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MOROCCO | ONLINE ISSUANCE OF TRADEMARK CERTIFICATES



MOROCCO

The Trademark Office in Morocco, which is known by its French acronym OMPIC, announced that trademark certificates will be issued electronically as of May 28, 2018.

We are pleased to announce that our colleagues in Morocco utilized the system as soon as it became available, thus ensuring we were among the first to receive an e-certificate issued by OMPIC.

We expect this new practice to pave the way for a smoother trademark registration process.

BAHRAIN | SUBSTANTIVE EXAMINATION OF PENDING PATENT APPLICATIONS

BAHRAIN

Following the news announcing the implementation of electronic filing of patent applications, the Patent Office in Bahrain is starting substantive examination of pending applications.

Whereas there has been no official notice in this regard, we will be notifying our clients should the examination reports become available.

Any change in the examination procedures and related official fees is expected to be further outlined in the implementing regulations that should be forthcoming.



IRAN | ACCESSION TO THE LOCARNO AGREEMENT



IRAN

Iran recently ratified its instrument of accession to the Locarno Agreement, which establishes a classification for industrial designs. The Agreement is expected to enter into force on July 12, 2018.

By way of background, the Locarno Agreement stipulates procedures for establishing, amending and additionally creating international classification for industrial designs. The Locarno Classification consists of 32 classes and 219 subclasses, in which about 7,000 items are classified.

Contracting states in the Middle East and North Africa are Algeria, Armenia, Azerbaijan, and Turkey.

MENA | AN OVERVIEW OF INFRINGEMENT EXEMPTIONS

MENA

Patent laws in practically all jurisdictions in the Middle East and North Africa clearly define what is considered to be an infringement act and from what date such acts may be considered infringing. As is the case in most countries outside the MENA region, there are many infringement exemptions that can be summarized in a brief statement: as long as the product and/or process is not being used for direct commercialization and profits, then any related acts are not considered an infringement.

Essentially, the aforementioned statement is homologous to the more known Bolar Provision or the Hatch-Waxman Act. Indeed, as it is more and more apparent in the MENA, and primarily driven by the rapidly growing local generic industry, these exemptions stretch as far as submitting a marketing authorization dossier for prompt approval following the expiry of any related patency.

As a result of international agreements, i.e. FTAs, TRIPS, and where regulatory data exclusivity (RDP) is enforced, it is conceivable that generic companies are unable to support their marketing authorization dossiers with the requisite bioequivalence studies. This however may be overcome in certain cases by performing local clinical studies and submitting these in support of a marketing authorization.



In short, the assertion and enforcement of patents 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 a well-established protection strategy in the MENA.

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