

NEWS:

Libya – Trademark Office Resumes Work

According to informed sources at the Libyan Ministry of Economy and Trade, the Trademark Office is expected to re-open nearly two years after its services were interrupted as a result of the latest civil unrest in the country. The Office is now ready to accept search requests and will begin admitting new trademark applications starting May 2013.

The most important change which has taken place in the country following the recent events is related to the Libya-Switzerland relations. Specifically, Switzerland has recently established formal diplomatic relations with the Libyan government after a three-year breakdown in relations between the two countries. The implication of this development is that it will now be possible for Swiss applicants to file new applications.

We will be reviewing our files for all pending jobs and will inform clients of the additional steps that are required. Meanwhile, below is a timeline on the major IP events that took place in the country over the past three years that are worthwhile mentioning:

•2009

The list of goods and services was revised. The item “veterinary apparatus and instruments” was added to class 10 and the item “decorations for Christmas trees and related products” was removed from class 28. Also, during the same year, a Trademark Appeal Board was expected to be established with the main responsibility of hearing and deciding on appeals against any rejection decision issued by examiners in connection with trademark applications. This plan was interrupted following the recent events.

•2010

A new Trademark Law was published in the Local Gazette and became effective in the country. This law replaces Law no. 40 of 1956. According to the new law, the definition of a trademark has been broadened to include trade names, sound marks, and color marks. The new law recognizes famous trademarks that are well-known in Libya and ensures protection even if the marks are not registered. The law also gives the right to trademark owners to initiate civil and criminal actions against any infringing party. Penalties include a maximum of two-year imprisonment and payment of fines of up to US \$ 7,500. The implementing regulations of the new law have not been issued yet.

•2011

- (1) The certified copy of the corresponding home registration certificate that was usually required in support of a trademark application was dropped.
- (2) The Patent Office resumed its operations after a 9-month closure period as a result of the civil unrest in the country.
- (3) The country’s official name changed from “Great Socialist People’s Libyan Arab Jamahiriya” to the more commonly known name (now official) “Libya”. The country’s international code remains the same (LY).

Should you have any question, or require any additional information, please contact us at bulletin@sabaip.com.



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FREQUENTLY ASKED QUESTIONS

How is the registration process in Libya?

The registration process in Libya entails several steps prior to a trademark receiving its Certificate of Registration. A summary of these steps is outlined below:

1. An application is filed to register the trademark.
2. The application is placed for examination.
3. Following a period of 10 to 12 months, the application is reviewed by an examiner to make sure that it complies with all requirements in order to be available for registration.
4. After the examination of the mark has concluded with no issues to be addressed or an applicant has responded adequately to an office action, the application will be published for opposition.
5. In the absence of an opposition or in case an opposition is decided in the applicant's favor, the trademark will be registered.

What are the trademark filing requirements?

1. Power of attorney, legalized. A general power may be used for subsequent filings.
2. Certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.
3. Copy of priority document, if priority is claimed, certified
4. 10 prints of the mark for each application.

Items 1, 2 and 4 must be submitted at the time of filing. Document 3 may be submitted within 3 months from filing date.

Is trademark use a registration requirement?

Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation if there has been no effective use of the mark for a period of 5 consecutive years.

How are trademark classified?

The eighth edition of the International Classification of Goods and Services is followed. However, class 33, alcoholic goods in class 32, as well as Christmas trees and related products in class 28 cannot be registered. A separate application is required for each class.

How long is the opposition period?

Trademark applications accepted by the Registrar are published in the Official Gazette before registration. Oppositions may be filed within 3 months from publication date.

How long is the protection period?

Trademark registrations are valid for 10 years from filing date and are renewable for like periods. There is a grace period of 6 months for late renewals with payment of a surcharge.

Ethiopia - Official Re-Registration Schedule Released

Pursuant to the recently introduced regulations implementing the Ethiopian Trademark Law of 2006, new trademark applications must now be submitted at the Trademark Office by no later than June 24, 2014 for all marks that were filed in the country before July 7, 2006.

The Trademark Office has released a schedule grouping the marks in this category into 15 batches. Owners are expected to re-file the mark within the time frame specified for each batch, or else the mark will be considered abandoned. This procedure has most probably been introduced in an attempt to have the build-up of work immediately taken care of. All re-filed applications will of course not be registered automatically but will be subject to examination on absolute and relative grounds.

The requirements for re-registration of a trademark are as follows:

1. Power of attorney, legalized up to the Ethiopian Consulate.
2. Certified copy of corresponding home or foreign registration certificate with English translation, notarized. If unavailable, copy of certificate of incorporation, with English translation, certified.

In light of the above, we will be reviewing all files in our records and we will notify clients of all the next steps that need to be taken.

Should you have any questions, or require any additional information, please do not hesitate to contact us at bulletin@sabaip.com.

Registration Number	Time Frame to re-file the Application
0001-0400	March 25, 2013 – April 23, 2013
0401-0800	April 24, 2013 – May 23, 2013
0801-1200	May 24, 2013 – June 22, 2013
1201-1600	June 23, 2013 – July 22, 2013
1601-2000	July 23, 2013 – August 21, 2013
2001-2400	August 22, 2013 – September 20, 2013
2401-2800	September 21, 2013 – October 20, 2013
2801-3200	October 21, 2013 – November 19, 2013
3201-3600	November 20, 2013 – December 19, 2013
3601-4000	December 20, 2013 – January 18, 2014
4001-4400	January 19, 2014 – February 18, 2014
4401-4800	February 19, 2014 – March 20, 2014
4801-5200	March 21, 2014 – April 19, 2014
5201-5600	April 20, 2014 – May 19, 2014
5601-5900	May 20, 2014 – June 18, 2014

Oman - Industrial Design Applications Possible!

Just a quick note to let you know that the Omani Patent Office is accepting design applications by virtue of Industrial Property Law no. 67/2008. Applications will only be docketed at the present time until examination begins. Filing at this time can provide you with an early application date. We will keep you informed of any developments that will occur.

Azerbaijan - E-Filing Begins

The Copyright Office in Azerbaijan recently launched a new electronic filing system on its official website. This new system allows applicants to complete an electronic application form along with the requirements, check and review it for accuracy and precision, and then submit it directly over the internet.



INTA's 135th Annual Meeting

The International Trademark Association (INTA) will hold its 135th annual meeting in Dallas, Texas from May 4 to May 8, 2013. Representatives from Saba & Co. IP Offices will be attending the different functions of the conference and meeting with clients. In case you wish to meet with any of our representatives, please contact us at inta@sabaip.com in order to specify a convenient time and date.

★
**Dallas
Texas**

135th Annual Meeting
**May 4-8
2013**



Classification of Trademarks in the Arab World

All Trademark Offices of our region follow the Nice classification, in its latest edition. However, some Offices impose a set of restrictions that are in compliance with the local laws. For example, class 33 and alcoholic goods in class 32 can not be registered in a number of countries of our region, including Saudi Arabia, Kuwait, Qatar, UAE and Yemen.

The table below sets forth basic information on the subject including answers to the following questions:

- Which Nice edition is the country adopting?
- Is the country member of the Nice Agreement?
- Is accepting class headings possible?
- Are there any classification restrictions imposed?

In various countries, an applicant can file an application claiming the whole class without specifying the particular goods/services. The Trademark Offices of these countries do not object

to the use of any of the class headings as being too indefinite and not specific (such is the case for example in Egypt and Saudi Arabia). The 34 classes for goods and the 11 classes for services comprise the totality of all goods and services. Consequently, the use of class headings of a particular class constitutes a claim to all of the goods or services falling within this particular class and implicitly covers any goods directly related to the class headings (that is, covers more than the literal meaning of the class headings).

In other countries from our region, such as Jordan and Sudan, the applicant must specify the goods/services in the class or else the application will not be accepted. In other words, the actual language of the goods or services specified in the registration will define the parameters of the scope of protection of a registration.

Country	Nice Edition Adopted	Member of the Nice Agreement ?	Is it possible to claim class headings?
Algeria	10th	Yes (entry into force: July 5, 1972)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Bahrain	10th	Yes (entry into force: December 15, 2005)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Djibouti	8th	No	Yes
Egypt	10th	Yes (entry into force: June 18, 2005)	Yes
Gaza	8th; Class 33 & alcoholic goods in class 32 can not be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Iraq	7th with local sub-classification	No	Yes (an applicant can only claim class headings)
Jordan	10th	Yes (entry into force: November 14, 2008)	No

Country	Nice Edition Adopted	Member of the Nice Agreement ?	Is it possible to claim class headings?
Kuwait	8th; Class 33, alcoholic goods in class 32, & pork meat in class 29 can not be registered	No	Yes
Lebanon	10th	Yes (entry into force: April 18, 1961)	Yes
Libya	8th; Class 33, alcoholic goods in class 32, as well as Christmas trees and related products in class 28 can not be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Morocco	10th	Yes (entry into force: October 1, 1966)	Yes
Oman	10th	No	No
Qatar	7th; Class 33 & alcoholic goods in class 32 can not be registered	No	Yes for all classes except for classes 1, 4 to 7, 10 to 14, 16 to 22, 29, and 31
Saudi Arabia	10th; Class 33, alcoholic goods in class 32, pork meat in class 29, & Christmas trees and related products in class 28 can not be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Sudan	8th; Class 33 & alcoholic goods in class 32 can not be registered	No	No
Syria	10th	Yes (entry into force: March 28, 2005)	Yes
Tunisia	10th	Yes (entry into force: May 29, 1967)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
United Arab Emirates	10th; Class 33 & alcoholic goods in class 32 can not be registered	No	Yes
West Bank	8th	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Yemen	8th; Class 33 & alcoholic goods in class 32 can not be registered	No	Yes

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