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SABA

INTELLECTUAL PROPERTY

INTA's 138th Annual Meeting - Orlando

Dear Friends and Colleagues,

We will be attending INTA's 138th Annual Meeting in Orlando, FL from May 21, 2016 to May 25, 2016.

We look forward to seeing you at the conference this year. Kindly email us at inta@sabaip.com to arrange for a suitable time to meet.

Sincerely,

INTA TEAM – Saba IP



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MIDDLE EAST: IP FIRM OF THE YEAR

**Managing
Intellectual
Property™**

FIRM OF THE YEAR 2016

We have been honored with the IP Firm of the Year award for the Middle East for 2016, conferred during the MIP's annual Global Awards ceremony that was held in London on March 10, 2016. We are certainly proud to be showcased and celebrated among the best in our industry. Needless to say, our relentless strive for service excellence would not have been possible without the trust of our clients. Thank you for your confidence!



SAUDI ARABIA: TRADEMARK RENEWAL GOING ONLINE

Effective immediately, applications for trademark renewal will only be filed online. This move to e-filing comes also with a substantial increase in publication fees - 10 fold the current level.

There have also been a number of unconfirmed reports that recordal applications will also be filed online. Although not implemented yet, this move to e-filing is also expected to be coupled with an increase in publication fees related to the recordal of assignments, licenses and mergers. We do not foresee a change in the fees for the recordal of change of name and address. By way of background, the move to e-filing of trademark registrations back in late 2013 also saw a significant increase in publication fees.

Renewal of Trademarks in Saudi Arabia

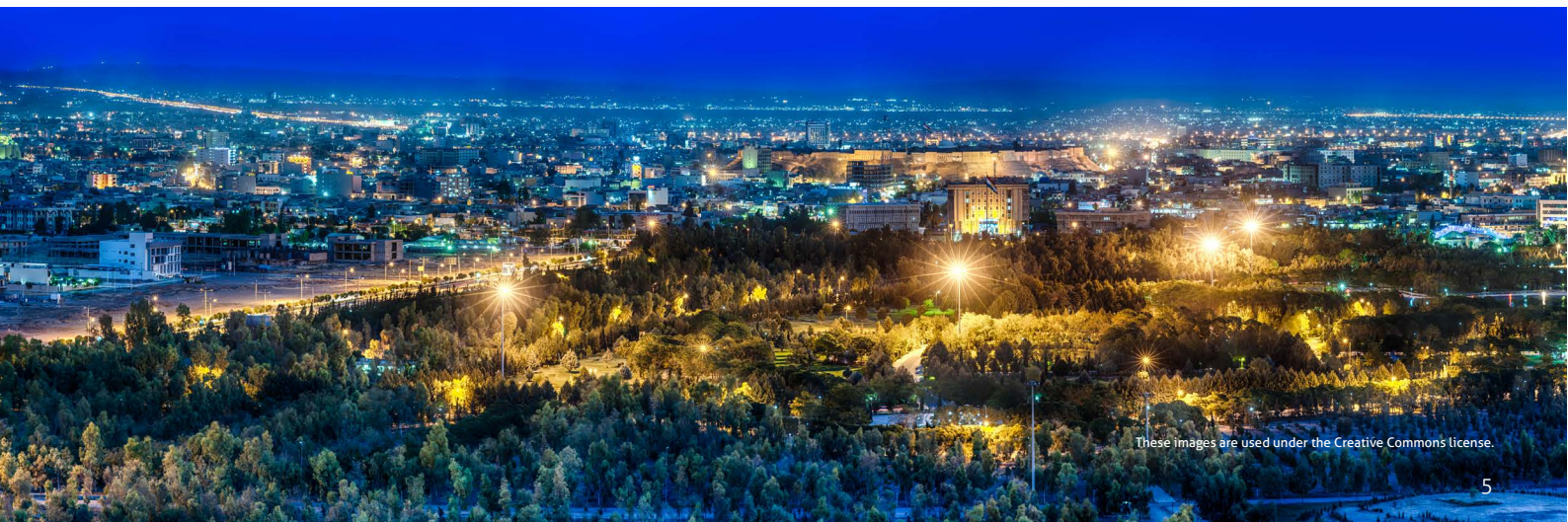
Protection Period	Filing Requirements	What you need to know
10 Hijri years (approximately 9 years and 8 months) from filing date and renewable for like periods	<ul style="list-style-type: none">• POA, legalized• Certificate of registration for endorsement	Grace period of 6 lunar months

IRAQ: SEARCH BEFORE YOU FILE

A prior trademark clearance search is now a prerequisite for every trademark application submitted at the TMO before the filing particulars are issued. This new line of practice could at some point cut down the backlog of work by essentially reducing the time it takes to perform examination on relative grounds at a later stage. If the proposed trademark is found to be available following the clearance search, the application will then follow the standard registration procedure. This revised practice will not apply to Paris convention applications in order to safeguard the priority period.

AFGHANISTAN: FROM MULTIPLE TO SINGLE

The Trademark Office of Afghanistan has shifted its classification system from multi-class to single class applications even though no Ministerial Resolution was issued to support this new line of practice. It is still not clear how the TMO is going to treat pending trademark applications as well as trademark registrations following this new classification system. We will be reporting on this as more information come in.



TUNISIA: APPROVING THE EUROPEAN PATENT VALIDATION LAW

Tunisia recently approved the European Patent Validation Law, which will enter into force following issuance of the related implementing regulations. This comes one year and a half following the agreement between the Tunisian Patent Office (INNORPI) and the EPO allowing European patent applications to designate TN and eventually for the EP grants to be validated in Tunisia. Although Tunisia is not an EPC member state, the Law provides the country a pseudo-EPC status with regards to patent procurement, and is expected to encourage more filings and more foreign investment.

As a reminder, the Moroccan Patent Office signed a similar agreement in December 2010, saw the law voted in December 2014 and went into force on May 1, 2015.

EGYPT: THINK TWICE BEFORE IMPORTING COUNTERFEITS

According to the new regulations that came into effect on March 15, 2016, imported goods will not legally enter into the Egyptian market unless the merchandise is authorized by the General Organization for Export and Import Control (GOEIC).

In order to obtain authorization, importers are required to record the name of the manufacturer, as well as the corresponding trademark registration of the imported products at the GOEIC. This comes as a necessary step to ensure that the imported goods are not counterfeits.

It will be sufficient for importers of products with multiple entries per year to record the name of the manufacturer and the trademark registration only once, unless the particulars of the manufacturer and/or the trademark registration have changed. Another recordal will be required in such a case.

The requirements for the recordal are outlined in the table below.

Recordal of the name of the manufacturer	Recordal of the trademark registration
Certificate of incorporation	Certificate of trademark registration, local or foreign. The registration in the home country is preferable if owners opt for the submission of the foreign registration
List of the manufacturer's products and trademarks	Certificate issued from the company owning the trademark regarding the distribution centers that are authorized to distribute the products bearing the trademark
Certificate evidencing that the factory has a quality control system, issued from an authority recognized by the International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF), or any Egyptian or foreign authority approved by the Minister responsible for foreign trade	Certificate evidencing that the company owning the trademark has a quality control system/ quality assurance, issued from an authority recognized by ILAC, IAF, or any Egyptian or foreign authority approved by the Minister responsible for foreign trade

MENA: INDUSTRIAL DESIGNS IN A DEVELOPING REGION

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 the MENA region, either by their own codes or by including them in general codes. These 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

Egypt, Morocco, Oman, Syria, and Tunisia 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 almost all countries of our region. The most common ways in which an inventor will be barred include: (1) making the invention known or allowing the public to use the invention, (2) having the invention published in a fixed medium, (3) describing the design in a previous application filed by another.

In some countries, such as Saudi Arabia and Jordan, a grace period exists for protecting an inventor or their successor in title from authorized or unauthorized disclosure of the design before the filing date. An application can still be validly filed which will be considered novel despite the publication, provided that the filing is made during the grace period following the publication. The grace period is usually 6 or 12 months depending on the country. While absolute or relative novelty is the standard norm across the board, Libya comes as an exception. In this country, only local novelty should be established



General State of Enforceability of Design Rights

In general, there are no precedents in the MENA region on how prior cases regarding design infringement have been decided. Generally speaking, the existence of such precedents give an indication of how the judicial interpretation of the laws would be in cases involving identical circumstances. So the question of enforceability of design rights in the MENA countries is a matter solely determined by the extent to which design infringement is referred to under the local laws.

In the UAE, for example, preventive measures, offenses, and penalties are defined under Chapter 5 of Law No. 44 of 1992 for the protection of industrial property for Patents, Designs and Industrial Models. Under Article 61 of Chapter 5, a claimant for infringement may be awarded a range of remedies, depending on the facts of the particular case. Damages may be awarded to rectify financial harm suffered and an order for the destruction of the infringing items may be made. Similar remedies have also been specified in the laws of other Arab countries as well.

In Qatar, where there is no system for the administration of design applications, a measure of protection may be sought out by publishing cautionary notices at regular intervals in local newspapers. The cautionary notice should include a preamble, stating name and address of the proprietor, title of the design, and a brief description of the nature and intended use of the article in which the design is embodied along with drawings or other graphical specifications. An effective cautionary notice in Qatar may discourage infringement and can be relied upon as evidence, to some extent, in Court.

The table below offers a detailed listing of all relevant information for design protection in the MENA region.

COUNTRY	DURATION	EXAMINATION	APPLICATIONS WITH MULTIPLE FIGURES	RENEWAL
Algeria	1 year from filing date	As to form only	Possible	For one term of 9 years
Bahrain	10 years from filing date	As to form, novelty and industrial applicability	Possible	For one term of 5 years
Cyprus	5 years from filing date	As to form only	Possible up to 50 figures	For four terms of 5 years each
Djibouti	5 years from filing date	As to novelty, inventive step and industrial applicability	Possible	For two consecutive terms of 5 years each
Egypt	10 years from filing date	As to form and novelty	Possible up to 50 figures	For one term of 5 years
Ethiopia	5 years from filing date	As to form and novelty	Not possible	For two consecutive terms of 5 years each
Gaza	5 years from filing date	As to form only	Not possible	For two consecutive terms of 5 years each
India	10 years from filing date	As to form and novelty	Not possible	For one term of 5 years

COUNTRY	DURATION	EXAMINATION	APPLICATIONS WITH MULTIPLE FIGURES	RENEWAL
Iran	5 years from filing date	As to form and novelty	Not possible	For two consecutive terms of 5 years each
Iraq	10 years from filing date	As to form, novelty and industrial applicability	Possible	Not possible
Jordan	15 years from filing date, and if priority is claimed, 15 years from priority date.	As to form and novelty	Possible	Not possible
Kuwait	10 years from filing date	As to form, novelty, and industrial applicability	Possible up to 50 figures	For one term of 5 years
Lebanon	25 years from filing date	As to form only	Possible up to 99 figures	For one additional term of 25 years
Libya	5 years from filing date	As to form only	Possible up to 50 figures	For two consecutive terms of 5 years
Morocco	5 years from filing date	As to form only	Possible up to 100 figures	For four consecutive terms of 5 years (totalizing a maximum period of 25 years)
Oman	5 years from filing date	As to novelty	Possible	For two consecutive terms of 5 years each
Pakistan	10 years from filing date	As to form and novelty	Not possible	For two consecutive terms of 10 years
Saudi Arabia	10 years from filing date	As to form and novelty	Not possible	Not possible
Sudan	5 years from filing date	As to form only	Possible up to 50 figures	For two consecutive terms of 5 years
Syria	5 years from filing date	As to form and novelty	Possible up to 5 figures	For two consecutive terms of 5 years each
United Arab Emirates	10 years from filing date	As to form, novelty, inventiveness and industrial applicability	Not possible	Not possible

COUNTRY	DURATION	EXAMINATION	APPLICATIONS WITH MULTIPLE FIGURES	RENEWAL
Tunisia	5, 10 or 15 years from filing date	As to form only	Possible	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	As to form only	Possible	For four consecutive terms of 5 years each
West Bank	5 years from filing date	As to form only	Not possible	For two consecutive terms of 5 years each
Yemen	10 years from filing date	As to form	Not possible	Not possible

Should you have any questions, or require any additional information, please contact us at news@sabaip.com

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