

HOW DO THE HOUTHIS EVADE SANCTIONS THROUGH COMMERCIAL COMPANIES?



VISIT OUR WEBSITE
WWW.PTOCYEM.NET

THIS REPORT IS ISSUED BY:
P.T.O.C YEMEN CENTER, THE CRISIS OBSERVATORY.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION	3
THE HOUTHIS SCHEME TO EVADE SANCTIONS	4
HOW IS THE SCHEME IMPLEMENTED?	12
THE IMPACT OF THESE PRACTICES ON INTERNATIONAL SANCTIONS	14
RECOMMENDATIONS AND PROPOSED MEASURES	15
APPENDICES	19

HOW DO THE HOUTHIS EVADE SANCTIONS THROUGH COMMERCIAL COMPANIES?



EXECUTIVE SUMMARY

The Houthi group continues to employ sophisticated methods to evade international sanctions, exploiting loopholes in the global trade and financial system. The group relies on commercial companies to carry out illicit import and export operations, enabling it to maintain a steady flow of resources and funding despite imposed restrictions. These methods include seizing and reactivating defunct companies, exploiting the business registries of entrepreneurs who left Yemen due to security and economic pressures, and coercing successful businesses into unequal partnerships.

This scheme is implemented through several mechanisms, including the use of confiscated companies as legal fronts to purchase and import goods—including dual-use materials—allowing the group to acquire equipment that can be used for military purposes. Additionally, the group operates companies that have ceased activity without the knowledge of their original owners, giving it access to international supply networks without raising suspicion. Moreover, it exploits the business registries of expatriate entrepreneurs, enabling the Houthis to leverage these companies' infrastructure without facing direct legal challenges.

Furthermore, the group forces successful businesses into unfair partnerships, granting its loyalists a controlling share of stocks, thereby allowing it to influence managerial decisions and benefit from financial returns. It also establishes shell companies operating in import and export sectors under the guise of legitimate trade to circumvent sanctions and international restrictions on entities linked to the group. These companies are often based in countries such as China, Iran, and Turkey, where trade facilitations are exploited to conduct suspicious transactions.

EXECUTIVE SUMMARY

This scheme undermines international sanctions and weakens their effectiveness, enabling the Houthis to continue funding their military and logistical operations, thereby complicating global efforts to curb their influence. The use of commercial companies as legal fronts also makes it difficult for regulatory bodies to detect illicit activities, prolonging the conflict and delaying the intended impact of economic sanctions.

To address these challenges, it is essential to enhance international oversight of suspicious companies and intensify sanctions against individuals and entities involved in these activities. Close cooperation between international regulatory bodies and the private sector is also necessary to prevent commercial firms from being exploited to finance the group. By increasing transparency in financial transactions and imposing strict audits on Yemeni companies dealing with global markets, the Houthis' ability to evade sanctions and exploit the international financial system for illicit gains can be curtailed.



INTRODUCTION

The United States and the European Union have imposed economic sanctions on the Houthis group in an effort to cut off its funding sources, particularly after its designation as a terrorist organization. Despite these sanctions, the group has managed to circumvent them through various means, most notably by exploiting commercial companies in suspicious financial and trade operations.

This report aims to clarify the methods the Houthis use to evade sanctions, including their exploitation of confiscated and inactive companies, abandoned business registries, as well as shell companies and illegal practices. Additionally, the report discusses the challenges faced by international actors in countering these evasion tactics and provides recommendations to enhance the effectiveness of sanctions.



HOUTHI SCHEME TO EVADE SANCTIONS

1. Use of Confiscated Companies

Since gaining control over Sana'a and several Yemeni governorates, the Houthi group has launched a widespread campaign to confiscate commercial companies owned by businessmen opposed to them or who left the country due to war and instability. The group has used these companies as legal fronts to conduct trade transactions with local and international markets, enabling them to import goods and raw materials, including dual-use items (with both civilian and military applications). This process has not been limited to commercial firms but has also extended to financial and service institutions, providing the Houthis with a broad channel to move money and bypass restrictions imposed on them.

Confiscated companies are particularly useful because they are long-established legal entities with documented commercial histories, allowing them to engage with international suppliers without raising suspicion. The Houthis exploit this advantage by submitting seemingly legitimate import requests, while in reality, a significant portion of these materials is diverted to their war effort—either through local military manufacturing or resale to fund their operations. Additionally, seized banks and financial firms are used to transfer money through banking channels that still operate within the international financial system, enabling the group to circumvent some restrictions on financial transactions.

Furthermore, the Houthis make superficial changes to the ownership and management structures of these companies, appointing loyalists as new directors or owners while retaining actual control over assets and operations. In some cases, they retain part of the old management to ensure business continuity while imposing strict oversight to enforce loyalty among directors and employees. This approach obscures the direct link between the group and these companies, making it difficult for international entities to detect their illicit activities.

HOUTHIS SCHEME TO EVADE SANCTIONS

This systematic use of confiscated companies undermines the effectiveness of sanctions, providing the Houthis with an economically and financially viable facade that allows them to import essential supplies for their military operations. It also enables them to exploit pre-existing commercial and financial infrastructures without the need to establish new, potentially suspicious companies.

To counter this tactic, the international community must impose stricter oversight measures, including periodic audits of ownership structures and financial transactions, to ensure these companies are not being used as tools to finance illicit activities.



HOUTHI SCHEME TO EVADE SANCTIONS

2. Reactivation of Dormant Companies

As part of their efforts to circumvent sanctions and strengthen economic control, the Houthis group has resorted to reviving companies that ceased operations before 2017, particularly those with strong commercial records and long-standing market presence. These companies, which may have shut down due to war, deteriorating economic conditions, or their owners fleeing the country, are now being used as key tools in the group's commercial operations.

By reactivating these entities, the Houthis gain a legal cover to import and export goods and services without raising suspicion. Since these companies have established historical trade records, international regulatory bodies face greater difficulty in detecting illicit activities.

The process typically involves forging or reactivating commercial registrations without the knowledge of the original owners. Through their controlled Ministry of Industry and Trade, the Houthis issue new permits or update business licenses using falsified documents or their influence networks within government institutions. Loyalists are then appointed as new managers, becoming the official face of the company when dealing with suppliers and clients.

Some of these companies are used to secure large-scale import contracts, including food supplies, fuel, spare parts, and even dual-use equipment that could be repurposed for military manufacturing.

Beyond trade, these reactivated firms facilitate money laundering and off-books financial transfers by posing as legitimate businesses conducting normal transactions. Some act as intermediaries for Houthi-linked trade, importing prohibited goods or manipulating invoices and customs declarations to conceal the true origin of shipments and funds.

This strategy grants the Houthis unprecedented sanctions-evasion capabilities, demanding a robust international response. Enhanced scrutiny of Yemeni corporate registries, verification of commercial activities tied to the group, and stricter auditing mechanisms are critical to disrupting these illicit financial networks.

HOUTHI SCHEME TO EVADE SANCTIONS

3. Exploiting the records of companies owned by expatriate businessmen

As part of its strategy to evade sanctions, the Houthi group relies on exploiting the commercial records of businessmen who left Yemen due to repression, security harassment, and economic pressures. Many of these investors fled abroad fearing arrest or confiscation of their property, leaving behind formally registered companies that still hold valid business licenses and maintain relationships with local and international markets. The group exploits these records to carry out illegal commercial operations, using them as a legal cover to import goods and materials they need, including equipment that may serve their military objectives.

The process of seizing these companies is carried out through various methods, including forging official documents to impersonate owners and administrators, or coercing former employees into cooperating through threats or financial incentives. Once in control of the commercial registry, the group appoints loyalists as new administrators who sign contracts and conduct transactions on behalf of the company, allowing them to operate freely in local and international markets without raising suspicion. These companies are particularly used as intermediaries to import strategically important goods, such as petroleum derivatives, medicines, and spare parts, which are later diverted to support the group's military and logistical operations.

The P.T.O.C Yemen has received reliable information from the owners of "Doing Information Technology Ltd Company" and "Arabian Unity Company for Oil Services Ltd." This information indicates that Houthi militias have illegally used the names of both companies without their knowledge or consent, as part of their systematic project to dominate the private sector in Yemen. This violation is part of an organized campaign aimed at the forcible seizure of trade names and private companies, to be used as fronts for suspicious activities, including money laundering and financing the group's operations. This threatens the business and investment environment in the country and undermines the foundations of the national economy.

HOUTHIS SCHEME TO EVADE SANCTIONS

Additionally, these companies provide an effective means for money laundering and transferring illicit financial proceeds through the banking system, as they can conduct financial transfers and receive payments from foreign suppliers without immediate suspicion. Given that these companies were previously legitimate entities within the Yemeni economy, their continued operation under Houthi control provides the group with a legal cover to bypass international scrutiny. To counter these practices, strict oversight of abandoned commercial records must be enforced, and international companies must be required to verify the legal status of Yemeni companies they deal with to prevent their use as tools to finance the Houthis and circumvent imposed restrictions.

The Platform has also received testimonies from reliable sources at "Tamnam Mohammed Al-Saqqaf Trading Company for Medicines and Medical Supplies," confirming that Houthi militias impersonated the company's name and used it without official authorization as part of their efforts to infiltrate and control the pharmaceutical market. The information also indicated that elements affiliated with the group counterfeited several pharmaceutical products registered under the company's name and promoted them in the local market, constituting a violation of intellectual property rights and endangering patient safety. These practices fall within a systematic strategy to expand the group's influence in vital sectors through the illegal seizure of trademarks and product counterfeiting, aiming to finance their activities and strengthen their economic control at the expense of citizens' health security.



HOUTHI SCHEME TO EVADE SANCTIONS

4. Intimidation and Coercion into Forced Partnerships

The Houthi group resorts to intimidation and coercion tactics to pressure successful companies into unequal partnerships with its loyalists, aiming to gradually dominate Yemen's commercial and economic sectors. This strategy relies on threats of confiscation, imposing exorbitant taxes, or even fabricating charges against businessmen who refuse to submit to its authority. In many cases, business owners find themselves forced into coercive partnerships with individuals tied to the group, who are appointed as managers or majority shareholders to ensure that financial and operational decisions remain in Houthi hands.

Once these forced partnerships are imposed, the Houthis secure the largest share of profits or equity, while the original partner is left powerless, stripped of any real authority over the company's management. The control extends beyond finances to operational decisions, such as appointing employees, selecting suppliers, and even prioritizing supply and distribution according to the group's agenda. This method ensures a steady flow of funds and resources to the Houthis without the need to establish new companies that might raise suspicion or trigger international sanctions.

After achieving their initial objectives, the Houthis gradually tighten their grip on other partners, either by imposing further financial and administrative restrictions or by fabricating criminal charges to force them to relinquish their remaining shares. In some cases, more brutal tactics are employed, such as threats of kidnapping or confiscation of family property, compelling businessmen to flee and leave their companies entirely under the group's control. This systematic policy not only impoverishes and drains the private sector but also entrenches Houthi dominance over Yemen's economy, necessitating urgent international intervention to protect businesses from these violations and ensure a safer, more independent commercial environment.

HOUTHI SCHEME TO EVADE SANCTIONS

5. Exploitation of Joint-Stock Companies

The Houthi group relies on exploiting publicly traded companies (joint-stock companies) as a means to control key economic sectors in Yemen, by introducing elements loyal to them as shareholders or members of boards of directors. This strategy enables the group to directly influence the administrative and financial decisions of these companies, without needing to resort to overt confiscation operations that might provoke international reactions. This is achieved either by imposing individuals loyal to the group as new shareholders under threat of confiscation and arbitrary measures, or through the gradual seizure of original shareholders' stakes by various means, such as manipulating commercial registers or applying direct pressure on investors.

Once it consolidates its grip on a company, the group begins to use it as a tool to execute suspicious import and export operations, including the procurement of dual-use materials, money laundering, and funneling illegal trade deals through international markets. Since these companies possess an official commercial history and deal with external financial institutions, it becomes easier for them to bypass international sanctions and scrutiny, as illicit activities are concealed behind a seemingly legitimate legal facade.

Furthermore, the group seeks to oust original shareholders through multiple methods, including imposing arbitrary taxes, issuing internal decisions that diminish their influence within the company, or even applying direct pressure on them to leave the country and sell their shares at nominal prices. In some cases, legal charges are fabricated against non-loyal shareholders, compelling them to relinquish their shares under duress. These practices lead to the draining of independent capital from the private sector and the restructuring of the Yemeni economy to be entirely subservient to Houthi authority, thereby enhancing their ability to circumvent international sanctions and continue funding their illicit activities.

HOUTHI SCHEME TO EVADE SANCTIONS

6. The Role of Fake Companies in Import and Export Operations

Fake companies have become one of the most critical tools for the Houthis to evade sanctions and sustain the flow of financial and logistical resources to the group. These companies operate in the import and export sector, facilitating the entry of essential goods such as fuel, food, and medicine—alongside military equipment and spare parts used to bolster the group's military capabilities. Registered under the names of unknown individuals or fictitious entities, these companies conduct trade transactions without direct links to the Houthis, allowing them to avoid international blacklists.

The group relies on a covert financial network managed by Houthi intelligence agencies in coordination with regional backers—particularly under the direct supervision of Iranian Ambassador Ali Rezaei. This network facilitates money transfers through informal banking channels, including exchange firms and money transfer services, alongside cryptocurrencies and money laundering techniques to obscure the true source of funding. These methods make it difficult for international entities to trace the funds or impose effective restrictions on Houthi commercial activities.

These fake companies primarily operate in several countries, most notably China, Iran, Turkey, and Southeast Asian nations, exploiting legal and commercial loopholes to process deals and conceal the true destination of goods. Dual-use equipment—items with both civilian and military applications—is imported through intermediary companies, making it challenging to determine their final use. Some of these firms also serve as fronts for oil smuggling operations, where fuel is shipped to and from Houthi-controlled areas using forged documents or through intermediary countries that turn a blind eye to such activities.

International reports have exposed hundreds of companies illegally seized through force, confiscation, or forgery, revealing the scale of this elaborate scheme and its impact on international sanctions. These activities not only finance the Houthis but also pose a direct threat to the global trade system, creating a web of corruption and illicit operations that destabilize markets and undermine the effectiveness of sanctions. To counter these challenges, enhanced oversight of trade activities linked to Yemen and stronger international cooperation to track shell companies and expose their financial networks are urgently needed.

HOW IS IT IMPLEMENTED?

The Houthis rely on a set of sophisticated methods to execute their scheme of circumventing international sanctions and ensuring the continued flow of financial and commercial resources to the group. These methods include legal forgery, money laundering, dual-use shipments, and evading blacklists, practices designed to conceal illicit activities and ensure their business operations continue without raising suspicion.

1. Legal Forgery

Legal forgery involves altering the documents of seized or defunct companies and exploiting them to obtain new import and export licenses. After seizing companies, either by force or by pressuring their owners, the Houthis change the ownership records in official registries and issue fake legal documents to make them appear as legitimate businesses operating normally. These documents are presented to regulatory authorities and international banks, allowing them to open new bank accounts and conduct trade with foreign companies without raising suspicions. This method is also used to take advantage of the tax and trade privileges originally held by these companies, providing the Houthis with a legal cover for their illicit activities.

2. Money Laundering

The group uses seized or shell companies as legal fronts to transfer funds through suspicious financial networks, exploiting loopholes in local and international banking systems. Money is moved through multiple channels, such as unlicensed exchange houses, bank accounts in countries with weak oversight, and even cryptocurrencies, making it difficult to trace. These funds are then funneled into markets through sham transactions, such as importing goods at inflated prices or selling local products under fake contracts, thereby legitimizing illicit money and integrating it into the global financial system without raising red flags.

HOW IS IT IMPLEMENTED?

3. Dual-Use Shipments

The group relies on importing dual-use materials, items that can be used for both civilian and military purposes, under the guise of lawful commercial activities. These materials, such as microelectronics, industrial equipment, and aircraft spare parts, are purchased through intermediary companies operating in countries like China, Turkey, and Iran, where the final destination of the goods is concealed. Once these shipments arrive in Yemen, they are diverted to Houthi military facilities to be used in weapon development, drone manufacturing, and enhancing the group's logistical capabilities, enabling them to sustain military operations despite sanctions.

4. Evading Sanctions

To avoid sanctions imposed on affiliated entities and individuals, the Houthis register companies under fake names or using forged identities, allowing them to continue commercial operations undetected. In some cases, they rely on foreign businessmen to act as fronts for these companies, registering them in countries with weak oversight, such as some in East Asia or Africa. They also use intermediaries that collaborate with legitimate businesses, making it difficult to trace transactions and uncover the true beneficiaries of these operations.



THE IMPACT OF THESE PRACTICES ON INTERNATIONAL SANCTIONS

The Houthis' systematic evasion tactics have significantly weakened the effectiveness of international sanctions, allowing the group to sustain its military and commercial operations without interruption. By employing various deceptive methods, such as using seized and shell companies, the Houthis have successfully circumvented restrictions, leading to serious consequences for international oversight and the enforcement of punitive measures.

Undermining International Sanctions

Despite stringent sanctions imposed by the United States, the European Union, and the United Nations, the Houthis have managed to secure continuous financial and military inflows by exploiting gaps in the global trade system. By registering companies under new names, repurposing seized businesses, and establishing commercial fronts in different countries, the group has been able to import weapons, equipment, and resources without facing direct sanctions. Additionally, the use of international intermediaries and illicit financial networks has enabled them to transfer money through hard-to-trace channels, reducing the impact of economic sanctions.

Weakening International Oversight

The Houthis rely on companies as legal fronts to conceal their true activities, making it difficult for international regulatory bodies to detect illicit operations. When businesses are registered under new names or operated without their owners' knowledge, it becomes challenging for the international community to link these entities to the Houthi group, causing sanctions to fail in their intended purpose. Furthermore, the involvement of foreign businessmen and companies in jurisdictions with weak regulatory systems complicates tracking and monitoring efforts, further diminishing the effectiveness of imposed sanctions.

THE IMPACT OF THESE PRACTICES ON INTERNATIONAL SANCTIONS

Delaying Sanctions' Impact and Enabling Houthi Adaptation

Through their multi-layered evasion tactics, the Houthis buy time to adapt their financial and trade networks to new restrictions. When sanctions target a specific company, the group has often already established multiple alternative entities operating under the same framework, allowing uninterrupted operations. Additionally, their reliance on defunct and seized companies provides them with ready-made legal fronts, delaying the detection of their illicit activities. This delay grants the Houthis the opportunity to develop new evasion methods, making it increasingly difficult to impose effective and enforceable long-term sanctions.



RECOMMENDATIONS AND PROPOSED MEASURES

1. Enhancing International Oversight of Suspicious Companies

- Imposing strict auditing measures on Yemeni companies dealing with international markets.
- Developing tracking mechanisms for the records of suspended or seized companies.

2. Strengthening Sanctions on Involved Individuals and Entities

- Blacklisting individuals managing these companies.
- Imposing additional sanctions on companies proven to be involved in suspicious activities.

3. Activating Cooperation with the Private Sector

- Encouraging international and local companies to report any illegal operations.
- Imposing obligations on companies to verify business partners to ensure no illicit connections.

4. Increasing Transparency in Financial Transactions

- Implementing strict monitoring of financial transfers related to Yemen.
- Enhancing oversight of exchange companies and local banks to prevent money laundering.

Yemen's Organized Crime and Money Laundering Tracking Platform (P.T.O.C.Yemen) received an email from a high-ranking government official discussing the case of "Genas", a company owned by businessman Bakil Nashwan. The email detailed how the company was subjected to extortion and fraud by prominent commercial figures linked to the Houthi group, most notably the Saleh Al-Shami Oil Services Foundation.

The official explained in his message that Al-Shami Foundation had counterfeited Genas' trademark, importing similar equipment, spare parts, and products from China while falsely claiming to represent the original company.

The email emphasized that Genas categorically denies any connection, affiliation, or subordination to the Houthi group. The company confirmed that it is of Taiwanese origin and has been represented in Yemen by its agents since 2000. It also stressed that it is not an oil services or contracting company.

The response further clarified that Al-Shami Oil Services and General Trading Foundation, owned by Saleh Saleh Mohsen Al-Shami, had copied Genas' products in China and imported them into Yemen. Genas has since filed a lawsuit against the foundation in the Commercial Court, submitting supporting documents with the complaint (attached).

This case proves that the Houthi militia, through its commercial arms, is exploiting well-established companies and reputable brands in its illicit financial activities, aiming to circumvent international sanctions and mislead specialized global authorities.



The "P.T.O.C" has obtained exclusive information indicating that the Iranian Ambassador in Sana'a, Ali Rezai, oversees an Iranian mechanism specifically designed for the Houthis, aimed at circumventing US sanctions. Participating in this mechanism are Iranian Trade Minister Abbas Ali Ayadi, a specialized Iranian team from his ministry, and a Yemeni team. The Yemeni team is led by the Undersecretary of the Security and Intelligence Agency for the Economic Sector, and includes Mohammed Qatran, the Houthi government's Deputy Minister of Trade, Industry, and Investment, as well as another individual named Ayman Al-Khalqi.

According to special documents from the Ministry of Trade, Industry, and Investment, submitted to the Houthi leadership, the two parties agreed on a joint commercial mechanism. This mechanism aims to provide the Houthis with expertise, methods, and experience in circumventing and countering US sanctions. Key aspects include establishing companies in several allied countries, utilizing long-established Yemeni companies to import various supplies from abroad, and using dormant companies or companies belonging to their political opponents or expatriates who had established businesses before 2017 and subsequently left Yemen, abandoning them. This confirms what "Foreign Policy" magazine revealed in a report: that the Houthi militia has enhanced its financial activity and presence by establishing shell companies and linking them to existing Iraqi companies. This allows them to leverage the Iraqi financial system, which is supervised by the Iranians.



Ali Rezai
Iranian Ambassador to Sana'a



Mohammed Qatran
Undersecretary of the Ministry of
Commerce, Industry and Investment

In another document, the contents of which are held by the "Yemen Organized Crime and Money Laundering Tracking Platform," the Houthis discuss a strategy for coordinating their commercial activities with Iran through a third country, using the names and data of shell or forged companies.

Meanwhile, another document, signed by Abdulwahid Abu Ras – a prominent Houthi leader, Deputy Foreign Minister, and the official responsible for the Houthi foreign affairs portfolio – details Abu Ras addressing the Iranian Ambassador during a joint meeting. He speaks of their need for multiple international parties to coordinate commercial activities with Iran. He states that Saeed al-Jamal and his activities have become exposed, and it is unreasonable for his commercial operations to continue in East Asian countries and China, as the United States has him under scrutiny. This necessitates selecting new, covert individuals in multiple countries to facilitate the circumvention of sanctions.

Available security information indicates the involvement of "Adel Al-Badji Exchange Company" in suspicious financial activities linked to the armed Houthi group. This follows the group entrusting it with some tasks previously undertaken by "Al-Radwan Exchange Company," which is designated on the sanctions lists issued by the US Department of the Treasury. Al-Badji Exchange Company plays the role of a financial intermediary between external entities and networks financing Houthi military operations, particularly those overseen by the well-known Houthi leader "Abu Hussein Al-Madani," supervisor of the West Coast front.

This confirms that Al-Badji Company has become an alternative financial front for the Houthi group and constitutes a dangerous element in financing Houthi terrorism through money laundering tools and sanctions evasion.



ATTACHMENTS



ATTACHMENTS

رقم 41494007



شهادة تسجيل العلامة التجارية

جينيوس

السلع/الخدمات المعتمدة (التصنيف الدولي: 7)
الفئة 7: أدوات يدوية غير يدوية، أدوات إزالة الصدأ الكهربائية، أدوات صفل يدوية كهربائية؛

المسجل شركة تياتيان الصناعية المحدودة

عنوان المسجل: رقم 4، الطريق 15، المنطقة الصناعية، منطقة شتون، مدينة نابتونج، تاويان

تاريخ التسجيل: 7 أغسطس 2020 صالح حتى 6 أغسطس 2030

الجهة المصدرة



مخرج



ATTACHMENTS

15

الجمهورية اليمنية
مجلس القضاء الأعلى
المحكمة التجارية
الابتدائية بالأمانة

الرقم الاتي (نموذج أ)
المحكمة التجارية الابتدائية بأمانة العاصمة
755 رقم الدعوى التجارية
رقم المحكم رقم ٢٤٢/٢٠٢١
التاريخ ١٥/١٢/٢٠٢١

بالحسبة المنعقدة علناً بالمحكمة التجارية الابتدائية بأمانة العاصمة في يوم
السبت ٢٧ من شهر شوال لسنة ١٤٤٣هـ الموافق ١٥/١٢/٢٠٢١م

برئاسة القاضي الدكتور / معمر سيف أنعم عبيد سيف الوهباني
وبعضة / مختار محمد المليكسي

قاضي المحكمة
أمين السر

أصدرنا الحكم رقم (٢٠٢١ / ٢٤٢) لسنة ١٤٤٣هـ

في القضية التجارية / إلغاء قرار المسجل
المرسومة من الدعوى

العنوان
المرسومة

شركة تان فيز اند سترال كوليبد جنسيها تاوان - الأمانة - شارع الجزائر - المركز الليبي - تساجر

الصين - وكلها شركة بيانات الملكية الفكرية

ضد المسمى علميها

١- وزارة الصناعة والتجارة . الأمانة - الجمعية - جهة حكومية

٢- صالح صالح عن الشامي . الأمانة - شارع تمز جوار عمارة الحجاجي - تساجر

أولاً: الوقائع والأحداث

انه بتاريخ ٢٠٢٢/١/٢٤م وبسند رسوم رقم (٢١١٢٢٢) تقدمت المدعية بصريضة دعوى
مكونة من ست صفحات ضد المدعى عليهم، جاء فيها الاتي:

أولاً: الإجراءات الشكلية: صدر قرار المسجل العام بوزارة الصناعة والتجارة رقم (٥١٤) لسنة ٢٠٢١م بتاريخ ٢٣/ربيع الآخر
١٤٤٣هـ الموافق ٢٨/نوفمبر ٢٠٢١م محل دعوى الطعن وتم اسلامه من قبل مندوب الشركة بتاريخ ٢٩/ديسمبر ٢٠٢١م وتقدير
دعوى الطعن بإلغاء القرار المذكور أعلاه بتاريخ ٢٤/١/٢٠٢٢م مما تكون دعوى الطعن قدمت في بحر المدة القانونية عملاً بنص
المادة (١٦) من القانون رقم (٢٣) لسنة ٢٠٢١م بشأن التجارة والمؤسسات الجغرافية.

ثانياً: الواقع الذي يدعوه عن المدعية: تقدم المدعى عليه الثاني بطلب (تحت الرقم

Ashgan

ATTACHMENTS

١٨

تابع المحضر هي القضية التجارية رقم ١٧٥٥١/١٤٢٧ هـ

استعمالهم وتسجيلها وتسويقها المستمر في العديد من الدول وبالتالي أصبحت من العلامات المشهور التي تجاوزت حدود البلد الأصلي واكسب شهرة واسعة في القطاع المعني لدى تلك الدول بما فيها الجمهورية اليمنية، وبالتالي تستحق الحماية القانونية.

إن فرار المسجل العام محل دعوى الطعن مخالفاً للاتفاقيات الدولية ذات العلاقة وبالتحديد أحكام المادة (٦-ثانياً) من اتفاقية باريس لحماية الملكية الصناعية والمادة (١٦) من اتفاقية الترس المنظمة لهما الجمهورية اليمنية، الأمر الذي يؤكد أحقية موكلتنا في هذه الدعوى والقضاء بقرار المسجل العام محل دعوى الطعن.

السبب الثاني: الفكرة الأساسية والمظهر الرئيس التي تطوي عليها علامة موكلتنا والعلامة محل دعوى الطعن: حيث إن الجزء الأساسي والجوهري في كلا العلامتين متشابه بشكل مفضل من حيث الأحرف الانجليزية وطريقة وأسلوب العرض والكتابة ونوع الخط ولون الخط وهو اللون الأحمر، بالإضافة إلى التشابه في طريقة عرض ورسم الحرف الإنجليزي (G) والصورة العامة التي تنطبع في الذهن نتيجة لتركيب شكل العلامة التجارية وتسميتها، فهي تعبر نسخ تصويري لعلامة المدعية التجارية، الأمر الذي من شأنه أن يؤدي إلى تضليل الجمهور واحداث اللبس والحلخلط عن مصدر المنتجات وهذا ما حرص عليه المشرع من حماية المستهلك إضافة إلى حماية العلامة التجارية والجدول أدناه يوضح لعدالتكم مدى التشابه المضلل بين العلامتين التجاريتين.

علامة المدعى عليه الثاني	علامة المدعية
	

لذلك يظهر جلياً التشابه بين العلامتين التجاريتين المستوع قانوناً وبشكل تضليلاً واضحاً لجمهور المستهلكين ويؤدي بهم إلى الاعتقاد بأن المنتجات التي يقدمها المدعى عليه الثاني تعود لموكلتنا المدعية مما يؤدي إلى المنافسة الغير مشروعة ويؤكد سوء نية المدعى عليه الثاني في الاستفادة من شهرة علامة موكلتنا المدعية والحفاظ الضرر بها.

السبب الثالث: التشابه في الفقه والمنتجات: ما كانت العلامة المطلوب تسجيلها محل دعوى الطعن بالفئة (٧) وهي نفس الفئة المسجلة بها علامة موكلتنا في الجمهورية اليمنية وفي بلد المنشأ تاوان - والعديد من الدول العربية والاسلامية الاخرى الامر الذي سيبريد من

المحكمة / اشغال المدعى عليه

ATTACHMENTS

٤٣٣

تابع المحلف في القضية التجارية رقم (١٧٥٥/١٤٢٢هـ)

شركة بيانات وكيلة عن المدعية مما يكون معه قبول الدفع لعدم صفة مقدم الطعنين .
وأما بخصوص قيام المدفوع ضده بتصحيح الوكالة بتاريخ ٢٠٢٢/٢/٩م وتقديمها للمحكمة في جلسة ٢٠٢٢/٣/٢١م فإن الثابت
أن تصحيح الوكالة وتقديمها للمحكمة كان بعد انقضاء ميعاد الطعن في قرار المسجل العام ثلاثين يوماً المنصوص عليه في المادة (١٦)
من قانون العلامات التجارية، مما يكون معه عدم قبول ذلك التصحيح وعدم ترتيبه لأي أثر قانوني على الطعن .

لذلك كله:

لما بأحكام الشريعة الإسلامية العراء، واستناداً إلى نصوص المواد (١٦، ١٧، ١٨، ١٩، ٢٠، ٧٤، ٧٥، ٧٦، ٧٧، ١٧٩، ١٨٠،
١٨٥، ١٨٧، ٢١٩، ٢٥٧، ٢٥٨) من قانون المرافعات رقم (٢) لسنة ٢٠١٠م، والمادة (١٦) من قانون العلامات التجارية .

حكمت المحكمة التجارية الابتدائية بأمانة العاصمة حضورياً بما هو أت -

أولاً: قبول الدفع بعدم قبول الطعن في قرار المسجل العام تقديمه من غير ذي صفة إجرائية شكلاً وموضوعاً .
ثانياً: وفي المخاض بر كل طريف يحتمل غمارة .

، هذا ما ظهر وبه كان الحكم بوالله وتلي الهداية والتوفيق ،،

صدر علناً بقاعة المحكمة تحت توقيعنا وختم المحكمة التجارية الابتدائية بأمانة العاصمة
في تاريخ يوم السبت ٢٧/ من شهر شوال ١٤٤٣هـ الموافق ٥/٢٨ / لسنة ٢٠٢٢م

أمين السر
مختار محمد المنجوري

القاضي الدكتور
محمدر سيف النصر عبده سيف الوهباني

القاضي
عليه

المحكمة / أمانة العاصمة