

# SABA *bulletin*

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## SYRIA NEWS

### NEW IMPLEMENTING REGULATIONS OUT!

The regulations implementing the new Law on Patents, Utility Models, Integrated Circuits and Layouts (Law no. 18 of 2012) have recently been drafted. For your information, the most important features of these regulations are as follows:

#### Previous Regulations

Examination is possible as to form and novelty.

Decisions to grant a patent are published in the Official Gazette. Oppositions to any granted patent may be filed before the Court.

Working a patent is not compulsory. If the patent is not being fully exploited by the patentee within 2 years from the date of grant, nominal working published in a local newspaper is an acceptable alternative.

The term of protection is 15 years from filing date.

#### New Regulations

Examination is possible as to form, novelty, inventive step and industrial applicability.

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 the date of filing or 3 years from the date of grant, the patent will be subject to compulsory licensing under the provisions of the law.

The term of protection is 20 years from filing date.

The new regulations also introduce a Data Exclusivity period, new provisions on Utility Models (which were not available under the previous law) and new Border Measures. Regarding Data Exclusivity, no other company may seek regulatory approval in Syria of an equivalent product based on data submitted by an originator company (without the latter's approval) for five years from marketing approval of the originator product. During the period of exclusivity, regulators cannot use (rely on) the originator's data to approve a generic product.

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

## IRAN NEWS

### REVISION OF FORMALITIES

The Trademark Office in Iran announced that, effective immediately, a certified copy of the commercial extract must be submitted in support of a trademark application in the country. The revised statutory requirements for filing a trademark

application in the country along with the authentication procedures become as follows:

- Power of attorney, legalized. A general power may be used for subsequent filings.
- Extract from the commercial register with local translation, notarized.
- Copy of priority document, if priority is claimed, certified.
- 15 prints of the mark for each application.

All the documents must be submitted at the time of filing, but foreigners are allowed a 60-day period from notification date.

## OMAN NEWS

### ADOPTING 10TH EDITION OF NICE CLASSIFICATION

Oman is now using the 10th edition of the Nice International Classification for Goods and Services, which entered into force on January 1, 2012. The goods or services of all valid registrations must be reclassified (if required) at the time of renewal. By way of



background, the countries from our region that have already adopted the 10th edition, in addition to Oman are: Algeria, Bahrain, Cyprus, Egypt, Jordan, Morocco, Syria and Tunisia.

## UAE NEWS

### TMO OPERATIONS BACK TO NORMAL

The Trademark Office in UAE has completed its setup in order to accommodate the WIPO Industrial Property Automation System (IPAS), an adaptable system which is used to automate all IP services. The installation of the system resulted in notable interruptions in the Office's flow of work during the past few months. However, the UAE Trademark Office has recently announced that its operations are back to normal. All trademark applications will be processed without any delay. Should you have any specific inquiries regarding the subject matter, please contact us at [uae@sabaip.com](mailto:uae@sabaip.com).

## QATAR NEWS

### INDUSTRIAL PROPERTY OFFICE IS RELOCATING

The Industrial Property Office in

# IP HIGHLIGHTS

## CUSTOMS RECORDAL IN TURKEY

Recordal of trademarks is possible at the Turkish Customs. Trademarks will be placed on watch, and products bearing the recorded mark or bearing a similar mark will be monitored and inspected ex-officio. Products suspected of being counterfeit will be suspended and the rights owner as well as the importer will be immediately notified. This recordation is valid for one year, renewable for like periods.

The documents required for the recordal are as follows:

- 1- Power of Attorney, notarized with an Apostille certification.
- 2- Certified copy of the registration certificate of the trademark to be recorded.
- 3- Application form.
- 4- An electronic presentation of the original product to aid the Customs officials in detecting counterfeit products and differentiating them from original ones.

Should you have any questions, or require any additional information, please contact us at [turkey@sabaip.com](mailto:turkey@sabaip.com)

Qatar is now moving to new premises. As a result of this move, the flow of work is expected to be interrupted. However, there is a clear affirmation from the relevant authorities that deadlines falling within this period will not be missed. Meanwhile, we will be handling all the instructions we receive from you with utmost care in order to ensure proper follow up and organization. Should you have any specific inquiries regarding the subject matter, please contact us at [qatar@sabaip.com](mailto:qatar@sabaip.com).

### AUTHORITIES ON THE LOOKOUT!

The Bahraini Customs Authorities seized a significant volume of counterfeits with an estimated market value of USD 300 000. The confiscated goods included a range of items (drugs, cosmetics, cigarettes and car brakes) which undoubtedly threaten the safety of consumers. This measure comes in the scope of the government's growing efforts to protect intellectual property rights in the country.

## BAHRAIN NEWS

SAUDI  
ARABIA



## A REVIEW ON THE PATENT PROTECTION SYSTEM

Saudi Arabia is the largest and richest of the Gulf States. Its wealth derives mainly from its vast reserves of oil and natural gas, which places the country as the largest exporter of petroleum and gives it a leading role in the Organization of the Petroleum Exporting Countries OPEC. Saudi Arabia possesses about one-fifth of the world's proven petroleum reserves. The Intellectual Property framework of the country has evolved to protect the different intellectual property rights and to cope with the rapid globalization and technological change. Both globalization and technological advancement have presented significant economic opportunities and challenges to the IP system. As a result, IP rights have become increasingly important in the country, but many of the challenges facing the IP system have yet to be addressed.

The Patent Office in Saudi Arabia is located at the King Abdulaziz City for Science & Technology, an independent scientific organization of the Saudi Arabian Government established back in the year 1977. The Patent Office's main activities and objectives are to:

- (1) Apply the patent law and its implementing regulations: Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs
- (2) Grant Saudi Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs
- (3) Establish a Registry for the collection of local and foreign Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs
- (4) Publish the Patents Gazette
- (5) Encourage the inventiveness of Saudi nationals

The Office has taken a number of measures during the past years to hire and train examiners and translators in order to adequately handle patent applications.

### Legislation

Law no. 159 on the Protection of Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Models.

### Types of Patents

- Patents of Invention
- Divisional Patents

### Priority Claim

Saudi Arabia is a member of the Paris Convention. Applicants can benefit from a right of priority of 12 months to file a corresponding Saudi patent application.

### Patent Cooperation Treaty

The government of Saudi Arabia announced back in 2009 its approval of the country's accession to the Patent Cooperation Treaty (PCT), which was concluded in 1970, amended in 1979 and modified in 1984 and in 2001. Once PCT enters into force in Saudi Arabia, the country will then be bound by the Treaty and consequently, any "international" patent application may include the designation of Saudi Arabia under its country code "SA".



Also, nationals and residents of Saudi Arabia may be able to file "international" patent applications under the Treaty.

The Saudi authorities concerned are requested to deposit the instruments of accession to the PCT in accordance with their provisions.

## Definition of an Invention

An invention must be new, involves an inventive step and capable of industrial application. The invention may be a product, an industrial process or relates to either (Article 43).

## Types of Claims

Product and process claims are acceptable. When a patent is granted for a process, any product made directly by such a process is also protected (Article 47(b)).

## Exception to Protection

An invention is not patentable if it is: a discovery; a scientific theory or mathematical method; an aesthetic creation such as a literary, dramatic, or artistic work; a scheme or method for performing a mental act, games or business methods; the presentation of information; or a computer program.

## Examination

- **Novelty:** Absolute novelty is required. However, disclosure of the invention without the knowledge or the consent of the applicant shall not be taken into consideration if it occurred within the 6-months preceding the filing date of the patent application. Also, disclosure in an official or officially recognized national/international exhibition shall not be taken into consideration if it occurred within the 12-months preceding the filing date of the patent application.
- **Inventiveness:** an invention involves an inventive step if, when compared with what is already known, it would not be obvious to someone skilled in the relevant field.
- **Industrial applicability:** an invention must be capable of being made or used in some kind of industry.

## Application Workflow

A formal examination is conducted first. If application fails to meet all the set requirements, the applicant will be notified and will be given a period of 90 days to complete the application. Once completed, the application will proceed to substantive examination. The examiner will assess the application for patentability (novelty, industrial applicability and inventive step). If the claimed invention is not patentable, the applicant will be requested to present counter-arguments within 90 days from notification date. If the claimed invention is patentable, the applicant will be requested to settle the grant and publication fees. Accordingly, the letters patent will be issued and the decisions to grant the patent will be published in the Patent Official Gazette for opposition purposes.

## Opposition

Oppositions may be filed within 90 days from publication date before the Board of Grievances (Court of First Instance).

## Protection Term

The term of protection is 20 years from filing date.

## Annuities

A maintenance fee is due annually on patents and is payable the first 3 months of each calendar year following the year the patent application was filed. There is a 3-month grace period for late payment with a surcharge.

## Compulsory Licensing

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

## Naming of the Inventor on the Letters Patent

Compulsory

## Employer and Employee's Rights

### Employer's Rights

The employer shall be the patentee

- (1) if the invention is made in execution of a contract or a commitment for the execution of inventive efforts, unless the work contract stipulates otherwise, or
- (2) if the employee would not have developed the subject matter of the protection had he not used facilities, means or data made available through his employment.

### Employee's Rights

The employee has the right to receive a remuneration to be agreed upon with the consent of both parties or assessed in light of the various circumstances of the contract of employment and the economic importance of the subject matter of the protection. Any special agreement depriving the employee of this right shall be null and void.

### General Provisions

A patent application filed by the employee within two years from the date of termination of employment will be considered as if submitted during employment. All previous provisions will apply to government employees.

## Patent Linkage

Requests for marketing approval of generic drugs must include details on the corresponding patent if available (filing no., filing date and country of grant). The Saudi Food and Drug Authority will then contact the Saudi Patent Office to confirm whether a patent is involved before giving marketing approval. The GCC Patent Office is not usually contacted.

## Filing Requirements

1. Power of attorney, legalized up to the Saudi Consulate
  2. 2 copies of the specifications in English with Arabic translation
  3. 2 sets of drawings in Arabic and one in English.
  4. Deed of assignment from the inventor(s), legalized up to the Saudi Consulate
  5. Copy of priority document, if priority is claimed, certified.
- Item 3 must be submitted at the time of filing. Document 5 must be submitted within 12 months from priority date. Documents 1 and 4 may be submitted within 1 month from filing date.

## GCC Protection

Patent protection in Saudi Arabia can also be obtained through the Gulf Cooperation Council unified patent registration system (GCC patent law of 1999).

## 2011 Figures

Saudi Arabia ranked first among the Arab countries in the number of patents granted for the year 2011 which amounted to 147, based on WIPO sources. It also ranked first in the number of patents filed during the same year which amounted to 78.



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