

SABA
INTELLECTUAL
PROPERTY

BULLETIN

*MERRY
CHRISTMAS
& HAPPY
NEW YEAR*

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SAUDI ARABIA | REVISION IN POA VALIDITY



SAUDI
ARABIA

The Trademark Office in Saudi Arabia declared that the validity of the Power of Attorney is now five years from the date of issuance, unless the duration on the POA is stated otherwise or the POA is revoked.

This update comes in light of a memo issued by the Ministry of Justice on March 15, 2016, but was implemented recently by the authorities concerned at the TMO. It is worth noting that a scanned colored copy of the POA will be sufficient at the time of filing in support of trademark application. The original copy may be submitted within three months from filing date.

We are going to run a clean-up exercise of all POAs in our files and will notify you immediately in case a fresh power is required.

IRAQ | PROCEDURAL CHANGES RELATED TO PUBLICATION

IRAQ

The Trademark Office in Iraq is expected to introduce in the near future a new procedure for the renewal of trademarks, and for the recordal of assignment, merger, change of name, as well as change of address. This procedure would entail the publication of notices in the Official Gazette.

At present, publications for these type of jobs are not required. It is not known when this procedure is going to be introduced, and whether or not it will apply to pending applications. Needless to say, this revised practice will come with an additional official fee for publication.



2017 | YEAR IN REVIEW



Our annual “Year in Review” series sums up the most important intellectual property developments and news that unfolded over the past year in the Middle East, North Africa, and their neighboring regions.

The past year marked a landmark achievement for Saba IP, as we have been honored with the IP Firm of the Year award for the Middle East for 2017 by MIP for the second year in a row. We are certainly proud to be showcased and celebrated among the best in our industry. Needless to say, our relentless strive for service excellence would not have been possible without the trust of our clients.

Be it directly or indirectly related to the implementation of the Gulf Cooperation Council Trademark Law, we have witnessed throughout 2016 and 2017 a considerable increase in official fees in Bahrain, Kuwait, Saudi Arabia, and the United Arab Emirates. Oman and Qatar are expected to follow suit. Furthermore, value added tax is expected to be introduced at a rate of 5 percent, with some limited exceptions on basic food items, healthcare, and education. Saudi Arabia and the UAE are planning to implement the VAT at a rate of 5 percent effective January 1, 2018. The remaining GCC countries may do so at the same time or by January 1, 2019 at the latest.

Other notable developments in the Middle East and North Africa worth pointing out are outlined below:

BAHRAIN: TRADEMARK APPLICATION FORMALITIES

All trademark applications must include the applicant's complete address, including the building number and street name. Prior to this change, the Trademark Office in Bahrain accepted applications listing only the applicant's P.O. Box number.

IRAN: TRADEMARK REQUIREMENTS REVISED

A legalized extract from the commercial register is required for new trademark applications and oppositions, and it must be submitted within 60 days from filing date - a simply signed copy is required by the Trademark Office at the time of filing. As for renewal applications, a notarized extract from the commercial register is sufficient.

2017

2017 | YEAR IN REVIEW



JORDAN: PCT ENTERS INTO FORCE

Jordan became the 152nd member of the Patent Cooperation Treaty on March 9, 2017, and the most recent Arab state to accede to the PCT. The Treaty entered into force on June 9, 2017. Arab contracting member states of the PCT are: Algeria, Bahrain, Egypt, Djibouti, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, and the United Arab Emirates.

KUWAIT: ORIGINAL CERTIFICATES NO LONGER REQUIRED

Pursuant to new procedures adopted at the Trademark Office in Kuwait, the TMO began issuing separate certificates for renewal and recordal matters, which include changes of name or address, assignments, and mergers. Previously, the TMO requested the filing of the original trademark registration certificate for the endorsement of any recordal.

OMAN: GCC TRADEMARK LAW APPROVED

Oman has officially adopted the Gulf Cooperation Council Trademark Law as of Monday July 31, 2017. The decision, which was promulgated by Royal Decree no. 33 of 2017, was published in the Official Gazette on July 30, 2017.

QATAR

Updated Classification of Services

The Trademark Office in Qatar began accepting applications in classes 43, 44 and 45 as of February 12, 2017. For a long time before the introduction of this new arrangement, the TMO followed the 7th Edition of the Nice Classification, which is limited to 42 classes only.

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.

2017 | YEAR IN REVIEW



SAUDI ARABIA

Formation of IP Commission

Saudi Arabia approved the formation of the Intellectual Property Commission, which will be led by the Ministry of Commerce and Investment. The Commission's responsibilities will include, but are not limited to, (1) granting patents, (2) registering trademarks, (3) advising on IP policy, protection, and enforcement, (4) promoting stronger and more effective IP protection, and (5) providing training, education, and capacity building programs designed to foster respect for IP.

Translation of Package Inserts into Arabic

Pharmaceutical companies are now required to provide the Arabic translation of the Summary of Product Characteristics and the Patient Information Leaflet for all drugs they produce. Seeing that the use of Arabic is not a matter of choice but is a statutory requirement governed by local regulations, it becomes advisable to register the transliteration of the trademark in Arabic.

Substantial Procedural Changes

Opposition procedures are now administrative proceedings instead of being purely legal, making the process less expensive. The opposition period is 60 days from last publication date in the Official Gazette and requests for extending an opposition are not possible.

UAE: NEW REGULATIONS FOR COSMETICS AND PERFUMES

New regulations set by the Gulf Cooperation Council Standardization Organization have made it mandatory to feature, among other information, the name of cosmetic and personal care products in Arabic on the packaging of products sold in the United Arab Emirates.

NICE CLASSIFICATION: 11TH EDITION

The latest edition of the Nice Classification, the 11th Edition, entered into force on January 1, 2017. Amendments cover 15 class headings and explanatory notes for seven classes, and the list of goods and services was extended by 334 terms. Countries in the Middle East and North Africa region that have already adopted the 11th Edition are Algeria, Cyprus, Jordan, Lebanon, and Tunisia.

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