



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

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■ EGYPT: Operations of Trademark and Patent Offices Back to Normal

After the period of unrest in Egypt, we would like to announce that the Trademark and Patent Offices resumed their work and are from now on able to deliver their services without any delay. We would like to ensure our clients that the Trademark and Patent Offices will be dealing with all deadlines that fell within the closure period in order to make sure that all files are in order. Should you have any questions, or require any additional information, please contact us at info@sabaip.com.

■ QATAR: Accession to the Patent Cooperation Treaty and to the Arab Convention for the Protection of Copyright

Joining the PCT:

The Qatari Cabinet has recently approved Qatar's accession to the Patent Cooperation Treaty (PCT). This means that the Qatari authorities are now required to deposit the instrument of accession to the WIPO. However, the Qatari authorities must first amend the Patent law to include provisions related to national phase PCT applications and should complete the set up of the Patent Office in order to start receiving patent applications. It is not known when will these changes occur but we will keep you updated in due course.

By way of background, the Patent Cooperation Treaty now has a total of 142 contracting member states. Contracting member states from our region include: Algeria, Bahrain, Cyprus, Egypt, India, Libya, Morocco, Oman, Sudan, Syria, Tunisia, Turkey, and the United Arab Emirates.

Joining the Arab Convention for the Protection of Copyright:

The Qatari Cabinet has recently approved the country's accession to the Arab Convention for the Protection of Copyright. This Convention was ratified by the Conference of Arab Ministers of Cultural Affairs which was held in Baghdad in November 1981. The Arab Convention for the Protection of Copyright incorporates the same principles set out in the Berne Convention. More Specifically, it contains a series of provisions determining the minimum copyright protection and requires its signatories to recognize the copyright of works of authors from other signatory countries in the same way as it recognizes the copyright of its own nationals.

It is worth noting that the Arab countries that have joined the Arab Convention for the Protection of Copyright are the following: Algeria, Bahrain, Djibouti, Iraq, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, Gaza, West Bank, Qatar, Somalia, Saudi Arabia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen.

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

■ TUNISIA: Recordal of Trademarks

Customs recordal is possible in Tunisia since the trademark law of 2001. By recording a trademark, the products will be placed on watch, monitored and inspected. In case of suspecting any counterfeits, the products will be suspended and the owner as well as

the importer will be informed immediately. The term of this recordal is for one year with possibility to renew. Several documents are required for the recordal process.

- 1- Power of attorney simply, signed
- 2- Certified copy of trademark registration certificate
- 3- Photos and other information about the original products and

the counterfeit products
4- Application Form

It is also worth noting that other countries in our region offer similar recordal services, in addition to Tunisia. Those countries include: Morocco, Sudan and UAE (specifically: the emirates of Dubai, Shrajah and Ras Al Khaimah).

For further information, please contact us at tunisia@sabaip.com.

Trademark Recordal Framework

Country	Filing Requirements	Recordal Period
Morocco	<ol style="list-style-type: none"> 1- A petition duly executed on behalf of the rights holder. 2- An undertaking, legalized, together with a notarized copy of the company's General Assembly showing the name and position of the signatory. 3- A certified copy of the registration certificate of the trademark to be recorded. 4- Power of attorney duly executed, showing the identity and title of the signatory. 5- Actual samples of goods bearing the trademark involved or a leaflet / brochure allowing easy identification of the genuine products in comparison with the counterfeit products. 6- Any relevant information on the origin of the counterfeit goods if available. 7- A specification of the exact goods for which the mark is actually used, in order for the Customs to assign the adequate Harmonized System coding. 	Recordal is valid for 12 months, renewable for like periods.
Sudan	<ol style="list-style-type: none"> 1- Power of attorney, legalized up to the Sudanese Consulate. 2- Certified copy of the registration certificate of the trademark to be recorded. 3- Request form. 4- An electronic presentation of the original product to aid the Customs officials in detecting counterfeit products and differentiating them from the originals. 	Recordal is valid for one year, renewable for like periods.
UAE (Dubai, Shrajah, Ras Al Khaimah)	<ol style="list-style-type: none"> 1- Power of attorney, notarized and legalized up to the UAE Consulate. 2- Certified copy of the registration certificate of the trademark to be recorded. 3- Filing request form. 4- An electronic presentation of the original product to aid the Customs officials in detecting counterfeit products and differentiating them from original ones. 	Recordal is valid for the trademark's protection term, renewable for like periods.

■ BAHRAIN: A New Trade Name Law Expected Soon

A draft law on the protection of trade names is currently under discussion by the Bahraini Parliament. The law sets out several conditions on the protection of trade names and imposes sanctions on those who breach its provisions.

We list below the main features of this law:

- The new trade name shall not be similar to a well-known trade name nor to any other registered name.
- The new trade name shall not include any political, military or religious content.
- The new trade name shall not refer to any regional, Arab or international organizations.
- The use of the new trade name shall not create

any confusion with other names of company owners or product distributors.

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

Revision of Formalities

The Bahraini Trademark and Patent Office has recently announced that only powers of attorney that are legalized will be accepted. This means that simply signed powers will no longer be admissible in support of trademark, patent and design applications.

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

IP HIGHLIGHTS: Trademark Protection Framework in Bahrain

Filing Requirements

1. Power of attorney, legalized. A general power may be used for subsequent filings.
2. Copy of certificate of home or any foreign application or registration, certified; or certificate of incorporation, legalized; or certificate from the chamber of commerce indicating the nature of business, legalized.
3. Copy of priority document, if priority is claimed, certified.
4. 3 prints of the mark for each application.

All the above documents must be submitted at the time of filing.

Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 60 days from publication date.

Extension of Time

Extension of time for counter-oppositions or for responding to office actions is possible.

Protection Term

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 renewal with payment of a surcharge. Documents required for renewal: Power of attorney, legalized.

Use Requirements

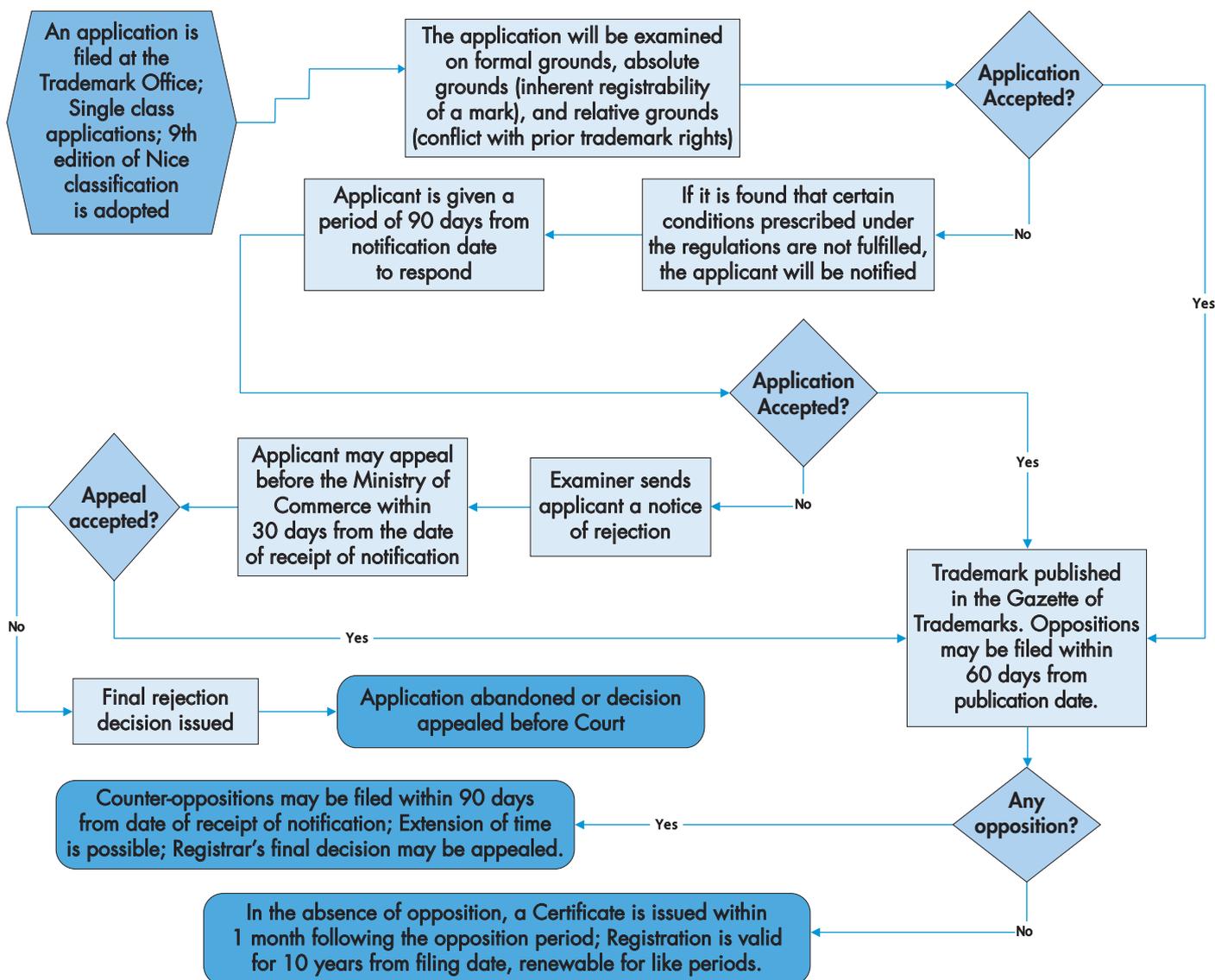
Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation by any interested party if there has been no effective use of the mark for a period of 5 consecutive years from registration date.

Marking

Marking is not compulsory.

Cancellation

A trademark is subject to cancellation before the Court by any interested party within 5 years from registration date, unless the mark was registered in bad faith, in which case, there is no time limit.



■ AFGHANISTAN: Change in Cancellation Period

The cancellation period in Afghanistan has been reduced from 3 years to 1 year. As such, effective immediately, a trademark will be subject to cancellation before the Court by any interested party within 1 year from registration date.

Main Features of the Trademark Protection Framework in Afghanistan

Filing Requirements

1. Power of attorney, legalized. A separate power of attorney is required for each application or set of applications.
2. 10 prints of the mark for each application.

All the above documents must be submitted at the time of filing.

Classification

The International Classification of Goods and Services (8th Edition) is followed. A single application can include several classes.

Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 15 days from publication date.

Protection Term

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.

Documents required for renewal: Power of attorney, legalized; a copy of the latest valid registration certificate; and 10 prints of the mark.

Use Requirements

Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation by any interested party if there has been no effective use of the mark for a period of 3 consecutive years from filing date.

Marking

Marking is not compulsory.

Registration Time Frame

The time frame for completing the registration process is 12 months.

THE SABA NETWORK

HEAD OFFICE

P.O. Box 11-9421 Beirut, Lebanon
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: headoffice@sabaip.com

ALGERIA (Cabinet Boukrami)

(In Cooperation With Saba & Co. IP)
P.O. Box 86 Algiers, Algeria
Tel.: +213 (21) 34 11 61 Fax: +213 (21) 34 11 62
E-Mail: algeria@sabaip.com

BAHRAIN

P.O. Box 21013, Manama, Bahrain
Tel.: +973 (17) 210 301
Fax: +973 (17) 224 699
E-Mail: bahrain@sabaip.com

CYPRUS

P.O. Box 21143, 1502 Nicosia, Cyprus
Tel.: +357 (22) 755 434
Fax: +357 (22) 754 037
E-Mail: cyprus@sabaip.com

EGYPT

P.O. Box 129, Mohamed Farid, Cairo, Egypt
Tel.: +20 (2) 2795 9686
Fax: +20 (2) 2795 2314
E-Mail: info@sabaip-eg.com

GAZA

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: gaza@sabaip.com

IRAQ

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: iraq@sabaip.com

JORDAN

P.O. Box 840553, Amman 11184, Jordan
Tel.: +962 (6) 464 2145
Fax: +962 (6) 464 2159
E-Mail: jordan@sabaip.com

KUWAIT

P.O. Box 1245, 13013 Safat, Kuwait
Tel.: +965 2 242 3428
Fax: +965 2 240 2243
E-Mail: kuwait@sabaip.com

LEBANON

P.O. Box 11-9420, Beirut Lebanon
Tel.: +961 (1) 327 439
Fax: +961 (1) 334 434
E-Mail: lebanon@sabaip.com

LIBYA

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: libya@sabaip.com

MOROCCO

P.O. Box 13 921, Casablanca, Morocco
Tel.: +212 522 251 530
Fax: +212 522 251 603
E-Mail: morocco@sabaip.com

OMAN

P.O. Box 2027 Ruwi,
Postal Code 112 Muscat, Oman
Tel.: +968 248 111 26
Fax: +968 248 111 28
E-Mail: oman@sabaip.com

QATAR

P.O. Box 14035, Doha, Qatar
Tel.: +974 (4) 442 3992
Fax: +974 (4) 432 4106
E-Mail: qatar@sabaip.com

SAUDI ARABIA (AL Hadaf Marks Services LLC)

(In Cooperation with Saba & Co. IP)
P.O. Box 61145, Riyadh 11565, Saudi Arabia
Tel.: +966 1 207 9596 Fax: +966 1 207 9598
E-Mail: saudi@sabaip.com

SUDAN

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: sudan@sabaip.com

SYRIA

P.O. Box 460, Damascus, Syria
Tel.: +963 (11) 223 6628
Fax: +963 (11) 222 6280
E-Mail: syria@sabaip.com

TUNISIA

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: tunisia@sabaip.com

UNITED ARAB EMIRATES

P.O. Box 42259, Dubai, UAE
Tel.: +971 (4) 2959 650
Fax: +971 (4) 2959 651
E-Mail: uae@sabaip.com

WEST BANK

P.O. Box 11-9421 Beirut, Lebanon *
Tel.: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: westbank@sabaip.com

YEMEN

P.O. Box 1493, Sana'a, Yemen
Tel.: +967 (1) 420 595
Fax: +967 (1) 420 596
E-Mail: yemen@sabaip.com

* All mail should be dispatched to the Head Office address in Lebanon for proper channeling.

The information contained in this newsletter is intended to provide a brief update of intellectual property news and should not be relied upon as legal advice. Legal or other professional counselling should be sought from the firm's Head Office in Beirut, Lebanon.

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