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## BAHRAIN: SUBSTANTIAL INCREASE IN OFFICIAL FEES AND INTRODUCTION OF ONLINE PUBLICATION

Pursuant to Ministerial Decree no. 65 of 2016 approving the Implementing Regulations of the GCC Trademark Law, the official fees for trademark related matters have increased significantly across the board in comparison with their current level. The new rates became effective as of May 29, 2016 and will be applied on all new as well as pending applications.

The increase in fees has also been coupled with the introduction of an electronic Official Gazette (eOG). The eOG will be available in English and Arabic and is expected to be published every Thursday of each week. This electronic version will contain the particulars of each accepted trademark application and a representative drawing, along with a list of cancelled registrations. It will also contain the particulars of approved Recordals of License Agreements and Transfers of Ownership. For the time being, the eOG will not be including a list of renewed registrations, notices of office actions, as well as particulars of international registrations designating Bahrain.

The first eOG, planned to be issued on June 2, 2016, is expected to include around 1,000 publications. On the publication date or shortly thereafter, applicants should carefully review the information that appears in the eOG for accuracy. Any interested party may file an opposition against a published trademark within 60 days from publication date.

## QATAR: PATENT GRIEVANCES COMMITTEE

Now that the Qatari Patent Office has been actively examining patent applications for the past several months and has even issued decisions on several applications, there is a need for applicants and interested parties to have a clear mechanism for appealing or opposing such decisions. As part of the country's efforts in advancing its IP procurement, Qatar recently approved a draft decision on the formation of a Grievances Committee.

The Committee is to be headed by the Director of the Patent Office and its members will be composed of representatives from the Ministry of Economy and Commerce, Qatar Foundation for Education, Science and Community Development, and Qatar Chamber of Commerce. The Committee's main functions will include handling enforcement and litigations concerning registration of patents and compulsory licenses.





## ETHIOPIA: SUBSTANTIAL PROCEDURAL CHANGES SOON

Pursuant to the Implementing Regulations issued in 2014 of the Ethiopian Trademark Law of 2006, the Trademark Office is expected to introduce in the near future a new procedure for the renewal of trademarks, which would entail the publication of renewal notices in the local newspapers. At present, renewal publications are not required. A number of questions remain unanswered at this stage. It is not known when this procedure is going to be introduced, and whether or not it will apply on pending renewal applications. Needless to say, we should expect an increase in renewal fees with this revised practice.

A few major highlights of high profile events in Ethiopia have taken place over the past few years that are indicative of the country's drive and motivation to develop its trademark system. In addition to the 2014 introduction of a re-registration time table for marks filed in the country before July 7, 2006, the TMO also notified all owners of registered trademarks filed after July 7, 2006 to request for new registration certificates with a protection period of seven years instead of six.





## JORDAN: PROMOTING THE USE OF ARABIC ON SIGNBOARDS

Jordan is expected to join Egypt, Oman, Qatar, UAE, Saudi Arabia, Yemen and Syria in their call for the compulsory use of the Arabic script of a mark on signboards. This comes pursuant to the provisions of Article 5 of Law no. 35 of 2015 for the protection of the Arabic language introduced in the country on July 1, 2015. The Article allows for the use of a language on the signboards other than Arabic as long as the Arabic part appears in a much bigger font. The scales are not explicitly identified in the Law.

Law no. 35 of 2015 became effective on September 1, 2015. Based on Article 16 of the Law, all affected parties have until September 1, 2016 to ensure full compliance with the underlying provisions. Violations will be subject to fines ranging between USD\$1,400 and USD\$4,200.

Seeing that use of a mark in Arabic is not a matter of choice but is a statutory requirement governed by local regulations, it becomes advisable to register the transliteration in the local script in class 35, in addition to the registration in the Latin version. Clearly, a key disadvantage of filing an Arabic trademark is the additional costs of clearance and registration. However, the benefits of protecting a mark in Arabic outweigh the associated costs. Problems can certainly arise when it comes to enforcing trademark rights against third parties using or attempting to register confusingly similar Arabic transliterations. It is always easier to enforce marks in the same language.





## KUWAIT: PATENT PROTECTION VIA GCC PATENT OFFICE ONLY



The Kuwaiti Ministry of Trade and Industry approved Law no. 115 of 2016 on the regulations implementing patent Law no. 71 of 2013. The new Law was published on April 3, 2016 and went into effect the following day.

Accordingly, the Kuwaiti Patent Law and regulations which came into force as of April 4, 2016 are the GCC Patent Law and its Implementing Regulations, respectively. Indeed, Kuwaiti Law no. 71 of 2013 is the GCC Patent Law, while Kuwaiti Law no. 115 of 2016 is the regulations implementing the GCC Patent Law.

Furthermore, the Kuwaiti Patent Office stopped accepting new patent applications as of April 4, 2016. It is advising parties interested in seeking patent protection in Kuwait to utilize the GCC regional patent office. As a reminder, a GCC patent application automatically designates all six GCC member countries, and no further validation is required upon grant.

Given that Kuwait recently issued a law (Law no. 11/2016) paving the way for the country's accession to the PCT, we expect more news to come out of the country with regards to its patent system.

## MENA: A MOVE TOWARDS E-FILING

There has been a move towards electronic filing over the past few years in several countries of our region, namely Algeria, Azerbaijan, Iran, Saudi Arabia, Lebanon, Morocco, UAE, West Bank, and Yemen, and we are seeing Cyprus getting on board only recently. The next country on that list is likely to be Jordan following the introduction of the Electronic Transactions Law in May 2015. Article 4 of the law stipulates that ministries and other government institutions may allow for e-transactions, provided that the authorities concerned have the appropriate system in place.

With a virtually instantaneous issuance of filing receipts and filing numbers, there is also a dramatic increase in the speed within which applications are examined. In Saudi Arabia, for example, it is now taking around three to six months on average for an application to mature into registration in the absence of an office action or an opposition. Prior to e-filing, the standard procedure ran for almost two years.

While the underlying e-filing principle is almost the same across all countries (submission of paper copies of the application along with supporting documents remains a requirement after completing the e-filing in all countries with the exception of Cyprus), there are certain country specific features worth shedding light on.

- Following e-filing, the Trademark Office in Saudi Arabia no longer accepts specifications for goods and services that do not literally match with the Nice specification. Applications with an item that is not explicitly on that list will not be properly docketed into the system, which would result in considerable delays. Applicants should carefully account for this especially when faced with approaching deadlines, such as a Convention priority deadline.
- The Trademark Office in the UAE has the WIPO Industrial Property Automation System as the e-filing platform, which was adapted to the size of the office, the workflow, the data volume, and the rules and regulations.
- The e-platform in Iran is currently only available in Persian. Also, the Trademark Office no longer accepts general terms for goods and services on the application. Trademark applicants will be asked to submit the exact WIPO serial number for each item of interest, and as it appears for the time being, the list of goods/services of the Iranian e-platform is not fully inclusive all of WIPO serial numbers.
- The platform in Algeria, Lebanon, and Yemen can only process trademark applications for the time being. The platform is still not ready to accept renewal applications.





## MENA: ROOTS FOR THE PROTECTION OF PLANT VARIETIES

Plant variety laws, among other norms of positive legal systems such as trademark and patent laws, were introduced in the past in some countries in the Middle East and North Africa region, either by their own codes or by including them in general codes. Such laws explore and discuss the plant varieties protected, the duration of protection, the transfer of rights, the procedures, penalties, and remedies, and the scope of protection.



Country	Law
Algeria	Law no. 05-03 (Implementing Regulations have not been issued yet)
Egypt	Law no 82/2002
Jordan	Law no 24/2000
Morocco	Law no 9/94
Oman	Law no 49/2009 (Implementing Regulations have not been issued yet)
Saudi Arabia	Law no 159/2004
Tunisia	Law no 99-42/1999
UAE	Law no 17/2009 (Implementing Regulations have not been issued yet)

### International Conventions

Jordan, Morocco, Oman, and Tunisia are the only Arab countries that have acceded so far to the International Convention for the Protection of New Varieties of Plants.





## MENA: ROOTS FOR THE PROTECTION OF PLANT VARIETIES



### Basic provisions

1. Examination and protection period: For the time being, plant variety applications are only admissible in Egypt, Jordan, Morocco, Saudi Arabia and Tunisia. The national list of approved plant varieties is not the same across all five countries. In order to qualify for exclusive plant variety rights, a variety must be new, distinct, uniform and stable.

The rights conferred do not apply to acts done for: private and for non-commercial purposes; for experimental or research purposes; or for the purpose of breeding other varieties. Plant variety rights are usually granted by the national offices, after examination. Seeds are submitted to the plant variety office, which grows the plant for one or more seasons, to check that it is distinct, stable, and uniform.

If these tests are passed, exclusive rights are granted for a specified period, as detailed in the list below.

- **Egypt:** 25 years from date of grant for trees and grapevines, and 20 years for other agricultural products
- **Jordan:** 25 years from date of filing for trees and grapevines, and 20 years for other agricultural products
- **Morocco:** 20 years from date of grant for species of great culture, and 25 years for species of arboriculture and vine
- **Saudi Arabia:** 25 years from date of filing for trees and grapevines, and 20 years for other agricultural products
- **Tunisia:** 20 years from date of grant for trees and grapevines, and 20 years for other agricultural products

2. Filing requirements: The filing requirements of a plant variety application are as follows:

- Denomination of the variety.
- Full disclosure of the origin of the variety and the method of breeding.
- A detailed description of the consecutive stages of the choice and propagation processes which were used to breed the variety.
- Proof of the novelty of the variety, in the sense that the variety has not been sold or otherwise disposed of for purposes of exploitation.
- Proof of the uniformity of the variety in the sense that any variations are describable, predictable, and commercially acceptable.
- Proof of the stability of the variety in the sense that the variety, when reproduced, will remain unchanged with regard to its essential and distinctive characteristics within a reasonable degree of commercial reliability.
- Proof of the distinctiveness of the variety, in the sense that the variety is clearly distinguishable from any other publicly known variety.
- Illustrations of the variety, if they are necessary to identify it, along with a brief description.

## MENA: ROOTS FOR THE PROTECTION OF PLANT VARIETIES

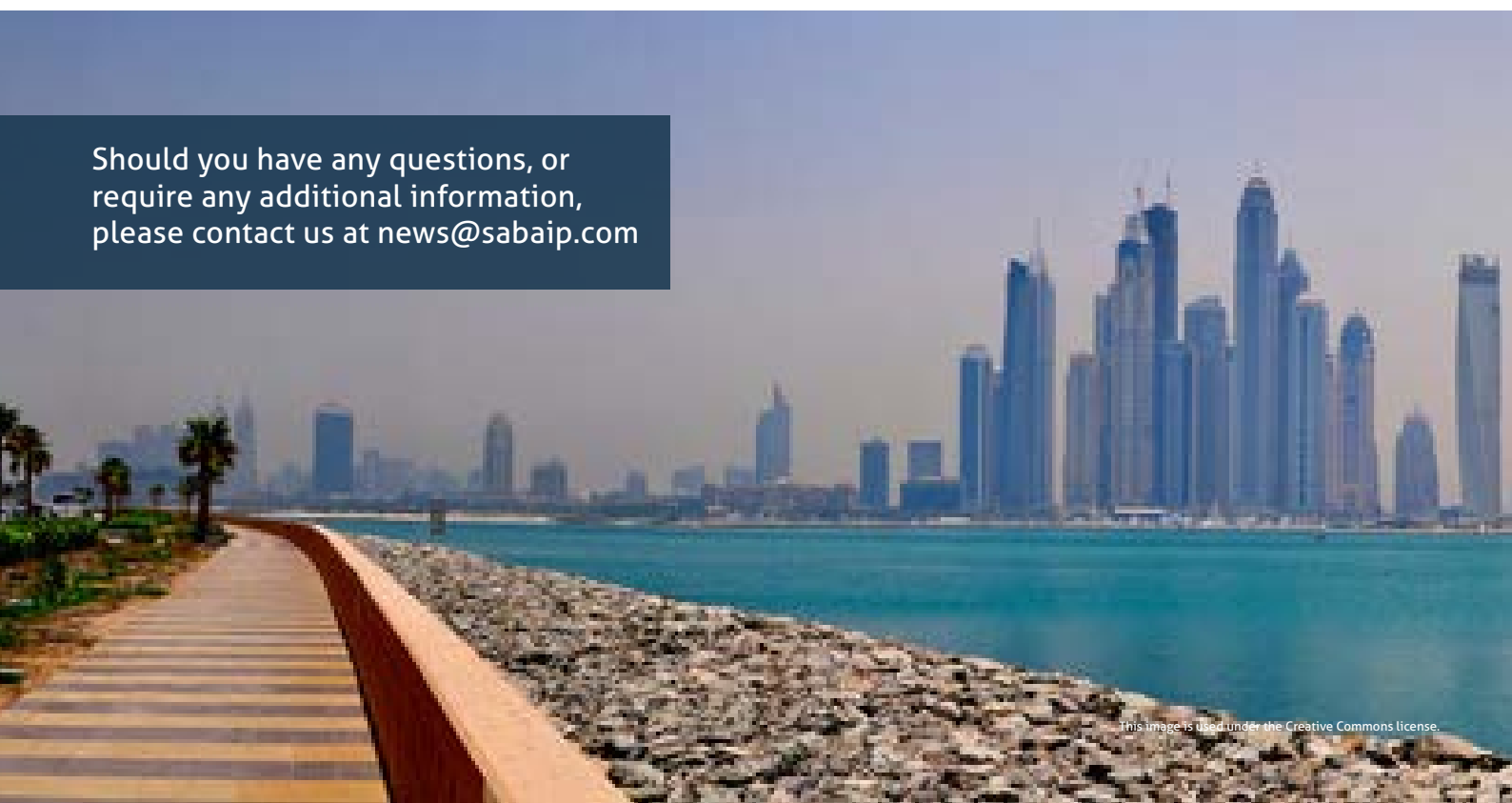
3. Annuities: Maintenance fees are required to maintain the rights, as outlined in the table below.

Country	Annuities
Egypt	A maintenance fee is due annually and should be paid within a period not exceeding three months from the date of the grant of the certificate
Jordan	A maintenance fee is due annually and is payable during the first four months of each year following the year during which the plant variety is granted
Morocco	A maintenance fee is due annually on the anniversary of the date of grant
Saudi Arabia	A maintenance fee is due annually and is payable during the first three months of each year following the year the plant variety application was filed with a further grace period of three months (April-June) with payment of a surcharge
Tunisia	A maintenance fee is due annually on the anniversary of the date of grant

### *General State of Enforceability*

In general, there are no precedents in the Arab countries on how prior cases regarding plant variety infringement have been decided. Generally speaking, the existence of such precedents give an indication of how the judicial interpretation of the laws would be in cases involving identical circumstances. So the question of enforceability of plant variety rights is a matter solely determined by the extent to which plant variety infringement is referred to under the local laws.

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





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