

IP NEWS

Ethiopia - New Law Comes into Effect

The long-awaited regulations implementing the Ethiopian Trademark Law of 2006 were published on December 24, 2012. Authorities have so far indicated that owners of marks that are already registered in Ethiopia will be required to file new applications within 18 months from the publication date, that is by no later than June 24, 2014. These new applications will not be registered automatically but will be subject to examination on absolute and relative grounds.

As there seems to be a number of uncertainties related to the implementation of the law, we will be reporting to you as and when new information becomes available. Meanwhile, we will be reviewing all pending files in our care and will notify clients of any steps that need to be taken.

In terms of the present practice, the trademark owner was required to obtain permission from the Ethiopian Intellectual Property Office (EIPO) to publish cautionary notices in the local newspapers. Once permission was obtained and the cautionary notices were published, a Trademark Deposit Certificate bearing the official number and the protection term was issued.

Should you have any question, or require any additional information, please contact us at bulletin@sabaip.com.



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The salient features of the new Trademark Law are listed below.

Protection Scope

Any trademark capable of being represented graphically and consisting of a letter, word, numeral, design or three-dimensional shape may be registered, provided that it is distinctive.

Priority Claim

Claim of priority, based upon an earlier-filed foreign application, is possible. The priority of countries adopting the Paris Convention will be recognized.

Classification

The 8th Edition of the Nice International Classification of Goods and Services for the purpose of the registration of trademarks is followed.

Type of Application

A single application may include several classes.

Opposition

Trademark applications accepted by the EIPO will be published in the Intellectual Property Gazette (or in any other newspaper having countrywide circulation) for opposition purposes.

Publication after Registration

The EIPO shall also notify the completed registration of a trademark in the Intellectual Property Gazette (or in any other newspaper having countrywide circulation).

Protection Term

Trademark registrations are valid for seven years from filing date and are renewable for like periods. There is a grace period of six months for late renewals with payment of a surcharge.

Use Requirement

Use of a trademark is not required for registration or renewal of a mark. 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 three consecutive years preceding the date of filing for cancellation.

Border Measures

As a new border measure, the holder of a trademark right shall be entitled to request the Customs authorities to seize imports of goods with infringing trademarks. Customs will have the authority to seize suspected goods and give the parties concerned ten days to bring a lawsuit.

Qatar - Another GCC Country with PCT Membership

The Qatari Patent Office started accepting both local and national phase PCT applications for the first time in the country in August 2012. This is an explicit recognition by the authorities in Qatar of the growing importance of patent protection in the country. The patent framework in Qatar has been idle for a long time in the absence of a pertinent registration system.

The information required at the time of filing is as follows:

1. Name, address and nationality of the applicant.
2. Name, address and nationality of each of the inventors.
3. Title of the invention.
4. A simple copy of the priority application.
5. One set of formal drawings
6. One copy of the specifications claims and abstract of the invention in English with Arabic translation (the Arabic translation may be submitted at a later stage).

By way of background, the Qatari Patent Law was issued almost six years ago by virtue of Decree no. 30/2006. The law was introduced in compliance with the World Trade Organization agreement and mirrors the provisions of the patents section of the TRIPS agreement. For a long time

before the promulgation of Law no. 30/2006 and in the absence of a pertinent local legislation, protection was sought through the Gulf Cooperation Council unified patent registration system. Some sort of protection was also obtained through the publication of cautionary notices at regular intervals in local newspapers.

In contrast to the GCC, Qatar is a member of both the Paris Convention and the PCT. While the GCC respects the 12 month priority convention, applicants seeking more time before going national or regional can add Qatar to the list of GCC member countries who are also PCT members. The other countries in that group are Bahrain, Oman and the UAE. While a GCC patent is fully enforced in all of its member countries, much of the legal burden will be handled at the local level. Therefore, filing locally, such as Qatar, may also have additional perks. Given the growth Qatar is experiencing and the country's determination to create non-oil-based industries, being able to file in Qatar is a welcome option.

For the time being and in the absence of regulations implementing the patent law,

the Qatari Patent Office will notify applicants of missing documents, pertinent deadlines and authentication formalities in due course. Also, settlement of annuity fees will be decided once the official fees are released.

Briefly, the Patent Cooperation Treaty entered into force in Qatar 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.

Should you have any questions, or require any additional information, please contact us at bulletin@sabaip.com.

The salient features of Law no. 30 of 2006 as ratified by the Qatari Council of Ministers are as follows:

Type of Patents

Patents shall be available for all inventions, whether products or processes, in all fields of technology.

Examination

As to novelty, inventive step and industrial applicability.

Opposition

Opposition may be filed within 60 days from the publication date of the patent in the Official Gazette.

Protection Period

Once granted, a patent will be protected for twenty years from the date of grant.

Compulsory Licensing

If the patent is not exploited within 3 years from the date of grant, it will be subject to compulsory licensing.

Penalties

Patent owners have the right to initiate legal actions against infringers, resulting in both fines and imprisonment.

West Bank - Change in Official Trademark Fees

The new official fees for trademark matters in the West Bank will be applicable starting January 20, 2013. This implementation follows the Palestinian National Authority's revision of the official fees schedule dated August 28, 2012, in connection with trademarks. Fees related to the filing of oppositions and counter-statements have increased substantially in comparison with their current level. Regarding pending applications, the increase will only be applied on all fees that have not been settled.

The decision has yet to be published in the Official Gazette.

Should you have any questions, or require any additional information, please contact us at bulletin@sabaip.com.

UAE - From Similar to Identical

Effective immediately, the results of an official trademark search at the UAE Trademark Office will only reveal identical marks. Confusingly similar marks will not be covered in the report. Even though the scope of the search is now limited, this will remain the case until further notice. To help fill in this gap, an in-house search among published applications is highly recommended along with the official search. The results of the in-house search will then help us decide whether additional official searches would still be required.

Should you have any questions, or require any additional information, please contact us at bulletin@sabaip.com.

UAE - Antitrust Law

The UAE Federal Government introduced a new Federal Antitrust Law no. 4 of 2012. The Law was published in the Official Gazette in December 2012 and will come into force in February 2013. There is a six months period after the law has been implemented for companies to set their own procedures based on the law's regulations.



Syria - Online Search Possible

Search for published or granted patents in Syria is now possible online, noting that it can only be performed in Arabic. The search can be conducted by using multiple fields such as claimed priority, applicant, inventor and international classification. The result of the search will disclose two fields: The inventor's name and the title of the invention. Given that this automated system is still new, the scope of this search can not be considered accurate and exhaustive for the time being.

For your information, a new patent law in Syria (Law no. 18 of 2012) was issued on March 30, 2012.

The salient features of the law are as follows:

- The term of protection is extended to 20 years from filing date instead of 15 years as per the previous Law.
- Examination is possible as to novelty, inventive step and industrial applicability.

-A maintenance fee is due annually on the anniversary of the filing date and is payable before the granting of the patent.

-There is a 6-month grace period for late payment with a surcharge.

- Patents of Addition are admissible.

- Patent applications accepted by the Registrar are published in the Official Gazette. Oppositions may be filed within 6 months from publication date.

- A patent has to be worked. If the patent is not being fully exploited by the patentee within 4 years from filing date or 3 years from the date of grant, the patent will be subject to compulsory licensing under the provisions of the law.

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



Jordan - An Anti - Counterfeiting Unit Established

An "Anti-Counterfeiting Verification and Notification Unit" was established by the Jordanian Standards and Metrology Organization. The main function of this new division is to monitor and inspect imported goods at the borders and in the market place. After inspection, photos of the product will be directly sent to the trademark owners or their legal representatives for confirmation of authenticity. In case any counterfeits were found, the following measures will be taken:

- Products will either have to be destroyed right on the spot or returned to the country they came from by the importer himself.
- Monetary fines will be imposed on the importer.

The above portrays the Jordanian government's ongoing efforts in protecting both the trademark owners and consumers.



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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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