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# BULLETIN

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## JORDAN | PCT ENTERS INTO FORCE

# JORDAN

**After years of preparation, workshops, and meetings, Jordan has finally taken the leap and acceded to the Patent Cooperation Treaty on March 9, 2017.**

This is a welcome relief for applicants interested in obtaining patent protection for their investments in the country. Having that additional grace period prior to triggering the decision to file or not to file in Jordan based on the international search, places the country in a better position for seeing more applications entering at the national stage. However, the question remains as to whether it is preferable to wait, or still file an application claiming the 12 month Convention priority.

Other recent developments on the patent front include the amendment and publication of Patent Law no. 16 and Patent Law no. 17 in the Official Gazette on May 16, 2017-both laws entered into force on June 16, 2017. Furthermore, the new regulations set forth in the aforementioned laws stipulate (1) the possibility of electronic filing of patent applications, (2) applications will be published after 18 months from the filing date or the priority date, (3) the possibility of withdrawing a patent application prior to its grant, and (4) prohibiting the importation of patented items by the patent licensee, if the license agreement restricts the import of said products into Jordan.

**Jordan remains a country  
with high aspirations that welcomes  
foreign investments.**

A healthy balance between the latter and local development is bound to be beneficial for the country's own growth. The proper application and enforcement of intellectual property laws should help Jordan become more of an innovative hub and lead to this required healthy financial balance.



## GCC | STRENGTHENING THE PATENT SYSTEM



**The General Secretariat of the Gulf Cooperation Council signed a new memorandum of understanding with the Intellectual Property Office of the People's Republic of China on May 28, 2017.**

**The MOU is aimed at strengthening the patent system and increasing bilateral cooperation between the GCC and China in the field of intellectual property.**

With this MOU, the GCC Patent Office exemplifies its continuous commitment to develop and establish a competent regional IP system and demonstrates its awareness of the strategic importance of IP on the member states' economic development. By way of background, the six GCC countries are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.



## KUWAIT | A RAY OF HOPE

# KUWAIT

**The Kuwaiti Patent Office announced that, in collaboration with the Gulf Cooperation Council Patent Office, they have completed the formality examination for all pending Kuwaiti patent applications.**

It is expected that the Kuwaiti patent office will communicate this news directly with the agent of records and advise on the next steps-that are still not clear for the time being. According to the regulations, an applicant will have a non-extendable 3 months from the date of notification, for correcting any formality defects.

As a recap on Kuwait and patents, in April 2016, we reported that the Kuwaiti patent office has adopted the GCC patent law and regulations as its current law and regulations. Following this announcement, we reported that the Kuwaiti patent office stopped accepting new patent applications and advised patentees seeking protection in Kuwait to pursue protection via the regional GCC patent system. At the time, the fate of all pending patent applications was uncertain. Then, in July 2016, we reported that Kuwait has acceded to the PCT, which went into force on September 9, 2016. This created a new uncertainty since the GCC Patent Office itself has not acceded to the PCT.

**The announcement which we report here indicates that the pending Kuwaiti patent applications may be examined soon and decisions issued. In addition, working through the existing backlog could also be an indication that the Kuwaiti Patent Office may very well be preparing to start with a clean slate and re-open its doors in time for accepting the first PCT national stage filings, which would have designated Kuwait.**



## MENA | PATENT CHEAT SHEET



MENA

**Given the improving patent landscape and developing economies of the countries in the Middle East and North Africa, the region is posited as a very attractive market for innovator companies to consider when looking at expanding their presence internationally.**

**As such, it is certainly time to take a step back and consider your patent portfolio and your filing strategy in the region.**

The below cheat sheet sums up the most important and relevant questions on patenting in the region.

### **IS THERE A REGIONAL PATENT OFFICE FOR THE MENA?**

While there is not a regional patent office covering the whole region, there is a regional patent office that extends protection to the Gulf Cooperation Council member countries.

The GCC Patent Office is located in Saudi Arabia, and operates independently from the Saudi Arabian Patent Office.

The GCC Patent Office is not a signatory of the Paris Convention nor is it a member of the PCT. Nevertheless, the office accepts patent applications claiming up to a 12 month priority.

## MENA | PATENT CHEAT SHEET



### **IS IT REQUIRED TO VALIDATE A GCC PATENT IN EACH MEMBER COUNTRY?**

One application filed with the GCC Patent Office automatically designates all six GCC member countries, namely, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, and no further validation is required upon grant. The resulting patent is automatically enforceable in all six countries. Annuity payments are due annually during the first quarter of each year and are paid centrally to the GCC patent office, and not to each individual country.

### **ARE PATENT APPLICATIONS EXAMINED IN ARABIC OR ENGLISH?**

Depending on the country, applications will be examined in either language. For example, patent applications in Egypt, Oman, Qatar, and Saudi Arabia are always examined based on the Arabic translation of the specifications. The search reports and opinions are also issued in Arabic and the responses have to also be submitted in Arabic. The UAE patent office has entered into agreements with various patent offices, such as most recently the South Korean intellectual property office. Accordingly, examination takes place in English-although all documents have to be provided in both English and Arabic for archiving and publication purposes. Another example is the GCC patent office. While the GCC patent office examines some applications locally in Arabic, the office also outsources others to foreign patent offices. Accordingly, it is possible to see search reports and opinions issued in either language.

### **ARE THERE SPECIALIZED COURTS FOR HANDLING PATENT-RELATED CASES?**

No. For the time being, and in the absence of specialized courts and judges, legal matters such as patent infringement cases are handled in courts of first instances or civil courts depending on the country. An expert or a panel of experts is appointed by the court to provide both a legal and technical opinion on an ongoing case. The court will take into account arguments presented by both parties, as well as the expert opinion prior to issuing a decision. The expert opinion may be challenged during the proceedings and further experts brought in.

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