperation has been an important part of this wider phenomenon. Some institutions, such as NATO, the Organization for Security and Co-operation in Europe (OSCE) and the ASEAN Regional Forum (ARF), are explicitly and primarily security organizations. Most of the general-purpose regional organizations—such as the Arab League, the AU and the OAS—have significant security dimensions, as do a number of other smaller regional (or sub-regional) groups—such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). Many regional and sub-regional organizations

bridge the gap between traditional definitions of security and wider concepts of security involving democracy, human rights, and economic and environmental issues. Although many regional institutions are primarily economic and have no explicit or direct security role, even these are often implicitly designed to promote stability, conflict avoidance and the collective viability of their communities—important factors for security—by encouraging integration among their members. This was most obvious in the early development of European integration but is arguably also the case today in institutions such as APEC and the Mercado Común del Sur (MERCOSUR, the Southern Common Market).

#### **1.1.4 Region and Security: Regional Security**

Both 'region' and 'security' are widely used but vague and contested terms. In world politics the term region has become most closely associated with the different continents of the world: Africa, the Americas, Asia, Oceania and Europe. Subcontinents (e.g., South Asia) and the areas surrounding seas (e.g., the Baltic and the Caspian seas) are sometimes also referred to as regions. An additional distinction may be drawn between regions and sub-regions, with the latter understood as geographically distinct sub-areas of continents, although the two terms are often used interchangeably and the difference between them is sometimes blurred.

Geography alone, however, does not define regions in world politics. Regions are political and imagined constructs just as nations are: they are shaped both by local countries' concepts of identity and connections and by the way outsiders view and react to them—vide the use of the names Near East and Far East at a time when Eurocentric imperialist visions were dominant. The recognition or willed construction of regional and sub-regional systems, interstate groupings and organizations is similarly driven by historical and cultural factors and by a range of subjective perceptions and preferences as much as by any objective logic. Regions can be 'made' as part of a conscious policy program, as happened with European integration in the 1950s, and as some observers see happening now in regions like Latin America and East Asia in an effort to balance potential US hegemony. A similar interplay of motives determines the definition and the aspects of security that a given set of countries will select for their activities. All these explanations are needed to understand why real-life regional ventures sometimes leave out countries that seem geographically to belong to the region or take in additional countries; why several security-related groups with different memberships and agendas can coexist on the same territory; why sub-regional groups form in some regions but not others and often lack an obvious geographical basis; and why a region as defined in security terms may not have the same boundaries as it does for economic, climatic, cultural or other purposes. This chapter's subject of study is necessarily those regions and sub-regions that governments have created and deemed to exist and which can directly or indirectly shape security-related policy.

### 1.1.5 Regional Security Cooperation

How can regional security cooperation be conceptualized and understood? At least four models of regional security cooperation have prima facie relevance for the 21st century: alliances, collective security, security regimes and security communities. Alliances are one of the oldest forms of international cooperation, designed for both defence and attack (typically by military means) against a common external, or even internal, threat or opponent. They use cooperation as a means to an end rather than a good in itself, and an alliance's membership necessarily excludes the enemy. These relatively zero-sum characteristics are matched by the often negative practical impacts of the alliance method on international security: even a purely defensive alliance may heighten its members' threat consciousness more than it eases it, may exacerbate tensions and entrench dividing lines, and may take part in competitive arms acquisition. Alliances that turn on internal enemies (whether aberrant states or religious or ethnic groups) can also radicalize the latter and encourage them to seek external backers. On the other hand, an alliance should at least reduce the likelihood of war between its members by promoting confidence, encouraging dispute avoidance and resolution, and perhaps triggering cooperation in other non-security areas. Both ASEAN and NATO may be seen as examples of this type of dynamic. Despite the ending of the classic East-West confrontation in 1989-90, NATO and (albeit much less intensely) a number of other groupings continue to fulfill at least some of the roles associated with alliances. The concept of collective security emerged in the 20th century in response to the ambivalent effects of older-style balance-of-power politics and alliances. First attempted in the framework of the League of Nations and again in the United Nations (UN), a collective security system aims to prevent or contain war by assuring a response to any act of aggression or threat to peace among its members. To work as intended, any such system must include all states in a region or the world, and it directs its attention inwardly at their actions. Apart from the global UN, some larger regional entities—such as the AU, the OAS and the OSCE—may be viewed as institutions that explicitly or implicitly aim at, and at least partially produce, collective security.<sup>5</sup> Notoriously, however, no such system has ever been made to work perfectly because of the evident problem—which is more difficult the larger the membership—of arriving at a common judgment and common will to act against offenders. Experience shows that the approach works well when there is consensus among the major powers but fails when faced with the largest dangers, including when the major powers come into conflict. The lessons here may indicate some limiting factors for the security aspirations of regional groups as well.

A new analysis in terms of security functionality points to at least four sets of purposes that a regional security group can perform (often concurrently).

- The most basic is security dialogue and conflict management, aimed at establishing or maintaining peace within the region. European, African and

Latin American organizations all have explicit conflict prevention and management instruments to this end, and the EU is the most ambitious in seeking to extend its influence for the purpose worldwide.

- Second, groups can develop systems of military cooperation based on mutual restraint—to reduce dangers from military activity (like the confidence-building measures developed by the Conference on Security and Co operation in Europe, CSCE)—or on shared capacity building for older-style defence and new-style peace missions, which is now a key ambition for the African Union as well as NATO and the EU.
- Third, regional organizations can intrinsically and expressly promote democratic standards in government, and respect for human rights, as ways of bolstering peaceful and secure conditions as well as being ends in themselves. This ambition has been a feature of European organizations (since the creation of the Council of Europe), of the Organization of American States and of the African Union, among others, but has faced greater cultural and practical obstacles in Asia and the Middle East.
- Fourth, regional cooperation can promote security by advances in purely economic fields (improving both prosperity and interdependence), and by cooperative approaches to functional risks and challenges including those presented by the 'new threats' of terrorism and proliferation.

#### **1.1.6 Military Alliances**

Alliances are a central and constant phenomenon in international politics throughout history. Whether we look at ancient periods, at the Middle Ages or at the centuries of Bismarck or Napoleon, we find states forming alliances. As George Liska has put it, "It is impossible to speak of international relations without referring to alliances; the two often merge in all but name.

The common meaning of the term "alliance" and a few prominent definitions of the concept that are found in the alliance literature are discussed. On the basis of this analysis, a new definition of the concept of military alliance will be put forward, defining an alliance as an explicit agreement among states in the realm of national security in which the partners promise mutual assistance in the form of a substantial contribution of resources in the case of a certain contingency the arising of which is uncertain. Thus, the definition leaves aside other forms of cooperation in the military and nonmilitary field and allows the researcher to focus on the core element of military alliances: the assistance clause. While this might seem too narrow a focus for researchers who deal with alliances in a broader sense, it is argued that concepts have to be that narrowly defined in order to allow further theorizing and comparisons and to avoid confusion in the theoretical discussions. Thus, researchers that focus on other aspects of cooperation or alliances in a broader sense are encouraged to define their objects of research in a similar way with the vision to get to a more general but still concise concept by generalizing from the new definitions at a later point in time.

As a concept is an idea of something formed by mentally combining its attributes. The common meaning of the term alliance did this in a fashion that seemed too broad for analytical purposes. The various definitions of the scholars mentioned did narrow this somehow, but still not enough. None of them seems to be covering all the necessary qualities that make an alliance. Clearly, we need a new definition that – on the basis of these findings – tries to correct these shortcomings.

But what are the essential elements of an alliance? After carefully analyzing some real alliances and comparing them with other forms of cooperation and association<sup>29</sup> I would suggest the following eight elements:

1. Alliances are arrangements between states: important here is, however, not if a state is formally recognized or accepted in the international community; it is only necessary that there exists an independent authority which has the power to rule over a certain population and territory. This is important because only then the possibility exists to mobilize and dispose of power capabilities – a necessary precondition in an alliance.

2. Alliances are explicit agreements: it does not matter if the agreement is made explicit by a hand-shake between statesmen or by a formal treaty. The important thing is only that the participating parties themselves know with certainty that an agreement exists. Thus, they can calculate on this basis and form their expectations accordingly. This criterion distinguishes alliances from alignments which are only informal groupings of states based upon interests that give rise to mere implicit expectations.

3. Alliances deal with a certain behavior for a certain contingency in the future. Although most alliances also comprise some activities that take place for the whole time the treaty is in force, such as coordination of doctrines or joint exercises, the main part of an alliance is focused on a specific behavior that shall be followed in the event of a certain situation, the so-called *casus foederis*. This element distinguishes alliances from mere security cooperations or from non-aggression pacts which promise a certain behavior for the full period of duration of the agreement.

4. In connection with the last element, it is essential that the event for which the specified behavior is promised is uncertain: the partners do not know, when this occasion will occur nor if it will occur at all. This separates alliances from actual coalitions, which are formed in anticipation of a decision that will take place for certain at a more or less known point of time – such as an election or a war, for example. This element of uncertainty is very important because the pros and cons of the promise for a specific behavior to be expected differ decisively compared to a situation of certainty: when a state joins a war coalition, entanglement into the conflict is certain, when a state joins an alliance, however, entanglement is only a possibility that does not necessarily have to occur.

5. An alliance is a promise. Therefore, it has to be distinguished from the actual behavior shown by the state once the *casus foederis* has occurred. From this element together with element 3 described above follows the inherent insecurity of alliances and, therefore, – from the perspective of the allying partners – the problem of credibility or the risk of abandonment, which both cover just different views of the same problem.

6. The promise comprises an assistance in the event specified in the treaty (usually an attack on one of the partners). This assistance comes up to the use of one's own resources for the defense of the other. How this is done in particular and exactly which kind of resources are covered by the alliance is not that important, the point is, however, that each of the partners can calculate with a substantial external contribution to its own resources in the case of an actual occurrence of the *casus foederis*. This element distinguishes alliances from neutrality pacts and from ententes: whereas neutrality pacts promise only not to augment the adversary's resources, the promise of an entente comprises only the vague commitment of consultations in case of a crisis.

7. The promise is a mutual one. This means that each of the partners has to calculate not only the advantages of external assistance in the case of a serious threat but also the disadvantages of the risk of getting entangled in conflicts of the partner and, thus, of suffering high costs should this risk become reality. Unilateral guarantees are in many respects very similar to alliances, however, they differ in this point because in a guarantee relation one partner worries only about the risk of abandonment whereas the other is only concerned about the risk of entanglement.

8. Last but not least, the agreement falls into the realm of national security. This element – although maybe seeming obvious – is also very essential because only in this realm the risk is so high as to cover the question of the further existence of a state as a sovereign entity. This gives alliances a quality of seriousness that clearly distinguishes them from agreements in other areas of foreign policy, such as finance or commerce. By covering the question of national security the risks that are inherently entailed in an alliance become not just matters of cost but matters of life and death. Putting together these eight constituting elements an alliance shall be defined as an explicit agreement among states in the realm of national security in which the partners promise mutual assistance in the form of a substantial contribution of resources in the case of a certain contingency the arising of which is uncertain.

Regional security cooperation has become well entrenched across much of the globe and continues to spread. Critics may dispute its usefulness in face of the toughest security challenges, like terrorism and violent conflict, and it is true that even the strongest regional groups have imperfect records and could not pretend to master all such challenges on their own. Their strength lies rather in finding non-conflictual paths to difference resolution and peace-building, and in exploring



the added value of multi-state cooperation for new as well as old security tasks. Can such security groups be good neighbours in a world that still contains many single-state powers and unorganized regions? In principle, their security achievements can be of more general value so long as they work within the framework of the UN and other global norms; but many remains unclear about their impact on practical global politics. Further objective research into the regional security phenomenon would be useful from this viewpoint, and also for discovering the best ways to help those regions most obviously bereft of its benefits.

**NATO  
ROLE OF UN AND MILITARY ALLIANCES WITH PARTICULAR  
REFERENCE TO NATO**

**Introduction**

Since its coming into existence in 1945, The United Nations (UN) has been playing an important and vital role in securing world peace, solving disputes amongst the nations as also alleviating the sufferings of mankind especially in the under developed and developing nations. It has played a significant role in resolving the international disputes and it still aims at bringing and maintaining peace in the world.

**I. The United Nations (UN)**

The United Nations (UN) establishment is a direct outcome of the World War II. Since the League of Nations had failed to prevent the World War II in 1939 and failed to achieve peace, prominent world leaders assumed that some kind of world organization-more powerful than the League of Nations should be established to ensure long lasting world peace and settle international disputes. The statesmen of West hoped that the nations would profit from the League's experience as well as the bitter fruits of World War I and II by establishing a new world international order in which a new world organization would play a central role. The organization which emerged was the United Nations (UN), though the efforts to establish this organization in 1945 had started during the course of world war II.

The Charter of UN was signed by the representatives of 50 nations in San Francisco city on 26 June 1945. During the course of World War II many meetings, conferences and declarations were held which laid the foundation of UN and had prepared the way for the final agreement on the terms of UN Charter. The most important of these meetings and conference have been listed in the succeeding paragraphs.

**1. The Atlantic Charter :** 14 August 1941. Often referred to as 'marking the birth of UN. In this Britain PM Sir Winston Churchill and US President Roosevelt in their meetings laid down eight principles for the Charter of UN.

**2. The Declaration of UN :** 1 Jan. 1942. This declaration of the UN was issued shortly after the Pearl Harbour incident. In this declaration, 26 nations agreed to cooperate in war and in peace efforts.

**3. The Casablanca Conference :** Jan. 1943. In this conference, US President Roosevelt and Britain's President Churchill along with French representative discussed on the terms of peace and the role of countries in the post-war period (besides the discussion on the Invasion of Sicily and Italy) had also taken place in this conference.

**4. Food and Agriculture Conference :** May-June 1943. This conference was held in Virginia. Representatives of 44 countries discussed the problem of feeding millions displaced persons during the war and this conference also laid the ground work which ultimately led to the established of Food and Agriculture organization (FAO) in late 1945.

**5. The Moscow Conference :** Oct. - Nov. 1943. In this Conference, the Foreign Ministers of Great Britain, Russia, USA and the Chinese Ambassador to Russia discussed the establishment of the world organization at the earliest.

**6. The Teheran Conference :** Nov. 1943. In this conference, The British PM Churchill, the US president Roosevelt and Russian President Stalin discussed the issue of inviting all large as well small nations to join the world order.

**7. The Brettonwoods Conference :** July 1944. This conference was held in Brettonwoods in San Francisco. Representatives of 44 nations attended this conference and they drew up an agreement for the establishment of following organizations of the UN:-

A.) International Bank for Reconstruction and Development (IBRD)

B.) International Monetary Fund (IMF)

**8. The Dumbarton Oaks Conference (Washington): Sept. - Oct. 1944.** In this conference, the representatives of China, Great Britain, USA and USSR drafted proposals for the UN Charter (It is called the 1 st proposal draft).

**9. The Yalta Conference :** Feb. 1945. This conference was held in Yalta in Crimea where the British PM Churchill, US president Roosevelt and Russian president Stalin agreed on 'veto' formula to be embodied in the UN Charter.

**10. The Mexico City Conference :** Feb.- March 1945. In this conference 20 American Republics (USA) and Latin American countries, except Argentina discussed and adopted a resolution for the defence of Americas.

**11. Committee of Jurists' Meeting (Washington) :** April 1945. In this committee meeting, Jurists from 44 nations held discussion and drew up the 'Draft Statute and Report' for the Statute of the International Court of Justice.

**12. The San Francisco Conference :** 23 April - 25 June 1945. This San Francisco Conference led to the culmination of steps leading to the emergence of UN on 26 June 1945.

### **Birth of United Nations**

The San Francisco Conference of 23-25 June 1945 in which representatives of 44

countries signed the UN Charter led to the birth of United Nations on 24 October, 1945.

**Membership of United Nations**

Any country believing in the constitution, principles, ideology, framework and functioning of United Nations can become its member, provided that the Security Council (having 15 members) recommends and passes the proposal of membership by 2/3 majority in the General Assembly.

**Aims and Objectives of United Nations**

The aims and objectives of the UN are listed below:-

1. To promote peace in the world, to avoid war in the world and bring security in the world by preserving the sovereignty, security and integrity of nations.
2. To promote friendly relations amongst nations by removing suspicions and increasing the cooperation.
3. To strengthen political, economic, social and cultural relations amongst nations.
4. To promote human rights, dignity and freedom of individuals in the world.
5. To promote a sense of respect for the fundamental rights of human beings amongst nations

**Principles of United Nations**

The Following principles are enshrined in the UN charter.

1. No member country will disturb the international peace.
2. No threat or violence to be used by any nation.
3. Non-member countries will also be protected by the United Nations.
4. Justice to be given to every one in the world.
5. Maintenance of international peace will be ensured.
6. Improving the living conditions, standard of education, standard of living and health of mankind in the world.
7. Protection of Human Rights.
8. Development of science and technology.

**Organs of United Nations**

The Following are the main organs of UN:-

1. General Assembly
2. Security Council
3. Trusteeship Council
4. Economic and Social Council (Eco Soc)
5. The International Court of Justice.
6. The Secretariat.

## II. Military Alliances

The culmination of World War II in 1945 led to the polarization of world powers. At one end stood the USA and its allies, and at the other end stood USSR and its allies. Besides USA and USSR and their allies binding themselves, other countries also formed themselves in groups for collective and selective security systems by forming a number of alliances. The alliances can be multinational or regional. A multinational alliance territorially defined " can be termed as regional (defence) alliance". It may be regional from the point of view of the geographical location of the member countries of the alliance or from the point of view of the treaty area - that is the territory to be protected and as defined in the alliance agreement which stipulates guarantee to the alliance. The underlying purpose of these alliances is that people in the same geographical area, sharing common historical and cultural bonds, economic hopes and political fears should become more enthusiastic, cooperative and the alliance should bind them together to facilitate a common strategy for mutual defence. Besides, internationalization of most national affairs (i.e. economic, ideological, political and military) the alliances have been knitting distant lands into a close woven pattern. The advent of new transportation system, communications has eliminated distances, and these have been making geographical ties for consideration of peace and security more closely.

Some important military alliances (the so called regional alliances ) have been and or are :

- a) North Atlantic Treaty Organisation (NATO)
- b) Warsaw Treaty organization (WTO) also called Warsaw Pact. (It is no more existing now. The Warsaw Treaty organization was abolished in July 1991.
- c) Australia-New Zealand-United States Treaty (ANZUS)
- d) Central Treaty organization (CENTO)
- e) South-East Asia Treaty Unity (SEATO)
- f) Organisation of African Unity (OAU)
- g) Organisation of American Unity (OAU)
- h) The Arab League (AL)
- i) The Western European Union (WEU)

Only NATO is being discussed in this chapter

## III. North Atlantic Treaty Organisation (NATO)

### 1. Introduction

During the course of World War II most of the participating and non-participating countries of the world in the war had suffered badly as the war had completely destroyed them - physically, territorially, economically, politically and emotionally. The Western countries who later joined NATO had dreaded another military involvement and another attempt at their annexation. They were warned of the Soviet military designs to subjugate and dominate them. They had dreaded the

spread of Soviet communism as a 'stream roller' moving from East to West especially in Europe. The cold war between two blocs i.e. USA and USSR had started. At that time some countries had expressed their doubts on the functioning of UN because of the Veto power in UN by the permanent members of Security Council. The rivalry, regional conflicts, arms race, nuclear war possibilities that was posing a threat to their security had started. Over and above, there was a general desire for peace after the World War II. The race for mutual alliances had started between USA and USSR during the World War II and after the World War II.

## 2. Origin

The threat to Western Europe became imminent from Soviet communism. This led to the creation of NATO as part of Collective Security arrangements in Europe. The Benelux group of countries in Europe established a social, cultural and economic interaction in 1947. Great Britain and France joined this group on 17 March 1948. A meeting was held in the Belgium's capital of Brussels in which a treaty was signed. This treaty is called the 'Brussels Pact'. It was a treaty of economic, social, cultural collaboration and self defence amongst the member nations. USA and Canada had also sent their representatives in this meeting. In this meeting both USA and Canada welcomed the outcome of this treaty. This treaty (Brussels Pact) became effective with effect from 25 August, 1948.

The United States of America became increasingly interested in the formation of another treaty due to the threat of spread of communism in Western Europe. As also Truman, the former President of USA, wanted to keep a hold on Europe. The 'Truman Doctrine' supported by the 'Marshall Plan' which had started on 05 June 1947 bears testimony to America's desire to curtail the spread of communism. Truman had once said that "unless Russia is faced by an iron fist and strong language, another war is in the making". Even Churchill had fears from Russia. In his 'Iron curtain' speech on 3 March 1946 at Fulton in Missouri, where President Truman was also present, Churchill had said,

"....No body knows what Soviet Russia and its Communist international organization intends to do in the immediate future, or what are the limits, if any, to their expansive and proselytizing politics.....".

Thus the Brussels Pact was extended to North America to form the Atlantic Pact. The foundation of this pact was laid on 19 May, 1948 in USA and the North Atlantic Treaty Organisation (NATO) was born (created) on 04 April 1949 by signing a treaty in Washington. On, its origin, the NATO had 12 members (Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Netherland, Norway, Portugal, United Kingdom and USA). In 1951, Greece and Turkey also joined and in 1954 West Germany had joined the NATO. However, in 1966 France withdrew from the integrated command structure of NATO.

### 3. Aim of NATO

The key concept of NATO is the collective defence of member nations. The signatories to this treaty had agreed that, "an armed attack against one or more of them... shall be considered an attack against them all..." and when such an armed attack occurs, "each member state... will assist the party or parties so attacked by taking forthwith, individually and in concert with other parties such action as it deems necessary, including the use of armed forces". The member states agreed to establish peaceful and friendly international relations to help eliminate conflicts and encourage collaboration in the economic policies of member states.

### 4. Objectives of NATO

The following are objectives of NATO:-

- a) Peaceful settlement of international disputes and situations.
- b) Individual and collective defence of member nations.
- c) Continuous and effective self-help and mutual aid for the national security of member nations.
- d) Contribution to the maintenance of peace for individual and collective self-defence.
- e) Reduction of armament race.
- f) Attack on one or more states will be considered as an attack on all of them.
- g) Maintenance of NATO forces at strategic areas will be done to ensure security, prevent any occurrence of violence and to establish domination on other nations.

5. **The Charter of NATO** has a preamble and include fourteen articles. As per Article 5 of NATO Charter the motto of NATO is, " One for all, all for one".

### 6. Conditions of the NATO treaty.

- a) Initially the NATO treaty was signed for 20 years and then it was extended.
- b) Any party i.e. member country may discontinue after giving one years notice.
- c) Review of the treaty after 10 years being in force with regard to factors affecting peace and security in the area and also to include development of universal and regional arrangements.

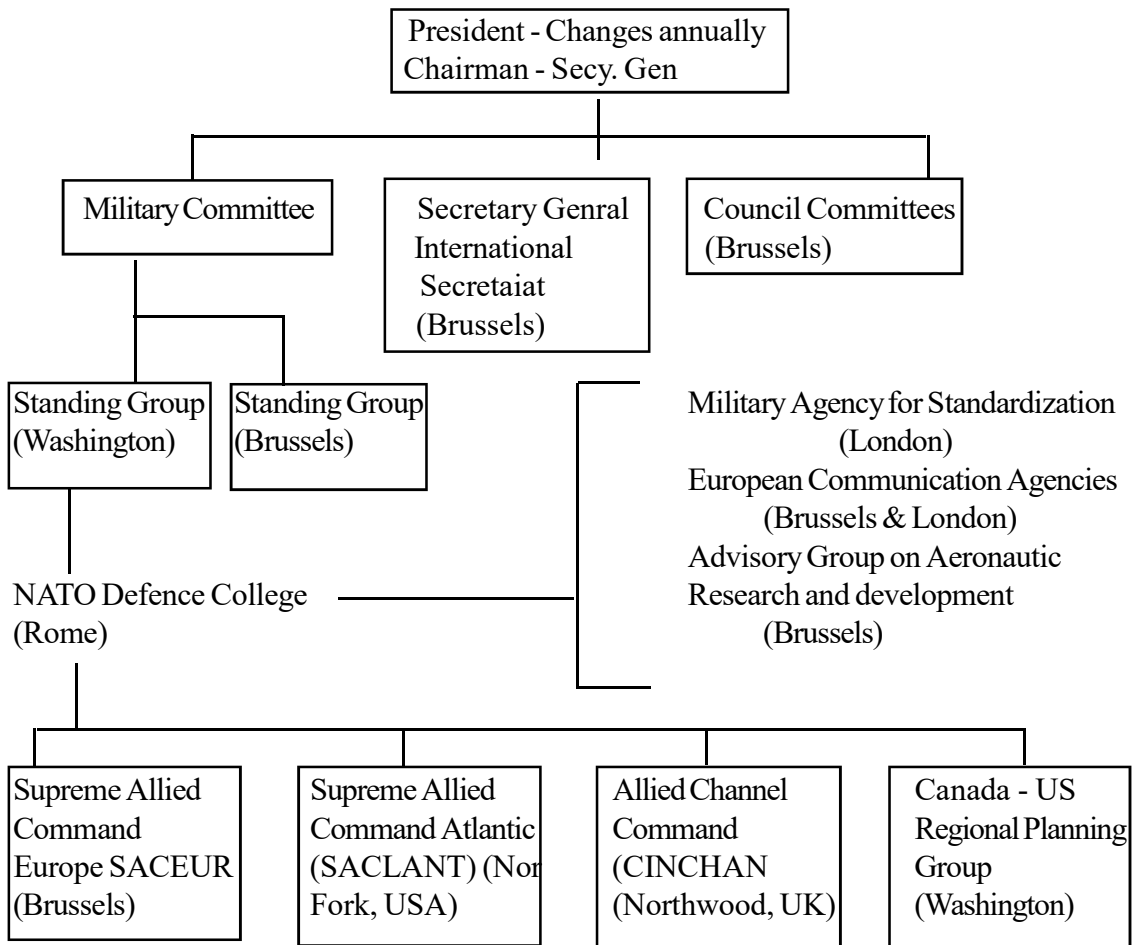
### 7. Organisation of NATO

Under the Permanent Council known as " North Atlantic Council" located at Brussels is the Military Committee. The Military Committee is assisted by the Military Representative Committee and a Standing Group consisting of Chiefs of Staff or their representatives. Under the Military Committee of NATO, four commands exists besides other establishments. These four commands are :

- a) **Allied Command Europe:** This command is placed under the Supreme Allied Commander in Europe (SACEUR) with headquarters at Brussels. This command has three sub-regional commanders who are in-charge of Northern Europe, Central Europe and Southern Europe respectively.
- b) **Allied Command Atlantic :** This command has its headquarters at Norfolk (Virginia) and is placed under the command of Supreme Allied Command Atlantic (SACLANT). The SACLANT is assisted by six subordinate commands -i.e. West Atlantic, East Atlantic, Iberian Atlantic, Standing Naval Force Atlantic, Striking Fleet Atlantic and Submarine Allied Atlantic.
- (c) **Allied Channel Command:** This command is placed under the Commander-in-chief (CINCHAN) with its headquarters at Northwood, England.
- (d) **Canada-US Regional Planning Group:** This group is located at Washington and it deals with issues of military defence in the Canada-US region.

Organisation of NATO

North Atlantic council





## **8. Assessment of NATO**

Different views have been expressed about the existence and the functioning of NATO since its origin in 1949. These views are given below.

### **A) For NATO**

- i. NATO is useful and it has achieved its aims and objectives.
- ii. NATO has acted as deterrent. It has been successful in the prevention of major wars in Europe since the end of World War II.
- iii. It has ensured security in Europe. No war has taken place in Europe in the last 60 years. (Since the end of World War II in 1945)
- iv. It has ensured stability and peace in Europe and also in the world.
- v. It has brought regional unity and understanding amongst member nations and in Europe and in the world.
- vi. The cost of defence expenditure has been and is being shared by all member countries.
- vii. Spread of communism and Russian hegemony has been eliminated totally.
- viii. NATO remains the only strong organization after the collapse of USSR and Warsaw pact in 1991.

### **B) Views Against**

- i. Upto early 90s, the two super powers have been created détente among themselves, but remained divided otherwise.
- ii. Growing popularity of socialism was observed in France and Italy.
- iii. It has created tension and instability which led to the formation of WTO. (Warsaw Treaty organisation abolished in 1991)
- iv. Maintaining of NATO Pact has prohibited costs.
- v. Nuclear war threat still persists in the world.
- vi. Competition for arms sale within the NATO increased and led to bitterness amongst members.
- vii. This had led to cold war.
- viii. There were divergent views on NATO attack in Iraq as France and Germany did not contribute their forces for the Iraq invasion.

## **Conclusion**

Since its origin in April 1949, NATO has been growing in membership and in its popularity especially in the West. The main control of NATO is in the hand of USA. With the demise of USSR and its Warsaw Pact in 1991, NATO is the sole organisation existing in the world as the opposition from the Russian block has completely been eliminated and the many member countries of Russian alliances have already joined the NATO. Even Russia is also appears to be joining NATO.

### **GULF COOPERATION COUNCIL (GCC)**

#### **Introduction**

In order to coordinate and provide mutual assistance against any outside aggression and intervention in the Gulf region, necessity was felt of having an organization to protect the security aspects of Gulf nation. Also, assistance in other spheres including the economic cooperation amongst the countries of the Gulf was felt. The idea to this effect was mooted by Saudi Arabia in response to the outbreak of the Iran-Iraq war. Thus, an organization known as the Gulf Cooperation Council (GCC) was born.

#### **The Gulf Cooperation Council - GCC**

Saudi Arabia was a prime mover in setting up the Gulf Cooperation Council (GCC) in 1981. The member countries to this GCC are:-

1. Saudi Arabia
2. Bahrain
3. Kuwait
4. Oman
5. Qatar
6. United Arab Emirates (UAE)

#### **Aims & Objectives of GCC**

The Gulf Cooperation Council (GCC) has the following aims & objectives :-

1. To Coordinate resistance to any outside aggression or intervention in the Gulf region.
2. To step up progress towards economic integration in the Gulf region.
3. To strengthen cooperation in areas of agriculture, industry, investment, security and trade amongst the members of GCC.

The Gulf Cooperation Council (GCC) which was created in response to the outbreak of the Iran-Iraq war, established the following additional organizations:-

- a) Gulf Standards Organisation in November 1988
- b) Gulf Investment Cooperation in 1984.

**Presidency of GCC and its Headquarters**

It was decided that the Presidency of the Gulf Cooperation Council will rotate yearly amongst members of GCC. The first President of GCC was Saudi Arabia.

The Headquarters of the Gulf cooperation council are located in Riyadh, the capital of Saudi Arabia.

**GCC Patent Office**

A regional office for the Gulf Cooperation Council, which comprises the states of United Arab Emirates, Kingdom of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar, and State of Kuwait. Certificates of Patents granted by the GCC Patent Office secure legal protection of the inventor's rights in all Member States. A patent shall be promptly validated in the member states as of the date of grant. At the moment, national patent offices are in operation in a number of GCC states. These national offices grant patent protection in their respective countries, and the applicant may file as many applications as he wishes with any national office whether such office is already in operation or still in the process of establishment. The applicant may also file an application with the regional office if he so wishes. The GCC Patent Regulation and the Statute of the GCC Patent Office have been granted approval by the Supreme Council during the 13th summit meeting of the heads of member states, which was held in Abu Dhabi 21-22 September 1992. As of October 3, 1998, the GCC Patent Office started receiving applications. The office objectives are not limited to the granting of patents, but extend to the following:

1. Encouragement of scientific and technical research, facilitating movement of technology, and boosting economic growth in the region. Inciting individuals to invest their ideas in the fields of production. Activating trade and industry market by introducing quality products. Contribution to the industrial and agronomic growth in the region publishing creative, innovative, and inventive ideas and securing their protection. Attracting foreign investment to the region by offering property right protection for foreign investors.
2. The Board of Directors of the Office consists of a competent representative from each Member State with a rank not less than a Deputy Minister. Chairmanship of the Board rotates among members for one-year term.

**Patent Regulations of Gulf Cooperation Council (GCC)**

In fulfillment of the objectives of the Cooperation Council for the Arab States of the Gulf stipulated in Article 4 of the Charter, and In support of the joint scientific and technical cooperation between member states cited in chapter 4 of the unified Economic Agreement, particularly the resolve to acquire an indigenous base

founded on encouraging and supporting research, applied sciences, and technology, and In an endeavor to achieve the object of the transfer and adaptation of transferred technology and to encourage and develop local technologies to meet the needs of the region and the objectives of progress and development. The Supreme Council of the Cooperation Council for the Arab States of the Gulf in its 20th session held in November 1999, having reviewed the GCC Patent Regulation approved by the Council in the 13th session held in December 1992, approves the amendment of the Regulation as follow:

### **Article 1**

In the implementation of the provisions of the Regulation, expressions shall have the meanings assigned to them below except where the context otherwise requires:

- 1. Cooperation Council :** The Cooperation Council for the Arab States of the Gulf will be comprised of the State of the United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the state of Qatar, and the state of Kuwait.
- 2. The Ministerial Council :** There will be a ministerial council of the Cooperation Council for the Arab States of the Gulf.
- 3. The Committee :** The Grievances Committee appointed by the Ministerial Council to carry out its jurisdictions stipulated in this Regulation and its Bylaws.
- 4. The Board of Directors :** There will be a Board of Directors of the Patent Office of the Cooperation Council for the Arab States of the Gulf stipulated in the Patent Office Statute.
- 5. The Office :** The Patent Office of the Cooperation Council for the Arab states of the Gulf, which consists of the Board of Directors and the office staff. The document granted by the patent office to the owner of the invention so that his invention shall enjoy legal protection within all the Cooperation Council States according to the provisions of this Regulation and its Bylaws. Patent Regulation of the Cooperation Council for the Arab States of the Gulf.

### **Article 2**

1. An invention shall be patentable according to the provisions of this Regulation and its bylaws if it is new, involves an inventive step, industrially applicable and is not contrary to the laws of Islamic Shariat, or, public order, or, to morality observed in the Cooperation Council States, whether that was pertaining to new products, industrial processes, or to manufacturing methods.
2. An Invention is new if it is not anticipated by prior art. Prior art being

constituted by everything disclosed to the public anywhere by means of written or oral disclosure, by use, or by any other way by which the invention is realized before the relevant filing date of the patent application or priority date validly claimed in respect thereof. For the purposes of this paragraph, disclosure of the invention to the public shall if it took place within one year, either before the application filing date, or before its priority date and it occurred due to abusive actions of others against the applicant or his predecessor or as a result thereof. The disclosure of the invention to the public shall not be taken into consideration if it took place in an officially recognized exhibition within the six months preceeding the filling of the application, such being the case, the Implementing by laws shall determine the protection provisions for the subject invention. and invention is deemed to involve an inventive step if, having regard to the relevant prior art, it would not have been obvious to a person having ordinary skill in the art. and invention shall be considered industrially applicable if it can be produced or used in any type of industry, agriculture, fishing, or services. Industry in this connection should be interpreted in the broadest sense to include handicraft.

3. In the event of filling of applications pertaining to inventions having connection with the security of any of the cooperation council states, procedures stipulated in the Implementing by laws and shall apply. Should there be more than one application for a particular invention, the patent shall be granted to the owner of the first application that has the earliest priority date as follows :-
  - (a) If the invention is a result of joint efforts of several individuals, the ownership of the patent shall belong to them equally, unless otherwise multilaterally agreed upon. A person will not be considered an inventor if his activities were limited to executing the ideas.
  - (b) The right to a patent shall be assigned to the employer if the invention was the result of execution of a contract or an obligation providing for carrying out inventive activities. The right shall also be assigned to the employer if he proves that the inventor would not have achieved such an invention had he not used the facilities, means, or information made available through his employment.

This may not prejudice the employee's right to receive special remuneration to be determined by a competent authority in the country where the invention is made and in the light of the circumstances of the contract or the obligation, and the economic significance of the invention. Any agreement depriving an employee from such rights shall be void. The above-mentioned provisions shall also be applicable to employees of government agencies. A patent application filed by an

employee inventor within the two years after the termination of his services shall be considered as having been filed during his employment.

**Article 3**

For the purposes of this Regulation, the following shall not be regarded as inventions:

1. Discoveries, scientific theories, mathematical methods, and computer programs.
2. Schemes, rules, and methods for doing business, performing purely mental acts, or playing games.
3. Plant varieties and species of animals, and biological processes for the production of plants or animals with the exception of microbiological processes and the products thereof.
4. Methods of surgical or therapeutic treatment of the human or animal body and methods of diagnosis applied to the human or animal body with the exception of products used in any of these methods.
5. This Regulation shall not protect varieties of plants or species of animals.

**Article 4**

The Ministerial Council may exclude from patentability some inventions whenever necessary to safeguard public order or morality, including the protection of human or animal or plantation life and health, or to avoid serious damage to the environment

**Article 5**

1. The patent application shall be submitted to the Office by the inventor, his registered agent, or his successor in title. The application shall request the grant of a patent, and shall be accompanied by the prescribed fee.
2. The application shall include the names of the applicant, the inventor, and the registered agent (if any) and where the applicant is other than the inventor, a statement justifying the applicant's right to the invention.
3. The application for a patent shall relate only to one invention, or to aspects that are so related as to constitute a single general inventive concept as follows:-
  - (a) The application shall contain the title of the invention, a specification, one or more claims, one or more drawings (if any), and an abstract.
  - (b) The specification shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person having ordinary skill in the art.

- (c) The claim or claims shall determine the scope of the protection sought. The specification and the drawings may be used to interpret the claims.
- (d) The claims shall be clear and concise and shall be fully supported by the sepecification
- (e) The abstract shall merely serve the purpose of technical information; in particular, it shall not be taken into account for interpreting the application.
- (f) The applicant shall provide the Office with the required additional information and data related to his application.
- (g) The applicant may introduce the amendments he deems fit to his application. If such amendments shall not constitute a substantive modification to the contents of the original application.

**Article 6**

If the applicant is a non GCC resident, he shall appoint a registered agent who is a GCC resident to represent him in carrying out activities entrusted to him by the Patent owner before the Office.

**Article 7**

The application may contain claim of priority of previous application filed in any State or regional office. Such being the case, as provided for in the Bylaws, the application shall indicate the date and filing number of the previous application, and the country of filing. The applicant shall produce proof thereof; otherwise, priority claim shall be denied. The duration of the priority shall be twelve Gregorian months.

**Article 8**

The applicant may, at any time, withdraw his application unless a final decision has been taken thereof. Withdrawal of application shall not entail the right to reclaim its documents, or the right to refund of fees or expenses incurred.

**Article 9**

Once the application has satisfied the terms stipulated in the regulation and the bylaws, the office shall register the application filing date and formally examine it. As for the substantive examination, it shall either be carried out by the Office, or referred to one of the approved examination authorities after payment of the substantive examination fee.

**Article 10**

Should it be found by the formal examination that some of the terms prescribed by law, the office may request that the applicant completes the application requirements

within three months at most from the date he was so notified. If he fails to do so within the indicated date, his application shall lapse.

### **Article 11**

Should it be found by the substantive examination that the application has satisfied the terms prescribed in this Regulation and its by-laws, the office shall make a decision granting the patent, enter it in the register, and publish it. The Letters Patent shall be delivered to the owner of the invention three months from the publication date should any concerned party submit no objection to the grievance committee.

Yet, should it be found by the substantive examination that the applicant is not eligible for a patent, the Office shall make a decision rejecting the application with indication of reasons for such rejection, and a copy thereof shall inform the applicant. The decision shall then be published.

### **Article 12**

1. The Patent entitles its owner to exploit the invention. The invention pertaining to a product shall be considered as exploited by manufacturing, use, import, sale, or offering for sale. As for industrial processes or manufacturing methods of a certain product, the patent owner shall have the same right to direct products of the said process or method, in addition to his right to use the processes or methods thereof.
2. Where the Patent subject is a product, the Patent owner shall have the right to prevent others from manufacturing, use, sale, offering for sale, or import of the product for such purposes, without his prior consent. However, where the patent subject is an industrial process, he shall have the right to prevent others from actual use of the process. He shall also have the right to prevent others from use, and offering for sale, sale or import of at least the products directly obtained by using such process, for such purposes, without his prior consent.
3. Despite the grant of the patent, an establishment that, in good faith, manufactures, uses an industrial manufacturing process of a product, or makes serious preparations therefore, before the filing date of an application by another person, or before the priority date of the application pertaining to the same product or process, shall have the right to continue such acts. The Assignment or transfer of the said right to a third party can only be made in conjunction with all elements of the business.

### **Article 13**

The Patent owner shall make sufficient exploitation of the patented invention in



the Member States within three years from the date of grant. Should the prescribed grace period expire without sufficient exploitation, the provisions of Article (19) shall apply.

**Article 14**

The rights under the patent shall not extend to:

1. Acts carried particularly for scientific research purposes.
2. The use of patent articles on means of transportation temporarily or accidentally entering the territories of the Council States, whether such articles were used in the body, apparatus, devices, equipment, or any other accessories of the said means, provided use of such articles is limited to their necessities.

**Article 15**

The term of a patent shall be twenty years counted from the date of filing the patent application.

**Article 16**

The patent shall be subject to an annual fee paid in advance at the beginning of each year starting from the year following the application filing date. Should the patent owner fail to pay such fee within a maximum of three months from the beginning of the year, he may do so within another three months period starting upon expiry of the previous one. In such case, an additional fee shall accrue to the patent owner.

However, annual fees may be paid in advance to entirely or partially cover the validity term of the patent. If the owner of the patent fails to pay the annual fee within the aforementioned legal grace period (six months from due date), the patent shall lapse. For the purposes of this Article, the same provisions governing the patent shall apply to the application. Should three years expire without the Office making a decision on the merits of the application, the applicant may abstain from payment of fees until the Office makes a decision granting the patent, and shall, in such case, pay all unpaid annual fees.

**Article 17**

1. The owner of a patent that enjoys the protection prescribed herein may license others to perform all or some of the acts of exploitation referred to in Article 12/1 of this Regulation. Such license shall be expressed in writing, signed by both parties, and authenticated by an official authority in one of the Cooperation Council States. The licensing contract shall not be effective

vis-à-vis third parties inconsiderable if not entered in the Office records, and the registration request fee, and the registration of licensing contract fee have been paid.

2. The grant of a contractual license shall not deprive the patent owner from exploiting the patent himself, or from granting another license under the same patent unless otherwise stated in the first licensing contract.
3. The contractual licenses shall entitle the licensee to perform all exploitation acts stipulated in the contract. However, the licensee shall not assign the rights and privileges licensed to him by the patent owner unless it is expressly stipulated in the licensing contract.

### **Article 18**

The licensing contract to exploit or dispose of the patent shall be subject to control by the Patent Office. The Office may request that the contracting parties amend it to rule out abuse of the patent rights, and whatever negative influence the contract may have on competition in the Council States, or the possession and propagation of technology. If the parties fail to respond, the Office shall have the right to deny approval of the contract and to refuse its registration.

### **Article 19**

1. Where the owner has never exploited the patented invention, or has insufficiently exploited it according to Article (13), the Board of Directors may grant a compulsory license, with observation of the following:
  - (a) At least three years have elapsed after the grant of the patent.
  - (b) The applicant proves that he exerted, over a reasonable period of time, efforts to obtain license from the patent owner for an adequate compensation, under fair terms.
  - (c) That the license is not exclusive.
  - (d) That the license is essentially granted to meet the demands of the local market.
  - (e) That the license decision defines the scope and terms of the license, according to the purposes for which it was granted.
  - (f) That the patent owner shall be paid an adequate compensation.
  - (g) That the exploitation of the patent shall be limited to the licensee. The license shall not be transferable to others except in case of change of ownership of the licensee's establishment, or the section, which exploits the patent, provided the Board of Directors, approves such transfer.
2. Should the invention relate to "semi - Conductors" technologies, licensing shall only be permitted for public, general, and none commercial purposes,

or to rectify practices that proved non-competitive by judiciary or administrative decisions.

### **Article 20**

1. The decision granting the compulsory license shall not prevent granting of other compulsory licenses or deprive the patent owner from exploiting the same invention himself, or granting other exploitation licenses.
2. The Board of Directors may disregard clauses (19/1/a, and 19/1/b) of this Regulation if the request of compulsory license was due to a state of emergency, or due to a dire public necessity, or for non commercial use, in one or more council States.
3. If a government agency in a Council Member State requests a compulsory license to exploit a certain invention, based on the public interest, the Board of Directors may approve the grant of the license according to the terms of Article (19), with observation of clauses 20/1, 20/2.

### **Article 21**

Should the exploitation of an invention is of a significant technical advance? A considerable economic importance which require use of another invention, the Board of Directors may grant one or both parties a compulsory license to exploit the other invention unless they mutually agree on exploitation in an amicable manner. In such case, provisions of articles (19, and20), shall be observed.

### **Article 22**

The Compulsory license shall be cancelled in the following cases:

1. If the beneficiary of this license fails to exploit it sufficiently in the Cooperation Council States within two years from the date of the grant of the license, renewable for another two years should the delay be found to be due to a legitimate reason.
2. If the beneficiary of the compulsory license fails to pay the due amounts and the amounts stipulated in the Bylaws within three months from the date of maturity.
3. If the beneficiary of the compulsory license fails to satisfy any other term that is stipulated in the decision granting the license.
4. If the circumstances due to which the license was granted end, and are unlikely to reoccur, if the legitimate rights of the licensee shall be observed.

### **Article 23**

1. The ownership of the patent and all the rights originated therefrom shall be transferable by inheritance. The ownership of a patent shall also be

transferable wholly or partially with or without compensation.

2. Any person concerned with the patent ownership may submit a request to the office for modification of any of the particulars of the patent ownership or the application, supported with the necessary evidential means. Transfer of the patent ownership shall not be affected and changes shall not be invoked against others until the registration and publications date of such modifications.

#### **Article 24**

Any decision issued by the Office may be appealed within three months from the date it was known to be delivered, or from the date of its publication whatever the case may be. The Implementing Bylaws shall provide for the proceedings before the Committee and the fees for the appeal and for its renewal.

#### **Article 25**

The decisions of the Committee may be appealed before the competent authority according to the regulation complied with in the host country. Settlement of such appeal shall be made in conformity with the provisions of this Regulation and requirements of the laws of the said State respectively; otherwise settlement shall be made according to general rules.

#### **Article 26**

The competent authorities of each member state shall examine all disputes pertaining to infringement, or imminent infringement of the patent. Such authority shall settle the said disputes in pursuance of the provisions of this regulation, and of its own regulations governing national patents, if any, respectively, otherwise according to the general rules.

#### **Article 27**

1. The office shall establish a register to enter patents and their particulars in conformity with the provisions of this Regulation and its bylaws.
2. The office shall publish an official gazette for all the publications stipulated in this Regulation and its bylaws.

#### **Article 28**

1. The ministerial council shall make a decision to form a grievance committee according to the following:
2. The committee shall consist of twelve members from the nationals of the

member states selected for their personal capacity rather than their official capacity.

3. Each member state shall make two nominations for membership of the committee: one with a legal qualification, and the other being a technical specialist.
4. Other members shall elect two legally qualified persons as a chairman and a vice-chairman of the committee for a three years session.
5. The committee shall take its decisions by a two-thirds majority vote of attendant members.
6. The committee meetings shall be held when one member at least from each State is present.
7. The committee meeting shall be postponed for two weeks if the presence of both members of any of the States is infeasible. Should the infeasibility persist for the following meeting, the meeting shall be valid.
8. The committee members shall neutrally perform their tasks, independent from the directives of any authority.

### **Article 29**

Members of the committee, members of the Board of Directors, and Patent Office staff may not, during their employment, or in the two years following termination of their services, submit applications on their behalf. The information in their possession shall be regarded highly confidential.

### **Article 30**

The Office shall collect fees from the beneficiaries in the following instances and such fees shall be prescribed by the By-laws:

1. Filing a patent application.
2. Fees of granting and publication of the patent.
3. Annual fees.
4. Amendment or addition to the patent application.
5. Additional fee for delay of payment of annual patent fee.
6. Assignment of patent application or granted patent.
7. Obtaining a copy of the application, of its record, or of the patent.
8. Requesting the grant of a compulsory license.
9. Grant of a compulsory license.
10. Requesting registration of the license contract.
11. Registration of the license contract.
12. Registration of appeal before the Committee.

13. Renewal of appeal before the Committee.
14. Requesting sample of microorganism.
15. Request for a certificate of temporary protection during an exhibition.
16. Conducting a patent search.
17. Substantive examination.

**Article 31**

During the exclusion term, protection of products granted a patent by the office shall not be valid in any Member State that is excluded in conformity with clause (4) of Article (65) of the Trade Related Intellectual Property (TRIPS) annexed to the World Trade Organization agreement.

**Article 32**

The Ministerial Council shall issue the bylaws of this regulation.

**Article 33**

Interpretation and proposals of modification of this Regulation shall be the competency of the Financial and Economic Cooperation Committee following coordination with the Scientific and Technical Cooperation Committee and Industrial Cooperation Committee.

**Article 34**

This Regulation shall come into force three months from its publication and the publication of the Implementing Bylaws.

**Essence of Patent Regulation****1. Historic View :**

Ever since man inhabited this earth, he had a variety of basic needs, which later on became self-evident and postulate. Through different stages of evolution of human culture, new needs emerged and they in turn became necessities that man can not do without in his daily life, so he sought all feasible means to satisfy those needs, need was all the time mother of the invention. Modern inventions augmented and varied, and man was always keen on maintaining the secrecy of techniques and methods he discovers for the satisfaction of his needs, he always kept those secrets within the family or the little community, in order to monopolize the material and immaterial revenues of his invention. As modern inventions never stop emerging and branching off, the need to rule and regulate them came about to secure the inventor's rights upon disclosure of his invention and revealing it to the public. It was time for legislation of Patents.

**2. Definition of Patents.**

A Patent is a document or a certificate issued by a government or a regional Patent Office, for the benefit of the owner of the invention, or to whoever attains rights of the invention. By virtue of this document he is granted a legal status that forbids making use of the patented invention (by means of manufacturing or import-sale or use, or any other form) without obtaining prior permission from the patent owner. This permission is usually set for a certain period of time.

**3. Significance of Patent Regulation.**

Several industrial and developing countries have-early in time- realized the significance of Patents as a medium of technical and economic development. This can be detected by observing the number of Intellectual property offices that have been functioning for quite sometime, and have proved the economic, developmental and technical feasibility. As a result of this observation, those countries came to recognize Patents as the main core of technology, and to realize that the more patents are registered in one field in a certain country, this country becomes a pioneer in this field.

**4.The Advantages of Patent Regulation:**

- a. Patent regulation gives legal status to the moral and materialistic rights, which helps improve innovative capacities, and makes the outcome available to the public.
- b. It creates the appropriate atmosphere for local and foreign investments, which contributes to the economic and social development.
- c. The Regulation of patents motivates innovative activities.
- d. It provides suitable atmosphere for the transfer of technology, and secures all the necessary warranties for the Patent owner.
- e. Spreading out scientific and technical knowledge by releasing information about Inventions and granted Patents.
- f. Publicity and reviewing Patent certificates help avoid duplication of efforts and expenditures on researches of technical solutions. They also encourage and insight additional innovations that contribute to the advancement of science & technology.
- g. The Patent Office provides data on international granted patents, which is one useful source of technical information needed for both government and private sector.

**5. Inventions that qualify for Patent(Terms of Patents).**

The Patent Office registers patent requests and grants patents to inventions that pass the technical examination. These inventions could be new products, new ways of manufacturing, or new utilization of existing Products. It is requested for granting

a patent, that the subject invention enjoys novelty, innovation and industrial application, and most important it should not conflict with the Islamic Shariah laws or rules of conduct observed in the G.C.C. states.

#### **6. Status of inventions that have been granted a patent by a patent office in a G.C.C member states**

The Patent does not accept any patent request if relevant to an invention that has been granted a patent in any G.C.C member state unless the applicant obliges himself to relinquish the patent granted by the member state no sooner than he is granted a patent by the G.C.C Patent Office. Once the Board of Director has made a decision granting the patent, it shall not be registered or published and the certificate shall not be delivered to the owner of the invention till he produces proof of relinquishment of the patent granted by the patent office of the member state.

#### **7. Status of inventions previously granted a patent by the G.C.C. Patent Office.**

Every invention filed with the office must be examined nominally and objectively. In case the invention was granted a patent in any G.C.C member state, the office would not accept the request unless the applicant obliges himself to relinquish the Patent issued in the member state once a decision was made by the office to grant him a patent. The patent will not be published or registered, and the certificate will not be delivered to the applicant, until he presents a proof of relinquishment of the patent from the member state. In addition, inventions patented by the G.C.C Patent Office do not automatically qualify for a patent at any member state, as the Regulation forbids combination of registration, while the patent granted by the G.C.C Patent Office is valid in all member states of the G.C.C without having to be registered at all national offices. If the applicant wishes to have a single Patent from one of the G.C.C country, he has to relinquish the patent granted by the G.C.C Patent office to register with the respective national office.

#### **8. Status Patent Requests of filed with one or more patent office in the member states of the G.C.C, in combination with the G.C.C Patent office.**

If the applicant files a patent request with one or more Patent Office in the G.C.C member state, in combination with the G.C.C Patent office, the applicant should take one of the following action within (90) days from the most recent filing date :

- a. Withdraw the Patent Request filed with the G.C.C patent office.
- b. Withdraw the patent request filed with any patent office in any of the member state for the same invention.

If the (90) days allowance expires without taking any of the two above measures indicated, the request filed with the G.C.C patent office shall be considered null and void.



### **9. Patent provided to the patents granted by the G.C.C. Patent Office & registration advantages**

Patent rules and regulations are regional. Like any other legislation, they are applicable only in the issuing country, which means that the inventor should have to register his invention in each country of choice separately in order to have his invention protected in that country. Thus, he will have to pay certain fees in each. The distinction of the G.C.C. Patent Regulation emerges here, as it is enough to register the invention at the G.C.C. Patent office to enjoy claims in the six member states. In which way the applicant will be spared a great deal of time and effort and money.

### **10. Validity of Patents**

The Patent is valid for 15 years from the granting date, and if the invention was granted a patent by another office, the validity will be considered from the previous registration date, and may be extended, if so requested by the owner for 5 years, not renewable.

### **11. Beneficiaries from Patent information & their needs be.**

The G.C.C. Patent Office works to provides the public with the best services according to the recent capacities and needs, taking in consideration future plans to develop these services, and to add new ones relevant to inventions, in addition to whatever services needed. It also provides specialized information services. Patent information are useful to so many sectors, most significantly to the industrial investors, government bodies, individual Investors, professional working in the patent area, e.g. librarians of technical Libraries, Patent agents, researcher, data banks, educational institutions and university students. Some of their needs might include:

- a) Information on legal status of Industrial Property in a certain country (expiry, owners etc.).
- b) Obtaining information on Industrial technical state of the art relevant to a certain technical field, to learn about the latest developments and to estimate the novelty of the upgrading made by the user himself, the feasibility of patenting this upgrading in order to file a request securing the industrial property nationally or internationally.
- c) Evaluation of certain technology and learning of potential authorizations. - Definition of sources of practical knowledge in a certain field, in a certain country.
- d) Improvement of existing products, or manufacturing methods
- e) Creation of new products, or new methods of manufacturing.
- f) Solving certain technical problems. - Evaluation of certain methodology to

- learn about any previous examinations of the same, and learn about the feasibility of continuation of it (to avoid repeatedly wasted research efforts).
- g) Monitoring competitive activities, both local and foreign.
  - h) Exploration of the market to learn about future potentials and early detection of new trends.

## **12. Services provided by the G.C.C. Patent Office**

The Patent Office provides various services according to the available resources. These services include: - State of the Art reports on technological information from groups of documents and direct data basis. - Furnishing legal status information on published patent applications and granted patents. This information should assist in decision making in respect to export, negotiations concerning authorization, in addition to providing information about the patent evaluation made by the applicant. - Furnishing copies of individual Patent documents; as copies of full text of any granted Patent, or published Patent requests can be obtained. The office will also publish a newsletter advising the services offered to the public, in addition to the Patent listings, which provide bibliographic data on Patent requests, granted patents, expired Patents, and transfer of ownership of Patents, and withdrawn requests.