

In this Issue:

Jordan

*Administrative Courts to Replace the
Higher Court of Justice*

Yemen

Similarity of Marks

OAPI

Protecting New Plant Varieties

São Tomé and Príncipe

Taking a Seat at ARIPO

MENA

A Closer Look at Design Protection

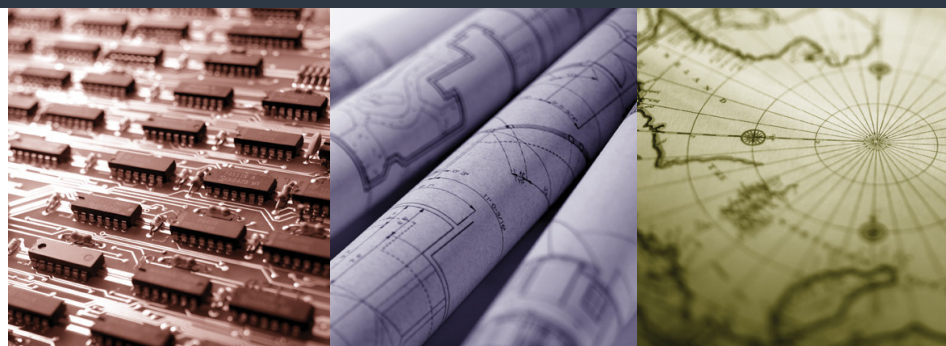


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Issue 9

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



Jordan: *Administrative Courts to Replace the Higher Court of Justice*

A Royal Decree has been issued ratifying the Administrative Courts Law No. 27 of 2014. The Law, which was published in the Official Gazette on August 17, 2014 and comes into force after 60 days from its publication in the Official Gazette, abolishes and replaces the Higher Courts of Justice Law No. 12 of 1992 and establishes a two-degree adjudication system for administrative disputes.

Whilst the New Law introduces some major changes to the administrative judiciary system, most of the essential features of the Higher Court of Justice Law are



maintained. According to the new Law which is due to enter into force on October 17, 2014, all administrative decisions, including those issued by government-

tal bodies such as the Trade-marks and Patents office, are now subject to appeal before the "Administrative Court" within 60 days as of the day of issuance

of the appealed decision.

While decisions issued by the Higher Court of Justice were final and cannot be appealed, according to the new law, 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.

By virtue of article 39 of the Law, 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 from the point where it was left off.

Yemen: *Similarity of Marks*

The Court of First Instance in Yemen ruled in favor of Arla Foods, owner of the trademark DANO in class 29 against Salem Abdul Rahman Bajersh Corporation for registering the trademark SANO in the same class.

The Court decided that the trademark SANO is an imitation of DANO, causing damage to the interests of Arla Foods and leading to unfair competition. The verdict reached ordered the defendant to cancel the Registrar's decision no. 13 which accepted the trademark SANO (registration number 44193) and bear all Court expenses.



Plaintiff's Mark



Defendant's Mark

OAPI: Protecting New Plant Varieties

The African Intellectual Property Organization became the seventy-second member of the International Union for the Protection of New Varieties of Plants. The Convention entered into force on July 10, 2014.

Other members of UPOV in the MENA region are Jordan, Morocco, Oman, Tunisia, and Turkey.

The table below sums up information on Plant Variety Rights in MENA countries. It lists the countries where Plant Variety Applications may be filed and the relevant Law in addition to the annuities and protection term of each application.



Country	Annuities	Protection Term
Cyprus	The implementing regulations of Law 21(I)/2004 have still not been issued yet.	
Egypt	-	25 years from date of grant for trees and grapevines, and 20 years for other agricultural products
India	-	25 years from date of grant
Iran	-	18 years from the date of grant
Jordan	A maintenance fee is due annually and is payable during the first 4 months of each year following the year during which the plant variety is granted	25 years from date of filing for trees and grapevines, and 20 years for other agricultural products
Morocco	A maintenance fee is due annually on the anniversary of the date of grant	20 years from date of grant for species of great culture, and 25 years for species of arboriculture and vine
Saudi Arabia	A maintenance fee is due annually and is payable during the first 3 months of each year following the year the plant variety application was filed with a further grace period of 3 months (April-June) with payment of a surcharge	25 years from date of filing for trees and grapevines, and 20 years for other agricultural products
Tunisia	New plant variety certificates shall be subject to the payment of an annual fee of which the amount and conditions of payment and utilization shall be laid down by a Decree.	The breeders' rights shall subsist for 20 years for ordinary varieties and for 25 years for varieties where development of the production elements necessitates longer timescales. Those periods shall begin to run as from the grant of the new plant variety certificate.
Turkey	A maintenance fee is due annually and is payable in January of each year following the date of grant	25 years from the date of grant for ornamentals, vegetables, and field crops, and 30 years from the date of grant for trees, vines, and potatoes
UAE	The implementing regulations of Law 17/2009 have still not been issued yet.	

São Tomé and Príncipe: *Taking a Seat at ARIPO*



São Tomé and Príncipe became the 19th member of the African Regional Intellectual Property Organization on May 19, 2014.

Other member states are: Botswana, Liberia, Malawi, Namibia, Sierra Leone, Swaziland, Tanzania, Uganda, Zimbabwe, and Sudan.

TRADEMARKS:

Classification

The International Classification of Goods and Services (9th Edition) is followed. A single application may include several classes. However, the same application may not include both goods and services.

Filing Requirements

1. Power of attorney, simply signed. A separate power is required for each application.

2. Copy of priority document, if priority is claimed, with verified French or English translation.

3. 10 prints of the mark for each application.

Items 1 and 3 must be sub-

mitted at the time of filing. Document 2 may be submitted within 3 months from filing date.

Opposition

Registrations are published in the Official Gazette. Oppositions may be filed within 6 months from publication date.

Protection Term

Trademark registrations are valid for 10 years from filing date and are renewable for like periods.

Documents required for renewal: Power of attorney, simply signed.

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 preceding the date of filing for cancellation.

Assignment

Trademark rights may be assigned with or without the goodwill of the business

concerned.

Documents required: Power of attorney from the assignee, simply signed; and original or certified copy of deed of assignment.

Change of Name/Address

Documents required: Power of attorney, simply signed; and certificate of change of name, simply signed with verified French or English translation. For a change of address, only a power of attorney, simply signed is required.

Licensing

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

Documents required: Power of attorney, simply signed; and original or certified copy of license agreement.

Merger

Documents required: Power of attorney, simply signed; and original or certified copy of certificate of merger.

Marking

Marking is optional.

Registration Time Frame

The time frame for completing the registration process is 8 to 12 months.

PATENTS:

Filing Requirements

1- Power of attorney, simply signed.

2- 1 set of the specification, claims, and an abstract in English.

3- 1 set of the formal drawings, if available.

4- Copy of priority document, if priority is claimed.

5- Deed of assignment.

Item 1 must be submitted at the time of filing or within 2 months from filing date.

Items 2 and 3 must be submitted at the time of filing. Item 4 must be submitted within 3 months from filing date. Item 5 can be submitted once available.

Opposition

No provisions.

Search

Possible.

Examination

As to form, novelty, inventiveness and industrial applicability.

Annuities

A maintenance fee is due annually on the anniversary of the filing date.

Protection Term

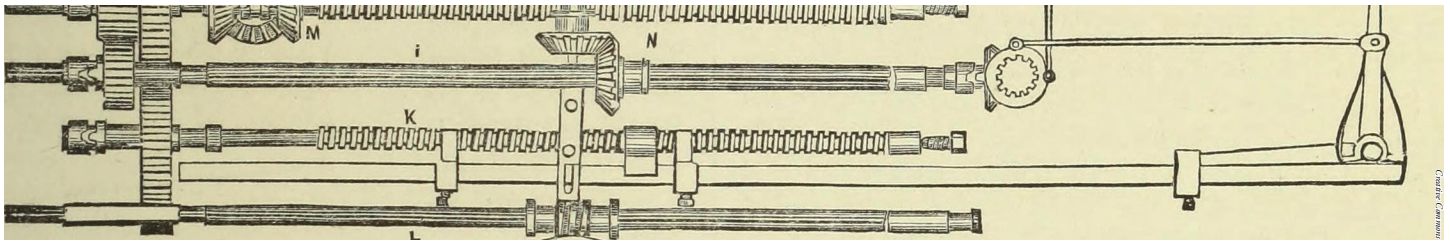
The term of protection is 20 years from filing date.

Compulsory License

A patent has to be worked. Working of the invention in each designated country is subject to the provisions of the applicable national law.

IP FEATURE

MENA: A Closer Look at Design Protection



Local Design Laws

Design laws, among other norms of positive legal systems such as trademark and patent laws, were introduced in the past in almost all of the countries of our region, either by their own codes or by including them in general codes. Basically, such laws explore and discuss the designs protected, the duration of protection, the

transfer of rights, the procedures, penalties, and remedies, and the scope of protection.

International Design Conventions

Only Egypt, Morocco, Syria, and Tunisia from our region are members of the Hague Agreement Concerning the International Registration of Industrial Designs. Most countries are members of the

WTO, which, of course, extends to the TRIPS agreement. TRIPS, Part II addresses each intellectual property right in succession.

Examination

Novelty is a requirement in all jurisdictions except for Algeria, Cyprus, Gaza, Lebanon, Libya, Morocco, Sudan, Syria, Tunisia, Turkey, West Bank, and Yemen.

Applications with Multiple Figures

It is possible to submit applications with multiple figures in all jurisdictions except for Ethiopia, Gaza, India, Iran, and Pakistan. The table below includes information on the duration, examination, and renewal of designs in addition to applications with multiple figures (if possible) in the MENA region.

Country	Duration	Renewal
Algeria	1 year from filing date	For one term of 9 years
Bahrain	10 years from filing date	For one term of 5 years
Cyprus	5 years from filing date	For four terms of 5 years each
Djibouti	5 years from filing date	For two consecutive terms of 5 years each
Egypt	10 years from filing date	For one term of 5 years with a 3-month grace period
Ethiopia	5 years from filing date	For two consecutive terms of 5 years each
Gaza	5 years from filing date	For two consecutive terms of 5 years each
India	10 years from filing date	For one term of 5 years
Iran	5 years from filing date	For two consecutive terms of 5 years each
Iraq	7 years from filing date	Not possible
Jordan	15 years from filing date	Not possible
Kuwait	10 years from filing date	For one term of 5 years
Lebanon	25 years from filing date	For one additional term of 25 years
Libya	5 years from filing date	For two consecutive terms of 5 years
Morocco	5 years from filing date	For two consecutive terms of 5 years
Oman	5 years from filing date	For two consecutive terms of 5 years each
Pakistan	10 years from filing date	For two consecutive terms of 10 years
Saudi Arabia	10 years from filing date	Not possible
Sudan	5 years from filing date	For two consecutive terms of 5 years
Syria	5 years from filing date	For two consecutive terms of 5 years each
Tunisia	5, 10 or 15 years from filing date	For two consecutive periods of 5 years, where the initial duration was 5 years and for a further period of 5 years where the initial duration was 10 years
Turkey	5 years from filing date	For four consecutive terms of 5 years each
UAE	10 years from filing date	Not possible
West Bank	5 years from filing date	For two consecutive terms of 5 years each
Yemen	10 years from filing date	Not possible

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

The information contained in this publication intends to provide updates on Intellectual Property news and should not be relied upon as legal advice. Legal or other professional advice should be sought out from the firm's Head Office in Beirut, Lebanon.