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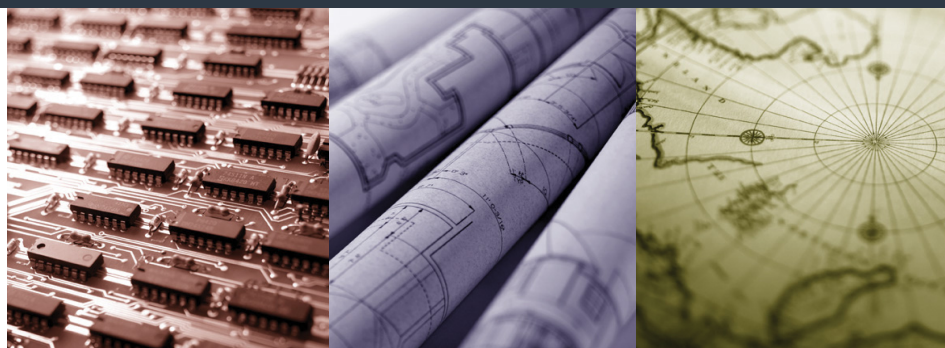
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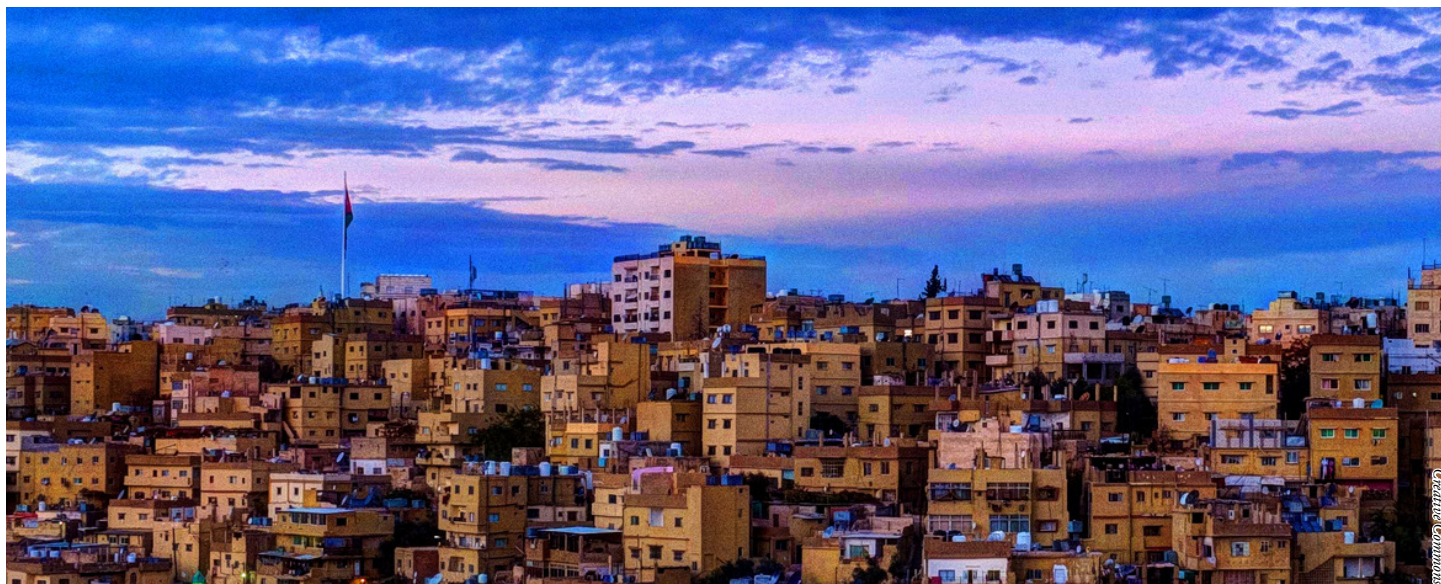
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Issue 12

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



Jordan: TMO Sets Precedent for the Protection of Geographic Indicators



The Jordanian Trademark Office, in an unprecedented move, ruled for the protection of BASMATI, a famous geographical indicator for rice originating from the Indian subcontinent. Various rice plants are grown in India and Pakistan under the Basmati name. PUSA BASMATI 1121, a well-

known variety grown in India, is popularly referred to as “1121.”

A Jordanian manufacturer applied for the registration of “1121” as a trademark for coffee, tea, sugar and rice among other goods. Upon publication of the mark in the official gazette, the Indi-

an Ministry of Commerce filed for an opposition on the basis that the mark in question evoked a connection to Basmati rice and led to unfair competition and consumer deception.

The Jordanian TMO found that the registration of the trademark “1121” in class

30 for rice would create a false impression that products bearing the said mark originate from the region where Basmati rice is being grown. The Jordanian TMO’s verdict ruled to remove rice from the list of goods as a condition to allow the registration of the mark “1121.”

UAE: Monitoring IPR Protection

Dubai recently launched a quarterly index to monitor the protection of intellectual property rights. The index will also identify areas for improvement in the regulatory policies, processes, and strategies in the domain of IPR protection by gathering opinions and expectations of brand owners, law firms, distributors and trading agencies.

The level of IP protection measurements will be based



on five major areas that are:

1. Laws and regulations on IP protection

2. Commitment to enforce existing laws and regulations

3. Level of awareness of IPR

4. Impact of IP protection on economic growth and sustainable development

5. Overall satisfaction on IP protection levels

This comes in light of the country’s recent collaboration with South Korea, which has dispatched patent examiners to the UAE Patent Office to assist in the construction of an infrastructure that will manage patent applications.

KSA: *Cracking Down on Counterfeiting*



More than two thousand age counterfeit and stolen smartphones in the authentic cases in order to confuse consumers. In a separate raid, Saudi authorities appropriated more than seven thousand counterfeit phone chargers.

Kuwait: *Restructuring IP Protection*

The United States recently transferred Kuwait from the Special 301 Report Watch List to the Priority Watch List for potential breaches of intellectual property rights.

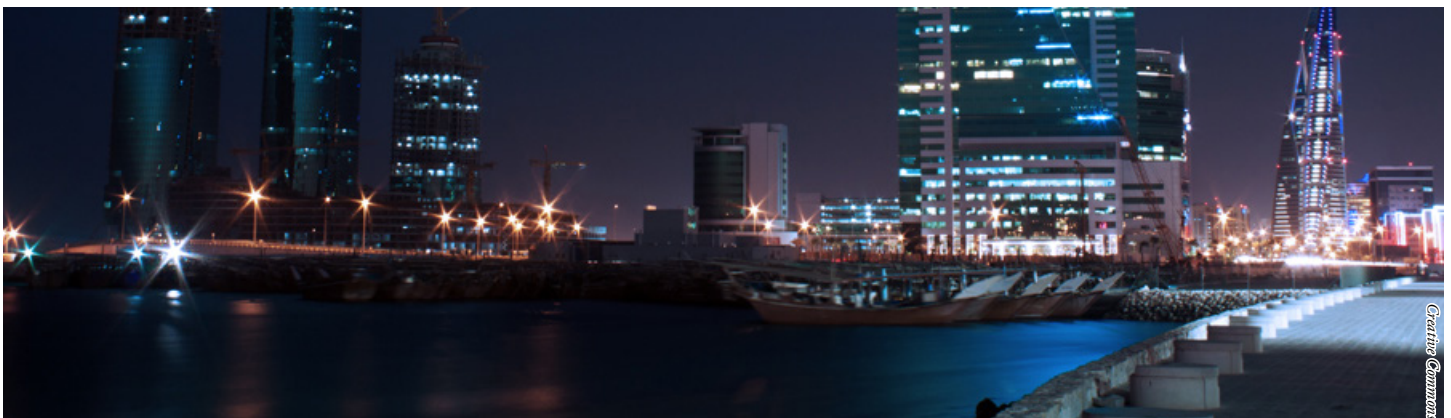
Kuwait's accession to the Paris and Berne Conventions, as reported by Saba IP Bulletin in September 2014, shows the country's commitment to improve the protection of IPRs. This will certainly translate to the advancement of Kuwait's enforcement action against trademark infringement, and progress in copy-

right legislation to meet international standards.

The Special 301 Report is prepared annually by the Office of the United States Trade Representative under Section 301 as amended of the Trade Act of 1974. The report categorizes trade barriers for U.S. companies and products due to the intellectual property law in other countries.

Other countries in the region included in the report are Algeria, Egypt, Lebanon and Turkey.

Bahrain: *Trademark Examination Update*



In order to ensure proper workflow, the Bahraini Trademark Office recently requested applicants to provide missing documents or their applications will be declared abandoned. Effective February 1, 2015, the TMO will update their trademark application form to make it possible to file applications with the documents within 3 months from the filing date. In related news, the TMO also stated that sound mark trademark applications are now accepted. The implementation has yet to be announced; however, the TMO's statement ushers an ambitious attempt of accepting nonconventional trademarks.

2014 in Playback: *Annual Report on Regional Developments*

Our annual Playback series sums up the most the important intellectual property developments and news that unfolded over the past year in the Middle East and North Africa.

Listed below are the IP highlights of 2014:



BAHRAIN

New Requirements for Patent Applications:

Effective as of May 1, 2014 but are retroactive to pending applications. The Patent Office is expected to issue notices and set a deadline for completing the requirements for the pending cases.

Amendment of Copyright Law:

The main features of the amended Law include the prohibition of all activities related to manufactur-

ing, importing, exporting, buying, selling or distributing copyrighted items without the prior consent of the owners.

EGYPT

Increase in Official Fees:

Applicable as of April 1, 2014. The increase relates to: (1) oppositions, (2) availability search and status search, and (3) obtaining certified copies.

ETHIOPIA:

Re-registration Into Effect:

Pursuant to the new regulations implementing the Ethiopian Trademark Law of 2006, trademark owners were asked in 2014 to take specific measures when it comes to the particulars of their portfolio in order to ensure that everything is in order. December 23, 2014 will in principle be the final deadline for the: (1) re-registration of trademarks filed in the country before July 7, 2006, and (2) renewal of trademarks filed between

July 07, 2006 and June 22, 2007.

IRAN

Amendment to IP Executive By-laws Addressing Examination of Patent Applications:

A new process for the examination of patent applications was established. The IIPO will first perform examination on formal grounds. Upon satisfaction, the IIPO will

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forward the matter on to the competent authority for substantive examination. This authority will then examine the application and provide its opinion based on which the IIPO will issue its decision.

JORDAN

Border Protection Remains a Must: A draft law on Border Measures was introduced in order to deal with piracy and counterfeiting. It is expected that the customs officials adopt an ex-officio border system. As a result, the customs authorities are entitled to suspend ex-officio products which are suspected of being counterfeit and to inform immediately the rights holder as well as the importer.

Administrative Courts to Replace the Higher Court of Justice: The Administrative Courts Law No. 27 of 2014 was ratified. The law abolishes and replaces the Higher Courts of Justice Law No. 12 of 1992 and establishes a two-degree adjudication system for administrative disputes. All decisions issued by the Administrative Court shall be subject to appeal before the “Higher Administrative Court” within 30 days of the date of issuance of the appealed decision. All administrative cases currently under consideration by the Higher Court of Justice are to be referred to the Administrative Court as of October 17, 2014.

New Regulation for Trademark Assignment: This regulation includes a list of articles related to trademark assignment, license and pledge.

Amendments to the Patent Law: These amendments aim to position the patent law in accordance with international patent-related treaties and agreements that Jordan plans to adhere or accede to. They provide more access to the public in general and to the patent landscape in Jordan. It will be possible to search and view all published inventions, including pending patent applications as well as granted or rejected patents. It will also be possible to verify the status; and this capability will enable local industries to obtain access to the latest technologies and in cases where there are rejections, to pursue developments without concerns of potential infringement.

KUWAIT

Registration Certificates of Designs: It became possible for applicants of design applications in the country to ask for the registration certificate of their designs.

OMAN

Substantive Examination of Patent Applications: The expected procedure in brief is as follows: upon passing examination as to form, the examination fees will be due. Following examination and upon acceptance, the application will be published in the Official Gazette. There will be an opposition period of four months, after which, assuming no opposition is filed, the application will be granted and the granted patent will be re-published in the

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Official Gazette and the related Letters Patent will be issued.

Substantive Examination Fees Due: Oman declared on November 2, 2014 that the substantive examination fees for patent applications submitted between 2003 and 2007 will be due within two months from the date of announcement.

SAUDI ARABIA

New Scale for Filing and Registration Numbers: The TMO has introduced a new numbering method for trademark applications. Following the e-filing system, applications are now allotted an e-number which will be taken as the filing number and will remain the same at the time of registration (i.e. registration number).

GCC Trademark Law Published: The decision for approving the revised GCC trademark law in Saudi Arabia was published in the country.

The purpose of the GCC Trademark Law is to replace the local trademarks laws of each of the GCC member states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) and, thereby, cre-

ating unified implementing regulations for trademark protection in all states.

Substantial Increase in Official Publication Fees: The new rates became applicable on all applications filed on or after January 14, 2014.

UAE

Substantive Examination Fees Due: The Patent Office declared on October 26, 2014 that the substantive examination fees for patent applications submitted between 2011 and 2013 will be due within 90 days from the date of announcement. Effective November 1, 2014, filing and examination fees will have to be paid for all new patent applications.

A New Deadline for POA: Starting May 1, 2014, a POA must be submitted at the time of filing of a new trademark application. This applies to oppositions as well. Applications and oppositions with missing POAs will not be admissible and an extension of time will not be possible.

Amended Draft of the New Anti-Commercial Fraud Law: The UAE Federal National Council approved the draft Anti-Commercial

Fraud Law after introducing some amendments to the original version that was first submitted in early 2013. The said amendments address potential concerns expressed by brand owners regarding namely the re-exportation of counterfeit products.

Changes in the Examination Formalities: The TMO will no longer issue pre-examination decisions or grant extensions of time during the trademark examination process. Only acceptances, conditional acceptances and rejections shall be issued in the country. In other words, the trademark applications will be either accepted, accepted under a condition or rejected, while examination will continue to be based on both absolute and relative grounds.

YEMEN

Increase in Publication Fees: Applicable on all applications filed on or after August 7, 2014. The increase relates to: trademark, patent and industrial design applications.

Accessions to Treaties and Conventions in the MENA

Bahrain: Accession to the Apostille Convention

Iraq: Accession to the Singapore Treaty

Kuwait: Accession to the Paris Convention and the Berne Convention

Qatar: Accession to the Budapest Treaty

UAE: Signing of the Beijing Treaty and the Marrakesh Treaty

Yemen: Accession to the World Trade Organization



Season's Greetings

SABA & Co.

INTELLECTUAL PROPERTY

● Head Office

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: headoffice@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon

● Jordan

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

● Saudi Arabia Al Hadaf Marks Services LLC (In cooperation with Saba & Co. IP)

Tel: +966 11 2079596
Fax: +966 11 2079598
E-Mail: saudi@sabaip.com
P.O. Box: 61145, Riyadh 11565, Saudi Arabia

● Algeria (Cabinet Boukrami) (In cooperation with Saba & Co. IP)

Tel: +213 21 341 161
Fax: +213 21 341 162
E-Mail: algeria@sabaip.com
P.O. Box: 86 Algiers, Algeria

● Kuwait

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

● Sudan

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: sudan@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Bahrain

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

● Lebanon

Tel: +961 5 454 840
Fax: +961 5 454 842
E-Mail: lebanon@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Syria

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

● Cyprus

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

● Libya

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: libya@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Tunisia

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: tunisia@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Egypt

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

● Morocco

Tel: +212 52 2251530
Fax: +212 52 2251603
E-Mail: morocco@sabaip.com
P.O. Box: 13 921, Casablanca

● United Arab Emirates

Tel: +971 4 295 9650
Fax: +971 4 295 9651
E-Mail: uae@sabaip.com
P.O. Box: 42259, Dubai

● Gaza

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: gaza@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Oman

Tel: +968 24 811 126
Fax: +968 24 811 128
E-Mail: oman@sabaip.com
P.O. Box: 2027, Ruwi,
Postal Code 112 Muscat

● West Bank

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: westbank@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Iraq

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: iraq@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Qatar

Tel: +974 44 423 992
Fax: +974 44 324 106
E-Mail: qatar@sabaip.com
P.O. Box: 14035, Doha

● Yemen

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

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