

# SABA *bulletin*

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# QATAR NEWS

## HOW ARE NATIONAL PHASE APPLICATIONS HANDLED?

The Patent Cooperation Treaty (PCT) entered into force in Qatar on August 3, 2011. Even though this means that any "international" patent application can now include the designation of Qatar, it will not be possible to enter into the national phase in the country for the time being. In fact, filing patent applications in Qatar is currently not available because there is no clear set-up that has been established to accept these types of applications, even though a patent law was introduced in the country back in 2006.

Therefore, the Qatari authorities must first amend the patent law to include provisions related to national phase PCT applications and should complete the set up of the Patent Office in order to start receiving patent applications. It is not known when will these changes occur but we will keep you updated in due course.

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

## DOMAIN NAMES REGISTRY

The Supreme Council of Information and Communication Technology ictQATAR has announced that it will begin offering the following domain names:

- Second level domain name .qa

(Sunrise period: 1 month starting Monday July 18, 2011)

- Arabic domain name فطر. (Sunrise period: 2 months starting Wednesday August 17, 2011)

By the beginning of September 2011, the Landrush period will begin. In other words, the above domain names will be publicly available.



# YEMEN NEWS

## TRADEMARK IMPLEMENTING REGULATIONS ISSUED

The implementing regulations of Trademark Law no. 23 of 2010 in Yemen were issued on July 27, 2011 and will be applicable as of the following week. The main features of the regulations include:

1. The official fees for most IP-related matters will increase substantially in comparison with their current level.
2. The 8th edition of the Nice classification will be adopted with no local sub-classification.
3. The Registrar is expected to complete substantive examination (examination on absolute and relative grounds) within 30 days from submission of all required documents.
4. Registered trademarks will be published for a second time in the Trademark Magazine. The publication should include the filing number, the owner's name, and the application's first publication date.
5. Applications for renewal of trademarks will be published in the Official Gazette.

6. Recordal of an assignment or a pledge with respect to a registered trademark is possible as long as all the required documents are available.

7. In the event that an owner of a trademark desires to secure provisional protection to a mark which is used on products or services displayed in national or international exhibitions held in the country, he shall notify the competent authority one month before the opening of the exhibition. The trademark's owner shall be granted a certificate of provisional protection of his

trademark within a period that does not exceed 3 months after the end of the exhibition.

Furthermore, pursuant to the new implementing regulations, the Trademark Office will no longer issue any certificates of renewal, merger, change of name, change of address or assignment. Only official receipts to this effect will be granted to applicants attesting to any change of title.

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



# IP WINDOW

## Arab Contracting Parties to the WIPO Administered Treaties (2010)

The following table lists the countries from our region that have acceded to the WIPO administered treaties up to December 2010. It is worth noting that in 2010, Sudan joined the Madrid Protocol which entered into force in the country on February 16, 2010. A number of important accessions have also taken place in 2011:

- Qatar acceded to the Patent Cooperation Treaty which entered into force on August 3, 2011.
  - Morocco acceded to the Budapest, WIPO Copyright and WIPO Performances and Phonograms Treaties which entered into force on July 20, 2011.
- We will be issuing an updated table by the end of 2011.

	Algeria	Bahrain	Egypt	Iraq	Jordan	Kuwait	Lebanon	Libya	Morocco	Oman	Qatar	Saudi Arabia	Sudan	Syria	Tunisia	UAE	Yemen
Berne Convention	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Brussels Convention		✓					*		✓	✓							
Madrid Agreement (Source)	✓		✓				✓		✓					✓	✓		
Nairobi Treaty	✓		✓						✓	✓	✓			✓	✓		
Paris Convention	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Patent Law Treaty	*	✓					*			✓			*				
Phonograms Convention			✓														
Rome Convention	✓	✓					✓							✓		✓	
Trademark Law Treaty		✓	✓						✓	✓							
WIPO Copyright Treaty		✓			✓					✓	✓					✓	
WIPO Performances and Phonograms Treaty		✓			✓					✓	✓					✓	
Budapest Treaty					✓					✓					✓		
Hague Agreement			✓						✓	✓				✓	✓		
Lisbon Agreement	✓														✓		
Madrid Agreement (Marks)	✓		✓						✓				✓	✓			
Madrid Protocol		✓	✓						✓	✓			✓	✓			
Patent Cooperation Treaty	✓	✓	✓					✓	✓	✓			✓	✓	✓	✓	
Locarno Agreement	*																
Nice Agreement	✓	✓	✓		✓		✓		✓					✓	✓		
Strasbourg Agreement			✓														
Vienna Agreement					✓										✓		
The International Union for the Protection of New Varieties of Plants					✓				✓	✓					✓		

✓ In Force

\* Signature



# IP HIGHLIGHTS

## IS PLEDGING OF TRADEMARKS POSSIBLE IN OUR PART OF THE WORLD?

Security interests on trademarks have different provisions in the countries of our region. Pledging of both registered trademarks and pending applications is possible in Egypt, Qatar, Tunisia, Libya and Algeria whereas

Bahrain, Jordan, Morocco, Syria, UAE, Yemen and Oman allow for recordal of a pledge against registered trademarks only. Countries like Sudan, Iran and Cyprus have no provisions regarding security interests in their trademark law thus their Trademark Offices do not accept pledges. In other countries, such as Kuwait, there are clear provisions regarding security interests in the law but in practice, the Trademark Office

does not accept the recordal of a pledge.

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

- 1- Which Laws and Articles pertain to the pledging of a trademark?
- 2- Can a trademark owner pledge a registered trademark or a pending application at the Trademark Office?

COUNTRY	LAW	ARTICLE	DOES THE TRADEMARK OFFICE ACCEPT THE RECORDAL OF SECURITY INTERESTS AGAINST REGISTERED TRADEMARKS AND PENDING APPLICATIONS?
Algeria	Trademark Law No. 03 -06	<p><b>Article 14:</b> Apart from the complete or partial transfer to the institution, the rights protected by the registration application or the mark registration may be wholly or partially transferred or mortgaged.</p> <p>The transfer of right shall be deemed void if it is intended to mislead the public or commercial society with regard in particular to the nature, source, method of manufacturing, characteristics, or the usability of goods or services included in the mark.</p> <p><b>Article 15:</b> It is required, subject to nullification, that the transfer or mortgage contracts are concluded and signed by the parties therein with regard to the mark filed for registration or registered under the provision of Article 14 above, in accordance with the law regulating such contracts.</p> <p>The transfer by institutions merger or any other form of institution dissolution shall be confirmed by a document proving thereof in accordance with the legislation governing such transfer.</p> <p><b>Article 24:</b> The collective mark may not be subject to transfer, assignment or mortgage, and may not be subject to any compulsory enforcement.</p>	Yes, against both registered trademarks and pending applications.

COUNTRY	LAW	ARTICLE	DOES THE TRADEMARK OFFICE ACCEPT THE RECORDAL OF SECURITY INTERESTS AGAINST REGISTERED TRADEMARKS AND PENDING APPLICATIONS?
Bahrain	Trademark Law no. 11 of 2006	<b>Article 23:</b> 1. The ownership of a trademark may be transferred wholly or partly with or without compensation, as well as by inheritance. Such marks may be mortgaged or seized with or without the business premises or the exploitation project for which the mark is used to distinguish its goods and services. Acts of transferring ownership shall be in writing to be valid. 2. Without prejudice to the provisions pertaining to the sale or mortgage of business premises, the transfer of the ownership of a trademark or mortgage thereof shall not be effective towards third parties except after an entry thereof is made in the Register and published in the manner determined by the implementing regulations.	Yes, against registered trademarks only.
Cyprus	N/A	N/A	N/A
Egypt	Intellectual Property Law no. 82 /2002	<b>Article 87:</b> The transfer of the mark's ownership, its mortgage or attachment can be made independently from the commercial enterprise or exploitation project, in accordance with the rules and procedures prescribed in the Regulations. <b>Article 89:</b> The transfer of ownership, the right of disposal or the mortgage of a mark shall not be valid towards a third party, unless such has been duly recorded in the register and punished in the Official Gazette in the manner prescribed in the Regulations.	Yes, against both registered trademarks and pending applications.
Iran	N/A	N/A	N/A
Iraq	Coalition Provisional Authority Order Number 80, amending Trademarks and Descriptions Law No. 21 Of 1957 (not in force yet)	<b>Article 17:</b> The ownership of a mark shall be transferable and the mark shall be pledged or seized together with the business dealing in the goods carrying that mark, or with that part of the business connected with the use of and symbolized by the mark.	Yes, against both registered trademarks and pending applications.
Jordan	Trademark Law no. 33 of 1952	<b>Article 19:</b> Disposal of the Trademark 1. The title of a trademark may be transferred, relinquished or mortgaged without transferring the title of the business using the trademark to distinguish his goods or relinquishing or mortgaging it. Seizure of a trademark may also be done independently of the business. 4. Transferring the title of the trademark or its mortgage shall not be considered as evidence against others, except as of the date of recording the transfer, or placing a mortgage sign in the Register. The aforementioned shall be published in the Official Gazette. 5. The procedures of transferring the title of the trademark its mortgage, seizure and the rest of the legal disposals regarding same shall be set in accordance with regulations issued by the Minister for this purpose and shall be published in the Official Gazette.	Yes, against registered trademarks only.
Kuwait	Trade Law No. 68/ 1980	<b>Article 84:</b> The assignment or mortgage of a mark shall not be deemed proof against third parties unless entered in the register and advertised in the Official Gazette.	The Trademark Office is not accepting this type of applications.
Lebanon	N/A	N/A	N/A
Libya	Trademark Law No. 40 Of 1956	<b>Article 16:</b> A trademark shall not be subject to mortgage or attachment, nor shall its title be transferred save in favour of the commercial firm or enterprise whose products are distinguished by such trademark. <b>Article 18:</b> Transfer of title to a trademark or mortgage thereof shall not be used as evidence against third parties until after it has been duly entered in the register and published according to the methods prescribed by the executive regulations.	Yes, against both registered trademarks and pending applications.
Morocco	Industrial Property Law No. 17- 97 (As Modified and Supplemented by Law no. 31 -05)	<b>Article 157:</b> Acts modifying the ownership of a registered mark or the enjoyment of the rights attaching thereto, such as, transfer constitution or transfer of a mortgage right or renunciation of the latter. seizure. validation and lifting of seizure. shall be entered with the body responsible for industrial property at the request of one of the parties to the act.	Yes, against registered trademarks but not pending applications.
Oman	Ministerial Decision No. 105 /2008	<b>Article 56 /2/a:</b> The registrar should indicate the pledge of a trademark in the register following the same procedures followed for the assignment, and for the same official fees. The pledge application must be filed using the appropriate application form. <b>Article 56 /2/b:</b> The owner of the trademark can apply for cancellation of the trademark pledge providing the documents that prove the expiration of the pledge period.	Yes, against registered trademarks only.



COUNTRY	LAW	ARTICLE	DOES THE TRADEMARK OFFICE ACCEPT THE RECORDAL OF SECURITY INTERESTS AGAINST REGISTERED TRADEMARKS AND PENDING APPLICATIONS?
<b>Qatar</b>	Trademarks, Commercial Indications, Trade Names, Geographical Indications, and Industrial Designs and Models Law No. 9 of 2002	<b>Article 5:</b> The Office shall keep a Register, wherein shall be entered all the registered marks, particulars of their owners, notifications of assignments or transfers of ownership, the particulars of licensees as well as renunciations thereof, renewals, cancellations, invalidations and <u>all other matters relating to the mark</u> , pursuant to the provisions of the Implementing Regulations of this law.	Yes, against both registered trademarks and pending applications.
<b>Saudi Arabia</b>	Trademark Law no. M/21	<b>Article 31:</b> A trademark may be pledged or attached with or without the place of business or the project for which the trademark is used to distinguish its products or services. <b>Article 32:</b> The transfer of ownership, pledge, or attachment of a trademark shall not take effect with respect to others except after its publicizing and its being entered in the Register provided for in Article 3 of this Law.	Yes, against registered trademarks only.
<b>Sudan</b>	N/A	N/A	N/A
<b>Syria</b>	Trademarks, Geographical Indications, and Industrial Designs and Models Law no. 8 of 2007 Trademark Law no. 33 of 1952	<b>Article 39:</b> c. The collective certification trademark cannot be subject to licensing, transfer of ownership or assignment in any case, or be subject to a mortgage or any forced execution. If the artificial person who owns it was dissolved, the trademark may be transferred to another artificial person according to the conditions which a decision issued by the Minister shall stipulate. <b>Article 47:</b> The trademark may be assigned wholly or partially through selling or assignment, or through succession or by will, or be mortgaged or be subject to lien of any right in rem, with or without compensation, with or without the commercial establishment or the business, in accordance with the rules and the procedures stipulated in the Executive Regulation after the prescribed fee has been paid. <b>Article 50:</b> The trademark's assignment, mortgage or lien of any right in rem on it shall not be a proof against third party but after its recordal in the Directorate's register, following the presentation of the document which indicates the required procedure, notarized or legalized, and the publication shall be made at the expense of the trademark's proprietor in the manner stipulated in this Law and its Executive Regulation.	Yes, against registered trademarks only.
<b>Tunisia</b>	Trademark law No. 36	<b>Article 57:</b> The requester must also enclose with the request a pledge regarding fulfilling his possible responsibility towards the supplier if it is proven without a doubt that the goods subject to detention by the authorities do not represent an infringement of the protected mark. <b>Article 27:</b> The rights associated with a mark may be assigned totally or partially and may be subject to lien. The assignment even if partial may not be limited by location. The assignment or lien must be in a written form, otherwise it will be null and void.	Yes, against both registered trademarks and pending applications.
<b>UAE</b>	Trademark Law no. 37 of 1992 (As Amended by Law No. 8 of 2002)	<b>Article 5:</b> There shall be prepared in the Ministry a register called "Trademark Register", wherein all trademarks, names and addresses of their owners, kind of their activity, descriptions of their goods, products or services shall be entered, as well as change, transfer, assignment, mortgage, license or any other amendments are made thereof. <b>Article 27:</b> Assignment, mortgage or attachment of the trademark ownership may be made with or without the commercial store or the enterprise using the mark for distinguishing the products or services thereof. <b>Article 29:</b> The assignment or mortgage of a trademark shall not be deemed a proof against others unless entered in the Trademark Register and published in the manner set by the Implementing Regulations. Any person may ask for a true copy of what is registered in the Register after the payment of the prescribed fees.	Yes, against registered trademarks only.
<b>Yemen</b>	Trademark and Geographical Indications Law No. 23 of 2010	<b>Article 25:</b> A. The registered trademark can be assigned or mortgaged with / without the store or the facility that uses the trademark to distinguish its goods or services according to the regulations and procedures specified in the regulation, provided that should not confuse or mislead the consumers, especially in respect of the nature of products or services, or the source thereof. B. In case the ownership of the store or the facility is transferred without the trademark, the owner of the trademark will then have the right to use it for the products or services for which the trademark was registered, unless the parties agree otherwise. C. The contract of a trademark assignment shall be executed in writing and legalized by the competent authority. D. The contract of a trademark assignment or mortgage shall not have effect or be a proof against others, unless the same is recorded with the registry and published through the means specified in the regulation. "	Yes, against registered trademarks only.

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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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