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Saudi Arabia

Accession to the Patent Cooperation Treaty and Patent Law Treaty

The Director General of the World Intellectual Property Organization welcomed the deposit of the instrument of accession of Saudi Arabia to the Patent Cooperation Treaty (PCT) and Patent Law Treaty (PLT) on May 3, 2013. The said treaties will enter into force on August 3, 2013.

Once the PCT enters into force, 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.

Also, with the PLT, the country is expected to harmonize and streamline formal procedures in respect of national and regional patent applications and patents, thus making such procedures more user-friendly.

The countries from our region that have so far acceded to the PCT are listed in the table on the next page. Although PCT was signed on July 07, 1970 in Iran, it still did not enter into force in the country and this is not expected to take place anytime soon.

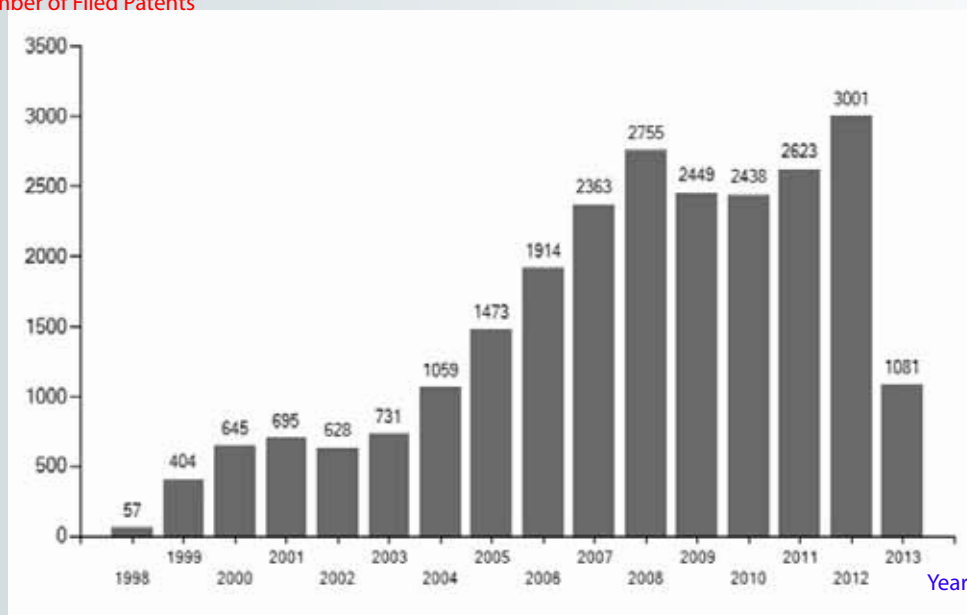


Patent Applications in 2013

According to recent studies, the total number of GCC patent applications which were filed at the Patent Office since inception up to May 2013 is reported to be around 24,000, with an increasing trend witnessed over the past three years.

GCC Patents Filed

Number of Filed Patents



The GCC patent law was originally drafted in 1987, with implementing regulations published in 1996. An amended GCC patent law was approved in November 1999 and came into force on August 15, 2000 following the publication of its implementing regulations on May 15, 2000.

With a centralized GCC Patent Office in place in Riyadh, Saudi Arabia, a single centralized filing in the GCC Patent Office will be sufficient to protect the patent in all GCC member states. This means that an applicant will not be required to validate the GCC patent application in each GCC country separately, unlike what is done for European patents. Even more, annuities are settled as one payment for all GCC countries and not in each country separately.

Filing Requirements

1. Power of attorney, legalized.
2. 1 copy of the specifications in English with 2 copies of the Arabic translation.
3. 2 sets of drawings in Arabic and 2 in English.
4. Deed of assignment from the inventor(s), legalized.
5. Certificate of incorporation, extract form the commercial register or certificate of good standing, legalized.
6. Copy of priority document, if priority is claimed, certified.

Items 2 and 3 must be submitted at the time of filing. Documents 1, 4, 5, and 6 may be submitted within 3 months from filing date.

Opposition

Decisions to grant a patent are published in the Official Gazette. Oppositions may be filed within 90 days from publication date.

Protection Term

The term of protection is 20 years from filing date.

Novelty Requirement

Novelty is relative. Disclosure of the invention without the knowledge or the consent of the applicant shall not be taken into consideration if it occurred within the 12-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 6-months preceding the filing date of the patent application.

Registration Time Frame

The time frame for completing the registration process is approximately 3 years.

PCT

It will not be possible to enter into a regional phase PCT. However, separate national phase PCT applications may be filed in Bahrain (PCT member since March 18, 2007), Oman (PCT member since October 26, 2001), UAE (PCT member since March 10, 1999) and Qatar (PCT member since August 03, 2011).

Paris Convention Priority

The GCC patent system is not a signatory to the Paris Convention. However, the GCC Patent Office honors the Paris Convention priority rules and a GCC application can claim priority from a prior convention application as if the GCC were a signatory to the Paris Convention.

Search

It is possible for granted and published patent to be searched.

Examination

Applications are examined as to form, novelty, and industrial applicability.

Annuities

A maintenance fee is due annually 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 License

A patent has to be worked. If the patent is not being fully exploited by the patentee in the GCC member states within 3 years from the date grant, then it will be subject to compulsory licensing under the provisions of the law.



Oman

Shift in the Official Weekend

The official weekend in Oman has shifted from Thursday - Friday to Friday - Saturday. All deadlines which will fall due on a Friday or a Saturday can be paid on the first working day following the due date. The same applies to national holidays as well. Interested parties should make note of this change.

The table below lists the week-end schedule of the countries of our region:

Weekend Thursday - Friday			
Afghanistan	Djibouti	Iran	Saudi Arabia

Weekend Friday - Saturday			
Algeria	Bahrain	Egypt	Gaza
Iraq	Jordan	Kuwait	Libya
Oman	Sudan	Syria	UAE
	West Bank	Yemen	

Weekend Saturday - Sunday			
Armenia	Azerbaijan	Cyprus	Ethiopia
Lebanon	Morocco	Pakistan	Tunisia
	Qatar	Turkey	

Saudi Arabia

Dial Code Number Changes

As of May 13, 2013, the dial code number of Riyadh will be 011 instead of 01. Our contact details in Saudi Arabia are now as follows:

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Comoros Island

Accession to OAPI

Comoros Island (CI) officially endorsed the Bangui Agreement which forms the African Intellectual Property Organization (OAPI). Effective May 25, 2013, the country will accede to the OAPI becoming its 17th Member State. Member States from the OAPI include: Benin, Burkina-Faso, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Ivory Coast, Mali, Mauritania, Niger, Senegal and Togo.

The salient features of the OAPI trademark protection system are as follows:

Filing Requirements

1. Power of attorney, simply signed. A separate power is required for each application.
2. Copy of priority document, if priority is claimed, with verified French or English translation.
3. 10 prints of the mark for each application.

Items 1 and 3 must be submitted at the time of filing. Document 2 may be submitted within 3 months from filing date.



Opposition

Registrations are published in the Official Gazette. Oppositions may be filed within 6 months from publication date.

Protection Term

Trademark registrations are valid for 10 years from filing date and are renewable for like periods. Documents required for renewal: Power of attorney, simply signed.

Use Requirements

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 5 consecutive years preceding the date of filing for cancellation.

Assignment

Trademark rights may be assigned with or without the goodwill of the business concerned. Documents required: Power of attorney from the assignee, simply signed; and original or certified copy of deed of assignment.

Change of Name/Address

Documents required: Power of attorney, simply signed; and certificate of change of name, simply signed with verified French or English translation. For a change of address, only a power of attorney, simply signed is required.

Licensing

License recordal is compulsory in order to be effective against third parties. Documents required: Power of attorney, simply signed; and original or certified copy of license agreement.

Merger

Documents required: Power of attorney, simply signed; and original or certified copy of certificate of merger.

Marking

Marking is optional.

Registration Time Frame

The time frame for completing the registration process is 8 to 12 months.



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

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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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