

## In This Issue

### INTA

136th Annual Meeting

### Bahrain

GCC Trademark Law Approved  
Amendment of Copyright Law

### Saudi Arabia

New Deadline for Submitting Priority Documents

### Jordan

Border Protection Remains a Must!

### Kuwait

Trademark and Patent Office: New Premises

### In Loving Memory of Hoda Serageldin

## INTA

### 136th Annual Meeting

The International Trademark Association (INTA) will hold its 136th annual meeting in Hong Kong from May 10 to May 14, 2014. 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](mailto:inta@sabaip.com) in order to specify a convenient time and date.*



## Bahrain

### GCC Trademark Law Approved

The Bahraini government's decision approving the unified GCC Trademark Law has been published in the country's Official Gazette on February 27, 2014. The Law is expected to enter into force in the country six months after its implementing regulations are issued by the GCC Trade Cooperation Committee (made up of the Trade Ministers of the GCC member states). The GCC countries that have so far announced their approval of the unified GCC Trademark Law are Saudi Arabia, Qatar and the United Arab Emirates.

The purpose of the GCC Trademark Law is to replace the local trademark laws of each of the GCC member states and, thereby, creating unified implementing regulations for trademark protection in all states. However, the GCC Trademark Law is not expected to offer for a unified filing system as the case is with the GCC Patent Law. Trademark applications will continue to be filed separately in each GCC member state for protection.

The 50-article Law outlines the general directives and rulings governing trademark registration, renewal, assignment, and cancellation procedures in the GCC countries. The main features of the Trademark Law as approved by the GCC Supreme Council are as follows:

1. The definition of a trademark has been broadened to include sound and smell marks.
2. A trademark may be individual or collective.
3. A separate application is required for each class.
4. Claim of priority, based on an earlier-filed foreign application, is possible.
5. Trademark applications accepted by the Registrar will be published for opposition purposes. Oppositions must be filed within 60 days from publication date.
6. 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.
7. 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 after registration.
8. The Law shall recognize famous trademarks that are well-known in the GCC member states and shall ensure protection thereof even if the marks are not registered.
9. The Law gives the right to trademark owners to initiate civil and criminal actions against any infringing party. Penalties include a maximum of five year imprisonment and payment of fines of up to USD 270,000.

# Amendment of Copyright Law

The Bahraini authorities have issued Law no. 5 of 2014 amending some provisions of existing Copyright Law no. 22 of 2006. The main features of the amended Law include the prohibition of all activities related to manufacturing, importing, exporting, buying, selling or distributing copyrighted items without the prior consent of the owners. According to the Law, non-commercial establishments, such as educational institutes, libraries and public media shall not be held responsible for breaching the provisions of this Law provided that the violation was proved to have been committed unintentionally. Also, deciphering satellite and radio signals shall only be allowed through written documentation from the copyright holder or their representatives.

This Law completes Law no. 22 of 2006 providing protection for copyrights including books, pamphlets and other writings, lectures, sermons, theatrical works, musical works, musical compositions, cinematographic works, works of drawing, painting, architecture, sculpture, engraving, photographic works, works of applied art, illustrations, maps, plans, sketches and three-dimensional works as well as computer programs. The Law also provides protection for neighboring rights including works of performers, producers of sound recordings and broadcasting organizations.

Based on the provisions of this Law, authors, performers, and producers of phonograms have the right to authorize or prohibit all reproductions of their works, performances, and phonograms, in any manner or form, permanent or temporary. Violators of the present Law shall be subject to a fine of up to BD 2,000 (approximately USD 5300) or to imprisonment of six months, or both. Below is a summary on the copyrights protection framework in the country.

## Copyright Protection Framework in Bahrain

### Member of Berne Convention

Yes

### Registration

Possible for nationals as well as foreigners.

### Filing Requirements

- 1. Power of attorney, legalized.
- 2. 1 copy of the work of art.

### Registration Time Frame

The approximate time frame for completing the registration process is 4 to 6 weeks.

### Duration

Duration in general is the author's life plus 70 years following the author's date of death.



# SAUDI ARABIA

## New Deadline for Submitting Priority Documents and POAs

The Saudi Trademark Office (TMO) has recently announced that the new deadline for submitting priority documents and powers of attorney will be 90 days from notification date received from the TMO. Previously, the power of attorney and priority document had to be submitted within 30 days from filing date. This comes as a result of the introduction of the electronic system of filings which allows applicants to fill-out an on-line application form, check and review it for accuracy and precision, and then submit it directly over the Internet.

For further information, we list below the statutory requirements of a trademark application (be it a registration, renewal, recordal of assignment or a recordal of change of name/address) at the Saudi Trademark Office.

### Filing Requirements

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

Document 3 must be submitted at the time of filing. A scanned colored copy of Documents 1 and 2 must be submitted at the time of filing, the original copies may be submitted within 90 days from notification date.

### 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.

### Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette. Oppositions must be filed before the Board of Grievances (First Instance Court) within 90 days from publication date.

### Extension of Time

Extension of time for oppositions/counter oppositions or for responding to office actions is not possible.

### Search

An official search may be conducted for word marks and devices. It takes approximately 3-7 working days for the results to be available. A separate application is required for search in each class. The search report discloses similar and identical trademarks.

### Protection Term

Trademark registrations are valid for 10 Hijri years (approximately 9 years and 8 months) from filing date and are renewable for like periods. There is a grace period of 6 lunar months for late renewals with payment of a surcharge. Documents required for renewal: Power of attorney, legalized; and original Saudi registration certificate of the mark for endorsement.

### Cancellation

A trademark may be subject to cancellation by any interested party before the Board of Grievances if it can be established that the mark was not rightfully registered.



# Jordan

## Border Protection Remains a Must!

The Jordanian Authorities ratified a draft law on Border Measures amending the Jordanian Customs Law. The draft law was forwarded to the competent authorities for further review and approval. In general, the draft law is expected to contain provisions on customs activities related to the protection of intellectual property in the field of import and export of goods. The draft law aims at strengthening border control measures in order to deal with piracy and counterfeiting and is expected to be consistent with the special provisions of border measures of the Agreement on Trade Related Aspects of Intellectual Property Rights concluded within the framework of the World Trade Organization (WTO).

By way of background, the Jordanian Customs maintain a system within which all trademarks registered at the Trademark Office will be automatically placed on watch at the Customs. This will help the Customs officials target, intercept, and confiscate shipments of goods bearing infringing marks.

According to this draft, 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. More specifically, according to Article no. 41 of the Customs Law, foreign goods which do not conform to the requirements of the laws and the regulations for the protection of intellectual property shall be denied entry into the country, unless otherwise approved by the competent authorities. It is not clear how the customs will apply this and whether customs recordation will be obligatory in order to receive this service. The main border measures provided by Article no. 41 as per current law are summarized below:

- The Customs authorities can suspend entry into Jordan of alleged counterfeit products bearing identical or similar trademarks.
- Legal proceedings should be initiated by the trademark owner within an eight-day period; otherwise, the goods will be released.
- The trademark owner shall be allowed to inspect the confiscated goods under the supervision of the Customs.
- Small quantities of goods of non-commercial nature and personal items and gifts contained in travelers personal luggage or sent in small consignments, as well as goods in transit and goods which are placed in the markets of the exporting country by the rights holder or upon permission thereof, shall be excluded from the provisions of Article 41.

*Should you have any specific inquiries regarding the subject matter, please contact us at [bulletin@sabaip.com](mailto:bulletin@sabaip.com).*



# Kuwait

## Trademark and Patent Office: New Premises

The Kuwaiti Trademark and Patent Office is currently moving to new premises. Consequently, the flow of work is expected to be interrupted. However, there is a clear affirmation from the relevant authorities that deadlines falling within this period will not be missed. Meanwhile, we will be handling all the instructions we receive from you with utmost care in order to ensure proper follow up and organization.



## In Loving Memory of Hoda Serageldin - 1942 - 2014

It is with great sadness and sorrow that we announce the demise of Mrs. Hoda Serageldin who passed away on Monday March 17th, 2014.

Mrs. Serageldin was the Managing Partner of Saba & Co. IP – Egypt until February 2012. She was also the co-founder of the Egyptian National Group of the AIPPI (International Association for the Protection of Intellectual Property) which she presided over since its inception in 1993 until her death. She did not only serve as President of AIPPI Egypt, but was also a member of honor and holder of the AIPPI award of merit.

Mrs. Serageldin was an active Patent and Trademark Agent, well-known in her native country Egypt as well as in the international IP circles. Not only was she a pioneer in the field of Intellectual Property, but also a staunch activist for IP causes and a charismatic civil society leader. Mrs. Serageldin is survived by her two sons Jamal and Fouad.

She will be deeply missed by all of us at Saba & Co. IP.



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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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