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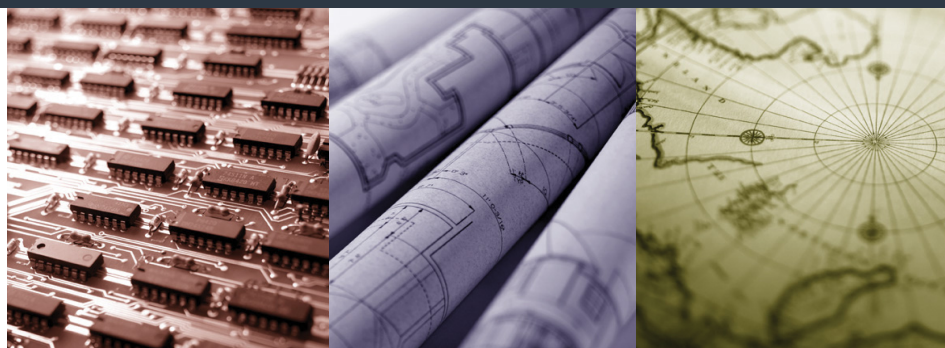


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**A Review of Intellectual
Property-Related News and
Developments in the Middle
East and North Africa**



Morocco: *Laying Down the Law*



Morocco issued Law No. 23-13 on December 18, 2014, which amends and completes Law No. 17-97 of 2000. The new law entered into force on the date of announcement and publication in the official gazette.

The law includes provisions on the protection of patents, integrated circuits, industrial designs, trademarks, and trade names.

The main features of the law regarding trademarks

are as follows:

1. Examination

Examination on absolute as well as relative grounds is now possible. Prior to the new law, applications were published after passing only through formal examination, and a certificate was issued in the absence of an opposition. An important consequence of introducing substantive examination is that if a registered trademark should have been refused on absolute or

relative grounds in the first place, any interested party may bring proceedings to have the mark declared invalid. Examination on relative grounds is expected to be laid down with the internationally recognized framework — or in other words: the global appreciation approach. The TMO will thus compare the marks as a whole, the way an average consumer views them.

2. Opposition

The new law reduces the time period to respond to oppositions from six months to two months. This reduction is expected to develop a faster and more structured procedural process.

3. Division of Trademark Applications

It will now be possible for an applicant to transform a single application into several divisional applica-

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tions. At any time before registration, an applicant may request that their application be divided into two or more separate applications, with each relating to different goods or services. Dividing the application in this way is to isolate the problematic parts in it. The process increases the chances of the uncontroversial parts being registered. Divided applications will have the same filing date as the original application. Where division occurs after the application has been published, any objections to the original application apply to each of the divisional applications.

4. Article 6ter of the Paris Convention

Article 135 of the amended law generally excludes

trademarks from registration which consist of specifically protected emblems now defines admission of the provisions of Article 6ter of the Paris Convention related to prohibitions concerning state emblems, official hallmarks, and emblems of intergovernmental organizations.

5. Unconventional Marks

The definition of a figurative representation of a sign under Article 133 has expanded to include 3D trademarks. Although this is stepping stone, difficulty may arise at the time of substantive examination. However, the following rule of thumb is generally applied by the examiners of the TMO: a sign will not be registered as a trademark if it consists exclusively of a shape which (1) results from the nature of the goods themselves, (2) is

necessary to obtain a technical results, and (3) gives substantial value to the goods. The law also refers to sound and smell marks as non-conventional marks that can be registered, in addition to 3D marks. In fact, sound and smell marks are not new additions to the law but existed in the previous law prior to the amendments. Although the administration of such rights is still in development, broadening the definition of a trademark is clearly a sign of the positive direction Morocco is taking towards internationally standardizing trademark protection.

As for patents, the main features of the law are:

1. Substantive Examination

Substantive examination is now possible, whereas

previously, applications were granted within eight months following formal examination only.

2. EP Validation

It is now possible to validate European patents, which was not an option previously.

3. Annuities

Annuities will become due post-grant, whereas previously, annuities were due each year starting from the date of filing.

4. Divisional Applications

It is possible to file divisional applications, whereas in the past this was not an option.

Additionally, since there will be examination and possible rejection, the general provisions now allow for an applicant to petition against a rejection.

Saudi Arabia: *PCT National Phase Entry Begins on Schedule*

The Saudi Patent Office accepted the first PCT national stage entry on February 3, 2015.

We are pleased to announce that Al Hadaf Marks Services, in cooperation with Saba & Co. IP, utilized the system as soon as it became available, thus ensuring that the 30 month deadline is met.

Saudi Arabia acceded to the PCT and became bound by the Treaty on August 3, 2013, as reported in the *Saba IP Bulletin*. Accordingly, the first applications to designate SA for national stage entry would have been filed on August 3, 2013 and the 30 month deadline for entering those at the national stage would then be February 3, 2015.

The requirements, annuity due dates, and fees remain the same as for national filings.

Egypt: Trademark Insights



With an area of 1,001,450 sq. km, overlooking Egypt on a map would be extremely difficult. The country occupies an impressive regional role of growing significance.

Egypt experiences stable economic development as the annual GDP growth averaged two percent. The country's GDP is \$262 billion, while the GDP per capita is \$6,600. The GDP composition is 14.5 percent for agriculture, 37.5 percent for industry, and 48 percent for services.

Egypt is a member of both the World Intellec-

tual Property Organization and the World Trade Organization. The country is also a signatory of the Berne Convention, Madrid Agreement, Nairobi Treaty, Paris Convention, Phonograms Convention, Trademark Law Treaty, Hague Agreement, Madrid Agreement and Protocol, Patent Cooperation Treaty, Nice Agreement, and the Strasbourg Agreement.

Through the revision and consequent passing of Law 82 of 2002, Egypt has made an important stride in the improvement of its legal framework for

intellectual property rights enforcement and protection.

The law brought Egypt's legal IPR regime into line with its obligations under the WTO Trade-Related Aspects of Intellectual Property Rights Agreement.

Trademarks are registered in Egypt, in accordance with the 10th edition of the Nice International Classification, for a period of 10 years from filing date and are renewable for like periods. A separate application is required for each class, however.

The main features of trademark registration are as follows:

FILING REQUIREMENTS

1. Power of attorney, legalized. A general power may be used for subsequent filings.
2. Certificate of incorporation, legalized.
3. Copy of priority document, if priority is claimed, certified
4. 10 prints of the mark for each application.

Item 4 must be submitted

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at the time of filing. Document 3 may be submitted within three months from filing date. Documents 1 and 2 may be submitted within six months from filing date.

EXAMINATION

Examination is performed on formal, absolute and relative grounds.

OPPOSITION

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

EXTENSION OF TIME

Extension of time for oppositions/counter-oppositions or for responding to office actions is not 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 six months for late renewals 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 five consecutive years.

SEARCH

An official search may be conducted for word marks and devices. It takes approximately seven working days. The search report discloses similar and identical trademarks.

ASSIGNMENT

Trademark applications and registrations may be assigned with or without the

goodwill of the business concerned.

Documents required: Power of attorney from the assignee, legalized; power of attorney from the assignor, legalized; deed of assignment, legalized; and certificate of incorporation of the assignee, legalized.

CHANGE OF NAME/ADDRESS

A change of name/address may be recorded for trademark applications and registrations.

Documents required: Power of attorney, legalized; and certificate of change of name/address of

the applicant, legalized.

LICENSING

License recordal is not compulsory but advisable in order to be effective against third parties.

Documents required: Power of attorney from licensor, legalized; license agreement, legalized; and certificate of incorporation of the licensee, legalized.

MERGER

A merger may be recorded for trademark applications and registrations.

Documents required: Power of attorney, legalized; certificate of merger, legalized; and certificate of incorporation, legalized.

MARKING

Marking is not compulsory.

CANCELLATION

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

REGISTRATION TIME FRAME

The time frame for completing the registration process is three years.

THREE DIMENSIONAL TRADEMARK APPLICATIONS

Inadmissible.

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

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