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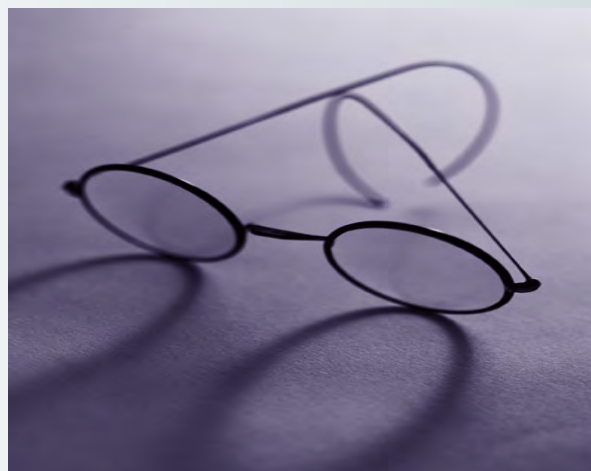
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Kurdish Region of Iraq

Local Protection: Black, White and Shades of Gray ...

The Trademark Office (TMO) of the Kurdish region of Iraq adopted the currently applicable schedule of fees of the TMO of Baghdad by virtue of Ministerial Resolution no 3306 dated April 1, 2013. This decision became effective as of June 1, 2013.

As a matter of fact, there are two TMOs currently operating in Iraq: the TMO of Baghdad and another one established only recently in Erbil for the Kurdish region. In principle, the scope of the registration at the TMO of Baghdad covers the whole country including the Kurdish region. Nevertheless, with a TMO for the Kurdish region, trademark owners now have the option of seeking additional local protection in this territory. Owners may either choose to file new applications or to validate the registrations that they already have in Baghdad before the Kurdish TMO. One fundamental premise of having trademarks protected in the Kurdish region (other than providing a central registry in this territory) is that the Kurdish TMO may start placing the marks on watch at the Customs, allowing for an ex-officio border system.

Professionalism & Commitment to Service



The question of which route to consider in the Kurdish region (validation or a new application) mainly depends on the particulars of the trademark portfolio in Iraq. Needless to say, if the marks at the TMO of Baghdad are already registered, it would be logical to assume that validation at the TMO of the Kurdish region is the better option. This process would entail the submission of a certified copy of the Iraqi registration as documentary evidence. However, seeing that more than one step would be involved in the process and both the TMO of Baghdad and the TMO of the Kurdish region are engaged in the implementation, delays are expected. Therefore, in some instances, even if the marks are already registered at the TMO of Baghdad, choosing to file directly at the TMO of the Kurdish region can have its advantages.

The bottom line is that seeking local protection in the Kurdish region of Iraq cannot be assessed in black-and-white terms. There are no clear-cut answers to the questions of whether or not protection is necessary, or even the question of which route to pursue. This will all depend on the circumstances involved and the level of risk that the business is willing to take. In short, protection in the Kurdish region may be advisable in certain situations noting that the more solid the portfolio is, the better the position of the trademark owners will be in bringing an infringement claim in the future. Trademark owners of course should seek sound advice before they decide on the best route to pursue.

Iran

Accession to the Patent Cooperation Treaty

The Director General of the World Intellectual Property Organization welcomed the deposit of the instrument of accession of Iran to the Patent Cooperation Treaty (PCT) on July 4, 2013. The said Treaty will enter into force on October 4, 2013.

The instrument of accession contains the declaration that, pursuant to Article 64(5) of the said Treaty, Iran does not consider itself bound by Article 59. According to this Article, any dispute between two or more countries of the Treaty concerning the interpretation or application of the Treaty or its regulations, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice unless the countries concerned agree on some other method of settlement. Therefore, with regard to any dispute between Iran and any other country of the Treaty, the provisions of Article 59 shall not apply.

Country	Entry into Force
Algeria	March 08, 2000
Bahrain	March 18, 2007
Cyprus	April 01, 1998
Egypt	September 06, 2003
India	December 07, 1998
Iran	October 4, 2013
Libya	September 15, 2005
Morocco	October 08, 1999
Oman	October 26, 2001
Qatar	May 03, 2011
Saudi Arabia	August 03, 2013
Sudan	April 16, 1984
Syria	June 26, 2003
Tunisia	December 10, 2001
Turkey	January 01, 1996
United Arab Emirates	March 10, 1999

Syria

Withdrawal from the Madrid Agreement

The Syrian Arab Republic has withdrawn from the Madrid Agreement for the International Registration of Marks on June 29, 2013. Syria continues to be a party to the Madrid Protocol. The following will apply:

- International marks registered up to June 29, 2013, containing a designation of Syria, will continue to have the same protection in the country as if they had been deposited there directly.

- The renewal of international registrations in which Syria has been designated will be subject to the payment of the amounts of the individual fee declared by the country.

By way of background, the Syrian Authorities had announced the withdrawal of Syria from the Madrid Agreement on May 27, 2012 based on Presidential Decree No. 179, Articles 1 and 2.



Yemen

New Official Reports

By virtue of Ministerial Resolution no. 72 dated June 10, 2013, decisions of the Appeals Committee which usually hears and decides on adversary proceedings between two parties, including appeals of final refusals issued by

the Trademark Office, will be authorized for publication in the country's Official Gazette. The publication notice will basically include the names of the parties and the trademarks involved, the nature of the case, the date and final decision that has been rendered.

Egypt

Online Publication

The Egyptian Trademark Office has introduced an electronic Official Gazette (eOG). The eOG is available only in Arabic and is expected to be published on the 7th day of each month. This electronic version contains the particulars of each accepted trademark application and a representative drawing of the mark, along with a list of cancelled and renewed registrations. It also contains the particulars of the approved recordals of license agreements and transfers of

ownership, as well as the particulars of applications of international registrations designating Egypt. The eOG does not include notices of office actions. On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the eOG for accuracy. Any interested party may file an opposition against a published trademark within 60 days from publication date.

UAE

Anti-Counterfeiting Laws and Practice

The UAE has recently grown increasingly important as a consumer market, becoming a major hub for regional and global trade. With a developing economy comes the apparent increase both in the volume and types of counterfeit and infringing products trafficked in and through the country. It is difficult to estimate with any precision the extent of counterfeiting that takes place in the UAE. However, it certainly appears that there are significant efforts in the country to address this problem at its roots.

Anti-Commercial Fraud Law

A new draft Anti-Commercial Fraud Law was endorsed in January 2013 by the Cabinet in the UAE. The draft law replaces the Anti-Commercial Fraud Law of 1979 and adds to the existing enforcement mechanisms related to trademark rights.



Trademark Law

The UAE Trademark Law (no. 8 of 2007) contains a handful of procedural provisions that can be used to address infringement and counterfeiting. The extent to which a trademark owner may prevent unauthorized use of trademarks which are the same as or similar to its mark depends on various factors such as whether the trademark is registered, the similarity of the trademarks involved, the similarity of the products or services involved, and whether the owner's trademark is well-known.

Border Measures

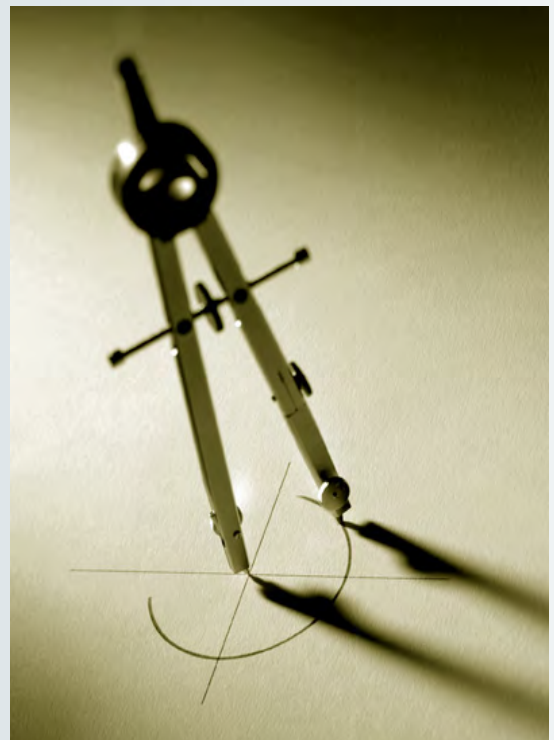
Border measures are always a key tool in the fight against counterfeiting and a critical element of a successful intellectual property enforcement system. In the scope of the continuous efforts to create competent border enforcement measures and to provide effective protection, the Customs in the UAE (Dubai, Sharjah, Ras Al Khaimah, and soon in Abu Dhabi) have established a trademark recordation system for registered trademarks. This system is undoubtedly helping Customs officials target, intercept, and confiscate shipments of infringing goods.

Injunction

Since in most counterfeiting and infringement cases the main goal of the intellectual property rights owner is to immediately stop the damaging activity, an interlocutory or pre-trial injunction is usually the most desirable remedy. Under the UAE law, an intellectual property rights owner can obtain an interlocutory injunction by showing that (a) there is a serious issue to be tried, (b) damages will not provide adequate compensation for the harm suffered, and (c) the balance of convenience favors granting an injunction.

If a trademark has been registered, then it is much easier in the UAE for the trademark owner to claim its trademark rights and to enforce these rights through an infringement action. For trademarks which are considered to be well-known, infringing use may occur where the use is in relation to products or services which are not the same as or similar to the products or services in relation to which the owner's mark is registered (Article 4 of Law no. 8 of 2007).

One fundamental premise of the recordation system (other than providing a central registry containing information for recorded trademarks) is that it allows Customs officials to adopt an ex-officio border system. An ex-officio system is different from the standard border system in which a judicial authority orders Customs to detain the infringing shipment after identifying the infringing goods. The key advantage of the ex-officio system is that it allows for prompt and proactive action by Customs officials thus avoiding the delays inherently involved in seeking judicial action. Customs officials are always on the look out for infringing goods and are thus able to act quickly to confiscate counterfeit and pirated merchandise.



Accession to the Madrid Protocol

The Director General of the World Intellectual Property Organization welcomed the deposit of the instrument of accession of India to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks on April 8, 2013. The Madrid Protocol entered into force in the country on July 8, 2013.

Affiliations

Bodies: World Intellectual Property Organization, World Trade Organization.

Conventions: Paris Convention, Berne Convention, Patent Cooperation Treaty and Madrid Protocol

Trademark Protection Framework

Filing Requirements

1. Power of attorney, simply signed. A general power may be used for subsequent filings.
2. Copy of priority document, if priority is claimed, certified.
3. Proof of first use of the mark in India (or a declaration showing the intention of use).
4. 15 prints of the mark for each application.

Items 1 and 3 must be submitted at the time of filing. Document 2 may be submitted within 6 months from filing date.

Classification

The International Classification of Goods and Services (9th Edition) is followed. A single application may include several classes.

Opposition

Trademark applications accepted by the Registrar are published in the Trademarks Journal. Oppositions may be filed within 3 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, simply signed; and copy of the certificate of registration of the mark.

Search

An official search may be conducted for word marks and devices. It takes approximately 2 to 3 working days for the results to be available. A single application may include several classes. The search report discloses similar and identical trademarks.

Use Requirements

Use of a trademark is required for registration. 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.

Assignment

Registered trademarks may be assigned with or without the goodwill of the business concerned. Documents required: Power of attorney from the assignee, simply signed; and deed of assignment, notarized.

Change of Name/Address

Documents required: Power of attorney, simply signed; and certificate of change of name/address of the applicant, notarized. For a change of address, only a simply signed power of attorney showing the new address is required.

Licensing

License recordal is compulsory in order to be effective against third parties.

Documents required:
Power of attorney from licensor, simply signed;
and license agreement, notarized.

Cancellation

A trademark is subject to cancellation before the Court by any interested party within 5 years from registration date.

Registration Time Frame

The expected time frame for completing the registration process is 3 to 4 years.

Marking

Marking is not compulsory.

SAUDI ARABIA

Shift in the Official Weekend

Starting June 29, 2013, the official weekend in Saudi Arabia has shifted from Thursday - Friday to Friday - Saturday. All deadlines falling on a Friday or a Saturday will move to the first working day following the due date. The same applies to national holidays as well.

The table below lists the official week-end schedule of the countries of our region:

	Thursday - Friday	Friday - Saturday	Saturday - Sunday
Country	Afghanistan Djibouti Iran	Algeria Bahrain Egypt Gaza Iraq Jordan Kuwait Libya Oman Qatar Saudi Arabia Sudan Syria UAE West Bank Yemen	Armenia Azerbaijan Cyprus Ethiopia Lebanon Morocco Pakistan Tunisia Turkey

The Saba Network

● Head Office

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: headoffice@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon

● Jordan

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

● Saudi Arabia Al Hadaf Marks

Services LLC (In cooperation with Saba & Co. IP)

Tel: +966 11 2079596
Fax: +966 11 2079598
E-Mail: saudi@sabaip.com
P.O. Box: 61145, Riyadh 11565, Saudi Arabia

● Algeria (Cabinet Boukrami)

(In cooperation with Saba & Co. IP)

Tel: +213 21 341 161
Fax: +213 21 341 162
E-Mail: algeria@sabaip.com
P.O. Box: 86 Algiers, Algeria

● Kuwait

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

● Sudan

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: sudan@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Bahrain

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

● Lebanon

Tel: +961 5 454 840
Fax: +961 5 454 842
E-Mail: lebanon@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Syria

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

● Cyprus

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

● Libya

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: libya@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Tunisia

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: tunisia@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Egypt

Tel: + 20 2 2795 9686
Fax: + 20 2 2795 2314
E-Mail: info@sabaip-eg.com
P.O. Box: 129, Mohamed Farid, Cairo

● Morocco

Tel: +212 52 2251530
Fax: +212 52 2251603
E-Mail: morocco@sabaip.com
P.O. Box: 13 921, Casablanca

● United Arab Emirates

Tel: +971 4 295 9650
Fax: +971 4 295 9651
E-Mail: uae@sabaip.com
P.O. Box: 42259, Dubai

● Gaza

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: gaza@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Oman

Tel: +968 24 811 126
Fax: +968 24 811 128
E-Mail: oman@sabaip.com
P.O. Box: 2027, Ruwi,
Postal Code 112 Muscat

● West Bank

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: westbank@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Iraq

Tel: +961 5 454 888
Fax: +961 5 454 844
E-Mail: iraq@sabaip.com
P.O. Box: 11-9421 Beirut, Lebanon*

● Qatar

Tel: +974 44 423 992
Fax: +974 44 324 106
E-Mail: qatar@sabaip.com
P.O. Box: 14035, Doha

● Yemen

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

* 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.

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