

**SABA**  
INTELLECTUAL  
PROPERTY

# BULLETIN

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## SAUDI ARABIA | REMEMBER TO TRANSLATE PACKAGE INSERTS INTO ARABIC

**Pursuant to Circular no. 36838 of 2017, the Saudi Food and Drug Authority announced that pharmaceutical companies are now required to provide the Arabic translation of the Summary of Product Characteristics and the Patient Information Leaflet for all drugs they produce. Seeing that the use of Arabic is not a matter of choice but is a statutory requirement governed by local regulations, it becomes advisable to register the transliteration of the trademark in Arabic.**

While the transliteration of the mark is protected, likelihood of confusion is easier to prove when comparing marks in the same language. Having said that, registering trademark in the transliterated Arabic script, in addition to their original Latin format, is advisable considering that Saudi Arabia is governed by civil law - that is, the concept of first-to-file carries considerable weight.

This news follows the SFDA's ongoing project of maintaining an extensive database that is used to approve and license medicines and allow them to be prescribed. This is indicative of Saudi Arabia's motivation and commitment to achieving its goal of creating a knowledge-based economy, which will ultimately promote the creation of a research and development community.



SAUDI ARABIA . BAHRAIN . LEBANON . IRAN . ALGERIA

## BAHRAIN | LIST YOUR FULL ADDRESS WHEN FILING TRADEMARK APPLICATIONS



# BAHRAIN

**The Trademark Office in Bahrain announced that all new trademark applications must include the applicant's complete address, including the building number and street name. Prior to this change, the TMO accepted applications listing only the applicant's P.O. Box number.**

This comes in light of the recent introduction of online trademark registration in Bahrain. The new procedure, which paves the way for a smoother registration process, involves completing an electronic application through the online system, and uploading scanned copies of the supporting documents.

The paperless trend in Bahrain follows the introduction of the electronic Official Gazette (eOG). The eOG, which is available in English and Arabic, is published weekly on Thursdays. The publication contains the particulars of each accepted trademark application and a representative drawing, along with a list of cancelled registrations. It also lists the particulars of approved Records of License Agreements and Transfers of Ownership.

## LEBANON | INCREASE IN THE VALUE ADDED TAX

# LEBANON

**Starting October 1, 2017, the value added tax (also known as the goods and services tax) will increase in Lebanon from 10 percent to 11 percent.**

The increase in the VAT rate comes in the wake of the Lebanese government's approval to raise public sector wages as a way to directly finance this raise.



## IRAN | DEMYSTIFYING TRADEMARK ENFORCEMENT OPTIONS



Iran, the second-largest nation in the Middle East, shares borders with Afghanistan, Armenia, Azerbaijan, Iraq, Pakistan, Turkey, and Turkmenistan. The country has a coastline that stretches 2,440 km along the Caspian Sea, Persian Gulf, and Gulf of Oman. Iran's GDP is estimated to be \$1.459 trillion, whereas the GDP per capita is \$18,100. Industry accounts for 39.9 percent of the GDP composition, followed by 51 percent for services, and 9.1 percent for agriculture. Industries in Iran include petroleum, petrochemicals, construction materials, and food processing.

Iran's main exports are petroleum and chemical and petrochemical products. Main export partners include Japan, China, India, and Turkey. On the other hand, imports into Iran include industrial supplies, capital goods, foodstuffs and other consumer goods, and technical services. Main import partners include South Korea, China, Turkey, and the United Arab Emirates.

With a continuously developing economy in Iran comes the apparent increase both in the volume and types of counterfeit and infringing products trafficked into and from or through the country. Brand owners have the option to enforce their rights in Iran by taking the following measures based on the applicable laws and regulations:

**TRADEMARK LAW:** The Trademark Law contains a handful of procedural provisions that can be used to address trademark infringement and counterfeiting of goods. The extent to which a trademark owner may prevent unauthorized use of identical or confusingly similar trademarks depends on various factors including whether the mark is registered or well-known, the similarity of the trademarks involved, and the similarity of the products or services involved. For the trademark owners to demonstrate their rights and to enforce these rights through an infringement action in Iran, it is always recommended that they have their trademarks registered.

**BORDER MEASURES:** There is no customs recordation system in place in Iran. Nevertheless, should there be specific information about a certain shipment of counterfeit products entering Iran, it is possible to proceed with a complaint to seize the consignment followed by a criminal action.

IRAN



## IRAN | DEMYSTIFYING TRADEMARK ENFORCEMENT OPTIONS

# IRAN

**LITIGATION:** It is possible to initiate civil or criminal proceedings to enforce trademark rights. The criminal proceedings have proven very effective and less time consuming, and as such, brand owners are advised to proceed with criminal actions. More importantly, should the public prosecutor accept a complaint in a criminal action, the police would raid the location and seize the infringing products under the custody of the infringer. This is not possible in a civil action unless a preliminary injunction is requested. A criminal action usually takes between 6 and 12 months before a verdict of the court of first instance is issued. In many instances, it takes much less time if a settlement is reached and the adverse party signs an undertaking before the public prosecutor.

**RAIDS:** Upon filing a criminal complaint by the trademark owners, the public prosecutor would then assess the case. Given sufficient evidence of infringement, the public prosecutor would then order the local police to conduct a raid. It typically takes between one and three months for the raid to be conducted depending on the location of the infringing target.

Trademark owners must be ready to adopt an enforcement model that incorporates a well-rounded approach by examining their legal options, as well as performing trademark portfolio audits, to arrive at a well-established protection strategy. Needless to say, owners should seek legal advice before they decide on the best route to pursue in Iran.



## ALGERIA | ACCESSION TO THE BEIJING TREATY



# ALGERIA

**Algeria recently filed its instrument of accession to the Beijing Treaty on Audiovisual Performances, which regulates copyright for audiovisual performances and expands the performers' rights by affording them more proprietary rights. The Treaty grants performers four kinds of economic rights for their performances fixed in audiovisual fixations, such as motion pictures: (i) the right of reproduction; (ii) the right of distribution; (iii) the right of rental; and (iv) the right of making available.**

By way of background, the Beijing Treaty on Audiovisual Performances was adopted by the Diplomatic Conference on the Protection of Audiovisual Performances, which took place in Beijing, China from June 20 to 26, 2012. Other signatories in the Middle East and North Africa region include Cyprus, Djibouti, Jordan, Morocco, Qatar, Syria, Tunisia, and the United Arab Emirates. The treaty is expected to enter into force in Algeria once it has been ratified by 30 eligible parties.

# TMAP Meeting

SEPTEMBER 2017 ,19-17 **New Orelans, Louisiana**

**MARWAN HADDAD**  
SABA IP

**Session:** Changes and developments in key jurisdictions

**TUESDAY, SEPT 19**  
**10:45 AM - 12:00 PM**



**More than 300 trademark and brand protection professionals will gather in New Orleans for three days of education, networking, inspiration, and empowerment!**

TMAP is a great conference that Saba IP has started attending a few years ago and this year Marwan Haddad from Bahrain office will be speaking about regulations around the world that are moving to the rhythm of new times such as Egypt, UAE, Saudi Arabia, Qatar, Jordan, Iran, Iraq, Bahrain.



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