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The Trademark Office in Iraq recently announced that a legalized copy of the home registration certificate must be submitted in support of trademark applications in class 5 at the time of filing. Marks that are identical to the name of the applicant are exempted from this requirement.

It is worth noting that under the previous requirements, applicants were asked to provide the following information when filing a trademark application in class 5: (1) international nonproprietary name; (2) name of manufacturer; (3) name of distributor; and (4) product label. All of this has been dropped.

By way of background, class 5 covers pharmaceutical and veterinary preparations and sanitary preparations for medical purposes. Iraq currently follows the 7th edition of the Nice Classification with a local sub-classification system, and a single class may include several classes. Furthermore, the trademark registration process in Iraq differs significantly from other jurisdictions. This is due to the fact that examination on relative grounds is performed once applications are docketed at the Iraqi Trademark Office, and the filing date and filing number are only issued in the event that the application passes examination.

Syria is the only other country in the Middle East and North Africa region to impose filing requirements that are specific to class 5, requiring certificate of origin and list of ingredients. For the remaining countries in the region, the process remains standard regardless of class.
In light of this new development in Iraq, the revised statutory requirements for filing a trademark application in class 5, along with the authentication procedures will be as follows:

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<th>Filing Requirements for Class 5</th>
<th>What you need to know</th>
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<tr>
<td>• POA, legalized</td>
<td>• A general POA may be used for subsequent filings</td>
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<tr>
<td>• Copy of priority document, if priority is claimed, certified</td>
<td>• POA and copy of priority document may be submitted within 6 months from filing date</td>
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<tr>
<td>• Copy of home registration certificate, legalized</td>
<td>• Copy of home registration certificate must be submitted at the time of applying for the mandatory search</td>
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<td></td>
<td>• The date of notarization of POA must precede the date of filing</td>
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The United Arab Emirates recently signed a cooperation agreement with South Korea aimed towards improving the national patent landscape in the UAE. The news follows an announcement from the UAE Patent Office in the beginning of the year, in which it stated that it will begin receiving and processing local and international applications in electronic form.

It is worth noting that these developments come in light of the UAE’s continuous collaboration with the Korean Intellectual Property Office, which had dispatched patent examiners to the UAE Patent Office to assist in the development of an infrastructure to manage and prosecute patent applications.

These are but a couple of major highlights in the UAE that are indicative of the country’s drive and motivation to develop its own innovation and economic systems. It is clear that the UAE is committed to achieving its goal of creating a knowledge-based economy, which will ultimately promote the creation of a research and development community in the country and the region.
Following the adoption of Law no. 6769 on the Protection of Industrial Property Rights earlier this year, the Implementing Regulations of the Law entered into force on April 24, 2017. By way of background, Law no. 6769, which was introduced on January 10, 2017, repeals and replaces the Decree Laws on Patents and Utility Models, on Trademark and Service Marks, on Industrial Designs and Geographical Indications that were previously adopted in Turkey.

The new Law includes provisions on the protection of patents, integrated circuits, industrial designs, trademarks and trade names, which ensures that Turkey’s IP framework is now better suited to the needs of IPR owners, and is more harmonized with global practice. The Law also stipulates the restructuring of the internal organization of the Turkish Patent Institute, which was rebranded as the Turkish Patent and Trademark Office.

The main changes in the Law include the enforceability of co-existence agreements and letters of consent, which will enable the applicants to overcome a relative grounds rejection with the prior right owner’s consent. As for oppositions, the Law makes a clear distinction between well-known trademarks registered in Turkey and those which are not. This means that the owner of an unregistered well-known trademark will, therefore, be able to oppose applications for a mark identical or similar to a well-known trademark, for the same or similar goods and services. Furthermore, the Law introduces a new opposition ground: the defense of non-use. This stipulates that if the owner of the opposed application can claim that the opposing party has not used its trademark for more than five years with a justified reason after its registration date and in case of this defense, the Turkish Patent and Trademark Office will request the opposing party to provide substantial evidence regarding the use of the trademark. If they are not provided, the opposition will be rejected.
The Office of the United States Trade Representative published the 2017 Special 301 Report on April 28, 2017, reviewing global developments on trade and intellectual property. Only five countries—from over 20—in the Middle East and North Africa were included on the watch list, signifying that a majority of jurisdictions have already addressed the need for strong protection of intellectual property rights in order to maintain investment and innovation. This is commendable, given the fact that IP is still relatively young in the MENA.

The MENA countries on the Special 301 list include Algeria, Kuwait, Egypt, Lebanon, and Turkey. The aforementioned countries do in fact maintain strong IP laws and policies that are regularly updated—as is the most recent case in Turkey, with the adoption of Law no. 6769. Such positive improvements and initiatives imply that there is a profound commitment to IP. This will undoubtedly increase and foster the global incentives for research and investment in these countries, and the region as a whole.

The Special 301 Report is prepared annually by the Office of the United States Trade Representative under Section 301 as amended of the Trade Act of 1974. The report categorizes trade barriers for U.S. companies and products due to the IP law in other countries.

Should you have any questions, or require any additional information, please contact us at news@sabaip.com
The need for international companies to identify and penetrate new markets yet protect their products is part of any strategy for any growing company. The MENA region is one such market when taken together as a region.

Saba IP will be represented at BIO International Convention 2017 under the MENA region by Namir Sioufi, who will be attending as a speaker. As a Regional Head of Patents, Namir works alongside a team of professional experts with various specialized backgrounds and provides technical and legal support across all Saba IP branch offices. They both manage several key patent portfolios from pre-filing recommendations and strategy through prosecution and grant.

His speech will cover the “Top reasons why you should invest in the Middle-East and North Africa (MENA) and how to protect your investments”:
1. Rapidly developing pharmaceutical industry
2. Rapidly growing pharmaceutical market
3. Increasing local investment in R&D
4. Increased market need for innovation
5. Availability of low cost qualified and educated human resources.