

IP NEWS

Morocco: Changes in Regulations

According to Ministerial Resolution no. 06/2012 dated June 21, 2012, the official fees for trademark, design and patent related matters were revised in Morocco, effective October 1, 2012. Fees have substantially increased in comparison with their current level. The new schedule of fees is applicable to all new applications as well as applications that have still not matured to registration.

It is also worth noting that, maintenance fees in the country will be due annually on the anniversary of the filing date of the patent. There is a six-month grace period for late payment with a surcharge.

Previously, annuities were paid every five years. The 1st through the 5th patent annuities were payable at the time of filing. The remaining annuities were payable in groups of 5 years at the time of payment of the 6th, 11th and 16th annuities.

Also, the fees for the filing and the renewal of trademark applications will be payable separately for each and every class, and not up to the first 3 classes, as was the practice before.



In This Issue

IP NEWS: Morocco	1
Changes in Regulations	
UAE	1-2
In Hopes of Cyber Peace	
West Bank	3
A Rise in Official Fees	
Algeria	3
Recordal Through Customs	
Saudi Arabia	4
Counterstrike on Counterfeit Products	
Bahrain	4
The A B Cs of Intellectual Property	
IP Highlights: Libya	5-6
Frequently Asked Questions	

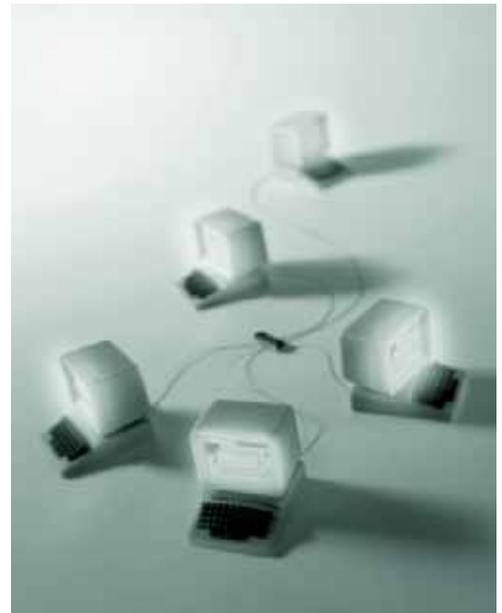
UAE: In Hopes of Cyber Peace

As the ongoing cyber war continues to affect the Arab region, the authorities in UAE issued on August 13, 2012, Decree no. 3 of 2012. This decree addresses the rise in electronic crime in the country which embraces such crimes as internet crimes, cyber terrorism, creation and/or distribution of viruses, hacking, system interference, illegal access and interception. It aims at establishing a national authority for fighting against these cyber crimes. Decree no. 3 of 2012 will become effective starting the second day following its publication in the Official Gazette.

The objectives of the new Decree are as follows:

- Ensuring the government's commitment to fight against cybercrime.
- Implementing enough measures towards ensuring cyber security.
- Setting a national plan to face any threats or abductions on cyber safety.
- Providing quality control on data protection.
- Giving enough professional and consulting support to the related parties.
- Receiving and solving cybercrime complaints.
- Covering all expenses for studies and research, in order to increase the efficiency of cyber safety.
- Creating awareness of the importance of cyber safety.

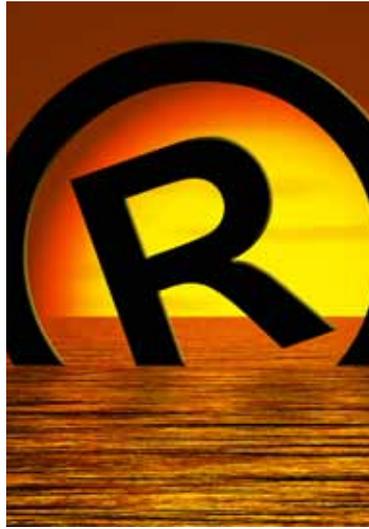
Within the changing framework of the cyber world, many noteworthy developments have influenced the legal framework of the Arab region, by implementing and promulgating legislations in order to ensure the protection of the public's cyber security. For example, in countries such as Bahrain, Jordan, Morocco, Oman, Saudi Arabia, Syria, Tunisia, UAE and Lebanon, electronic crimes are subject to legal prosecution.



West Bank - A Rise in Official Fees

On August 28, 2012, the Palestinian National Authority revised the official fees schedule in connection with the registration of trademarks.

The implementation of the new schedule will begin after its publication in the official gazette.



Algeria - Recordal Through Customs

The recordal of trademarks by rights owners is possible at the Algerian Customs, effectively helping Customs in stopping counterfeit goods.

The documents required in support of the recordation are as follows:

- 1- Power of attorney signed under the company's seal or letterhead and duly legalized before the Algerian Consulate.
- 2- Letter of commitment in French signed under the company's seal or letterhead and duly legalized before the Algerian Consulate.
- 3- Copies of the registration certificates.

After completing the recordal, the trademark will be placed on watch, and products bearing this trademark or a similar mark will be monitored and inspected ex-officio.

Products suspected of being counterfeit will be suspended and the rights owner as well as the importer will be immediately notified.

In the case of confirmation, a legal action must be filed before the court in Algeria within 10 working days in order to have a court decision on the matter; otherwise the suspected goods will be cleared.

Saudi Arabia - Counterstrike on Counterfeit Products

The Customs Authority raided a large amount of stores this year. The quantity of counterfeits in Saudi Arabia drastically increased during the second quarter of 2012, reaching an average of 18.2 million pieces.

The quantity that was discovered and raided, in contrast, portrays the success of plans and joint efforts exerted by the Commercial Anti-Fraud Department and the Customs Authorities in fighting piracy and suspending this considerable counterfeit amount imported into the country.

In addition, according to Article 43 of Law no. M/21 as defined by the country's Trademark and Commercial Anti-Fraud Law on the Protection of Trademarks, perpetrators will be subject to sanctions, including monetary fines as well as legal prosecution resulting in imprisonment, if they were to:

1. Copy a registered trademark in a way that misleads the public, and use in bad faith. If they put or use a trademark owned by another on their products or services.

2. Offer, put up for sale, sell or possess with intention of selling products carrying a counterfeit trademark, despite their knowledge, as well as anyone who offers to render services under such a trademark despite his knowledge thereof.

The above comes in the scope of the continuous efforts of the Saudi Arabian government to eliminate all possible threats of counterfeits, by adopting strict measures aimed at protecting consumers' rights in order to ensure products of good quality.



Bahrain - The A B Cs of Intellectual Property

Awareness is being created. Education in Bahrain is integrating Intellectual Property into its curriculum, by introducing it to intermediate school students, through campaigns and forums which focus on individual and corporate Intellectual Property.

These campaigns and forums are meant to target university students as well, in hopes of spreading constant awareness on the importance of the subject matter.



IP HIGHLIGHTS

Libya - Frequently Asked Questions

Many questions have been raised on trademark registration processes and current developments regarding this subject. Below are answers to these two subjects along with the required phases for the registration of a trademark.

What important structural developments have taken place following the recent events in Libya?

The Libyan Trademark Office is currently in the process of issuing trademark certificates of registration. This development is an explicit recognition by the authorities in Libya of the growing importance of trademark protection. This means that the registration certificates of all pending trademark applications (that have been accepted and published) are expected to be issued in the near future.

It is also worth noting that Switzerland has recently established formal relations with Libyan Transitional Government after a 3-year breakdown of Diplomatic relations. The implication of this is that it will be possible to file new trademark applications for Swiss applicants in Libya once the Libyan Trademark Office is fully operational.

In addition, in coordination with the Libyan Trademark Office, we will review all applications that have passed the opposition period and notify clients of the records that will be considered registered.

Is the Trademark Office fully operational?

The Office is still not operating normally. It is currently only examining pending applications. All new applications and search requests are kept on hold until further notice.

Is a home registration certificate still required?

Effective February 3, 2011, the requirement for a certified copy of the home registration certificate was dropped.

Is trademark use a registration requirement in Libya?

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.

What 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 filing requirements of a trademark?

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.

How are trademark applications 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 can not be registered.

Can a trademark application include several classes or is a separate application required for each class?

A separate application is required for each class.

How long is the protection term for trademarks in Libya??

In Libya, 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.

TRADEMARK APPLICATION

Should you have any enquiries regarding the subject matter, please contact us at info@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 counseling should be sought from the firm's Head Office in Beirut, Lebanon.

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