

IP NEWS

Saudi Arabia – Better Arbitration, Faster Pace

Effective July 8, 2012, Saudi Arabia implemented a new arbitration law no.156 of 2012, replacing the 1983 law and including 58 articles.

This is a big step forward for Saudi Arabia in integrating the modernized arbitration system in the Gulf region. The purpose of the law is to achieve conflict resolution in the most cost efficient manner. Expert arbitrators are assigned to settle these conflicts through transparency and professionalism.

The above portrays a promising future in the refinement and development of the arbitration process in Saudi Arabia.

In addition to Saudi Arabia, there are two countries in the Gulf region that also have a very strong base in arbitration. These two countries are Qatar and UAE.

In Qatar, the International Center for Conciliation and Arbitration (QICCA) is one of the arbitration Centers of the Gulf region that adopts UNCITRAL rules.

In UAE, there is a collaboration between the Dubai International Financial Center (DIFC) and the London Court of International Arbitration (LCIA) also known as DIFC-LCIA Arbitration Center. This Center portrays UAE's ambition in becoming the Gulf and Middle East's leading international arbitration center, which would also interest parties on a global level.



In This Issue

IP NEWS:

Saudi Arabia

Better Arbitration, Faster Pace

1

Patents

Patent Developments 2012

2-4

Trademarks

Trademark Developments 2012

5-8

IP Highlights:

WIPO Treaties

Arab Contracting Parties to the WIPO Administered Treaties (2012)

9-10





Change is essential for any kind of development; Therefore, countries of our region are constantly working towards improving the patent protection framework. Below are the changes that took place during 2012.

Bahrain

Accession to Budapest Treaty

The Kingdom of Bahrain deposited the instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure on August 20, 2012. This Treaty entered into force on November 20, 2012.

The Budapest Treaty has a total of 75 contracting member states. Contracting member states from our region include: Armenia, Azerbaijan, India, Oman, Jordan, Morocco, Tunisia and Turkey.

Djibouti

New Patents and Industrial Designs Regulations

The regulations implementing Industrial Property Rights Law no. 50/AN/09/6ème L (issued on April 27, 2009) came into force in Djibouti on November 25, 2011 by virtue of Official Decree no. 2011-079.

Oman

Formal Examination Begins

The Omani Patent Office started formal examination of all pending patent applications. During the beginning of 2012, all applicants were required to bring their files in line with the new formalities which were introduced in February 2010. This procedure comes as a preliminary step for substantive examination which is expected to begin soon.

In fact, the Omani Patent Office started accepting patent applications in 2005 after the introduction of the official fees schedule (published in Official Gazette no. 805 dated December 17, 2005), which completed Ministerial Decree no. 37 issued earlier on September 10, 2005 regarding the implementing regulations of Patent Law no. 82 of 2000. On May 12, 2008, Oman introduced a new Industrial Property Rights Law by virtue of royal decree no. 67 of 2008, which replaced Law no. 82 of 2000. The regulations implementing Law no. 67 of 2008 came into force in the country on December 17, 2008. Since then, however, the Patent Office has been working on its setup in preparation for implementing the new regulations and so examination of patent applications was put on hold.



Morocco

Changes in Regulations

The official fees for patent related matters were revised in Morocco, effective October 1, 2012. Fees have substantially increased in comparison with their current level. The new schedule of fees is applicable to all new applications as well as applications that have still not matured to registration.

It is also worth noting that maintenance fees in the country will be due annually on the anniversary of the filing date of the patent. There is a six-month grace period for late payment with a surcharge. Previously, annuities were paid every five years. The 1st through the 5th patent annuities were payable at the time of filing. The remaining annuities were payable in groups of 5 years at the time of payment of the 6th, 11th and 16th annuities.

Qatar

Patent Applications Filed

The Qatari Patent Office started accepting both local applications and national phase PCT applications for the first time in the country.

Qatar also joined PCT on August 3, 2011. The instrument of accession contains the declaration that, pursuant to Article 64(5) of the said Treaty, the State of Qatar does not consider itself bound by Article 59 of the said Treaty. According to Article 59, 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 Qatar and any other country of the Treaty, the provisions of Article 59 shall not apply.

Saudi Arabia

Automating the Patent Filing System

The Patent Office in Saudi Arabia launched a new system to file patent applications electronically. On-line applications became acceptable as of March 28, 2012. This new system allows applicants to fill out an electronic application form, check and review it for accuracy and precision, and then submit it directly over the internet to the Patent Office. The system then generates a filing date and a filing number. At a later stage, the supporting documents would be submitted to the Patent Office in order to complete the registration requirements.



Syria

New Implementing Regulations Out!

The regulations implementing the new Law on Patents, Utility Models, Integrated Circuits and Layouts (Law no. 18 of 2012) were drafted on March 30, 2012. The most important features of these regulations include: (1) Examination is possible as to novelty, inventive step and industrial applicability; (2) Patent applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 6 months from publication date; (3) A patent has to be worked. If the patent is not being fully exploited by the patentee within 4 years from the date of filing or 3 years from the date of grant, the patent will be subject to compulsory licensing under the provisions of the law; and (4) The term of protection is 20 years from filing date.

A new list of official fees was also introduced. The list includes fees for filing, examination, oppositions, annuities and other services related to patents, utility models and layout designs. The new regulations also provide information on Data Exclusivity and stipulate new provisions on Utility Models (which were not available under the previous law) as well as new Border Measures. Regarding Data Exclusivity, no other company may seek regulatory approval in Syria of an equivalent product based on data submitted by an originator company (without the latter's approval) for five years from the marketing approval of the originator product. During the period of exclusivity, regulators cannot use (rely on) the originator's data to approve a generic product.

Tunisia

Accession to the Hague Agreement

Tunisia acceded to the Hague Agreement Concerning the International Registration of Industrial Designs on June 13, 2012.

The Hague Agreement currently has a total of 60 contracting member states. Member states from our region include: Egypt, Morocco, Oman, OAPI, Syria, Tunisia and Turkey.

Yemen

First Letters Patent Granted

The first two letters patent were issued by the Patent Office in Yemen on July 11, 2012. These first patents carry the numbers 1 and 2.

In principle, the maintenance fee will be due annually on the anniversary of the filing date. However, the Patent Office is still working on its new setup in preparation for implementing the new regulations and, to date, has not yet started accepting annuity payments. Patent applications in Yemen will be accepted as long as they have already been published by other Patent Offices.





Your trademarks, advertisements and consumers are your identity and image; This is the number one reason why the best protection should be implemented to them. This is how countries of our region evolved during the year 2012 to ensure better protection for trademarks and other related matters.

Bahrain

The Consumer is Protected!

A Consumer Protection Law (Law No. 35 of 2012) was issued in Bahrain and entered into force on August 3, 2012.

The Consumers Protection Law includes provisions on the rights of consumers. Its main objective is to protect the consumer's health and ensure that quality control is efficient in the country. It also aims at combating unfair business practices such as the availability of counterfeit products in the market and it imposes sanctions on those who are in breach of its provisions.

Iraq

Request for Comments on the Draft Trademark Law

During 2012, the Iraqi authorities sought views of IP experts and lawmakers on the newly drafted Trademarks and Geographical Indications Law in the country. The proposed draft was published among IP professionals and was discussed so that a general opinion including all the relevant details may be formed.

Iran

Revision of Formalities

The Trademark Office announced that a certified copy of the commercial extract must be submitted in support of a trademark application in the country.

The statutory requirements for filing a trademark application in Iran along with the authentication procedures are as follows:

- 1- Power of attorney, legalized. A general power may be used for subsequent filings.
 - 2- Extract from the commercial register with local translation, signed and notarized.
 - 3- Copy of priority document, if priority is claimed, certified.
 - 4- 15 prints of the mark for each application.
- All the above documents must be submitted at the time of filing, but foreigners are allowed a 60-day period from notification date.



TRADEMARK APPLICATION

Lebanon

Tenth Edition Adopted

The Lebanese Trademark Office shifted its trademark classification system from the 9th edition to the 10th edition of the Nice International Classification for Goods and Services, which entered into force on January 1, 2012.

Libya

One Big Step - A Good Sign for the Future!

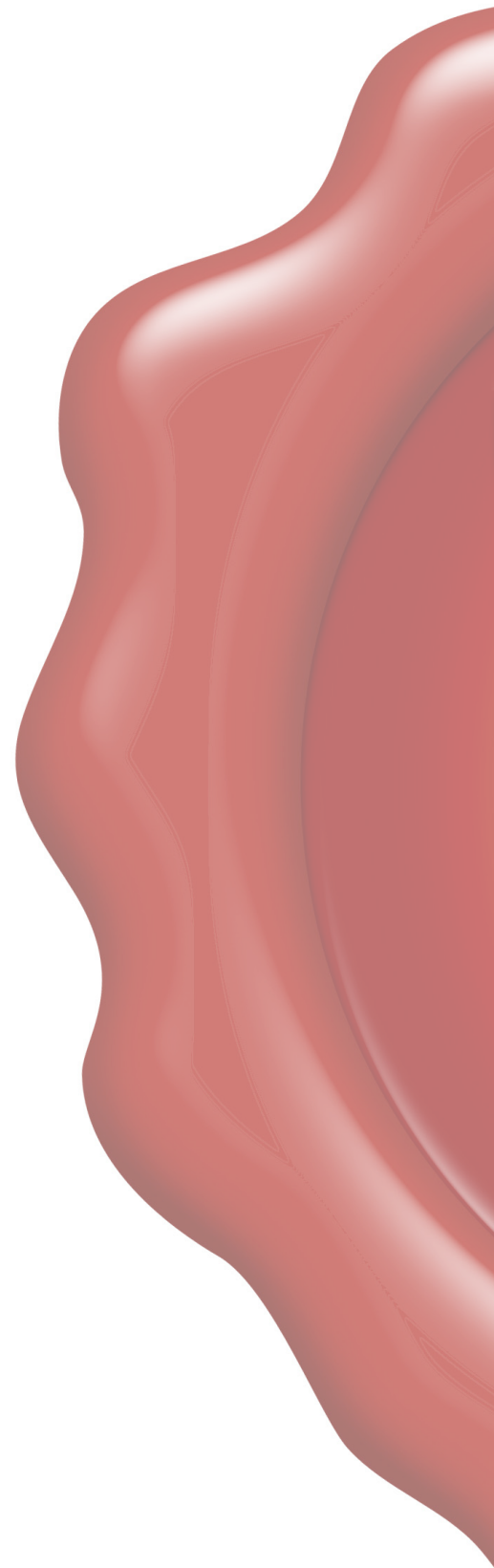
For the first time since 1977, the Libyan Trademark Office started issuing trademark certificates of registration. This development is an explicit recognition by the authorities in Libya of the growing importance of trademark protection. This means that the registration certificates of all pending trademark applications (that have been accepted and published) are expected to be issued in the future.

It is also worth noting that another important structural change has taken place in the country following the recent events, which is related to the Libya-Switzerland relations. Switzerland has established formal relations with the Libyan Transitional Government after a 3-year breakdown of the Diplomatic relations. The implication of this is that it will be possible to file new trademark applications for Swiss applicants in Libya once the Libyan Trademark Office is operational. The Office is still not functioning at a standard pace. It is currently only examining pending applications. All new applications and search requests are kept on hold until further notice.

Morocco

Changes in Regulations

The official fees for trademark related matters were revised in Morocco, effective October 1, 2012. Fees have substantially increased in comparison with their current level. The new schedule of fees is applicable to all new applications as well as applications that have still not matured to registration. Also the fees for the filing and the renewal of trademark applications will be payable separately for each and every class, and not up to the first 3 classes, as was the practice before.



Oman

Tenth Edition Adopted

The Omani Trademark Office adopted the 10th edition of the Nice International Classification for Goods and Services which entered into force on January 1, 2012. The goods or services of all valid registrations must be reclassified (if required) at the time of renewal.

Arabic Domain Names Soon

Arabic domain names are expected to be launched soon in Oman. No specific date has been set yet and no official notification has been issued in this regard.



Qatar

Advertising Law is Born!

A new Advertising Law (Law no. 1 of 2012) was issued on March 19, 2012. The Law will only be effective once the implementing regulations are issued.

The salient features of the new law are as follows:

- Arabic shall be the main language used on billboards. Other languages may be used along with Arabic according to rules determined by the relevant municipalities.
- The advertisement shall not violate public morals and shall not cause any insult to any religion.
- The trademarks and trade names mentioned in the advertisement shall not breach the Law or any other official statement.
- The advertisement shall not create any confusion with the traffic sign boards.
- The advertisement shall not be installed in a way that blocks visibility and shall not constitute any obstacle to the vehicle traffic and pedestrian movement. It shall not be installed as well in places of worship, historic or archeological facilities, trees and traffic lights.
- The advertisement shall not be installed in a private property without the written approval of the property owner. It shall not as well harm any public facilities.
- A renewable license shall be given to the owner of the advertisement who should remove it once the validity period is over.

The new Law does not apply to newspaper advertisements. Penalties will be imposed on everyone who violates the provisions of the new Law.



Saudi Arabia

Arab Cybercrime Agreement Approved

The Arab Cybercrime Agreement (no. 126 of 2012) was approved. This agreement mainly addresses the rise in electronic crime which embraces such crimes as credit card frauds, internet crimes, cyber terrorism, creation and/or distribution of viruses, hacking, system interference, illegal access and interception, and so on. It aims as well at encouraging cooperation between Arab countries in combating cybercrimes. The Agreement stipulates also on the importance of enforcing the Copyrights Law. Penalties are imposed on the violators of the Agreement terms and regulations.

Tenth Edition Adopted

The Saudi Trademark Office shifted its trademark classification system from the 9th edition to the 10th edition of the Nice International Classification for Goods and Services, which entered into force on January 1, 2012. This Decision became effective on November 23, 2012 and applies to both new and pending applications.



Sudan

Simplified Formalities

The Trademark Office dropped the legalization requirement for powers of attorney submitted in support of trademark applications. The only authentication requirement will be a valid attestation by a Notary Public.

Also, applicants will be required to submit a statutory declaration, simply signed, within 2 months from the end of the opposition period. This declaration is used to affirm that the nationality of the applicant has not changed since the date of filing. It is thus similar to an affidavit.

Syria

Withdrawal from the Madrid Agreement

The Syrian Authorities announced the withdrawal of Syria from the Madrid Agreement for the international registration of marks. Syria will remain a member of the Madrid Protocol (date of accession August 5, 2004).



UAE

Recordal in Abu Dhabi Soon

Recordal of trademarks is expected to be implemented in the Abu Dhabi Emirate very soon. The filing requirements for the recordal and the recordal period have not been announced yet. Customs recordal in UAE is now available in three Emirates only out of seven: Dubai, Sharjah and Ras Al Khaimah. The recordal in the three Emirates is valid for the trademark's protection term, renewable for like periods.

West Bank

A Rise in Official Fees

On August 28, 2012, the Palestinian National Authority revised the official fees schedule in connection with the registration of trademarks. The implementation of the new schedule will begin after its publication in the Official Gazette.

Arab Contracting Parties to the WIPO Administered Treaties (2012)

A number of countries from the Arab region joined WIPO-administered treaties in 2012, namely:

- Bahrain acceded to the Budapest Treaty which entered into force on November 20, 2012.
- Morocco acceded to the Budapest, WIPO Copyright and WIPO Performances and Phonograms Treaties which entered into force on July 20, 2011.
- Qatar acceded to the Patent Cooperation Treaty which entered into force on August 3, 2011.

The tables below provide detailed information on all 25 treaties administered by WIPO including the membership of Arab countries in each.

Berne Convention		
Algeria	Bahrain	Egypt
Jordan	Lebanon	Libya
Morocco	Oman	Qatar
Saudi Arabia	Sudan	Syria
Tunisia	UAE	Yemen

Nice Agreement		
Algeria	Bahrain	Egypt
Jordan	Lebanon	Morocco
Syria	Tunisia	

Patent Cooperation Treaty		
Algeria	Bahrain	Egypt
Libya	Morocco	Oman
Qatar	Sudan	Syria
Tunisia	UAE	

Madrid Agreement (Source)		
Algeria	Egypt	Lebanon
Morocco	Tunisia	

WIPO Copyright Treaty		
Bahrain	Jordan	Morocco
Oman	Qatar	UAE

Paris Convention		
Algeria	Bahrain	Egypt
Iraq	Jordan	Lebanon
Libya	Morocco	Oman
Qatar	Saudi Arabia	Sudan
Syria	Tunisia	UAE
Yemen		

Nairobi Treaty		
Algeria	Egypt	Morocco
Oman	Qatar	Syria
Tunisia		

Patent Law Treaty		
Algeria	Bahrain	Lebanon
Oman	Sudan	

Budapest Treaty		
Bahrain	Jordan	Morocco
Oman	Tunisia	

WIPO Performances and Phonograms Treaty		
Bahrain	Jordan	Morocco
Oman	Qatar	UAE

Hague Agreement		
Egypt	Morocco	Oman
Syria	Tunisia	

Rome Convention		
Algeria	Bahrain	Lebanon
Syria	UAE	

Madrid Protocol		
Bahrain	Egypt	Morocco
Oman	Sudan	Syria

Phonograms Convention	Strasbourg Agreement	Locarno Agreement
Egypt	Egypt	Algeria

The International Union for the Protection of New Varieties of Plants	
Jordan	Morocco
Oman	Tunisia

Madrid Agreement (Marks)	
Algeria	Egypt
Morocco	Sudan

Lisbon Agreement	
Algeria	Tunisia

Brussels Convention	
Bahrain	Lebanon
Morocco	Oman

Vienna Agreement	
Jordan	Tunisia
Trademark Law Treaty	
Bahrain	Egypt
Morocco	Oman





Season's Greetings

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* 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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