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UAE: IMPLEMENTATION OF NEW IP PROTECTION E-SERVICE

The Dubai Department of Economic Development (DED) launched a new electronic system for recording trademarks and processing complaints against importers and distributors of suspected counterfeits.

The updated e-service replaces the previous procedure that required complaints to be submitted in person, which is expected to minimize paper work and facilitate processing of complaints and notifications resulting in more proactive inspections by the DED.



UAE: CUSTOMS RECORDAL KICKS OFF IN ABU DHABI

It is now possible to file for Customs recordal in Abu Dhabi, effective as of August 21, 2016. This makes Abu Dhabi the fifth Emirate (out of the seven Emirates of the United Arab Emirates) to allow for recordal, in addition to the Emirates of Dubai, Sharjah, Ajman, and Ras Al Khaimah.

Recordal of marks will undoubtedly help Customs officials target, intercept, and seize shipments of infringing goods. The request for a recordal should include certain information as required by the applicable policies and must be accompanied by the certificate of registration of the mark and a power of attorney. Recordal will be valid for the trademark's protection term and is renewable for like periods.

There are now a total of nine countries in the Middle East and North Africa region that allow for recordal. These countries are Algeria, Cyprus, Jordan, Morocco, Saudi Arabia, Sudan, Tunisia, Turkey, and the above mentioned Emirates of the UAE.



MOROCCO: INCREASING IP ASSET VALUE IN AN EMERGING ECONOMY

With coasts along the Atlantic Ocean and the Mediterranean Sea, Morocco occupies a regional position of great importance. Morocco has made use of its proximity to Europe and its location at the gates of the Western Mediterranean, along with skilled labor, to work towards building a diverse, open, market-oriented economy.

Key sectors of Morocco's economy include agriculture, tourism, aerospace, automotive, phosphates, textiles, apparel, and subcomponents. The economic system of the country presents several facets that is characterized by a large opening towards the outside world.

Morocco has recently increased investment in its port, transportation, and industrial infrastructure in order to better position itself as the epicenter for business in the region. Industrial growth policies and infrastructure developments, which are most visibly illustrated by a new port and free trade zone, are improving Morocco's attractiveness for investment.



Industries and Economy

Morocco's key trade is importing and exporting. Morocco has an extensive infrastructure to support active oil and gas exploration and a vibrant production industry. Major seaports, roadways, airports, pipelines and refineries are near large cities endowed with proper amenities. The downstream oil-industry of Morocco is well developed. The country has two oil refineries with a total refining capacity of 150,000 barrels per day.

The strongest point of Moroccan industry is phosphate mining. Morocco houses approximately two thirds of the world's phosphate reserves. Although it employs only two percent of the population, phosphate mining is responsible for half of the nation's income.

The newest industry that is taking off in Morocco is the aerospace industry, which has made significant strides over the past decade, with its industrial base growing from around 10 companies to over 100 to date. The industry has generated US\$1 billion in turnover in 2013 and has provided employment opportunities for 10,000 people in the country. Aerospace exports accounted for six percent of total exports in 2013, up from 0.5 percent a decade earlier. Major manufacturers are present in Morocco and are contributing to the rise of this industry.

As a result of these progressive steps, Morocco has become a major player in regional economic affairs, and is the fifth African economy by GDP (PPP). Morocco has significantly liberalized its trade system and strengthened its financial sector. It retains strong international market confidence and continues to attract significant Foreign Direct Investment inflows. The country is an important emerging market, as Morocco's annual GDP growth averaged 4.5 percent over the past year, and as of 2005, Morocco has the second-largest non-oil GDP in the Arab world, behind Egypt. Morocco's GDP is estimated to be US\$273.5 billion, while the GDP per capita is US\$8,200. Services account for 57.2 percent of GDP, and industry, made up of mining, construction and manufacturing, is at 29 percent. Agriculture, on the other hand, accounts for 13.8 percent of GDP.

IP Legal Framework

Morocco has a relatively comprehensive regulatory and legislative system for the protection of Intellectual Property. Morocco issued Law No. 23-13 on December 18, 2014, which amended and completed Law No. 17-97 of 2000. The new law entered to force on the date of announcement and publication in the official gazette. The law includes provisions on the protection of patents, integrated circuits, industrial designs, trademarks, and trade names. Furthermore, pursuant to Law no. 23-13 amending and completing Law no. 17-97 on the Protection of Industrial Property, European Patent (EP) applications filed on or after March 1, 2015 may designate Morocco and EP grants may be validated in Morocco. Although Morocco is not a European Patent Convention (EPC) member state, the Law provides the country a pseudo-EPC status with regards to patent procurement, and is expected to encourage more filings and more foreign investment. It will still be possible to file patent applications in Morocco via PCT national stage entry or claiming Paris Convention.

In short, protection of IP assets is a challenging and labor intensive process that requires special consideration and handling. Inventors and owners must be able and ready to adopt a model that incorporates both legal as well as regulatory approaches in order to arrive at well-established protection strategy in Morocco. For more information on Morocco, we invite you to visit our [*jurisdictions page*](#).



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MENA: REGIONAL PATENTING CHEAT SHEET

The Middle East and North Africa is a very attractive market for innovator companies to consider when looking at expanding presence internationally. Given the improving patent landscape and developing economies of the countries in the region it is certainly time to take a step back and consider your patent portfolio and your filing strategy in the MENA. The below cheat sheet sums up the most important and relevant questions on patenting in the region.

Is there a regional patent office for the MENA?

While there is not a regional patent office covering the whole region, there is a regional patent office which extends protection to the GCC member countries. The GCC Patent Office is located in Saudi Arabia, and operates independently from the Saudi Arabian Patent Office. The GCC Patent Office is not a signatory of the Paris Convention nor is it a member of the PCT. Nevertheless, the office accepts patent applications claiming up to a 12 month priority.

Is it required to validate a GCC Patent in each member country?

One application filed with the GCC Patent Office automatically designates all six GCC member countries, namely, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, and no further validation is required upon grant. The resulting patent is automatically enforceable in all six countries. Annuity payments are due annually during the first quarter of each year and are paid centrally to the GCC Patent Office, and not to each individual country.

Are patent applications examined in Arabic or English?

Depending on the country, applications will be examined in either language. For example, patent applications in Egypt, Oman, Qatar and Saudi Arabia are always examined based on the Arabic

translation of the specifications. The search reports and opinions are also issued in Arabic and the responses have to also be submitted in Arabic.

The UAE Patent Office has entered into agreements with various patent offices, such as most recently the South Korean Intellectual Property Office. Accordingly, examination takes place in English, although all documents have to be provided in both English and Arabic for archiving and publication purposes. Another example is the GCC Patent Office. While the GCC Patent Office examines some applications locally in Arabic, the office also outsources others to foreign patent offices. Accordingly, it is possible to see search reports and opinions issued in either language.

Are there specialized courts for handling patent-related cases?

No. For the time being, and in the absence of specialized courts and judges, legal matters such as patent infringement cases are handled in courts of first instances or civil courts depending on the country. An expert or a panel of experts is appointed by the court to provide both a legal and technical opinion on an ongoing case. The court will take into account arguments presented by both parties as well as the expert opinion prior to issuing a decision. The expert opinion may be challenged during the proceedings and further experts brought in.

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

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