

SABA *bulletin*

February 2012 issue

In this issue

IP NEWS

QATAR

New Law on IPR Border Measures 2

The Only Country to Mark a Day for Sports 2

SOUTHERN SUDAN

How are IP Rights enforced? 2

ICANN

Plan to Increase Internet Domain Name Endings 3

YEMEN

Week-End Shift 3

IP CASE

YEMEN

AUGMENTIN vs. AUGMEN 4

IP HIGHLIGHTS

Nice Classification: Tenth Edition 4

IP TABLE

Data Exclusivity 7

IP News

QATAR NEWS

NEW LAW ON IPR BORDER MEASURES

A new Law on Intellectual Property Rights Border Measures (Law No. 17 of 2011) has been introduced in Qatar. The new Law came into force in the country upon its publication in the Official Gazette No. 12 of January 11, 2012. The salient features of Law No. 17 of 2011 are listed below.

- The Customs Authority can suspend entry into Qatar of alleged counterfeit and pirated products.
- The rights holder may request for the inspection of the imported goods which involve an infringement, and such requests must be supported by sufficient evidence of the occurrence of such infringement.
- The Customs Authority shall notify the importer and the rights holder of its decision.
- The decision of the Customs Authority may be appealed before the Court.
- The rights holder may submit an application at the Customs for the registration of all the information related to his rights.

However, the following items are not subject to the provisions of this Law:

- 1.Small quantities of goods of a non-commercial nature and gifts

contained in travelers' personal luggage or sent in small consignments.

- 2.Goods in transit.
- 3.Goods put on the market of the country of origin by or with the consent of the rights holder.
- 4.Goods entering from a neighboring country that is member of a Customs Union with Qatar where all controls over movement of goods across said borders have been substantially removed.

Any person importing infringed products and knowingly doing so, will be punished by imprisonment for a term not exceeding one year or a fine of not more than ten thousand Riyals [approximately USD2750] or both.

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

THE ONLY COUNTRY TO MARK A DAY FOR SPORTS

On the second Tuesday of February every year, Qatar will be celebrating a "National Sports Day" which makes Qatar probably the only country to make a national day for sports. This plan encourages the public as well as the private sector to organize sports activities. This move sheds the light on the importance of Sports as a "way of life" and not only an activity.

SOUTHERN SUDAN NEWS

HOW ARE IP RIGHTS ENFORCED?

Following the separation of Southern Sudan, the Transitional Constitution of the country is now in place. The Constitution states that "all current Laws of Southern Sudan shall remain in force and all current institutions shall continue to perform their functions and duties, unless new actions are taken in accordance with the provisions of this Constitution". Schedule "A" of the Constitution places Intellectual Property under the exclusive legislative and executive powers of the National Government. However, until now, there are no laws related to the protection and enforcement of Intellectual Property in the country and no decisions have been issued in this regard. The new government is expected to be committed to protect all Intellectual Property rights mainly through the Southern Sudan Investment Authority (SSIA) which is the office responsible for the development of international investments laws, including specific laws which stipulate provisions on the protection of Industrial and Intellectual Property rights. We will keep you updated in due course.

ICANN NEWS

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 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. The new program will significantly expand Top-Level Domains (TLDs) to allow companies and even cities to turn their own brands into domain name extensions.

This program aims at widening the scope of innovation and creativity for businesses in order to organize their online presence. Among its benefits, the program increases the ability to create custom e-mail addresses (e.g., employee@hisdepartment.company), facilitates the search engine results and easily creates second-level domains (e.g., www.support.company).

Applications for new internet domain name endings will be accepted from January 12, 2012 to April 12, 2012. Applications will be processed in "batches" and not on a "first in, first served" basis. In the event that more than one applicant applied for the same domain name, in most cases it will be up to the parties to negotiate in order to reach a compromise.

In case no agreement was reached, applicants will enter into an auction.

YEMEN NEWS

WEEK-END SHIFT

The official weekend in Yemen is expected to shift from Thursday - Friday to Friday - Saturday. As a result of this change, all renewal

fees which will fall due on a Friday or a Saturday can be paid on the first working day following the due date. The same applies to national holidays as well. Interested parties should make note of this change, especially where there are deadlines. We will keep you updated.

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

Should you have any further enquiries regarding the subject matter, please contact us at yemen@sabaip.com.

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

IP Case

YEMEN

AUGMENTIN VS. AUGMEN

The Supreme Court in Yemen supported the decision issued before the Court of Appeal and ruled in favor of the company Beecham Group Plc, owner of trademark "AUGMENTIN", registration number 1358 in class 5, against a local pharmaceutical company for registering trademark "AUGMEN" in the same class.

The Court found the phonetic and visual similarity between the marks AUGMENTIN and AUGMEN will lead the public to believe that both products emanate from the same source. Therefore, the AUGMEN product creates a risk of confusion with the antibiotic AUGMENTIN and thus violates the provisions of Articles 89 and 90 of the Yemeni Industrial Property Law.

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

1. Cease all use of AUGMEN;
2. Bear all Court expenses.

NICE CLASSIFICATION: TENTH EDITION

As of January 1st 2012, the 10th edition of the Nice International Classification for Goods and Services entered into force. It is worth mentioning that the Trademark Offices of Algeria, Bahrain, Cyprus, Egypt, Jordan, Morocco, Syria and Tunisia have started adopting the 10th Edition of the Nice Classification and are now ready to serve applications for goods and services in the required classes.

Most of the updates involve the classification of dietary and nutritional supplements and food additives (primarily in classes 5, 29, 30, 31), video gaming apparatus (in classes 9 and 28), electrically powered goods (primarily in classes 7, 8, 9 and 21) and babies nappies/diapers (in classes 5, 16 and 25). Minor changes and additions have also been made to other classes. Changes and amendments include, among other things, the transfer of goods and services from one class to another, deletions, as well as changes in class headings.

	9th Edition	10th Edition	Changes
Class 5	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides	<ul style="list-style-type: none"> - Class 5 extends to pharmaceuticals and other preparations, including dietary supplements, for veterinary purposes. - Baby Diapers, napkin-pants and diaper-pants, regardless of whether they are disposable or made of textile, will be classified uniformly in Class 5 instead of Class 16. - The distinction between deodorants for personal and non-personal use has been removed. Deodorants are now to be classified in Class 3 if they are "for human beings or for animals" or in Class 5 if they are "other than for humans or for animals".

	9th Edition	10th Edition	Changes
Class 7	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.	Various items that were previously considered apparatuses under Class 9 will now be considered machines and machine parts under Class 7. For example, welding and soldering apparatus, vending machines, electric door openers and closers, self-regulating fuel pumps, electrical packaging apparatus will now be classified under Class 7.
Class 9	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.	Downloadable ring tones for mobile phones, downloadable music files, cell phone straps, portable media players, USB flash drives, and GPS apparatus have been added to Class 9.
Class 28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.	Floats for bathing and swimming, water wings, swimming belts, and swimming jackets, all being playthings, will now be classified under Class 28 and not Class 9. - Entertainment and gaming devices are now classified uniformly in class 28. The previous, and rather artificial, distinction between consumer devices that are equipped with an external display screen or monitor (in Class 9) and those with built-in screen (in class 28) has been removed.
Class 35	Advertising; business management; business administration; office functions.	Advertising; business management; business administration; office functions.	Evaluation services in relation to standing timber and wool, previously settled under Class 35 services, will now be classified under Class 36 if they are financial evaluation services and under Class 42 if they are qualitative evaluation services.

	9th Edition	10th Edition	Changes
Class 36	Insurance; financial affairs; monetary affairs; real estate affairs.	Insurance; financial affairs; monetary affairs; real estate affairs.	Leasing and franchising services will now be classified in the same way as rental services, i.e. they will be classified in the same classes as the services provided by the Lessor or the Franchisor. However, hire or lease-purchase financing will be classified in Class 36 as a financial service.
Class 42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.	Scientific and technological services and research and design relating thereto; Industrial analysis and research services; design and development of computer hardware and software.	Evaluation services in relation to standing timber and wool, previously settled under Class 35 services, will now be classified under Class 36 if they are financial evaluation services and under Class 42 if they are qualitative evaluation services.

Should you have any questions, or require any additional information, please do not hesitate to contact us at info@sabaip.com.



IP Table

DATA EXCLUSIVITY

The table below lists the countries from our region where Data Exclusivity requests are available in addition to the Articles of the Laws which address this matter. It is worth noting here that Data exclusivity provides additional market protection for innovators by preventing generic drug manufacturers from relying on clinical test data in their own applications.

COUNTRY	ARE DATA EXCLUSIVITY REQUESTS AVAILABLE?	WHICH ARTICLE OF THE LAW ADDRESSES THIS MATTER?
Algeria	No	N/A
Bahrain	Yes	<ul style="list-style-type: none"> • Trade Secrets Law No. 7/ 2003, Articles 1 and 2 • Article 39,3 of TRIPS
Cyprus	No	N/A
Egypt	Yes	Law 82/ 2002, Articles 55 to 62
Jordan	Yes	<ul style="list-style-type: none"> • Trade Secrets and Unfair competition Law No. 15 of the year 2000, Article 8 • Paragraph 22 of the US-FTA and Article 39.3 of TRIPS
Kuwait	No	N/A
Lebanon	No	N/A
Morocco	Yes	<ul style="list-style-type: none"> • Article 3 of the Ministerial Decree No. 21474-05- • Article 39.3 of the TRIPS Agreement • Provisions of Article 15.10.1 of the Free Trade Agreement between Morocco and USA
Oman*	Yes	• Article no. 65/ 3/ A/ 1 of the Industrial Property Law
Qatar*	Yes	Qatari Trade Secrets Law No. 5 of 2005
Syria	No	N/A
Yemen	Yes	Law No. 2 of 2011, Articles 29 and 31
Saudi Arabia*	Yes	Article 5 of the Trade Secrets Protection Regulation (decision number 50, dated April 4, 2005)
Iraq	No	N/A
Iran	No	N/A
Sudan	No	N/A
Tunisia	No	N/A
UAE*	Yes	<ul style="list-style-type: none"> • Article 39.3 of the TRIPS Agreement • Ministry of Health Decree, October 2003 • Ministry of Health Decree No. 404 (year 2000)

* The law dealing with the issue of Data Exclusivity exists but is not always in practice.

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 (5) 45 48 40
Fax: +961 (5) 45 48 42
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.

© 2012 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.