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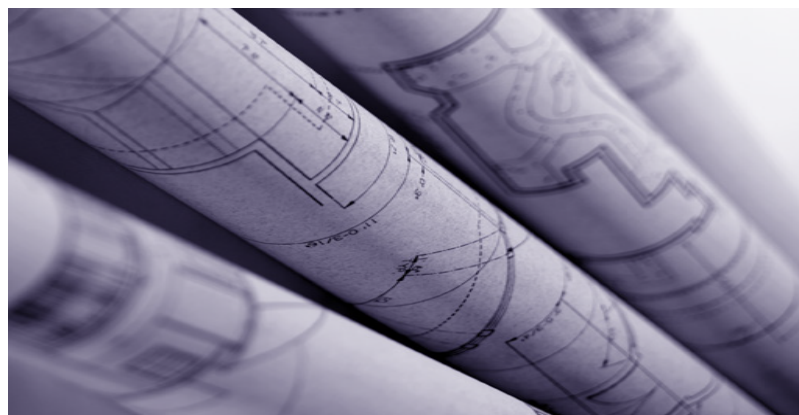
Over the past few years trademark protection in the Middle East has become more attractive to brand owners worldwide. As demand for more comprehensive trademark protection goes up, it has become more and more important to consider issues of local language and culture when pondering trademark protection.

As is customary with national trademark legislation, trademark laws in the Arabic-speaking countries of the Middle East and North Africa traditionally provide for the protection of the transliteration of a registered mark without having to file a separate application for it. Thus, registering a trademark in any language in the Arab countries usually affords it automatic protection in its local script as well.

This is in theory at least... Nevertheless, seeking trademark protection in local script becomes more relevant when looked at from a use perspective, especially when the mark in question is pronounced in a way that is not familiar to the local public and average consumer. If we take the trademark CHICO for example, this mark in Italian is pronounced KIKO. So whilst the owner of this trademark may enjoy protection for "تشيكو" (CHICO in Arabic) he is likely to face an adamant Registrar if he seeks protection for "كيكو" (KIKO in Arabic) if the same is already registered by a third party. In a second instance, trademarks written in non-Latin characters or trademarks written in a highly stylized form that is difficult to recognize by the local public also lend themselves to registration in local script.

Many Registrars examining a trademark application in local script make a decision on whether or not to accept it on the grounds of how registered marks phonetically similar to it are actually used in the local market. Similarly and even more importantly, when considering whether or not a trademark risks infringing on another, judges in national Courts looking into a trademark dispute often issue their verdict on the same grounds; i.e. how the subject marks are used in the local market.

Therefore, use can be important even in non-common law countries. But in many countries use is governed by local regulations or statutory requirements which regulate the language(s) in which the mark should be used. Regulatory requirements include resolutions and directives by the national FDAs, Ministries of Health or Trade, Consumer Protection laws as well as municipal or civic guidelines regulating the use of trademarks in advertising, print on packaging, publications, signboards, etc. Hence, of particular relevance and importance would be trademarks used with medicinal products in class 5 as they appear on drug packaging, marks for retail services in class 35, and marks used on signs of restaurants, hotels, banks, etc.



Below is a table which outlines the pertinent statutory requirements and regulations in the different Arab countries in the Middle East and North Africa governing the use of the Arabic rendition of a mark. You will note that many countries of this region have in place local regulations that call for the compulsory use of the Arabic script of a mark.

We can see from this table that for trademark owners having an interest in retail services in Egypt, Qatar, Saudi Arabia, and the UAE, and where their marks may be used on signboards, it becomes advisable to register the transliteration of their marks in local script in compliance with regulations calling for the use of Arabic on signboards in these countries. There is also similar regulatory language requirements for pharmaceutical packaging in almost all Arab countries by virtue of which trademarks used on pharmaceutical products should be bilingual with Arabic always being one of the languages used. This is specifically the case in Algeria, Egypt, Morocco, Qatar, Saudi Arabia, Tunisia, and the UAE.

Finally, the use of Arabic script is not without challenges, as certain consonants and vowels have no equivalent in the Arabic language. Common practice is either to substitute, for instance, the letter P with the next best option, which would be the Arabic letter pronounced B (e.g. Potato would then be transliterated in a way so as to read Botato) or to borrow letters from the Persian alphabet, closest to Arabic, and which would be widely understood by the Arab public.

In conclusion, registration and hence protection of trademarks in transliterated Arabic script, in addition to their original format, is advisable especially when a) the trademark in question can be transliterated in different phonetic renditions or comes in complex stylization that is difficult for the public to recognize; or b) there are local regulations and/or statutory requirements making the use of local script mandatory.

Jurisdiction	Use of Arabic Compulsory	Local Authority	Law/Regulation	Arabic & Latin Can be Used
Algeria	Yes	Ministry of Health	Dated 14 Dec. 2008	Yes
Bahrain	No			
Egypt	Yes	Ministries/Municipalities	Commercial laws and Municipal regulations on signboards	Yes
Gaza & West Bank	No			Yes
Jordan	No			Yes
Kuwait	Yes	Kuwait City Municipal Council	Law 172/2006 and Decree 463/21/2006 on signage	Yes
Lebanon	No			Yes
Morocco	Yes	Ministry of Health	Resolution 17-04 of 22 Nov. 2006	Yes
		Ministry of Trade	Decree 2-01-1016 on foodstuff	Yes
Oman	No			Yes
Qatar	Yes	Ministry of Health	no. 3 of 1938	Yes
		Doha Municipality	Resolutions on external signage	Yes
Saudi Arabia	Yes	Riyadh Municipality	Regulations on signage	Yes
Syria	No			Yes
Sudan	No			Yes
Tunisia	Yes	Tunis Municipality	Decree dated 6 Aug. 1957	Yes
UAE	Yes	Dubai Dept. of Economic Development	Guidelines	Yes
			Consumer Protection Law 24 of 2006	Yes
			Federal Law no. 4 of 1979	Yes
Yemen	No			Yes

Libya

Opposition Period Extended for Publications of June 22

The last issue of the Official Gazette dated June 22, 2013 was released only recently. In order to make up for the protracted delay in its publication, the Trademark Office TMO has exceptionally extended the opposition term against the trademarks published in this issue to January 30, 2014.

According to the statutory provisions, the opposition period is 3 months from publication date, with no possibility of an extension. However, the purpose of this present exemption is to address the considerable backlog of work that the TMO is currently dealing with. Seeing that the situation in the country is relatively back to normal, the backlog comes as a result of the increased load vis-à-vis the present level of resources. With this extension of time for oppositions, the TMO is obviously trying to stream-line the flow of work in the best possible way. It is not clear how frequently Gazettes will be issued moving forward but we would expect more applications to be examined and published in the near future. We have seen two Gazettes so far, ever since the TMO re-opened. In addition to the June issue, an earlier issue was published on May 20, 2013.

Frequently Asked Questions about the Trademark Official Gazette

What information is included in the Official Gazette?	The Official Gazette contains bibliographic information and a representative drawing for each mark published, along with a list of cancelled and renewed registrations.
What is the opposition period?	Trademark applications accepted by the Registrar are published in the Official Gazette before registration. Oppositions may be filed within 3 months from publication date.
Is an extension of time to file a notice of opposition possible?	Not possible
If a mark is in color, will it appear in the Gazette in color?	Yes
Are opposition proceedings administrative or legal?	Administrative. Oppositions are filed before the Trademark Office.

Jordan

Annulment of Article 11, Paragraph C of the Trade Name Law

The Jordanian Constitutional Court has recently announced the unconstitutionality of Article 11, Paragraph C of Trade Name Law No. 9 of the year 2006 as it does not grant the conflicting parties equal rights to appeal the Registrar's decision before the Court. Previously, the appeal was only possible to the "owner of the trade name in question". In other words the Registrar' of Trading Name decision can only be appealed if the Registrar accepted the cancellation action.

Given that the cancellation of a trade name requires the presence of both parties and since it violates the principle of equality provided for in the Jordanian Constitution, Article 11, Paragraph C of the Trade Name Law was annulled.

Following the annulment, each party shall now have the same legal channels to defend their claims before the competent courts.

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

Syria

Renewal of Multi-Class Trademark Registrations

Pursuant to Ministerial Decision No. 2057 dated December 9, 2013, amending the bylaws of Trademark Law no. 8 of 2007, a separate renewal application should now be submitted for each class covered by a multi-class trademark registration (initially filed under the previous Law of 1946). In other words, a renewal application will generate separate renewal certificates according to the number of classes originally registered. For example, in case of a registration covering 3 classes, an applicant should now file 3 separate renewal applications instead of one. The official fees for each additional application are the same as those for a single class renewal application.

Country Flash

IP Protection in Djibouti

With a small area of 23,200 km², and a population of over 775,000 inhabitants, Djibouti lies in North Africa. It borders Ethiopia, Eritrea and Somalia. It is mainly a desert. This small in size country is big in ambitions.

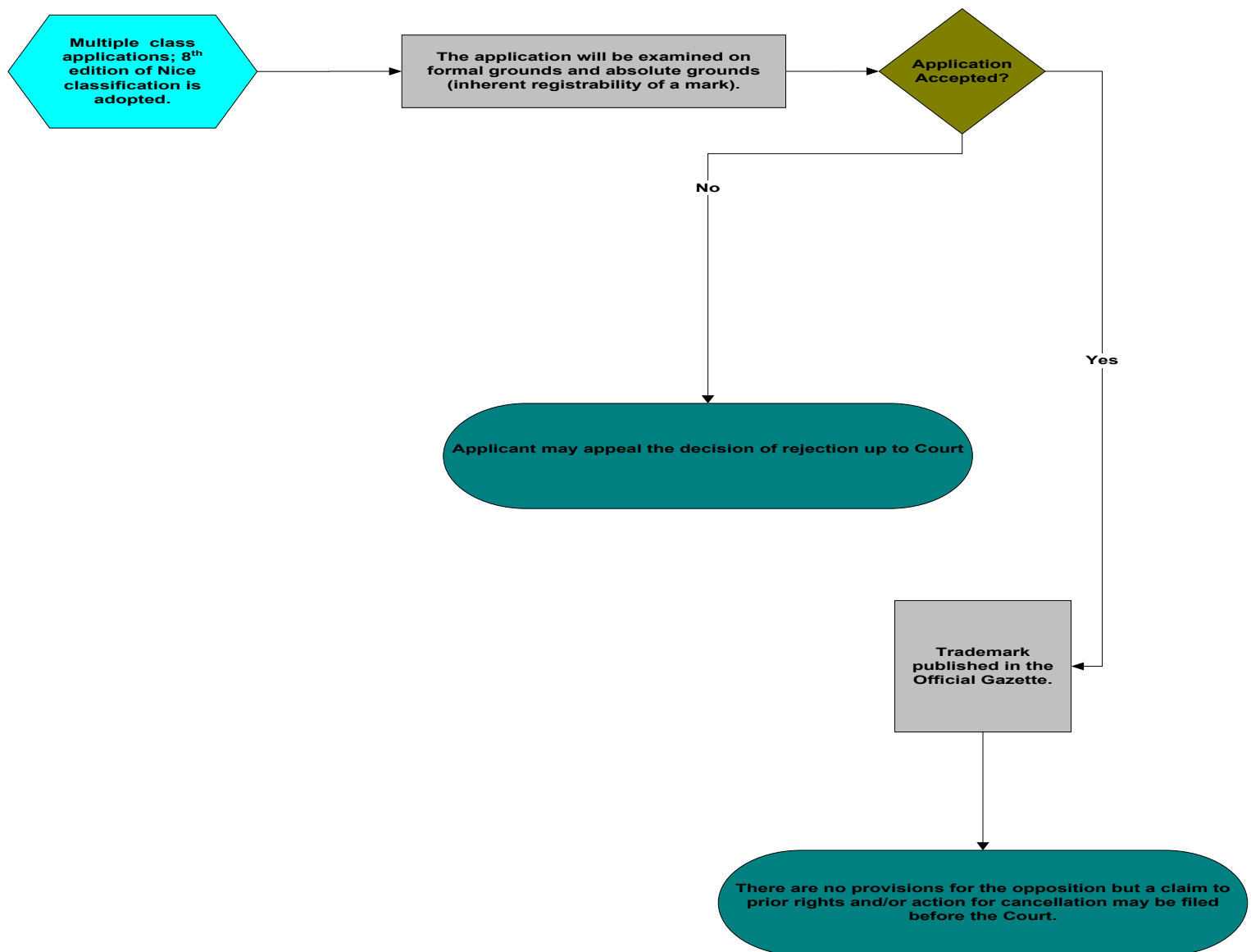
Djibouti experienced a stable economic growth during the last few years. From 2003 to 2005, the annual GDP growth averaged 3.1 % due to good performance in the services sector. Inflation has been kept low.

In parallel to this economic growth, establishing a solid intellectual property (IP) protection framework becomes crucial. It has become more and more important for IP owners to become familiar with the requirements that are specific to this country, both the legal as well as the regulatory approaches. Needless to say, owners should seek sound advice before they decide on the best route to pursue.

Protection of Trademarks

Djibouti adopts the 8th edition of the Nice International Classification. Trademarks are registered for a period of 10 years from filing date, renewable for like periods. There is a grace period of six months. A single application can include several classes. It is worth noting that there are provisions for the registration of collective marks and certification marks. Examination on relative grounds is not performed. The process of filing a trademark in Djibouti is summarized in the flow chart on the next page.





Protection of Patents and Industrial Designs

Based on the regulations implementing Industrial Property Law no. 50/AN/09/6^{ème} which came into force in Djibouti on November 25, 2011, Decree No. 2011-079, it is now possible to file patents and industrial designs applications.

The main features of the Patents and Industrial Designs protection framework are as follows:

- Patents may be granted with respect to both products and processes, as well as new applications or combinations of known means to arrive at new results.
- Inventions must satisfy the criteria of novelty, inventive step and industrial applicability.
- Exclusions from patentability include, methods of diagnosis, therapy and surgery for the treatment of persons or animals.
- Patents will be granted for 20 years from the filing date.
- Maintenance fees are payable for consecutive periods of 5 years from the date of filing. There is a grace period of six months.
- A single industrial design application may contain up to 100 models or designs, as long as these are intended to be incorporated in objects grouped in the same class of the Locarno classification system.
- Industrial designs will be registered for an initial period of 5 years from the filing date, renewable for a further two consecutive periods of 5 years upon the payment of renewal fees. There is a grace period of six months.

Bodies: World Intellectual Property Organization, World Trade Organization
Conventions: Paris Convention, Berne Convention

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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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