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JOSEPH SANBAR: GONE, BUT NOT FORGOTTEN

It is with the deepest of grief that we deliver to you the heartbreaking news of the death of Joseph Sanbar, former chairman of Saba IP. He passed on peacefully in the company of his family on Saturday, March 11, 2017.

Mr. Sanbar served the firm tirelessly over a period of more than 50 years, leaving behind now only those fond memories we have of him. His positive outlook on life was most admirable, even contagious, as those who knew Mr. Sanbar would attest. With an infectious smile ever present on his face, his dedication, brilliance, and talent will be remembered by everyone who had the privilege of working with him. Such an extraordinary person he was.

Mr. Sanbar is survived by his wife Georgette and their son Maziad.



139th ANNUAL MEETING

BARCELONA FIRA GRAN VIA

MAY 20 - 24

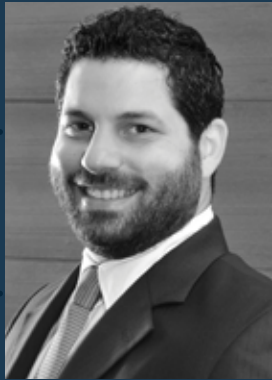
INTA here we come again!

For more than 30 years in a row, Saba IP will once again participate at INTA Annual Meeting, in Barcelona!

Dear Friends and Colleagues, we are thrilled to be meeting you at the conference.



Amal Abdallah



Firas Bedran



George Jomaa



Hady Khawand



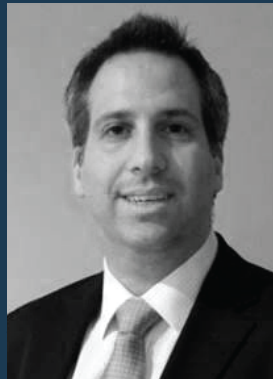
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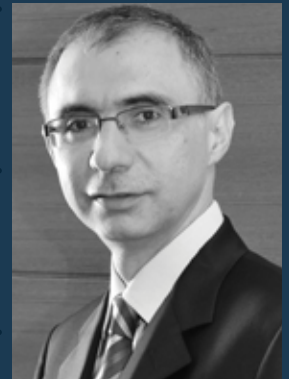
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MEET THE TEAM

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JORDAN: ACCESSION TO THE PCT



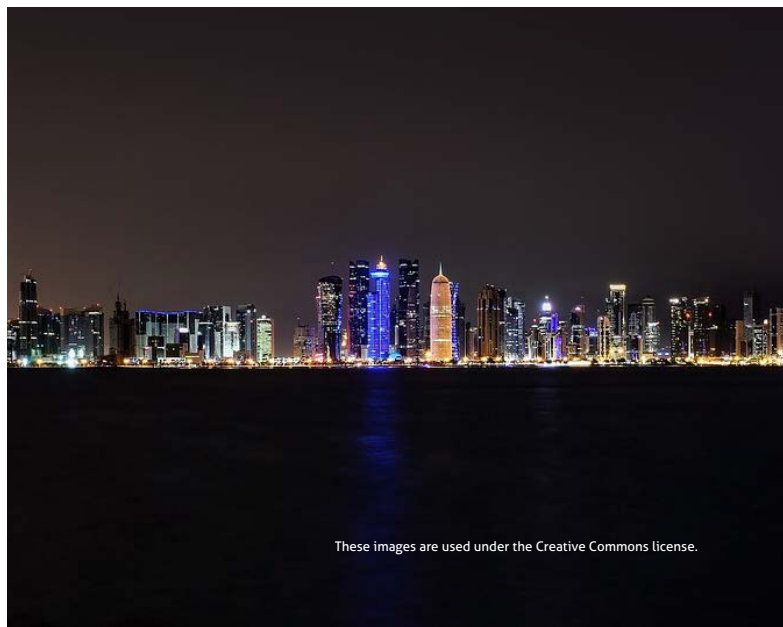
Jordan became the 152nd member of the Patent Cooperation Treaty (PCT) on March 9, 2017, and the most recent Arab state to accede to the PCT. The Treaty is expected to enter into force on June 9, 2017. During the transitional period, the Ministry concerned will raise awareness to familiarize all stakeholders with the PCT.

We expect further developments and news in this area that should clarify the direct benefits of Jordan's accession to the PCT.

QATAR: E-FILING OF PATENT APPLICATIONS

Given Qatar's unremitting commitment to the protection of intellectual property, the Qatari Patent Office recently announced that it will begin receiving and processing local and international applications in electronic form.

Other jurisdictions in the Arabian Gulf that previously implemented electronic filing for patent applications are Saudi Arabia, the regional office of the Gulf Cooperation Council, and most recently the United Arab Emirates.



QATAR: NEW INDUSTRIAL DESIGNS DRAFT LAW



Qatar approved the Industrial Designs Draft Law along with its Implementing Regulations on March 15, 2017. The draft is expected to repeal Law no. 9 on Trademarks, Trade Names, Geographical Indications, and Industrial Designs that was issued in 2002.

It is worth noting that with the advent of Qatar's validation of the unified Gulf Cooperation Council Trademarks Law that only concerns trademarks and geographical indications, the new draft Law will offer a more comprehensive protection for designs.

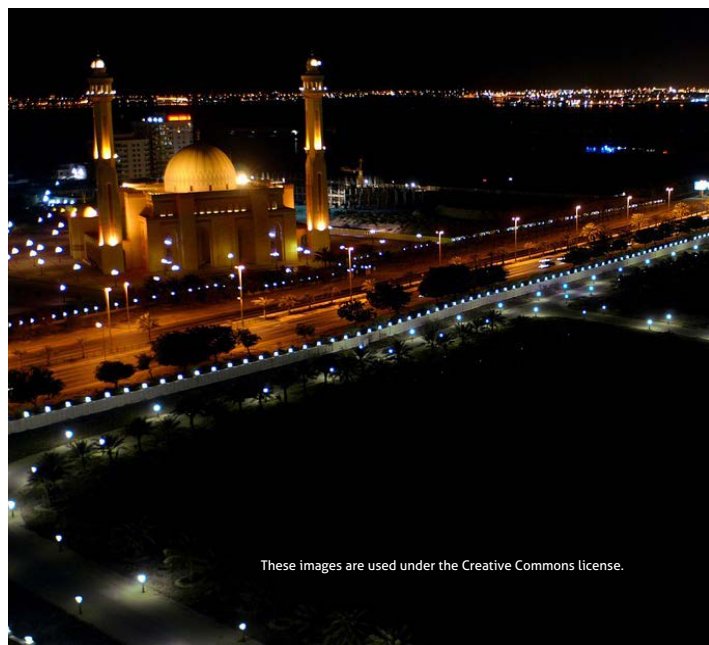
BAHRAIN: TRADEMARK REGISTRATIONS GOING ONLINE



Trademark applications may be submitted electronically at the Bahrain Trademark Office as of February 20, 2017. The new process involves uploading an electronic application to the online system, along with soft copies of the power of attorney and priority document.

The updated e-filing procedure follows a recent increase in official fees in Bahrain that was coupled with the introduction of an electronic Official Gazette, an electronic publication that contains accepted applications and cancelled registrations.

We expect this new practice to pave the way for a smoother trademark registration process.



SAUDI ARABIA: UPDATED OPPOSITION PROCEEDINGS

With the adoption of the Gulf Cooperation Council Trademark Law in the country, Saudi Arabia has updated its opposition procedure from a legal to a purely administrative proceeding. Given that oppositions are now administrative proceedings in Saudi Arabia, they are in principle less expensive than the legal proceedings adopted previously.

The opposition process remains similar to the previous one, since trademarks that have been approved for publication in Saudi Arabia are published for opposition and may be opposed by any interested party with grounds for an opposition. The opposition period is 60 days from last publication date in the Official Gazette and requests for extending an opposition are not possible.

Opposition proceedings are based on written record with jurisdiction mostly limited to the issue of registrability. Since Saudi Arabia is a first-to-file country, the applicant or the authority administering the opposition cannot require the opponent to provide proof of use of the earlier registered mark that is the basis of the opposition. In order to contest use, the applicant must initiate separate non-use cancellation proceedings. Opposition proceedings will not be interrupted pending the issuance of a decision in the cancellation proceeding and vice versa.

Even if prior rights are not established in the Saudi Arabia, an opposition can still be filed based on fame. The extent to which a trademark is considered famous 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.



Any probative evidence will be accepted, and a determination will be based on the totality of the evidence, including such factors as (i) the duration and geographic extent of sales; (ii) sales figures; (iii) advertising figures and samples of advertising; (iv) awards, reviews and press reports; (v) the reputation of the mark within the relevant trade and consumer groups in the country; and (vi) expert testimony and surveys designed to assess the recognition of brand names.

Other admissible grounds for opposition include: absolute grounds; bad faith issues; rights under Article 6septies of the Paris Convention (registration in the name of the agent or other representative of the proprietor of the mark); rights under Article 8 of the Paris Convention (trade names); rights under Article 6ter of the Paris Convention (Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations); offenses against public policy or principles of morality. This list should certainly not be considered exhaustive and conclusive.



MENA: NICE CLASSIFICATION 11TH EDITION - AN UPDATE

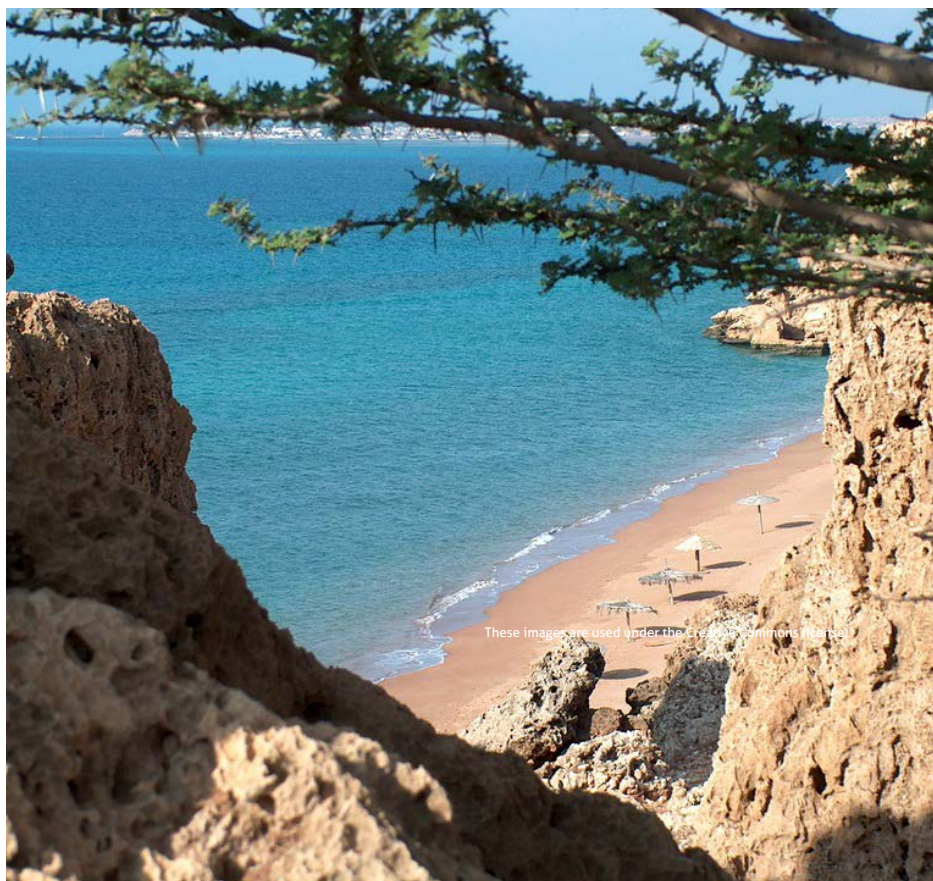
As we approach the end of the year's first quarter, Lebanon and Tunisia join Algeria, Cyprus, and Jordan in adopting the 11th edition of the Nice Classification. The aforementioned jurisdictions are now ready to serve applications for goods and services in the updated classes. Other Trademark Offices in the Middle East and North Africa have still not announced the adoption of the 11th edition, however.

By way of background, we note that amendments in the 11th edition cover 15 class headings and explanatory notes for seven classes. Furthermore, the list of goods and services was extended by 334 terms. The 11th edition will be applied to all international trademark applications and registrations received by an Office of Origin on and after January 1, 2017. If a renewal or a request for any other changes in relation to an international registration is filed with WIPO after December 31, 2016, the list of goods and services of the international registration will not be subject to reclassification under the 11th edition.

Major revisions in the 11 edition include:

- Class headings affected by current revisions are those numbered 3, 6, 10, 14, 16, 17, 18, 20, 21, 22, 24, 26, 28, 31 and 45
- All serving utensils are grouped under class 21 instead of class 8
- The addition of unlocking of mobile phones under class 42
- The addition of dog walking, kimono dressing assistance, and conducting religious ceremonies under class 45
- The addition of eyelash brushes and foam toe separators for use in pedicures under class 21
- The addition of herbal extracts for cosmetic purposes under class 3
- The addition of herbal extracts and physiotherapy preparations for medical purposes under class 5
- The addition of body composition monitors under class 10
- The addition of several new goods under classes 29 and 30, including guacamole, onion rings, falafel, bibimbap, dulce de leche, almond, peanut and coconut milks, as well as nut- and chocolate-based spreads. Escamoles (prepared edible ant larvae) and edible insects have also been added under classes 29 and 31

DJIBOUTI: COUNTRY INSIGHTS



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With an area of 23,200 square kilometers, it is easy to overlook Djibouti on a map. Despite its size, this small country occupies an unrivaled regional role in East Africa that is increasing in significance. Due to the country having the largest deepwater port off of the coast of the Red Sea, Djibouti serves as an international refueling and transshipment center. It also offers a route to the sea for Ethiopia and South Sudan.

Djibouti experiences stable economic development as the annual GDP growth averaged 6.5 percent due to good performance in the services sector. The GDP is \$3.345 billion, while the GDP per capita is \$3,400. The GDP composition is 2.9 percent for agriculture, 20.8 percent for industry, and 76.3 percent for services.

Djibouti encourages foreign investment. With laws based on the French legal system catering to the benefit of investors, the country's investment code guarantees investors to freely import all the required material for their investments. The Law protects the acquisition and disposition of all property rights, intellectual property, patents, copyrights, trademarks, and trade secrets.

In addition to being a signatory to TRIPS Agreement and a member of the World Trade Organization, Djibouti observes the WIPO Convention, the Paris Convention, the Berne Convention, and is a member of the Patent Cooperation Treaty. Djibouti has passed a law enforcing the protection of copyrights and maintains an Office of Industrial and Commercial Property Rights for the protection of property rights.

Trademarks are registered in Djibouti, in accordance with the 10th edition of the Nice Classification, for a period of 10 years from filing date and are renewable for like periods. A grace period of six months is observed. A single application can include several classes. Provisions apply for the registration of collective marks and certification marks. Examination on relative grounds is not performed.


The main features of trademark registration are as follows:

- Trademark applications and registrations may be assigned with or without the goodwill of the business concerned
- A change of name/address can be recorded for trademark applications and registrations
- License recordal is compulsory in order to be effective against third parties
- A merger may be recorded for trademark applications and registrations
- Marking is not compulsory
- A registered mark can be cancelled by the decision of the Court at any time if the conditions of grant were not respected
- The time frame for completing the registration process is 10 to 12 months

Protection of patents and industrial designs is based on the implementing regulations of Industrial Property Law no. 50/AN/09/6ème which came into force in Djibouti on November 25, 2011, Decree No. 2011-079.

The main features of the patents and industrial designs protection framework are as follows:

- Patents may be granted with respect to products and processes, as well as new applications or combinations of known means to arrive at new results
- Inventions must satisfy the criteria of novelty, inventive step and industrial applicability
- Exclusions from patentability are methods of diagnosis, therapy and surgery for the treatment of persons or animals
- Patents will be granted for 20 years from filing date
- Maintenance fees are payable for consecutive periods of 5 years from the date of filing. There is a grace period of six months
- A single industrial design application may contain up to 100 models or designs, as long as these are intended to be incorporated in objects grouped in the same class of the Locarno classification system
- Industrial designs will be registered for an initial period of 5 years from the filing date, renewable for a further two consecutive periods of 5 years upon the payment of renewal fees, with a grace period of six months.



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

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