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## Libya

## Wheels in Motion!

The Libyan Trademark Office issued an Official Gazette on May 20, 2013 which included more than 125 marks. It is worth noting that the last Gazette in the country was released almost 2 years ago, in 2011, prior to the unrest. Although the recently published applications were filed back in 2008, we would expect more applications to be examined and published in the near future. It is not clear how frequently Gazettes will be issued moving forward but delays are expected.



## **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.

## Accession to International Conventions and Treaties

The Moroccan government has recently approved the accession to the treaties and conventions listed below. The decision was published in Official Gazette no. 6140 dated April 04, 2013.

**-Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs** dated July 02, 1999.

**-Strasbourg Agreement Concerning the International Patent Classification** dated March 24, 1971.

**-Singapore Treaty on the Law of Trademarks** dated March 27, 2006.

**-Arab Convention on Combating Information Technology Offences** dated December 21, 2010.

The government has also approved the following conventions on February 12, 2013, which are expected to enter into force upon publication in the Official Gazette:

**-Locarno Agreement Establishing an International Classification for Industrial Models and Designs** signed on October 08, 1968, as amended on September 28, 1979.

**- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks** signed on June 12, 1973, as amended on October 01, 1985.

**-The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity** dated October 29, 2010.



## Patent Registration

As is the case for the Middle East region in general, the Arabian gulf countries: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE, referred to as the Gulf Cooperation Council countries (GCC), have updated and adopted many of the generally accepted laws pertaining to intellectual property. This extends to patents, including those related to pharmaceuticals.

### Paris Convention and PCT

Except for Kuwait, all GCC countries are members of the Paris Convention. While the GCC Patent Office (GCCPO) itself is not a member of the Convention, it respects the Convention's rules. Of all six countries, Kuwait, as well as the GCCPO, have not yet deposited their instruments of accession to the Patent Cooperation Treaty (PCT). The latest is Saudi Arabia which attended to the same on May 3, 2013 and the Treaty is expected to come into force on August 3, 2013.

### Examination

The Patent Offices of the six countries and the GCCPO all look for novelty, inventive-ness and applicability in order to grant patent applications. At this time, patent applications filed in Kuwait and Qatar are only assigned an application number. Substantive examination is not carried out for the time being. In the case of Qatar, no implementing regulations have been drafted or made official yet. Saudi Arabia is the only GCC country which conducts its own substantive examination; unlike the UAE and the GCCPO where examination is outsourced. Currently, examination in the UAE is handled by the Austrian Patent Office while the GCC utilizes the services of China's State Intellectual Property Office. Examination in Bahrain and Oman is limited as to form.

Country	Paris Convention		PCT		Substantive Examination	
Bahrain	Yes	6 mos *	Yes	30 mos.	No	---
Kuwait	No	---	No	---	No	---
Oman	Yes	12 mos.	Yes	30 mos.	No	---
Qatar	Yes	12 mos.	Yes	30 mos.	No	---
Saudi Arabia	Yes	12 mos.	Yes***	30 mos.	Yes	In-house
UAE	Yes	12 mos.	Yes	30 mos.	Yes	Austria PO
GCC	No	12 mos**	No	---	Yes	China PO

\* In practice, the Bahraini Patent Office accepts 12 months priority, despite the law stating 6 months, an error which requires a yet to come official decision amending this oversight.

\*\* The GCC Patent Offices are not members of the Paris Convention yet respect its priority rules.

\*\*\* The PCT rules in Saudi Arabia are scheduled to come into force on August 3, 2013.

Country	Patent term	Patent term extension
Bahrain	20 years from filing/priority	Yes
Kuwait	20 years from filing	No
Oman	20 years from grant	Yes
Qatar	20 years from filing	No
Saudi Arabia	20 years from filing	No
UAE	20 years from filing	No
GCC	20 years from filing	No

### Patent Term Extension

Bahrain and Oman are the only countries which allow for patent term extension (PTE). In both countries, PTE is provided upon request in cases where the marketing authorization approval for a pharmaceutical product is delayed due to reasons beyond the applicant's control. The extension term is equal to the number of days of delay experienced. In Bahrain, a PTE is also allowed, upon request, for any grant decision which again is delayed due to reasons beyond the applicant's control.

### Enforcement

Laws defining enforcement options are included in all six GCC countries' patent laws. In cases of infringement, it is possible to file for injunctions and to pursue the infringer in the local courts. The penalties include fines, destruction of inventory and imprisonment. Customs in the various countries are also empowered to prevent counterfeiting, including medicines. From a practical point of view, there has not been any publicized cases involving pharmaceuticals, however we believe that the legal system is adequately set-up to handle eventual cases.

## IP HIGHLIGHTS

### 2013 Special 301 Report

The Office of the United States Trade Representatives (USTR) released in May 2013 its annual "Special 301" Report on the effectiveness and enforcement of Intellectual Property Rights (IPR) protection.

In this review, Algeria, remains the only Arab country on the Priority Watch List. Egypt, Kuwait and Lebanon are still on the Watch List despite the ongoing efforts exerted by these countries in order to address the issues related to intellectual property rights protection.

According to the Special 301 USTR Report, the United States remains concerned about continuing deficiencies in the countries' IPR enforcement regime, problems with the judicial system, as well as retail piracy in copyrighted works. It urges these countries to protect their public policies more, protect the patent system and enhance their IPR system.

**Priority Foreign Country:** Ukraine.

**Priority Watch List:** Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand, Venezuela.

Countries on the Priority Watch List experience an inadequate level of intellectual property rights protection or enforcement, or a weak market access for persons relying on intellectual property protection.

**Watch List:** Barbados, Belarus, Bolivia, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Israel, Italy, Jamaica, Kuwait, Lebanon, Mexico, Paraguay, Peru, Philippines, Romania, Tajikistan, Trinidad and Tobago, Turkey, Turkmenistan, Uzbekistan, Vietnam.

Countries on the Watch List do not pledge complete commitment to address underlying intellectual property rights problems.



## Domain names .be

Starting 11 June 2013, it will be possible to register a .be domain name with one or more accented letters (Internationalized Domain Name). The main features of this IDN are as follows:

- The IDN should include one alphabet letter at least.
- Numbers and hyphens are not allowed.
- There will be no Sunrise period.

**The new characters that may be part of an IDN:**

ß à á â ã ó ô õ þ ü ú ð  
æ å ï ç è ò ö ÿ ý ò ä  
œ ê ë ì í ø ù î û ñ é

## Jordan

### We are Relocating

Our office in Jordan has relocated to the following address:

56, Prince Shaker Bin Zaid St.,  
Shemissani, Jordan  
P.O. Box 840553  
Amman 11184, Jordan  
Tel: +962 6 464 2145  
Fax: +962 6 464 2159  
E-mail: [jordan@sabaip.com](mailto:jordan@sabaip.com)  
[www.sabaip.com](http://www.sabaip.com)

The postal address remains the same.



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

# The Saba Network

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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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