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IRAN: Review of Trademark, Patent and Industrial Design Protection

Economy

With a population of about 73 million inhabitants and an area of about 1648195 sq. km, Iran is one of the world's ancient civilizations and is situated in the Middle East. The official language of Iran is Farsi and its capital is Tehran.

Iran relies mainly on the oil sector that provides most of the government revenues. It ranks second in the world in natural gas reserves and third in oil reserves. However, the private sector is limited to small workshops and farming.

Iran has a leading manufacturing industry in the fields of car-manufacture and transportation, construction materials, home appliances, food and agricultural goods, armaments, pharmaceuticals, information technology, power and petrochemicals.

Intellectual Property Framework

Although trademarks have been practically registered through cautionary notices since 1926, the first law in this respect was adopted in 1931. The present Patents, Industrial Designs and Trademarks law, along with its implementing regulations, in force since March 2009, is the basis for the protection and enforcement of trademarks, industrial designs and patents. It is worth noting that there are no enforced statutory laws on Copyright and Related Rights in Iran.



Iran Affiliations

BODIES: World Intellectual Property Organization and World Trade Organization (observer status).

CONVENTIONS: Paris Convention, Madrid Agreement and Protocol.

Trademarks

Classification

The International Classification of Goods and Services (8th Edition) is followed. However, class 33 and alcoholic goods in class 32 can not be registered in Iran. A single application may include several classes.

Filing Requirements

1. Power of attorney, legalized. A general power may be used for subsequent filings.
2. Copy of priority document, if priority is claimed, certified.
3. 15 prints of the mark for each application.

All documents must be submitted at the time of filing, but foreigners are allowed a 60-day period from notification date to file the documents.

Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 30 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.

Extension of Time

Extension of time for oppositions/counter oppositions or for responding to office actions is not possible.

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 years from registration date.

Search

An official search may be conducted for word marks and devices. It takes approximately 2 weeks for the results to be available. A single application is required for the search in all classes. The search report discloses similar and identical trademarks.

Assignment

Trademark applications and registrations may be assigned with the goodwill of the business concerned.

Licensing

License recordal is compulsory in order to be effective against third parties.

Marking

Marking is not compulsory.

Cancellation

Cancellation proceedings must be brought within 3 years from registration date unless the mark was registered in bad faith, in which case, there is no time limit.

Registration Time Frame

The time frame for completing the registration process is 10 months.

Three Dimensional Trademark Applications

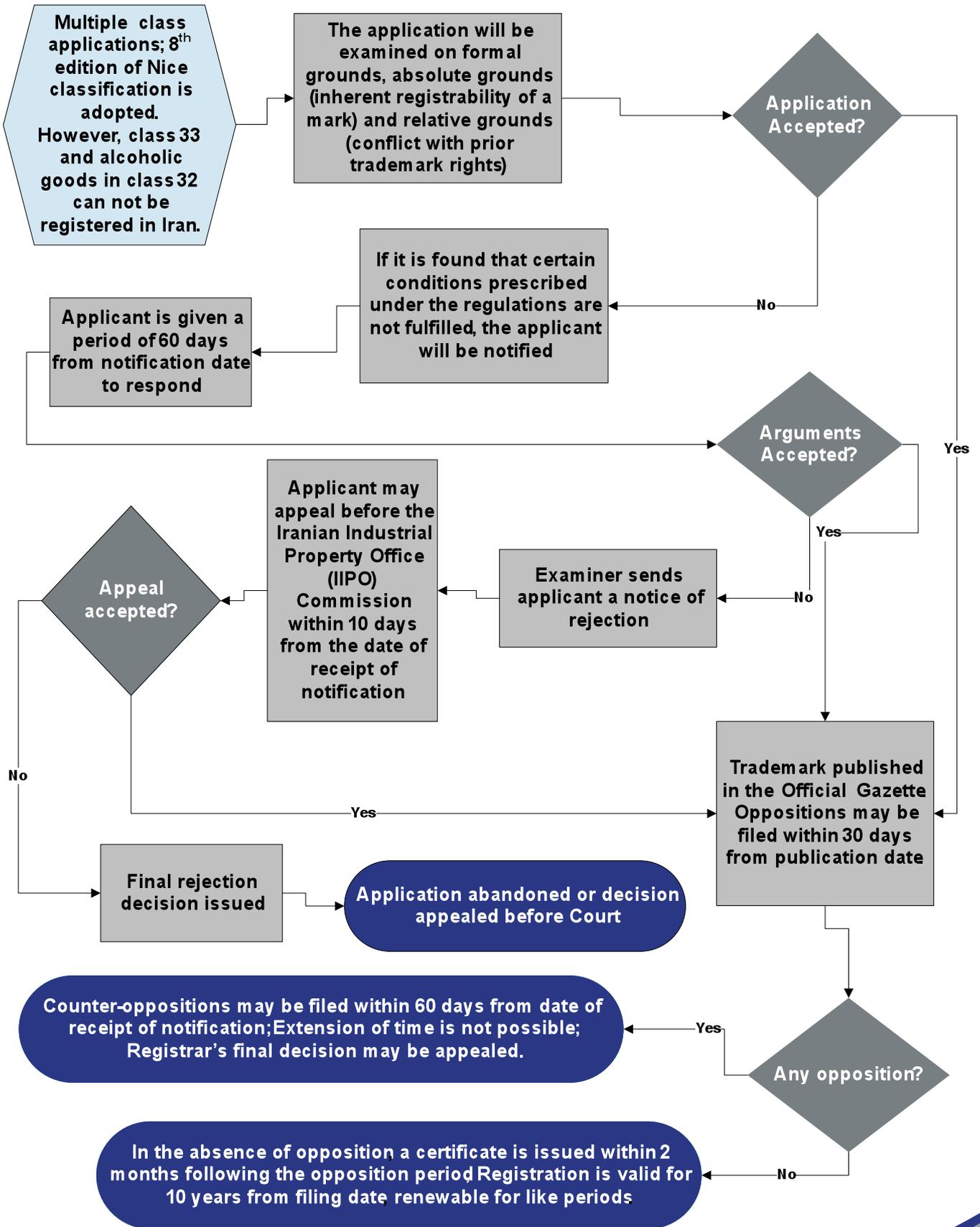
Admissible.



April 26: World Intellectual Property Day

Saba & Co IP is celebrating the World Intellectual Property Day on April 26, the date on which the Convention establishing the World Intellectual Property Organization (WIPO) originally entered into force in 1970. This year's World IP Day aims at raising the awareness about IP rights protection and promoting the innovation and creativity.

Trademark Application Flow Chart



Patents



Filing Requirements

1. Power of attorney, legalized.
2. 3 copies of the specifications in either English or French.
3. 3 sets of drawings.
4. Deed of assignment from the inventor(s), legalized.
5. Copy of the priority document, if priority is claimed, certified with English translation.
Items 2 and 3 must be submitted at the time of filing. Documents 1, 4 and 5 may be submitted within 60 days from notification date.

Opposition

Granted patents accepted by the Registrar are published in the Official Gazette. Oppositions may be filed at any time.

Search

It is possible for granted and published patents in the Official Gazette to be searched by their corresponding patent number, title and patentee name.

Examination

There is no preliminary examination, with the exception of independent patents, which are referred to a special commission within the Trademark and Patent Office.

Annuities

A maintenance fee is due annually on the anniversary of the filing date and is payable before the granting of a patent. There is a 6-month grace period for late payment with a surcharge.

Protection Term

The term of protection is 20 years from filing date.

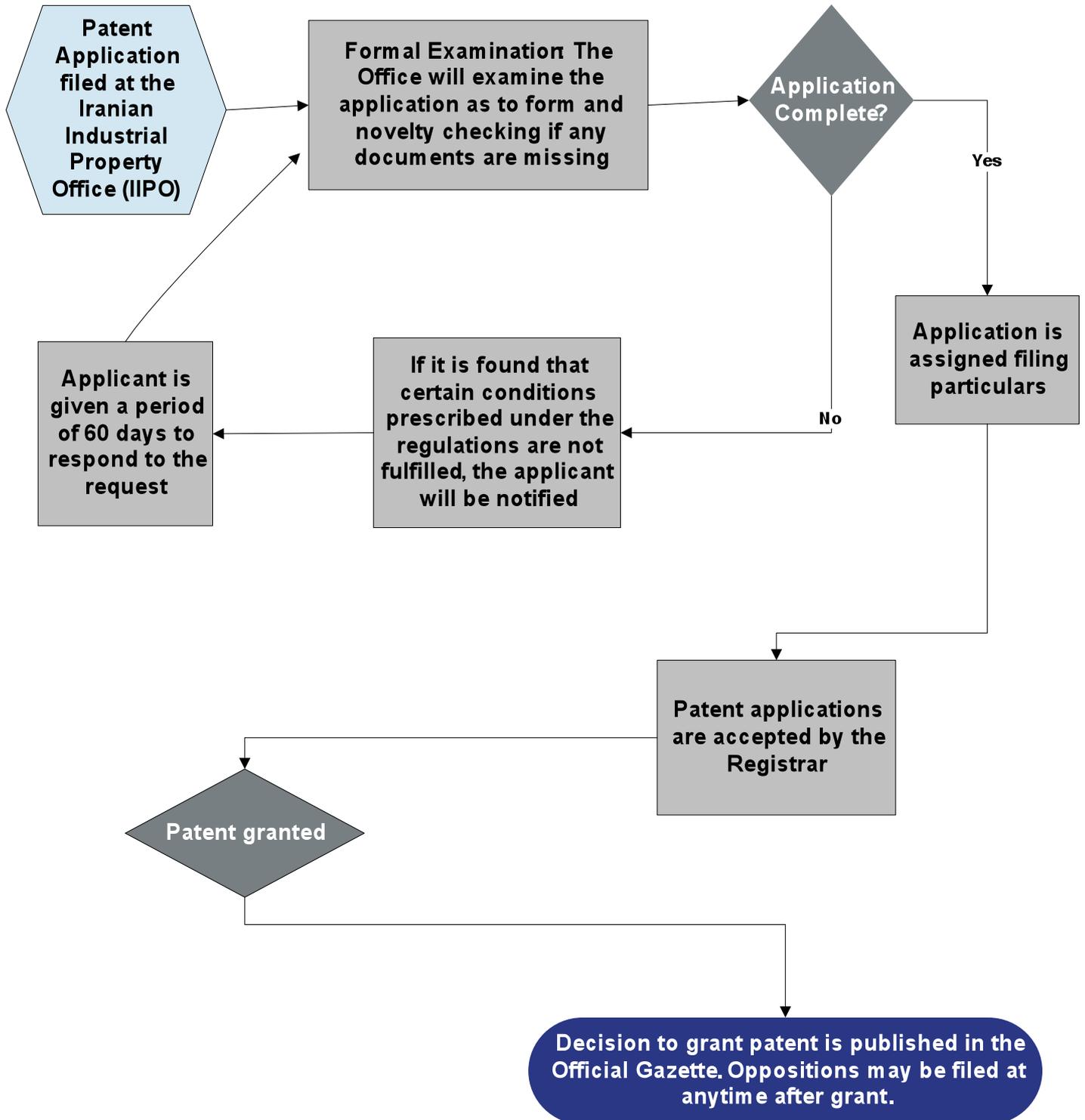
Compulsory License

A patent has to be worked. If the patent is not being fully exploited by the patentee within 5 years from the date of grant, the patent will be subject to compulsory licensing under the provisions of the law.

Novelty Requirements

Absolute novelty is required.

Patent Application Flow Chart



Industrial Designs

Filing Requirements

1. Power of attorney, legalized.
 2. Drawings, photographic or similar representations of the design.
 3. Description of the design.
 4. Specimen of the actual design.
 5. Deed of Assignment from the designer(s), legalized.
- All the above documents must be submitted within 60 days from notification date.

Duration

5 years from filing date.

Examination

As to form and novelty.

Renewal

For two consecutive terms of 5 years each.

IP HIGHLIGHTS: Customs Recordal in our Region

Border measures are always a key tool in the fight against counterfeiting and piracy and a pivotal element of a successful intellectual property enforcement system. Therefore, as part of their efforts to create competent border enforcement measures and to provide effective protection, the Customs in Morocco, Sudan, UAE and Tunisia have established a trademark recordation system for registered trademarks. This system will undoubtedly help Customs Officials target, intercept, and confiscate shipments of infringing goods.

Pursuant to this recordation system, the owner of a trademark registration can apply to the Customs of these countries requesting recordation. The application should include certain information as required by the applicable policies and must be accompanied by the certificate of registration of the mark. The Customs will thereafter issue a recordation notice.

One fundamental premise of the recordation system (other than providing a central registry containing information for recorded trademarks) is that it allows Customs officials to adopt ex-officio border measures.

An ex-officio system is different from the standard border measures in which a judicial authority orders Customs to detain the infringing shipment after identifying the infringing goods. The key advantage of the ex-officio measures is that they allow for prompt and proactive action by Customs officials thus avoiding the delays inherently involved in seeking judicial orders. Customs officials are always on the look out for infringing goods and are thus able to act quickly to confiscate counterfeit and pirated merchandise.

It is worth noting here that Morocco, Sudan, UAE and Tunisia are all members of the World Trade Organization (WTO). The WTO extends to agreements concerning not only the trade in goods and services but also to the trade-related aspects of intellectual property TRIPS. TRIPS, Part III, Section 4 describes the specific requirements for border measures in order to provide an enhanced and effective level of intellectual property protection.



| 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 good 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. | The recordal will be valid for 1 year, 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. |
| Tunisia | <ol style="list-style-type: none"> 1- Power of attorney, simply signed. 2- Certified copy of trademark registration certificate. 3- Photos and other information about the original products and counterfeiting products. 4- Application Form. | Recordal is valid for one year, renewable for like periods. |
| UAE (Dubai, Sharjah, 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. |
| Cyprus | <ol style="list-style-type: none"> 1- Certified copy of the registration certificate of the trademark to be recorded. 2- Application Form 3- Photos and other information about the original products and counterfeiting products | Recordal is valid for one year, renewable for like periods. |

Oman: National Workshop on IP Matters

The World Intellectual Property Organization (WIPO) and the Ministry of Commerce and Industry of Oman have organized a national workshop on March 22 and March 23, 2011. The workshop aims at strengthening the efforts leading to the implementation of national intellectual property strategies.

The workshop included six themes:

- 1- Intellectual property and development
- 2- Intellectual property and the public domain
- 3- Intellectual property and fair competition
- 4- Intellectual property rights and the transfer of technology
- 5- Protection of traditional knowledge
- 6- WIPO contribution to the millennium development goals

Should you have any questions or require further information please do not hesitate to contact us on oman@sabaip.com.



UAE: Courts Operate Electronically

UAE courts have launched 14 new public electronic services. The new electronic system follows the best international standards. All e-services such as notarization of documents, payment of official fees and scheduling of appointments will be processed online 24 hours a day. Through this electronic system, it is also possible to check the status of pending criminal or civil proceedings. This system aims at facilitating formalities and saving time. Although signature requires from the applicant to appear in person, pre-signature formalities are still processed online.

Should you have any inquiries or comments regarding the subject matter, please contact us at: uae@sabaip.com

Saudi Arabia: Notice to Pharmaceutical Companies

The Saudi Food and Drug Authority has revised on April 4, 2011 the patient information leaflet requirements for all drugs sold in the country containing Paracetamol.

The leaflet should now include the following precautions:

- To warn patients not to exceed the stated dose if they are allergic to Paracetamol.
- To ask patients to consult their doctor before using a product containing Paracetamol in case they have severe liver or kidney problems.
- To warn patients not to take other products containing Paracetamol at the same time.

The pharmaceutical companies are also recommended to mention the risk of drug interactions in addition to the over-dosage cases when the paracetamol quantity exceeds 10g.

Should you have any inquiries or comments regarding the subject matter, please contact us at: saudi@sabaip.com

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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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