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*Best Wishes for  
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## 2013 in Playback

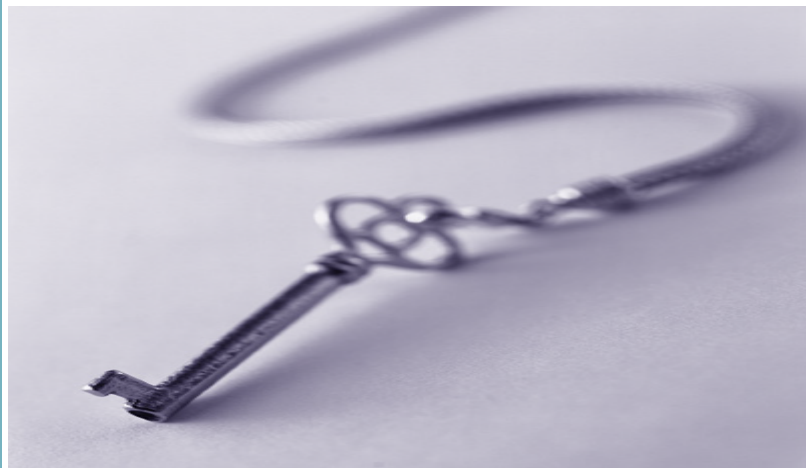
Protecting Intellectual Property IP rights in the MENA region is a challenging, labor-intensive process, which requires special consideration and handling. However, with soaring growth, it is not a market that rights holders can afford to ignore. They must be fully aware of the IP framework and the most important developments that unfolded in 2013.

## Ethiopia

The long-awaited regulations implementing the Ethiopian Trademark Law of 2006 were drafted and issued. Significant work is underway to establish the official requirements and steps. The only setback of the new regulations is that all registrations on record filed before July 2006, are no longer valid, and owners are required to re-submit new applications by no later than June 24, 2014.

## GCC

The government of Saudi Arabia approved in 2013 the unified GCC Trademark Law (GCCTL). The governments of Qatar and the United Arab Emirates have already announced their approval of the GCCTL a year earlier. The GCCTL will enter into force once the regulations are issued, and its purpose is to replace the local trademarks laws of each of the GCC member states thereby creating unified implementing regulations for trademark protection in all states. However, the GCCTL does not unify the Trademark Offices of all GCC states and so a separate application will continue to be filed at each Trademark Office. Nevertheless, having a unified GCCTL allows for a better alignment of trademark protection in the GCC region. The definition of a trademark has been broadened to include sound and smell marks. The GCCTL recognizes famous trademarks that are well-known in the GCC member states and ensures protection thereof even if the marks are not registered. The GCCTL also introduces more stringent punitive measures.



## Kurdish Region of Iraq

The Trademark Office (TMO) of Erbil in the Kurdish region of Iraq adopted the currently applicable schedule of fees of the TMO of Baghdad. 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. 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.

## Libya

The Trademark Office officially re-opened in May 2013, nearly two years after its services went interrupted as a result of the civil unrest. All pending applications that were kept on hold are now in the pipeline for examination. It is not clear how frequently official gazettes including trademark publications will be issued moving forward but delays are expected. The most fundamental change which has taken place following the recent events is related to the Libya-Switzerland relations. Specifically, Switzerland has recently established formal diplomatic relations with the Libyan government after a three-year breakdown in relations between the two countries. The implication of this development is that it will now be possible for Swiss applicants to file new applications in Libya.

## Saudi Arabia and Iran

Saudi Arabia and Iran acceded to the Patent Cooperation Treaty (PCT) and were automatically designated for the national entry (as of August 2013 in Saudi Arabia and as of October 4, 2013 in Iran). It is still early to fully evaluate the implications of this step but we do expect an increase on patent filings in both countries starting the first quarter of 2015 driven by the PCT national entries.



# Algeria and Iran

## How Substantive is Substantive Examination?

Earlier this year, patent applicants to both Algeria and Iran began receiving notices requesting a translation of the International Search Report (ISR) in Arabic or French for one and in Farsi for the other. Furthermore, new fees, at least in Iran, have been introduced, fees relating to the substantive examination of the application.

Algeria has been a member of the Patent Cooperation Treaty (PCT) since 2000 and, in practice, patent applications were generally granted within six months from the filing date. The only requirements were a simply signed specific empowerment document and an Arabic or French translation of the specifications. Iran, on the other hand, has only recently become a PCT member, and the PCT entered into force on October 04, 2013. As of the date of writing of this article, no new regulations have been published addressing PCT filings.

So why this sudden need for the translated ISRs?

In Algeria, the INAPI (Institut National Algérien de la Propriété Industrielle), equivalent to the Patent Office, began sending notices for all pending applications, requesting the translated ISR. Sure enough, shortly after the replies to these notices were being filed, notices of rejection began coming through. In almost all cases, not to say all, the rejection is essentially a repetition of what has come in the ISR. For example, assuming the ISR identified documents D1 and D2 as category X prior art, D3 as a category Y and D4 and D5 as category A, the notice of rejection from the INAPI would list D1 and D2 as affecting the novelty of the current application and D3 affecting the inventiveness of the same.

According to the Algerian Patent Law, and in particular Articles 27-29, it is within the INAPI's legal right to challenge applications not only as to form but as to content as well as to novelty and inventiveness. It is not clear until this day whether the applications are being reviewed by technical staff or experts or whether this is simply a first step towards a more robust examination process. It is also still early as well to evaluate how a response and/or amendments to the claims which should overcome the prior art objections would fare.

In Iran, a very similar process took place. First, a notice requesting the ISR in Farsi was issued for all pending applications, to be followed shortly afterwards with notices of lack of innovation, similarly to what was observed in Algeria.

From a legal perspective, Article 13 of the Iranian Patent Law empowers the Iranian Intellectual Property Office (IIPO) to refuse applications which are not compliant with its laws, including lack of innovation and industrial applicability (Article 2). Here again, it is still early to fully evaluate this process. It is not clear who is examining these applications despite bylaw no. 28 which states that patent applications in Iran are now subject to substantive examination procedure done by relevant authorities appointed by the IIPO.

We expect further clarifications as to these practices in both countries in the near future; however, and for the time being, a good understanding of the patent laws as well as a cunning local representative can ensure that these applications are steered in the right direction and meet the same fate as at least the application in the country of origin.



# UAE

## Trademark Application number 200,000

The UAE has recently grown increasingly important as a consumer market, becoming a major hub for regional and global trade. With the consumer growth on the rise, Intellectual Property (IP) becomes a key player in the market. Proving these statistics, Saba & Co IP – UAE office filed application number 200 000 on October 27, 2013 in the country. This portrays the ongoing efforts of the Saba team in protecting the IP rights of our clients and raising the awareness of the importance of IP.



# Morocco

## New IP Law on the Way

Intellectual Property Law No. 23-13, amending and completing Law No. 17-97 of February 15, 2000, was approved in Morocco on September 12, 2013. The draft was forwarded to the competent authorities for ratification. This Law is expected to be implemented early 2014.

*Should you have any questions, or require any additional information, please do not hesitate to contact us at [morocco@sabaip.com](mailto:morocco@sabaip.com)*



# Saudi Arabia

## How to Correctly Specify the Items in a Trademark Application?

According to a recent arrangement introduced by the Saudi Trademark Office, trademark applications will be accepted on formal grounds only if the goods/services claimed are as follows:

- a. Identical to those in the 10th edition of the NICE Classification.
- b. Class headings as per the 10th edition of the NICE classification
- c. A combination of (a) and (b)

Given that trademark applications can only be submitted electronically, all applications with an item that is not in line with the above will not be properly docketed into the system, which will basically result in considerable delays. Applicants should carefully account for this new arrangement especially when dealing with approaching deadlines.



# Jordan

## New Pharmacy and Medicines Law

A new Pharmacy and Medicines Law (Law No. 12 of 2013) came into force in the country on November 1, 2013. The most important features of this Law are as follows:

**Efficacy and safety:** The drug shall meet the therapeutic requirements in order to be effective. It shall have its own characteristics that distinguish it from other drugs; otherwise it may be considered counterfeit.

**Quality:** The drug shall be well made based on international standards and strict measures are implemented in the free-trade zones to avoid counterfeit drugs.

**Penalties:** Severe sanctions are imposed on the violators. The penalties range from the payment of fines to imprisonment.

*Should you have any questions, or require any additional information, please do not hesitate to contact us at [bulletin@sabaip.com](mailto:bulletin@sabaip.com)*

# Arab Contracting Parties to the WIPO Administered Treaties in 2013

As the importance of Intellectual Property grows, the number of Arab countries joining WIPO treaties is increasing each year. During the course of 2013, the following developments took place:

- Algeria acceded to the WIPO Copyright Treaty which will enter into force on January 31, 2014.
- Tunisia acceded to the Madrid Protocol which entered into force on October 16, 2013
- Saudi Arabia acceded to the Patent Cooperation Treaty and Patent Law Treaty which entered into force on August 3, 2011.

The table below lists the 25 treaties administered by WIPO including the membership of Arab countries in each.

	Algeria	Bahrain	Egypt	Iraq	Jordan	Kuwait	Lebanon	Libya	Morocco	Oman	Qatar	Saudi Arabia	Sudan	Syria	Tunisia	UAE	Yemen
Berne Convention	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Brussels Convention		✓					*		✓	✓							
Madrid Agreement (Source)	✓		✓				✓		✓					✓	✓		
Nairobi Treaty	✓		✓						✓	✓	✓			✓	✓		
Paris Convention	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Patent Law Treaty	*	✓					*			✓		✓	*				
Phonograms Convention			✓														
Rome Convention	✓	✓					✓							✓		✓	
Trademark Law Treaty		✓	✓						✓	✓							
WIPO Copyright Treaty	✓	✓			✓					✓	✓					✓	
WIPO Performances and Phonograms Treaty		✓			✓				✓	✓	✓					✓	
Budapest Treaty		✓			✓				✓	✓					✓		
Hague Agreement			✓						✓	✓				✓	✓		
Lisbon Agreement	✓								✓						✓		
Madrid Agreement (Marks)	✓		✓						✓				✓	✓			
Madrid Protocol		✓	✓						✓	✓			✓	✓	✓		
Patent Cooperation Treaty	✓	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓	
Locarno Agreement	*																
Nice Agreement	✓	✓	✓		✓		✓		✓					✓	✓		
Strasbourg Agreement			✓														
Vienna Agreement					✓										✓		
The International Union for the Protection of New Varieties of Plants					✓				✓	✓					✓		
✓ In Force • Signature																	

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