

# SABA *bulletin*

March 2012 issue

## *In this issue*

### IP NEWS

#### OMAN

Accession to the Apostille Convention 2

#### QATAR

Trademarks Customs Recordal Soon 2

#### SAUDI ARABIA

More than 15 000 Pirated Products Destroyed 2

Online Status Search Now Possible 3

#### SAUDI ARABIA AND THE GCC

The 2012 Annuity Fees 3

#### UAE

Active Anti-Counterfeiting Services 3

### IP TABLE

#### PATENT LINKAGE

4

#### IP HIGHLIGHTS

#### PLANT VARIETY RIGHTS

5



# IP News

## OMAN NEWS

### ACCESSION TO THE APOSTILLE CONVENTION

Pursuant to Ministerial Decree No. 47/ 2009, the Omani Ministry of Foreign Affairs has announced the accession of Oman to the Apostille Convention (Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents). The Convention is effective in the country as of January 30, 2012.

Accordingly, Oman will start accepting Apostille legalization of documents related to trademarks, patents, industrial designs and all other IP related matters. There will be no need for further legalization up to the Omani Consulate as long as the applicant's home country is a member of the Apostille Convention.

It is worth noting here that Oman is the first Arab country to join the Apostille Convention, which now has a total of 101 member states.

Should you have any specific inquiries regarding the subject matter, please contact us at [oman@sabaip.com](mailto:oman@sabaip.com).

## QATAR NEWS

### TRADEMARKS CUSTOMS RECORDAL SOON

Pursuant to the provisions of Article 7 of the new Law on Intellectual Property Rights Border Measures (Law No. 17 of 2011) which came into force in Qatar, in January 2011, trademarks customs recordal will soon be implemented. Article 7 of the new Law stipulates the following:

ARTICLE (7): "The right holder may submit an application at the Department requesting registration of all data related to its rights, and its address in the State, in a registry specific for this purpose at the Department, and the Minister will issue a decision on the registration procedures and fees upon a proposal by the Director General of the Department".

In other words, the rights holders are now allowed to "record" all relevant information related to their marks. This will definitely mean that, with a recordation system in place, Customs will be allowed to adopt an ex-officio border system, whereby they can immediately target, intercept and confiscate shipments of infringing goods and thus avoiding the delays inherently involved in seeking judicial action. Therefore, products suspected of being counterfeit will be suspended and the rights owner as well as the importer will be immediately notified.

The filing requirements for the recordal and the recordal period have not been announced yet. We will keep you updated in due course.

By way of background, the countries of our region which offer customs recordal are: Cyprus, Morocco, Sudan, Tunisia and the UAE (Dubai, Sharjah and Ras Al Khaimah).

Should you have any specific inquiries regarding the subject matter, please contact us at [qatar@sabaip.com](mailto:qatar@sabaip.com).

## SAUDI ARABIA NEWS

### MORE THAN 15 000 PIRATED PRODUCTS DESTROYED

More than 15 000 pirated shoes for women were recently confiscated by the Customs Authorities in Saudi Arabia. The counterfeit products bear well-known trademarks, breaching thus the enforceable Trademarks Law of the country. The perpetrators are subject to strict applications of penalties in order to provide protection for intellectual property rights.

By way of background, the Customs Authorities in Saudi Arabia have previously confiscated 22 000 pirated construction materials, 11 000 pirated electronic equipment in addition to many



raids aiming at protecting the consumers from infringing products. Should you have any specific inquiries regarding the subject matter, please contact us at [saudi@sabaip.com](mailto:saudi@sabaip.com).

## SAUDI ARABIA NEWS

### ONLINE STATUS SEARCH NOW POSSIBLE

We would like to announce that the search for the status of the Saudi Arabian trademark applications is now possible online. Should you have any specific inquiries regarding the subject matter, please contact us at [saudi@sabaip.com](mailto:saudi@sabaip.com).

## SAUDI ARABIA AND THE GCC NEWS

### THE 2012 ANNUITY FEES

The 2012 annuity fees on pending and granted patents in Saudi Arabia and the GCC are payable starting January 1 until March 30, 2012. There is a 3-month grace period ending on June 30, 2012 for late payment with a surcharge. For more information on this or on general IP matters in our region, please contact [saudi@sabaip.com](mailto:saudi@sabaip.com)



## UAE NEWS

### ACTIVE ANTI-COUNTERFEITING SERVICES

In recognition of Saba & Co. IP efforts in combating counterfeit products, the Economic Development Department in the Government of Sharjah (SDED) gave an award to Saba & Co IP during an award ceremony that took place on January 11, 2012. The latest raids conducted by the SDED in coordination with Saba & Co. IP - UAE team resulted in the confiscation of over 23,000 counterfeit products. All confiscated products were destroyed and later taken to a local recycling plant.

# IP Table

The table below provides information on Patent Linkage which refers to the communication process between the Health Ministry and the Patent Office in order to prevent marketing approval of generic drugs until the expiration of patents covering the concerned drug. It guarantees that one governmental agency is never affected by the work of another agency aiming at ensuring effective intellectual property protection. The table lists the countries of our region where patent linkage is possible in addition to the relative Law.

## PATENT LINKAGE

Country	Is Patent Linkage possible?	Law
Algeria	No	N/A
Bahrain		
Cyprus		
Egypt		
Iraq		
Iran		
Kuwait		
Lebanon		
Libya		
Morocco		
Oman		
Qatar		
Sudan		
Syria		
Tunisia		
Jordan	Yes	Jordanian Patents Law no. 32 of 1999 (amended Articles 36 and 37)
Saudi Arabia	Yes	Law on Patents, Layout Design of Integrated Circuits, Plant Varieties and Industrial Designs (came into effect by Royal Decree No.27/M dated 17.7.2004)
UAE	Yes	Decree 404 (issued in 2000)
Yemen	Yes	Yemeni Law no. 2 of 2011 (Article 43)

# IP HIGHLIGHTS

## PLANT VARIETY RIGHTS

The table below provides information on Plant Variety Rights in the countries of our region. It lists the countries where Plant Variety Applications may be filed and the relevant Law in addition to the Annuities and Protection Term of each application.

Country	Plant Variety Applications	Law	Annuities	Protection Term
ALGERIA	Not possible			
BAHRAIN	Not possible			
CYPRUS	Possible	Law no. 21(I)/2004	The implementing regulations of Law no. 21(I)/2004 have still not been issued yet.	
EGYPT	Possible	Law no. 82/ 2002		25 years from date of grant for trees and grapevines and 20 years for other agricultural products
IRAN	Possible	The Plant Varieties Registration, Control and Certification of Seeds & Seedlings Act of 2003		18 years from the date of grant
IRAQ	Not possible			
JORDAN	Possible	Law no. 24 /2000	A maintenance fee is due annually and is payable during the first 4 months of each year following the year during which that plant variety is granted.	25 years from date of filing for trees and grapevines and 20 years for other agricultural products
KUWAIT	It is not possible to protect plant variety (except microbiology) as patents (Law Decree no. 04/ 1999).			
LEBANON	Plant Variety Rights may be protected as patent applications under Patent Law no. 240/ 2000			
LIBYA	Not possible			
MOROCCO	Possible	Law no. 9/ 1994	A maintenance fee is due annually on the anniversary of the date of grant	20 years from date of grant for species of great culture and 25 years for species of arboriculture and vine



Country	Plant Variety Applications	Law	Annuities	Protection Term
OMAN	Not possible	Law no.49 /2009 for the protection of Plant Variety Rights was issued on August 30, 2009. However, there are no formalities adopted yet for filing or renewing such applications.		
QATAR	Not possible			
SAUDI ARABIA	Possible	Law on Patents, Layout Design of Integrated Circuits, Plant Varieties and Industrial Designs (came into effect by Royal Decree No. 27/M dated 17.7.2004)	A maintenance fee is due annually and is payable during the first 3 months of each year following the year the plant variety application was filed, with a further grace period of 3 months April-June with payment of a surcharge	25 years from date of filing for trees and grapevines, and 20 years for other agricultural products
SUDAN	Not possible			
SYRIA	Not possible			
TUNISIA	Possible	Law no. 99 -42/ 1999	New plant variety certificates shall be subject to the payment of an annual fee of which the amount and conditions of payment and utilization shall be laid down by a Decree.	The breeders' rights shall subsist for 20 years for ordinary varieties and for 25 years for varieties where development of the production elements necessitates longer timescales. Those periods shall begin to run as from the grant of the new plant variety certificate.
TURKEY	Possible	Law no. 5042	A maintenance fee is due annually and is payable in January of each year following the date of grant	25 years from the date of grant for ornamentals, vegetables and field crops, and 30 years from the date of grant for trees, vines and potatoes
UAE	Possible	Law no. 17/ 2009	The implementing regulations of Law 17 /2009 have still not been issued yet.	
YEMEN	Not possible			

## The Saba Network

### HEAD OFFICE

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327448  
Fax: +961 (1) 331531  
E-Mail: headoffice@sabaip.com

### ALGERIA

Cabinet Boukrami  
In cooperation with Saba & Co. IP  
PO Box 86 Algiers, Algeria  
Tel: +213 (21) 34 11 61  
Fax: +213 (21) 34 11 62  
E-Mail: algeria@sabaip.com

### BAHRAIN

P.O. Box 21013, Manama  
Tel : +973 (17) 210 301  
Fax : +973 (17) 224 699  
E-Mail: bahrain@sabaip.com

### CYPRUS

P.O. Box 21143, 1502 Nicosia  
Tel: +357 (22) 755 434  
Fax: +357 (22) 754 037  
E-Mail: cyprus@sabaip.com

### EGYPT

P.O. Box 129, Mohamed Farid, Cairo  
Tel: + 20 (2) 279 59686  
Fax: + 20 (2) 279 52314  
E-Mail: info@sabaip-eg.com

### GAZA

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: gaza@sabaip.com

### IRAQ

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: iraq@sabaip.com

### JORDAN

P.O. Box 840553, Amman 11184  
Tel : +962 (6) 464 2145  
Fax: +962 (6) 464 2159  
E-Mail: jordan@sabaip.com

### KUWAIT

P.O. Box 1245, 13013 Safat  
Tel: +965 2 242 3428  
Fax: +965 2 240 2243  
E-Mail: kuwait@sabaip.com

### LEBANON

P.O. Box 119420-, Beirut  
Tel : +961 (5) 45 48 40  
Fax: +961 (5) 45 48 42  
E-Mail: lebanon@sabaip.com

### LIBYA

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: libya@sabaip.com

### MOROCCO

P.O. Box 13 921, Casablanca  
Tel : +212 (522) 251 530  
Fax: +212 (22) 251 603  
E-Mail: morocco@sabaip.com

### OMAN

P.O.Box 2027 Ruwi,  
Postal Code 112 Muscat  
Tel: +968 248 111 26  
Fax: +968 248 111 28  
E-Mail: oman@sabaip.com

### QATAR

P.O. Box 14035, Doha  
Tel: +974 (4) 4423992  
Fax: +974 (4) 324 106  
E-Mail: qatar@sabaip.com

### SAUDI ARABIA

Al Hadaf Marks Services LLC  
In Cooperation with Saba & Co. IP  
P.O. Box 61145, Riyadh 11565,  
Saudi Arabia  
Tel. +966 1 2079596  
Fax +966 1 2079598  
E-Mail: saudi@sabaip.com

### SUDAN

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: sudan@sabaip.com

### SYRIA

P.O. Box 460, Damascus  
Tel: +963 (11) 223 6628  
Fax: +963 (11) 222 6280  
E-Mail: syria@sabaip.com

### TUNISIA

P.O. Box 119421- Beirut, Lebanon  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: tunisia@sabaip.com

### UNITED ARAB EMIRATES

P.O. Box 42259, Dubai  
Tel: +971 (4) 2959 650  
Fax: +971 (4) 2959 651  
E-Mail: uae@sabaip.com

### WEST BANK

P.O. Box 119421- Beirut, Lebanon\*  
Tel: +961 (1) 327 448  
Fax: +961 (1) 331 531  
E-Mail: westbank@sabaip.com

### YEMEN

P.O. Box 1493, Sana'a  
Tel: +967 (1) 420 595  
Fax: +967 (1) 420 596  
E-Mail: yemen@sabaip.com

\* 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.

© 2012 Saba & Co. IP – No article in this publication or part thereof may be reproduced without prior permission and full acknowledgment of the source: SABA IP Bulletin, A publication of Saba & Co. IP, Trademark & Patent Agents & Attorneys with branch offices in the Middle East and North Africa.