

NEWS:

Libya – Trademark Office Resumes Work

The Libyan Trademark Office officially re-opens starting May 2013, nearly two years after its services went interrupted as a result of the latest civil unrest in the country.

The most important change which has taken place in the country following the recent events is related to the Libya-Switzerland relations. Specifically, Switzerland has recently established formal diplomatic relations with the Libyan government after a three-year breakdown in relations between the two countries. The implication of this development is that it will now be possible for Swiss applicants to file new applications.

The salient features for registering a trademark in the country are as follows:

Filing Requirements

1. Power of attorney, legalized. A general power may be used for subsequent filings.
2. Certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.
3. Copy of priority document, if priority is claimed, certified
4. 10 prints of the mark for each application.

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

Classification

The International Classification of Goods and Services (8th Edition) is followed. However, class 33, alcoholic goods in class 32, and Christmas trees and related products in class 28 can not be registered in Libya. A separate application is required for each class.

Opposition

Trademark applications accepted by the Registrar are published in the Official Gazette before registration. Oppositions may be filed within 3 months from publication date.

Extension of Time

Extension of time for oppositions/counter oppositions or for responding to office actions is not possible.

Protection Term

Trademark registrations are valid for 10 years from filing date and are renewable for like periods. There is a grace period of 3 months for late renewals with payment of a surcharge. Documents required for renewal: Power of attorney, legalized.

Use Requirements

Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation if there has been no effective use of the mark for a period of 5 consecutive years.

Search

An official search may be conducted for word marks and devices. It takes approximately 5 to 6 weeks for the results to be available. A separate application is required for search in each class. The search report discloses similar and identical trademarks.



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Assignment

Trademark applications and registrations may be assigned with or without the goodwill of the business concerned.

Documents required: Power of attorney from the assignee, legalized; deed of assignment, together with the goodwill of the business, legalized, with sworn Arabic translation; and certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.

Change of Name/Address

A change of name/address may be recorded for trademark applications and registrations.

Documents required: Power of attorney, legalized; and certificate of change of name/address from Home Registry, legalized.

Licensing

License recordal is compulsory in order to be effective against third parties.

Documents required: Power of attorney, legalized; license agreement, legalized, with sworn Arabic translation; and certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.

Merger

A merger may be recorded for trademark applications and registrations.

Documents required: Power of attorney, legalized; certificate of merger, legalized, with sworn Arabic translation; and certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.

Marking

Marking is not compulsory.

Cancellation

A trademark may be subject to cancellation by any interested party within 5 years from the date of registration.

Registration Time Frame

The time frame for completing the registration process is 12 to 18 months.

Three Dimensional Trademark Applications
Admissible.



World Intellectual Property Day

Every year, Saba & Co. IP celebrates the World Intellectual Property Day on April 26. This year, the World IP Day theme is "Creativity: the Next Generation". One of the main questions is the following "What is the shape of things to come?". This theme may be considered as a step closer in predicting the future.

**Creativity
the next
generation**

David Kobla
Software engineer

Ushahidi
Send reports via:
mobile phone - email - web

Geoffrey von Maltzahn
Genomic engineer

Ren Ng
Inventor and entrepreneur

**April 26
World IP Day**
Join us on Facebook
www.wipo.int

Jordan - Renewals back to Normal

Renewal applications are no longer placed on hold at the Jordanian Trademark Office. All renewal requests for the month of February and March were kept on file in an attempt to clear the huge backlog of work at the Trademark Office. Now that operations are back to normal, applications that fall due for renewal in the next two months will be renewed without any delay.

India - Accession to the Madrid Protocol

The Director General of the World Intellectual Property Organization welcomed the deposit of the instrument of accession of India to the Protocol relating to the Madrid Agreement concerning the International Registration of Marks. The Madrid Protocol will enter into force in the country on July 8, 2013.



Kuwait - Publication of Design Applications

The Kuwaiti Patent Office is now publishing industrial designs in the Official Gazette for the first time in the country. Applications are examined in the country as to form, local novelty, and industrial applicability. Examination is generally a systematic process whereby the Patent Office is expected to notify the applicant of any objections. The applicant is then required to respond with arguments and/or amendments to overcome the objections. Amendments and arguments may then be accepted or rejected, triggering further response, until a design is issued or the application is rejected and/or abandoned. Even though design applications accepted by the Patent Office are published in the Official Gazette, oppositions can only be filed before the Court.

Main Features of Design Protection in Kuwait:

Protection Term: 10 years from filing date.

Applications with Multiple Figures: Admissible up to 50 figures.

Filing Requirements: (1) Power of Attorney, legalized, (2) 2 representations of the design, (3) Description of the design, (4) Certificate of incorporation, legalized, (5) Deed of assignment from the designer(s), legalized, (6) Copy of priority document, if priority is claimed, legalized. All the documents may be submitted within 3 months from the filing date.

Renewal: For one term of 5 years.

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

IP HIGHLIGHTS:

Re-registration of a Cancelled Trademark

Re-registration of a cancelled trademark by the same owner is possible in some countries of our region. The table below lists countries where re-registration is possible and the related time frame that is applicable.

Country	Is re-registration of a cancelled trademark possible?	Re-registration
Afghanistan	Not Possible	-
Algeria	Possible	Within 6 months from the end of the grace period of 6 months
Armenia	Not Possible	-
Azerbaijan	Not Possible	-
Bahrain	Not Possible	-
Cyprus	Possible	Within 9 months from the end of the grace period of 3 months
Djibouti	Not Possible	-
Egypt	Possible	Within 2 years and a half from the end of the grace period of 6 months
Ethiopia	Not Possible	-
Gaza	Not Possible	-
Iran	Not Possible	-
Iraq	Not Possible	-
Jordan	Possible	Within 1 year from end of the grace period of 1 year
Kuwait	Not Possible	-
Lebanon	Not Possible	-
Libya	Possible	Within 2 years and 9 months from end of the grace period of 6 months
Morocco	Not Possible	-
Oman	Possible	Within 2 years and a half from the end of the grace period of 6 months
Pakistan	Possible	Within 6 months from the end of the grace period of 6 months
Qatar	Not Possible	-
Saudi Arabia	Possible	Within 2 years and a half from the end of the grace period of 6 months
Sudan	Not Possible	-
Syria	Not Possible	-
Turkey	Not Possible	-
UAE	Not Possible	-
West Bank	Not Possible	-
Yemen	Not Possible	-

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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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