

Iraq: Request for Comments on the Draft

The Iraqi authorities are currently seeking views of IP experts and lawmakers on the newly drafted Trademarks and Geographical Indications Law in the country.

The proposed draft was published among IP professionals and is being discussed so that a general opinion including all the relevant details may be formed. This helps the Iraqi authorities ensure that the proposed draft meets its regulatory objectives and does not have unintended consequences.

Once the draft is finalized, a committee of experts will review the latest amendments introduced during the legislative process in order to issue the final comprehensive Law.

The main features of the subject law will be reported to you shortly.

Should you have any questions, or require any additional information, please do not hesitate to contact us at iraq@sabaip.com



World Cup 2014 Law is Published

The FIFA World Cup Law for the 2014 event in Brazil has recently been issued. It entered into force on June 6, 2012. This new Law includes provisions on the protection of industrial and intellectual property rights in the world cup events. The new Law promotes the protection of the FIFA official symbols and emblems. The Brazilian Institute of Industrial Property will be adopting special procedures for accepting applications for the registration of trademarks by FIFA or related to FIFA.

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Qatar: New UNCITRAL Arbitration Rules

The Qatar International Center for Conciliation and Arbitration (QICCA) declared that a new set of arbitration rules has been adopted as of May 1, 2012.

By way of background, the new UNCITRAL arbitration rules are set by the UN General Assembly as revised in 2010. Furthermore, QICCA is considered the only arbitration center in the Gulf to adopt UNCITRAL rules. The main purpose of these rules is to reach final resolution of conflicts in the most cost efficient manner.

The expert arbitrators settle all disputes on a high level of professionalism and transparency.

The arbitrators' names are kept in a specialized list in the center; however, the parties may appoint arbitrators from outside the center. The awards rendered by the arbitrators are final and not subject to an appeal. Should you have any questions, or require any additional information, please do not hesitate to contact us at qatar@sabaip.com

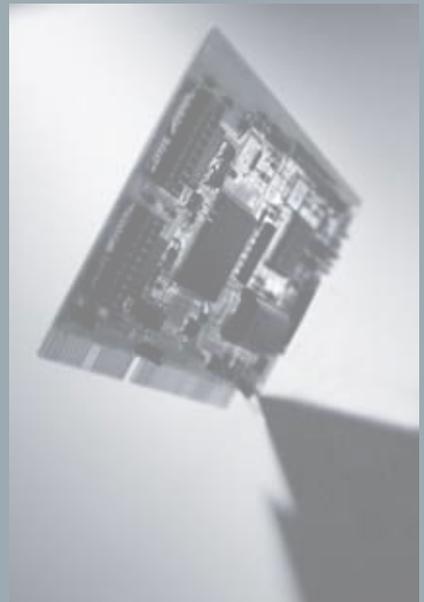


WIPO Beijing Treaty on Audiovisual Performances

The WIPO Beijing Treaty on Audiovisual Performances which was concluded on June 26, 2012 will enter into force once it becomes ratified by its 30 member states.

This treaty aims mainly at strengthening the economic rights of actors and other performers. It also provides producers with broad protection of their intellectual property rights against any unauthorized use of their performances.

Under this treaty, all audiovisual and other performances will benefit from an international copyrights protection. By way of background, the countries of our region which are members in the WIPO Beijing Treaty on Audiovisual Performances are as follows: Cyprus, Djibouti, Jordan, Morocco, Sudan, Syria and Tunisia.



Djibouti: New Patents and Industrial Designs

The regulations implementing Industrial Property Rights Law no. 50/AN/09/6ème L (issued on April 27, 2009) came into force in Djibouti on November 25, 2011 by virtue of Official Decree no. 2011-079. The main features of the new Law are as follows:

Patents

Filing Requirements

- 1- Power of attorney, simply signed.
- 2- Deed of assignment from the inventor(s), simply signed.
- 3- 2 copies of the abstract, claims and specifications in English.
- 4- 2 sets of drawings.

Items 1 to 4 must be submitted at the time of filing.

Opposition

No provisions.

Search

Not possible.

Examination

As to novelty, inventive step and industrial applicability

Annuities

A maintenance fee is due annually on the anniversary of the filing date and is payable for consecutive periods of 5 years from the date of filing. There is a 6-month grace period for late payment with a surcharge.

Protection Term

The term of protection is 20 years from filing date.

Compulsory Licensing

A patent has to be worked. If the patent is not being fully exploited by the patentee within 3 years from the date of grant or 4 years from the filing date, the patent will be subject to compulsory licensing under the provisions of the law.

Industrial Designs

Protection Term

5 years from filing date.

Examination

As to novelty, inventive step and industrial applicability.

Filing Requirements

- 1- Power of attorney, simply signed.
- 2- 3 copies of the representations of the design.
- 3- Description of the design.
- 4- Official copy of earlier filing, if applicable.
- 5- Copy of priority document, if priority is claimed, certified.

Items 1 to 5 must be submitted at the time of filing.

Renewal

For two consecutive terms of 5 years each.



Saudi Arabia: Arab Cyber-crime Agreement Approved

The new Arab Cybercrime Agreement (no. 126 of 2012) was recently approved in Saudi Arabia. This agreement will mainly address the rise in electronic crime which embraces such crimes as credit card frauds, internet crimes, cyber terrorism, creation and/or distribution of viruses, hacking, system interference, illegal access and interception, and so on. It aims as well at encouraging cooperation between Arab countries in combating cybercrimes.

By way of background, Saudi Arabia had previously issued a penal Law on Cybercrime which comprising of 16 sections. The main features of the Law include the following:

The penal features of the law include the following:

Crime

- Having knowingly accessed a government network without authorization, and by means of such conduct having obtained information that has been determined by the Saudi government to require protection against unauthorized disclosure for reasons of national security;
- Using the internet in support of terrorism.
- Creating websites that advocate drug use or that contain pornographic material;
- Creating websites or programs that violate any of the Kingdom's general laws, Islamic values or public ethics.
- Having accessed a network without authorization with the intention of changing or damaging its content.
- Using websites to conduct fraudulent transactions
- Having accessed a website without authorization with the intention of changing or damaging its content.

Fines

- Up to 5 million Saudi Riyal (around US \$1.3 million)
- Up to 3 million Saudi Riyals (around US \$800,000)
- Up to 3 million Saudi Riyals (around US \$800,000)
- Up to 1 million Saudi Riyals (around US \$260,000)
- Up to 500,000 million Saudi Riyals (around US \$130,000) damaging its content.
- Using websites to conduct fraudulent transactions
- Having accessed a website without authorization with the intention of changing or damaging its content.

Imprisonment Term

- Not exceeding 10 years
- Not exceeding 5 years
- Not exceeding 4 years
- Not exceeding 3 years
- Not exceeding 1 year

Saudi Arabia: Member of PCT Expected Soon

The government of Saudi Arabia announced back in 2009 its approval of the country's accession to the Patent Cooperation Treaty. It is now expected that the Saudi authorities deposit their instrument of accession to the PCT at the World Intellectual Property Organization (WIPO) by the end of this year.

By way of background, the countries from our region that are members to the PCT are the following: Algeria, Bahrain, Cyprus, Egypt, Iran (signature), Libya, Morocco, Oman, Qatar, Sudan, Syria, Tunisia, Turkey, the United Arab Emirates and the OAPI countries.

QATAR: First Patent Applications Filed by Saba

The Qatari Patent Office is now accepting both local applications and national phase PCT applications for the first time in the country. Application no. 1, 2 and 3 were filed by Saba & Co. IP. This is an explicit recognition by the authorities in Qatar of the growing importance of patent protection in the country. The patent framework in Qatar has been idle for a long time, but with the rapid globalization and technological changes, patent rights are becoming increasingly important.

By way of background, the Qatari Patent Law was issued almost six years ago by virtue of Decree no. 30/2006. The law was introduced in compliance with the World Trade Organization agreement and mirrors the provisions of the patents section of the TRIPS agreement. For a long time before the promulgation of Law no. 30/2006 and in the absence of a pertinent local legislation, protection was sought through the Gulf Cooperation Council unified patent registration system.

Some sort of protection was also obtained through the publication of cautionary notices at regular intervals in local newspapers. Such notices could have legal value when submitted to the

Courts in the event of infringement, thereby claiming ownership of the patent and warning third parties against infringement.

The salient features of Law no. 30 of 2006 as ratified by the Qatari Council of Ministers are as follows:

The law gives the right to patent owners to initiate civil and criminal actions against any infringing party. Penalties include payment of fines up to 10,000 Qatari Riyals (around US \$ 2,700) as well as legal prosecution resulting in a maximum of two-year imprisonment.

Type of Patents	Patents shall be available for all inventions, whether products or processes, in all fields of technology.
Examination	As to novelty, inventive step and industrial applicability.
Opposition	The Examiner's decision to grant a patent will be published in the Official Gazette for opposition by any interested party within sixty days from publication date.
Protection Period	Once granted, a patent shall enjoy protection for twenty years from the date of grant.
Compulsory Licensing	A patent has to be worked. If the patent is not exploited by the patentee within three years from the date of grant, the patent will be the subject of compulsory licensing under the provisions of the law.
Penalties	The law gives the right to patent owners to initiate civil and criminal actions against any infringing party. Penalties include payment of fines up to 10,000 Qatari Riyals (around US \$ 2,700) as well as legal prosecution resulting in a maximum of two-year imprisonment.

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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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