

# SABA *bulletin*

October 2011 issue

*In loving memory of*  
**IBRAHIM TARAZI**

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## *In Memoriam*

*It is with great sadness that we share with you the news of the death of Ibrahim Tarazi who passed away on Wednesday September 14, 2011 after a long battle with cancer.*

*Mr. Tarazi died in hospital in his birthplace of Homs in Syria surrounded by his wife and children.*

*Ibrahim Tarazi served the Company tirelessly over a period of 50 years. He held several posts with the firm in Syria, Yemen and Cyprus and was its Managing Partner for two decades in the 80's and 90's.*

*Mr. Tarazi was also a member of the Board of Directors of the firm for the past 15 years during which he also served on a number of special committees.*

*Outside Saba, Mr. Tarazi worked diligently to advance the IP profession in the Middle East. He was president of APPIMAF, the Arab Regional group of the AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle) between 1997 and 2004.*

*Mr. Tarazi also served as a member of IP law-drafting committees in both Syria and Lebanon and advised a number of Arab governments on matters related to IP.*

*Mr. Tarazi will always be in our hearts. He will be deeply missed by his fellow Board of Directors members, by the senior management of the firm and by all those who worked with him during his long and illustrious career with Saba. We will forever be indebted to his contribution to the success of Saba & Co. IP and the IP profession in general.*

*May his soul rest in peace.*

*For those who knew Ibrahim Tarazi and/or for those who wish, condolences can be sent by e-mail to [condolences@sabaip.com](mailto:condolences@sabaip.com)*

*Saba & Co. Intellectual Property*

## YEMEN NEWS

### INCREASE IN OFFICIAL FEES

The official fees for all trademark-related matters in Yemen are expected to increase substantially in comparison with their current level very soon. This comes in accordance with the implementing regulations of Trademark Law no. 23 of 2010 in Yemen which were issued on July 27, 2011. In addition, the 8th edition of the Nice classification will be adopted with no local sub-classification.

However, class 33 and alcoholic goods in class 32 can not be registered.

## TUNISIA NEWS

### DID TUNISIA ACCEDE TO THE GENEVA ACT OF THE HAGUE AGREEMENT AND TO THE MADRID PROTOCOL?

The Tunisian Government has recently approved the accession of Tunisia to the Geneva Act of the Hague Agreement for the

International Registration of Industrial Designs (Resolution no.77, dated August 11, 2011) and the Madrid Protocol for the International Registration of Trademarks (Resolution no. 78, dated August 11, 2011). However, the transitional Government has not yet submitted the instruments of accession to the WIPO and this is not expected at any time soon. Among the implications of the absence of submission is that it will not be possible for the time being to file an application through the Madrid Protocol designating Tunisia. We will keep you updated on any further developments.

## UAE NEWS

### LANDRUSH PHASE FOR ARABIC DOMAIN NAME REGISTRATIONS BEGINS

We would like to announce that the Landrush phase for Arabic domain name registrations has started. During this phase, individuals and companies can apply for the domain name of interest. Auctioning may be possible in the event that more than one applicant applied for the same domain name. Should you have any questions, or require any additional information, please contact us at [uae@sabaip.com](mailto:uae@sabaip.com).



## QATAR NEWS

### DRAFT PRIVACY LAW

The Domain Registry of Qatar is now working with stakeholders to develop a legal framework to protect the privacy of personal information, which is critical to the healthy development of Qatar's ICT sector. This framework, targeted for completion by the end of 2011, will set the minimum level of privacy protection required for all sectors, including finance, education, health, and law enforcement. The framework will draw upon best international practices, while being innovative and forward looking in its approach.

According to the draft law, breaching the new privacy standards will lead to a prison sentence of up to two years, in addition to a fine of up to QR 300, 000 (around USD 81 000).

### AUTO SPARE PARTS UNDER CONTROL

The Qatari government is currently working on a new anti-counterfeiting strategy in order to curb the level of "IP crime" in the country. This new strategy includes strict regulations on importing and selling auto spare parts in the marketplace. Once this plan comes into force, dealers will not be able to import auto spare parts without a certification attesting that the product is genuine. This measure

is yet another impressive achievement by the Qatari government reflecting an unwavering commitment to protect intellectual property rights and to maintain low counterfeiting levels in the country.

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

Arabia ranked first among the member states of the World Customs Organization in reducing the levels of counterfeit auto spare parts in the country. Also, Saudi Arabia was positioned among the top 10 countries in the world in the number of counterfeit computer appliances and mobile phones that were confiscated during the course of the year. This action shows the strong commitment of Saudi Arabia to protect IP rights in the country. Should you have any questions, or require any additional information, please contact us at [saudi@sabaip.com](mailto:saudi@sabaip.com).

on July 27, 2011 a draft manual on the registration of Geographical Indications (GIs). The purpose of this manual is to provide applicants with clear guidelines on the registration of GIs in the country in order to ensure that the GI system evolves in a consistent manner. The manual includes the required documents and application forms that must be completed when filing a GI application in order to avoid duplication of documents.

By way of background, the Geographical Indications of Goods (Registration and Protection) Act of 1999 came into force in the country on September 15, 2003. However, in all the 230 GI applications that have been filed in the past, there was a noticeable lack of uniformity among applicants in their attempt to fulfill the statutory requirements. On many occasions, this led to formal objections being raised and consequently, delays in registration.

## SAUDI ARABIA NEWS

### NUMBER ONE IN COMBATING ILLICIT TRADE

The Customs Authority of Saudi

## INDIA NEWS

### GUIDELINES TO REGIS- TER GEOGRAPHICAL INDICATIONS

The Indian Government published

# IP CASES

## YEMEN PANADOL vs. PENDOL

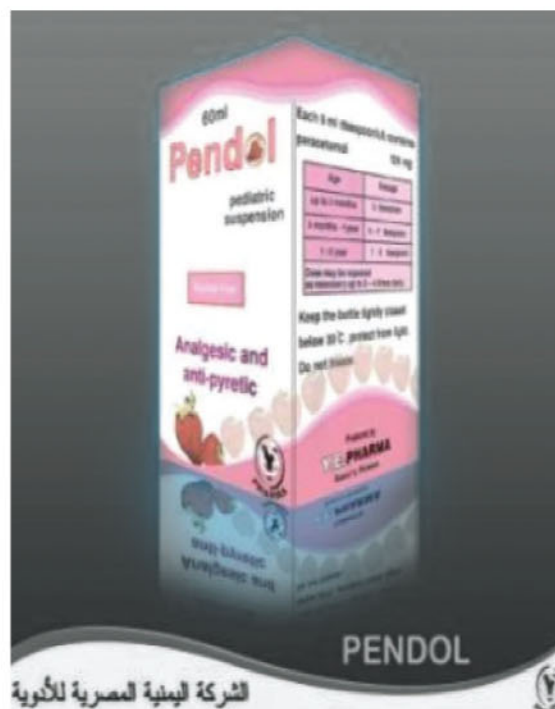
The Court of First Instance in Sana'a, Yemen ruled in favor of Smithkline Beecham Plc, owner of trademark PANADOL, registration no. 3230, class 5 in a case brought against a Yemeni Egyptian company for using the mark PENDOL in the same class with a trade dress similar to that of PANADOL.

The Court found that the trademark PENDOL presents an

imitation of a famous trademark and trade dress, causing damages to the interests of Smithkline Beecham Plc and leading to unfair competition

In light of the foregoing, the Court ordered the defendant to:

- 1- Cease all use of PENDOL
- 2- Publish the Court's decision in a local newspaper
- 3- Bear the Court's expenses.



Infringing Mark

# IP HIGHLIGHTS

## UTILITY MODELS

Utility Models have different provisions in the countries of our region. Protection of utility models is currently possible in Bahrain, Egypt, Oman and the UAE. However, countries such as Algeria, Iraq, Jordan, Lebanon, Morocco, Sudan, Syria and Tunisia have still not introduced the legal setup and framework to accept utility model applications.

The following table summarizes these points and basically answers the following questions:

- 1- Which Laws and Articles pertain to utility model protection?
- 2- What is the protection term of a utility model?
- 3- Is PCT Route available?
- 4- Is it possible to convert a utility model from a patent application?

COUNTRY	LAW	PROTECTION TERM	PCT ROUTE AVAILABLE	CONVERSION FROM PATENT APPLICATION
Algeria	No statutory laws on utility models			
Bahrain	Law no. 1 of 2004 for the Protection of Patents and Utility Models	10 years from filing date	Yes	Possible (Article 30)
Egypt	Law no. 82 of 2002 for the protection of Intellectual Property (Book One)	7 years from filing date	No	Possible (Article 29)
Iraq	No statutory laws on utility models			
Jordan	No statutory laws on utility models			
Lebanon	No statutory laws on utility models			
Morocco	No statutory laws on utility models			
Oman	Industrial Property Law no. 68/ 2008	10 years from filing date	Yes	Possible (Article 18)
Sudan	No statutory laws on utility models			
Syria	No statutory laws on utility models			
Tunisia	No statutory laws on utility models			
United Arab Emirates	Law no. 31 of 2006	10 non-renewable years from filing date	Yes	Possible

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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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