



A Review of Intellectual Property-Related News and Developments in the Middle East and North Africa

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## ■ KUWAIT - Trademark Office Adopts Nice's Eighth Edition

Pursuant to Ministerial Resolution no. 412/2008, the Kuwait Trademark Office (KTO) will start accepting trademark applications claiming classes under the 8th Edition of the Nice International Classification. The Resolution was published in Official Gazette no. 895 dated November 2, 2008 and became effective in the country as of its date of publication.

For a long time before this new decision, the KTO followed the 6th Edition of the Nice Classification, which is limited to 42 classes only. Class 42 of the 6th Edition included diverse and unrelated services such as computer programming, restaurants, and surgery. With the introduction of the 8th Edition, the scope of class 42 has been limited and re-classified into additional new classes: 43, 44 and 45.

The KTO will soon decide on how it will treat pending trademark applications as well as trademark registrations in class 42 following the new classification system. We will be reporting on this issue in due course.

### **8th Edition of the Nice International Classification (Classes 42, 43, 44, & 45)**

**Class 42:** Scientific and technological services and research and design relating thereto; Industrial analysis and research services; design and development of computer hardware and software; legal services.

**Class 43:** Services for providing food and drink; temporary accommodation.

**Class 44:** Medical Services; veterinary services; hygienic and beauty care for human beings or animals; agricultural, horticultural and forestry services.

**Class 45:** Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals

Should you have any specific inquiries regarding the subject matter, please contact us at [bulletin@sabaip.com](mailto:bulletin@sabaip.com)

## ■ SAUDI ARABIA - A Website on Anti-Piracy

The Saudi Ministry of Culture and Information has recently launched a new website ([www.info.gov.sa/copyrights](http://www.info.gov.sa/copyrights)), with the main purpose of raising awareness to the threats of copyright piracy in the country and effectively addressing the issue. The main features of the website include:

- Information on the Saudi Committee for the Protection of Copyright and Related Rights, which was established back in the year 1999;
- The Saudi Copyright Law and its Implementing Regulations, with an emphasis on the types of works protected, the limitations on protection, and the enforced penalties;
- Awareness articles;
- Real anti-piracy cases;
- An online piracy complaint form

The above comes in the scope of the Saudi government's continuous efforts to curb the levels of piracy in the country and to make the enforcement system more transparent. The government is also committed to continue imposing deterrent penalties on pirates, including prison sentences, ensure the systematic involvement of the police, and legalize the use of business software in the government ministries.

## ■ IP HIGHLIGHTS – Arab Contracting Parties to the WIPO Administered Treaties (2008)

The table below lists the contracting states from the Arab world to the WIPO-Administered treaties in 2008. It is worth noting that the year 2008 witnessed the following developments:

- The Berne Convention entered into force in Yemen on July 14, 2008.
- The Brussels Convention entered into force in Oman on March 18, 2008.
- The Budapest Treaty, the Nice Agreement, and the Vienna Agreement entered into force in Jordan on November 14, 2008.
- The Hague Agreement entered into force in Syria on May 7, 2008.

### **Arab Contracting Parties to the WIPO Administered Treaties (2008)**

✓ In Force

\*Signature

	Algeria	Bahrain	Egypt	Iraq	Jordan	Kuwait	Lebanon	Libya	Morocco	Oman	Qatar	Saudi Arabia	Sudan	Syria	Tunisia	UAE	Yemen
Berne Convention	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Brussels Convention		✓					*		✓	✓							
Madrid Agreement (Source)	✓		✓				✓		✓					✓	✓		
Nairobi Treaty	✓		✓						✓	✓	✓			✓	✓		
Paris Convention	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Patent Law Treaty	*	✓					*			✓			*				
Phonograms Convention			✓														
Rome Convention	✓	✓					✓							✓		✓	
Trademark Law Treaty		✓	✓						*	✓							
WIPO Copyright Treaty		✓			✓					✓	✓					✓	
WIPO Performances & Phonograms Treaty		✓			✓					✓	✓					✓	
Budapest Treaty					✓					✓					✓		
Hague Agreement			✓						✓					✓	✓		
Lisbon Agreement	✓														✓		
Madrid Agreement (Marks)	✓		✓						✓				✓	✓			
Madrid Protocol		✓	*						✓	✓				✓			
Patent Cooperation Treaty	✓	✓	✓					✓	✓	✓			✓	✓	✓	✓	
Locarno Agreement	*																
Nice Agreement	✓	✓	✓		✓		✓		✓					✓	✓		
Strasbourg Agreement			✓														
Vienna Agreement					✓										✓		
The International Union for the Protection of New Varieties of Plants					✓				✓						✓		

## ■ IP WINDOW – Series, Collective, Certification, and Unconventional Trademarks

In recent years, brand owners are registering more and more series, collective, and certification trademarks, as well as trademarks in unconventional areas like color, sound and smell. However, the extent to which series, collective, certification, and unconventional trademarks can be protected or even recognized varies considerably from one country to the other in our region. The following table reviews this form of non-traditional registration protection in our region

Country	Can we file series trademark applications?	Can we file collective trademark applications?	Can we file certification trademark applications?	Can we file color, sound, and smell trademark applications?
Algeria	No	Yes	No	No
Bahrain	Yes	Yes	Yes	Yes
Cyprus	Yes	Yes	Yes	No
Egypt	Yes	Yes	Yes	Only color trademark applications are acceptable
Iran	Yes	Yes	Yes	Only color trademark applications are acceptable
Iraq	No	Yes	Yes	Yes
Jordan	No	Yes	No	No
Libya	Yes	Yes	Yes	No
Morocco	No	Yes	Yes	Yes
Qatar	Yes	Yes	Such applications will be treated by the Trademark Office as collective trademark applications.	Yes
Saudi Arabia	Yes	Yes	Yes	No
Syria	No	Yes	Yes	Yes
Turkey	Yes	Yes	Yes	Only sound trademark applications are acceptable.
United Arab Emirates	Yes	Yes	Yes	No
Yemen	Yes	Yes	Yes	No

## ■ SAUDI ARABIA – First Arab Consumer Protection Forum

The Arab League and the Islamic Chamber of Commerce and Industry, in cooperation with Hemaya Universal, organized the first Arab Consumer and Brand Protection Forum in Jeddah, Saudi Arabia from October 19 to 21, 2008. More than 200 participants including local, regional, and international speakers, government officials, the business community, and representatives of multinational companies took advantage of three days of educational programs, social events, and networking opportunities.

The forum's theme reflected on the counterfeit and piracy challenges facing the Arab countries and discussed the role of IP protection and enforcement as a strategic tool for economic growth in these countries. The forum aimed at:

- Understanding the extent of the piracy and counterfeiting problems in the Arab world.
- Raising awareness in Arab countries to the dangers of counterfeiting.
- Developing suitable strategies to combat counterfeiting and piracy.
- Supporting the promulgation of new laws on consumer protection.
- Proposing recommendations that would protect consumers from the effects of piracy and counterfeiting.

The forum was concluded on assertions that a successful IP enforcement system can only be built on the robust commitment of and coordination among law enforcement agencies, policy makers, customs authorities, and the private sector of Arab countries. The forum was supported by an extensive marketing campaign and was widely reported in the press.

- The **Arab League** is a regional organization of Arab states involved in organizing political, economic, cultural, and social programs in order to promote the interests of its member states.
- The **Islamic Chamber of Commerce and Industry** is an organization representing fifty-six Islamic member states, with the key objective of promoting the role of the private sector in economic activities.

## ■ OMAN – WIPO Training on the Patent Cooperation Treaty

The World Intellectual Property Organization, in collaboration with the Omani Ministry of Trade and Industry, organized a workshop on the Patent Cooperation Treaty, on October 21, 2008 in Muscat, Oman. The workshop gave insights on the Patent Cooperation Treaty and the steps involved in the national phase PCT application process. The main purpose of this workshop is to provide core information on the nature of national phase PCT applications while including discussions on real case studies.

### A National Phase PCT Application in Oman

#### Filing Requirements

1. Power of attorney, legalized.
  2. Copy of certificate of incorporation or extract from the commercial register, certified.
  3. Abstract of the invention in English and Arabic.
  4. Technical specifications of the invention in English and Arabic.
  5. Deed of assignment from the inventor(s), legalized.
  6. Copy of PCT Request.
  7. Copy of International Publication.
  8. Copy of International Search Report.
  9. Copy of International Preliminary Examination Report (if available).
- Documents 3-8 must be submitted at the time of filing. Documents 1, 2, and 5 may be submitted within 90 days from filing date.

#### Time Limits

Under PCT Chapter I: 30 months from the priority date.  
Under PCT Chapter II: 30 months from the priority date.

#### Protection Term

The term of protection is 20 years from the international filing date.

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