



*In this
issue*

OMAN	Annuity Payment	2
QATAR	Counterfeit Medicines Law in the Pipeline	2
ICANN	Plan to Increase Internet Domain Name Endings	3
BAHRAIN	Patent Formalities	3
GCC	IP Statistics from the GCC Patent Office	4
PAKISTAN	Review of Trademark Protection	6

IP CASES

1- YEMEN	a) MICHELIN vs. MICELAN	5
	b) SANOFI vs. SNAFI	5
2- MOROCCO	Geographical Indication BASMATI vs. Trademark LES CAFES BASMATI	6

OMAN
NEWSOMAN
ANNUITY PAYMENT

According to an official notification issued by the Omani Patent Office on June 6, 2011, maintenance fees will be due annually on the anniversary of the local filing date or the PCT international date and will be payable before the granting of the patent. There will be a 6-month grace period for late payment with a surcharge. This decision comes in line with the provisions of Article 12(2) of Industrial Property Rights Law no. 67 of 2008, issued on May 17, 2008.

It is also worth noting that the Patent Office is currently preparing the required setup and structure in order to begin accepting patent reinstatement applications in compliance with Article 12 of Law no. 67 of 2008. According to this Article, the Patent Office may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Patent Office to have been unavoidable or unintentional. Any petition to accept an unintentionally delayed payment of a maintenance fee must be filed within six months after the six-month grace period (within one year from the annuity due date). If the Patent Office



accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired.

The new formalities will be effective as of July 2011.

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

QATAR
NEWSQATAR
COUNTERFEIT MEDICINES
LAW IN THE PIPELINE

The Pharmacy and Drug Control Department of the Qatari Supreme

Council of Health has recently drafted a new law on counterfeit medicines. Accordingly, Qatar will be the first Arab country in the region to issue such a law. Currently, the draft law is subject to revisions before being submitted to the competent authorities for approval.

The main objectives of the draft law include:

- Provisions against the trade and local production of counterfeit drugs
- Penalties on perpetrators

This draft law coincides with a workshop conducted recently in Qatar on counterfeit medicines. The purpose of the workshop was to warn against the threats of counterfeit medicines.

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



BAHRAIN PATENT FORMALITIES

The Ministry of Industry and Trade has recently issued Decision no. 115 of 2011 on the formalities for granting patents in Bahrain.

This Ministerial Decision is comprised of six articles that mainly include general conditions for applicants as well as the filing requirements in support of a patent application. Below are the main features of Decision no. 115 of 2011:

1. Applications should be examined within 60 days from filing date.
2. Patent applications accepted by the Registrar should be published in the Official Gazette.
3. Whenever, on examination, any claim for a patent is rejected, the Patent Office shall notify the applicant, stating the reasons for such rejection.
4. The term of protection starts from filing date or from priority date if priority is claimed.

Ministerial Decision no. 115 of 2011 is expected to be published soon in the Official Gazette and will enter into force upon publication. We shall keep you updated. For more information, please contact us at bahrain@sabaip.com.

ICANN PLAN TO INCREASE INTERNET DOMAIN NAME ENDINGS

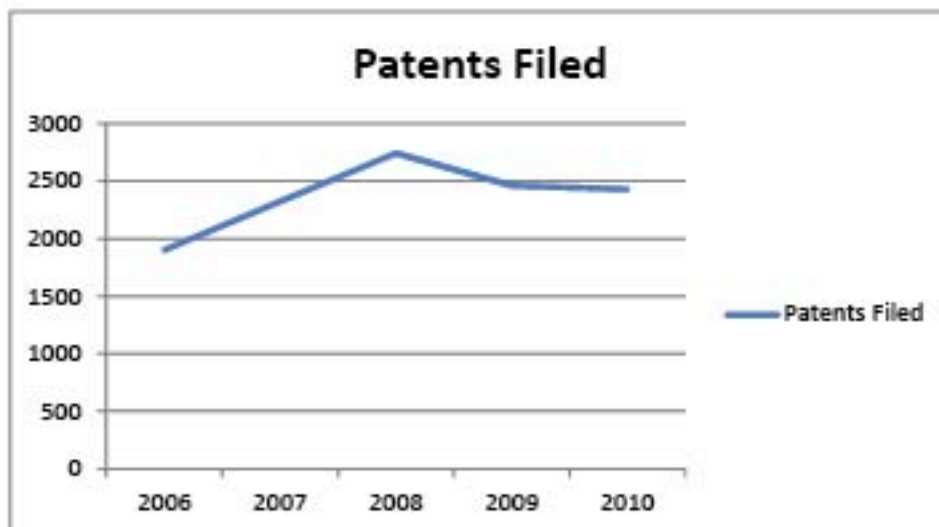
The Board of Directors at the Internet Corporation for Assigned Names and Numbers (ICANN) has approved a plan to increase the internet domain name endings. By way of background, there are currently 22 domain name endings (such as .org; .net; .com) and around 250 country code endings. This program aims at widening the scope of innovation and creativity for businesses in order to organize their online presence. Applications for new internet domain name endings will be accepted from January 12, 2012 to April 12, 2012.



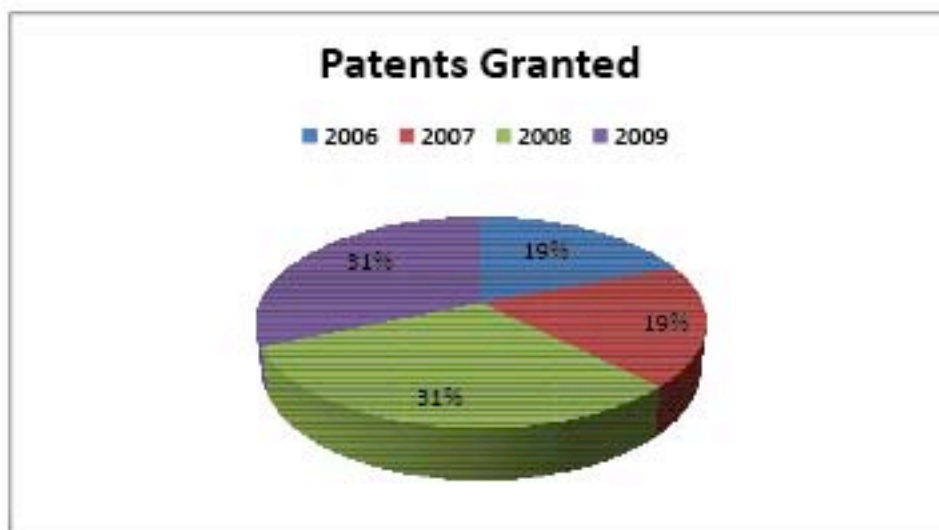
GCC IP STATISTICS FROM THE GCC PATENT OFFICE

The total number of GCC patent applications filed at the Patent Office since inception up to December 2010 is reported to be 2429.

GCC Patents Filed Over the Past 5 Years



GCC Patents Granted Over the Past 4 Years



IP CASES



I -YEMEN **A) MICHELIN VS.** **MICHELAN**

The Supreme Court in Yemen ruled in favor of the company Manufacture Française des Pneumatiques Michelin, owner of trademark "MICHELIN" in class 12, against Mr. Abdallah Mahfouz Al-Houbaychi, a Yemeni merchant, for registering trademark "MICHELAN" in class 4.

The Court found that the registration of Mr Abdallah Mahfouz Al Houbaychi's trademark presents an imitation of a famous mark and trade name, causing damage to the interests of Manufacture Française des Pneumatiques Michelin and leading to unfair competition. In fact, Manufacture Française des Pneumatiques Michelin has been dealing in tires and car parts since its establishment in 1889 and the trademark "MICHELIN" has been registered internationally and at the Ministry of Industry and Trade in Yemen since September 27, 1983.

In light of the foregoing findings, the Court ordered the defendant to:

1. Record the cancellation of the

- offending trademark in the records of the Registrar;
2. Cease any further use of the offending mark;
3. Bear all Court expenses.

B) SANOFI VS. SNAFI

The Supreme Court in Yemen has overturned a decision previously rendered by the Court of Appeal by ruling in favor of the French company for pharmaceutical products Sanofi-Aventis against Saudi Pharmaceutical Industries and Medical Appliances Corporation for registering trademark "SNAFI" in class 5.

The Court found that the registration of the appellee's trademark in the name of Saudi Pharmaceutical Industries and Medical Appliances Corporation presents an imitation of a famous mark that enjoys worldwide reputation.

In light of the foregoing findings, the Court ordered the defendant to cancel the decision issued before the Court of Appeal.



IP CASES

2 -MOROCCO GEOGRAPHICAL INDICATION BASMATI VS. TRADEMARK LES CAFES BASMATI

The Court of Appeal in Morocco has overruled a judgment previously rendered by the Tribunal of Commerce not in favor of the Agricultural and Processed Food Products Export Development Authority (APEDA) in an action taken against Oto-Di-Caf Limited Liability Company for registering the trademark LES CAFES BASMATI under filing number 65615, in class 30 (coffee).

By way of background, APEDA is specialized in developing food and agricultural products namely BASMATI rice that indicates a geographical indication for the

rice in the Sub-Indian continent since 1985.

The Court found that adding the word "CAFES" to BASMATI does not distinguish the trademark and may create public confusion with the famous geographical indication BASMATI protected by virtue of the provisions of Paris Convention and the TRIPS agreement governing geographical indications.

In light of the foregoing, the Court ruled in favor of APEDA and ordered the defendant to:

- 1- Cancel the trademark LES CAFES BASMATI
- 2- Bear all Court expenses
- 3- Cease any further use of the subject trademark subject to a daily penalty.
- 4- Publish the judgment in two local newspapers.

PAKISTAN REVIEW OF TRADEMARK PROTECTION

I. TRADEMARKS BASICS

Filing Requirements

1. Power of attorney, notarized.
A general power may be used for subsequent filings.
2. Copy of priority document, if priority is claimed, certified.
3. Transliteration and translation of non-English words appearing on the mark.
4. Date of first use of the mark in Pakistan, if available.
5. 12 prints of the mark.

Document 1 may be submitted within 2 months from filing date. Document 3 must be submitted within 3 months from filing date.

Classification

The International Classification of Goods and Services (8th Edition) is followed. A separate application is required for each class.



Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 2 months from publication date.

Extension of Time

Extension of time for oppositions/ counter-oppositions or for responding to office actions is possible.

Protection Term

Trademark registrations are valid for 10 years from filing date and are renewable for like periods. There is a grace period of 6 months for late renewals with payment of a surcharge. Documents required for renewal: Power of attorney, notarized.

Use Requirements

Use of a trademark is required for renewal only. 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 years and one month from the filing date.

Search

An official search may be

conducted for word marks and devices. It takes approximately 2 weeks for the results to be available. A separate application is required for search in each class. The search report discloses similar and identical trademarks.

Assignment

Registered trademarks may be assigned with or without the goodwill of the business concerned. Trademark applications may be assigned only with the goodwill of the business concerned and only if the trademarks are used in Pakistan. If the trademarks are only proposed to be used in Pakistan, an assignment may not be recorded and will be deferred until the marks mature for registration.

Documents required: Power of attorney from the assignee, notarized; and deed of assignment, notarized.

Change of Name/Address

A change of name/address may be recorded for trademark registrations only.

Documents required: Power of

attorney, notarized; and certificate of change of name, notarized. For a change of address, only a notarized power of attorney is required.

Licensing

License recordal is not compulsory but advisable in order to be effective against third parties. Documents required: Power of attorney from licensor, notarized; and license agreement, notarized.

Merger

A merger may be recorded for trademark registrations only. Documents required: Power of attorney, notarized; and certificate of merger, notarized.

Marking

Marking is compulsory.

Cancellation

A trademark may be subject to cancellation by any interested party if it is proved that the mark is not entitled to registration within the provisions of the law.

Registration Time Frame

The time frame for completing the registration process is 18 months.

Three Dimensional Trademark Applications

Admissible

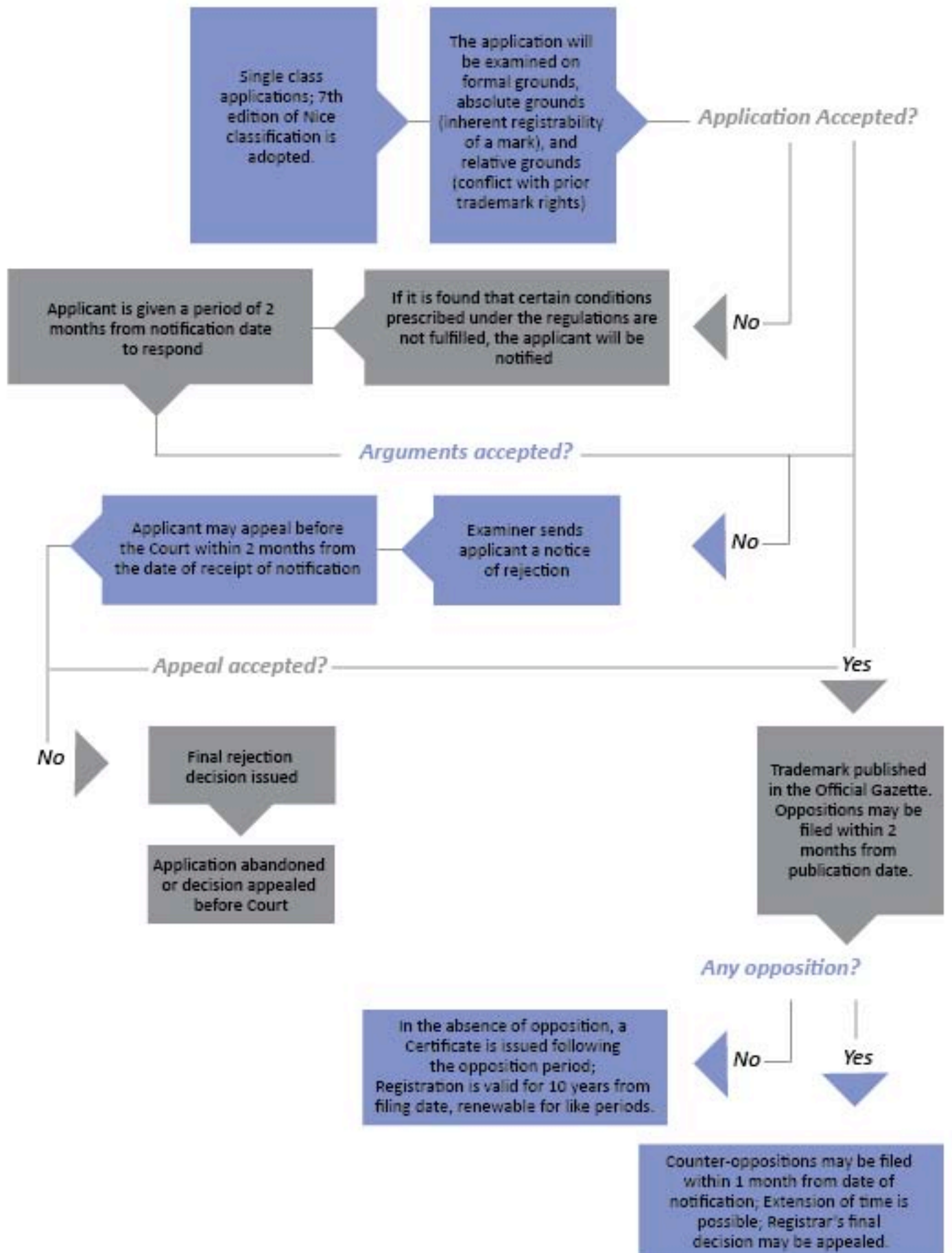
Recent Developments

The Trademark and Patent Office in Pakistan has recently issued a circular marking an increase in the official fees for all Intellectual Property related matters. This increase became applicable in Pakistan as of June 4, 2011.

Affiliations

Bodies: World Intellectual Property Organization, World Trade Organization. Conventions: Paris Convention, Berne Convention.

II. TRADEMARKS FLOW CHART



The Saba Network

HEAD OFFICE

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327448
Fax: +961 (1) 331531
E-Mail: headoffice@sabaip.com

ALGERIA

Cabinet Boukrami
In cooperation with Saba & Co. IP
PO Box 86 Algiers, Algeria
Tel: +213 (21) 34 11 61
Fax: +213 (21) 34 11 62
E-Mail: algeria@sabaip.com

BAHRAIN

P.O. Box 21013, Manama
Tel: +973 (17) 210 301
Fax: +973 (17) 224 699
E-Mail: bahrain@sabaip.com

CYPRUS

P.O. Box 21143, 1502 Nicosia
Tel: +357 (22) 755 434
Fax: +357 (22) 754 037
E-Mail: cyprus@sabaip.com

EGYPT

P.O. Box 129, Mohamed Farid, Cairo
Tel: + 20 (2) 279 59686
Fax: + 20 (2) 279 52314
E-Mail: info@sabaip-eg.com

GAZA

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: gaza@sabaip.com

IRAQ

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: iraq@sabaip.com

JORDAN

P.O. Box 840553, Amman 11184
Tel: +962 (6) 464 2145
Fax: +962 (6) 464 2159
E-Mail: jordan@sabaip.com

KUWAIT

P.O. Box 1245, 13013 Safat
Tel: +965 2 242 3428
Fax: +965 2 240 2243
E-Mail: kuwait@sabaip.com

LEBANON

P.O. Box 119420-, Beirut
Tel: +961 (1) 327 439
Fax: +961 (1) 334 434
E-Mail: lebanon@sabaip.com

LIBYA

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: libya@sabaip.com

MOROCCO

P.O. Box 13 921, Casablanca
Tel: +212 (522) 251 530
Fax: +212 (22) 251 603
E-Mail: morocco@sabaip.com

OMAN

P.O.Box 2027 Ruwi,
Postal Code 112 Muscat
Tel: +968 248 111 26
Fax: +968 248 111 28
E-Mail: oman@sabaip.com

QATAR

P.O. Box 14035, Doha
Tel: +974 (4) 4423992
Fax: +974 (4) 324 106
E-Mail: qatar@sabaip.com

SAUDI ARABIA

Al Hadaf Marks Services LLC
In Cooperation with Saba & Co. IP
P.O. Box 61145, Riyadh 11565,
Saudi Arabia
Tel. +966 1 2079596
Fax +966 1 2079598
E-Mail: saudi@sabaip.com

SUDAN

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: sudan@sabaip.com

SYRIA

P.O. Box 460, Damascus
Tel: +963 (11) 223 6628
Fax: +963 (11) 222 6280
E-Mail: syria@sabaip.com

TUNISIA

P.O. Box 119421- Beirut, Lebanon
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: tunisia@sabaip.com

UNITED ARAB EMIRATES

P.O. Box 42259, Dubai
Tel: +971 (4) 2959 650
Fax: +971 (4) 2959 651
E-Mail: uae@sabaip.com

WEST BANK

P.O. Box 119421- Beirut, Lebanon*
Tel: +961 (1) 327 448
Fax: +961 (1) 331 531
E-Mail: westbank@sabaip.com

YEMEN

P.O. Box 1493, Sana'a
Tel: +967 (1) 420 595
Fax: +967 (1) 420 596
E-Mail: yemen@sabaip.com



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

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.

© 2011 Saba & Co. IP – No article in this publication or part thereof may be reproduced without prior permission and full acknowledgment of the source: SABA IP Bulletin, A publication of Saba & Co. IP, Trademark & Patent Agents & Attorneys with branch offices in the Middle East and North Africa.