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INTA's 133rd Annual Meeting

The International Trademark Association (INTA) will hold its 133rd annual meeting in San Francisco, CA, from May 14 till May 18, 2011. Representatives from Saba & Co. IP Offices will be attending the different functions of the conference and meeting with clients. In case you wish to meet with any of our representatives, please contact us at inta@sabaip.com by no later than May 7, 2011.

YEMEN Implementing Regulations To Be Issued

The new implementing regulations of Intellectual Property Law no. 23 of 2010 will be issued soon. The main features of the regulations include:

- 1- Increase of fees: the official fees for most IP-related matters are expected to substantially increase.
- 2- Change in the classification system: the 8th edition of the Nice classification will be adopted with no local sub-classification.

By way of background, Law no. 23 of 2010 was introduced on November 22, 2010 and entered into force on February 23, 2011. This Law will replace the existing laws in the country but will only be effective once the related implementing regulations are issued.

The main features of this law are as follows:

1. Trademarks

- The opposition period has been shortened from six to three months from the publication date (Article 14).
- The new law recognizes famous marks even in the absence of registration (Article 6).
- The new law introduces severe penalties against violators (Articles 41 to 60).
- The grace period for late renewal is extended to 12 months instead of 3 months as per the provisions of the previous law (Article 17).
- The new law introduces clear provisions regarding the recordal of assignments and licenses (Article 25 to 29).
- The new law introduces clear provisions on the protection of geographical indications (Article 32 to 40).



2. Patents

- Absolute novelty is required. Any act that makes an invention available to the public, no matter where in the world, before the filing date or priority date has the effect of barring the invention from being patented (Article 5).
- The employer will be the patentee if the invention is made in execution of a contract or a commitment for the execution of inventive efforts, or if the employee would not have developed the subject matter of the protection had he not used facilities, means or data made available through his employment. The employee has the right to receive a remuneration to be agreed upon with the consent of both parties, or assessed in light of the various circumstances of the contract of employment, and the economic importance of the subject matter of the protection. A patent application filed by the employee within one year from the date of termination of employment will be considered as if submitted during employment (Article 8).
- The opposition has been shortened from 6 months to 90 days from publication date (Article 11).
- The term of protection is extended to 20 years from filing date, instead of 15 years as per the provisions of the previous law (Article 13).
- A patent has to be worked. If the patent is not being fully exploited by the patentee within 4 years from filing date or 3 years from the date of grant, then the patent will be subject to compulsory licensing under the provisions of the law (Article 33).

3. Utility Models

- Conversion from and to a patent application is possible (Article 21).
- The term of protection is 7 years from filing date (Article 22).



4. Integrated Circuits

- Integrated circuits are defined as the design of the disposition of any interconnections and the elements for the making of an integrated circuit product, or the disposition of any elements and the interconnections for the making of a customization layer or layers to be added to an integrated circuit product in an intermediate form (Article 24).
- For an integrated circuit to be registrable, it must be original (Article 24).
- Integrated circuits are protected for up to ten years. The term of protection commences on either the year of the first commercial exploitation or the year of the filing date, whichever ever is earlier (Article 25).

5. Trade Secrets

- Information could be considered a trade secret if (a) it is not commonly known, easily accessible, or used by individuals that usually deal with such information, (b) its confidentiality has commercial value, and (c) it has been identified by the party in control of the information as a secret (Article 29).
- As long as the owner of the trade secret can prove that reasonable efforts have been made to keep the information confidential, the information remains a trade secret and remains legally protected (Article 30).

6. Industrial Designs

- A relative novelty bar exists. More specifically, disclosure of the invention without the knowledge or consent of the inventor shall not be taken into consideration if it occurred within the 6 months preceding the filing date or priority date of the patent application (Article 4).
- Design applications are published in the Official Gazette upon acceptance. Oppositions may be filed within 90 days from publication date (Article 12).
- The protection term is extended for 10 years from filing date, instead of 5 years per the provisions of the previous law. Renewal is no longer possible (Article 20).



QATAR Arabic Domain Names Registration

The Supreme Council of Information and Communication Technology ictQATAR started the registration of domain names in Arabic on March 2, 2011 following the decision of the Internet Corporation for Assigned Names and Numbers (ICANN) back in 2010 to allow for Internationalized Domain Names in non-Latin scripts.

The Sunrise phase for trademark owners will start on May 2011 and last until August 2011. The Landrush phase will follow and will allow anyone to apply for the registration of domain names of high commercial value. Local presence will not be required.

Qatar will now join the ranks of Egypt, Jordan, Saudi Arabia, Palestine and UAE as the only jurisdictions in the Middle East to allow for the registration of Arabic domain names.

Should you have any inquiries or comments regarding this subject matter, please contact us at qatar@sabaip.com

GCC An IP Training Center Soon

An Intellectual Property Training Center will soon be established for the GCC countries with the purpose of improving IP standards in the region.

The center's main objectives include:

- Establishing an IP academy and preparing its feasibility study.
- Monitoring and providing policy guidance on key IP issues.
- Providing domestic education outreach and capacity building.
- Improving efficiency and cooperation among regional and international training centers.
- Organizing and participating in IP seminars and workshops.

GAZA List Of Goods Revised

Please note that trademarks covering all goods in class 33 as well as alcoholic beverages in class 32 of the Nice classification can no longer be registered in Gaza. It is worth noting that the countries that impose the same restriction from our region are the following: Iran, Kuwait, Libya, Qatar, Saudi Arabia, Sudan, UAE and Yemen. Should you have any questions, or require any additional information, please contact us at gaza@sabaip.com

IP HIGHLIGHTS Well-known Trademarks In Our Region

The extent to which a trademark is considered famous in our part of the world is usually determined according to the international standards for the protection of well-known trademarks (Article 6bis of the Paris Convention) as well as the local standards for well-known trademark protection. Of course, additional overriding standards should also be taken into consideration including the reputation of the mark within the relevant trade and consumer groups in the country; the duration, extent, and geographical area of any promotion of the mark in the country (including any advertising or publicity); and the extent to which the trademark is recognized as well-known by other competent authorities in other countries.



In the table below, we highlight the laws in our region that make reference to famous marks. The table basically answers the following questions:

- 1-Is there an article in the law which directly refers to famous marks?
- 2-Is the country member of the Paris Convention?

Country	Articles on Famous Marks	Law	Member of the Paris Convention
Algeria	<p>Articles 7 – 9</p> <p>The following may not be registered: -“Symbols similar or identical to a mark or a trade name well-known in Algeria and have been used for similar or identical goods belonging to another institution to the extent that causes confusion between both of them, or symbols which are a translation of another mark or trade name. -“The owner of a well-known mark in Algeria shall have the right to prevent others from using his mark without permission in accordance with the terms provided for in Article 7 above”.</p>	Law No. 03-06 of 2003	Yes
Bahrain	<p>Article 28</p> <ol style="list-style-type: none"> 1. Every interested party shall be entitled to request the competent authority to prohibit the use of any mark which constitutes a reproduction, an imitation or a translation of a well-known mark or an essential part thereof, according to the cases provided for in Article (3) Sections (L M N) of this Law 2. The owner of a well-known mark shall not be required to register it in the kingdom in order to enjoy the protection prescribed for such mark. 3. Notwithstanding the provisions of Article (6) of this Law, every interested party may request the competent court to cancel any mark which constitutes a reproduction, an imitation or a translation of a well-known mark or an essential part thereof within seven years from the registration date and if the registration was made in bad faith , it may be requested to cancel the registration or prohibit the use of the mark at any time 	Law No. 11 of 2006	Yes
Egypt	<p>Article 68</p> <p>The owner of a well-known trademark, worldwide and in Egypt, shall have the right to enjoy the protection conferred by this Law even if such a mark is not registered in Egypt.</p> <p>The Trade Registry Department shall reject any application to register any mark which is identical with a well-known mark and is intended for products which are identical with those of the well-known mark, unless the application is submitted by the owner of the well-known mark.</p> <p>The preceding provision shall apply to applications intended for products which are not identical with those of the well-known mark. Where the well-known mark is registered in a country member of the World Trade Organization and in Egypt, and where the use of the mark in relation to those non-identical products is meant to lead people to believe that a connection exists between the owner of the well-known mark and those products, and that such a use may be prejudicial to the interests of the owner of the well-known mark.</p>	Law No. 82 of 2002	Yes

Country	Articles on Famous Marks	Law	Member of the Paris Convention
Iran	No	--	Yes
Iraq	Article 13(2) The owner of a well-known trademark shall have the right to enjoy the protection even if such a mark is not registered.	Law No. 21 of 1957	Yes
Jordan	Article 8(12) A trademark which is identical or similar to a well-known trademark shall not be registered.	Law No. 34 of 1999	Yes
Kuwait	Article 62(5) A trademark that is identical or similar to an extent that leads to confusion with another trademark or famous commercial name in the state of Kuwait or being a translation thereof in respect of goods or services that is identical or similar to the ones of another project shall not be a trademark and may not be registered in the description of a trademark. Also it is not permissible to register the trademark if it is for goods or services which are not similar or identical when use of them may lead to the indication that there is a relation between them and the famous commercial name in a way that causes harm to the owner of the trademark.	Law No. 68 of 1980	No
Lebanon	No	--	Yes
Libya	Articles 1234 - 1235 - 1236 Well-known trademarks in Libya shall ensure protection even if they are not registered.	Law No. 23 of 2010	Yes
Morocco	Article 162 The owner of a well-known mark within the meaning of Article 6bis of the Paris Convention for the Protection of Industrial Property may claim cancellation of the registration of a mark liable to lead to confusion with his own mark.	Law No. 17 of 1997	Yes
Oman	Section 36, Article 5 A mark cannot be validly registered if it is identical with or similar to, or constitutes a translation of, a mark or trade name which is well known in Oman. The interests of the owner of the well-known mark are likely to be damaged by such use.	Law No. 67 of 2008	Yes
Qatar	Article 8(7) The following shall not be registered as a trademark or as part of a trademark: - Signs which are confusingly identical or similar to a mark previously registered or filed by a third party for identical or similar goods or services or well-known signs even if not registered or applied for registration in Qatar irrespective of the identification or similarity of the related goods or services for which registration is sought.	Law No. 9 of 2002	Yes

Country	Articles on Famous Marks	Law	Member of the Paris Convention
Saudi Arabia	<p>Article 2(i) The following signs, emblems, flags and others as listed below shall not be considered or registered as trademarks: Trademarks that are identical or similar to trademarks well-known in the Kingdom even if they are not registered in it in connection with identical or similar goods or services and trademarks that are identical or similar to trademarks well-known in the Kingdom and registered in it in connection with goods or services that are not identical or similar provided that this use causes injury to the owner of the well-known trademark.</p>	Law No. M/21	Yes
Syria	<p>Article 44 a. The proprietor of the well-known trademark, globally and in Syria, even if it was not registered, is entitled to request the Competent Court to cancel or prevent third party to use a trademark identical or similar to the same or form a translation to the same on similar or non-similar products or services if the use of such trademark on the non-similar products shall create a likelihood of association between the proprietor of the well-known trademark and those products, or if such use dilute the trademark or cause damage to its proprietor or if such use creates an unjustified profit from it. b. When determining if the trademark is well-known, the extent of fame of the trademark among the concerned public in Syria shall be taken into consideration.</p>	Law No. 8 of 2007	Yes
Tunisia	<p>Article 24 If the use of a well-known mark causes harm to the mark, the owner shall be held responsible.</p>	Law No. 36 of 2001	Yes
United Arab Emirates	<p>Article 4 1. Trademarks of international reputation, which goes beyond the borders of the original country of the trademark to other countries, shall not be registered, unless so requested by its original owner, or by an official power of attorney from the original owner. 2. The degree of knowledge or recognition of the mark in the relevant sector of the public is essential in determining how famous the trademark is. 3. A famous trademark may not be registered to distinguish goods/services not identical to those distinguished by these marks if: a. The use of the mark implies a connection between the goods/services to be protected and the goods/services of the owner of the original trademark. b. The use of the mark may result in damaging the interest of the owner of the original trademark.</p>	Law No. 8 of 2002	Yes
Yemen	<p>Article 5-6 A mark that is identical to a well-known mark shall not be accepted for registration. Well-known trademarks shall ensure protection even if they are not registered.</p>	Law No. 23 of 2010	Yes

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