



SABA
INTELLECTUAL
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IN THIS ISSUE

May 2018

Saudi Arabia

PARTNERING UP WITH THE EPO

Bahrain

E-FILING OF PATENTS

Yemen

NEW REGULATIONS RELATED TO
TRADEMARK REGISTRATION

UAE

SEARCH GOES ONLINE

Afghanistan

ACCESSION TO MADRID PROTOCOL

MENA

USTR 301 SPECIAL REPORT

RECAPPING RECENT
TRADEMARK UPDATES

INTA 2018

140th ANNUAL MEETING

MAY 19-23
SEATTLE, WASHINGTON

Meet us at

THE WESTIN HOTEL
SOUTH TOWER . FLOOR 39
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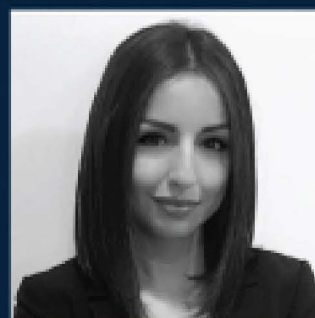
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SAUDI ARABIA | PARTNERING UP WITH THE EPO



SAUDI
ARABIA

King Abdul Aziz City of Science and Technology, where the Saudi Patent Office resides, signed a memorandum of understanding with the European Patent Office.

The MOU, which aims to strengthen the patent system and increase bilateral cooperation, foresees joint activities in the areas of patent procedures, search, examination and automation, as well as use and exchange of patent data and databases.

With this MOU, Saudi Arabia shows its commitment to develop and establish a competent IP system and demonstrates its awareness of the strategic importance of IP on the country's economic development.

BAHRAIN | E-FILING OF PATENTS

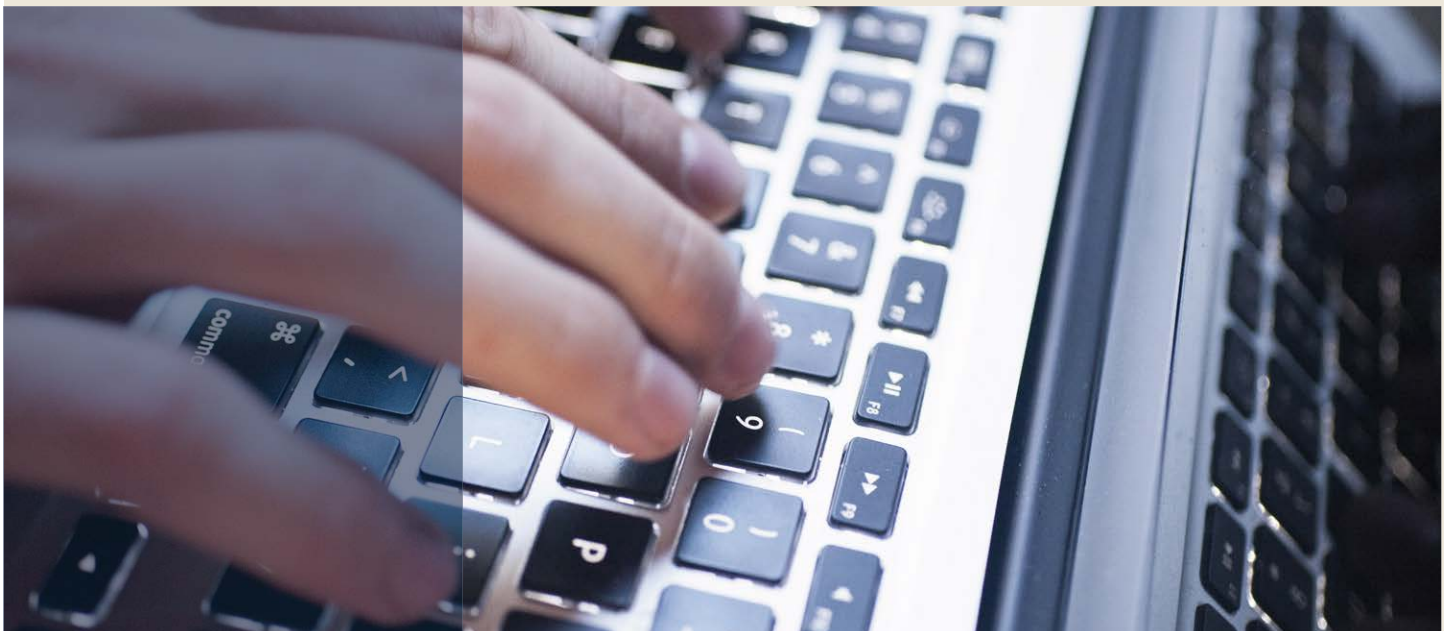
BAHRAIN

The Patent Office in Bahrain recently announced that it will begin receiving and processing patent applications in electronic form.

The e-portal allows for the submission of application forms electronically along with soft copies of the required documents such as the power of attorney, assignment from inventors, and Arabic translation of the documents.

We are pleased to announce that our Bahrain Office utilized the system as soon as it became available and were the first to submit an e-application. We expect this online system to pave the way for smoother patent filing procedures in Bahrain.

Other jurisdictions in the Arabian Gulf that previously implemented electronic filing for patent applications are Saudi Arabia, the regional office of the Gulf Cooperation Council, the United Arab Emirates, and most recently Qatar.



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YEMEN | NEW REGULATIONS RELATED TO TRADEMARK REGISTRATION



YEMEN

The Trademark Office in Yemen announced new regulations related to trademark registration procedures.

The regulations, which were promulgated through Ministerial Decision no. 20 of 2018, entered into force on March 18, 2018 and stipulate the following:

1. The registration procedures of all pending applications must be completed within 12 months as from filing date; otherwise the subject applications will be canceled.
2. The registration procedures of all applications with conditional acceptance must be completed within 12 months as from the Registrar's decision date; otherwise the subject applications will be canceled.
3. The publication fees must be paid within 60 days as from the date of receiving the acceptance for publication; otherwise the subject applications will be canceled.

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UAE | SEARCH GOES ONLINE



UAE

Given the recent trend in going paperless in the region, the Trademark Office in the United Arab Emirates announced that official searches will be conducted online as of April 21, 2018.

This news follows a decision by the TMO to issue certificates electronically as of November 2017.

With the online system in place, the search process becomes more streamlined.

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AFGHANISTAN | ACCESSION TO MADRID PROTOCOL

AFGHANISTAN

Afghanistan became the 101st member to join the Madrid Protocol on March 26, 2018. The Protocol is expected to enter into force on June 26, 2018.

Other countries in the Middle East and North Africa that are members of the Madrid Protocol are Algeria, Bahrain, Cyprus, Egypt, Iran, Morocco, Oman, Sudan, Syria, Tunisia, and Turkey.



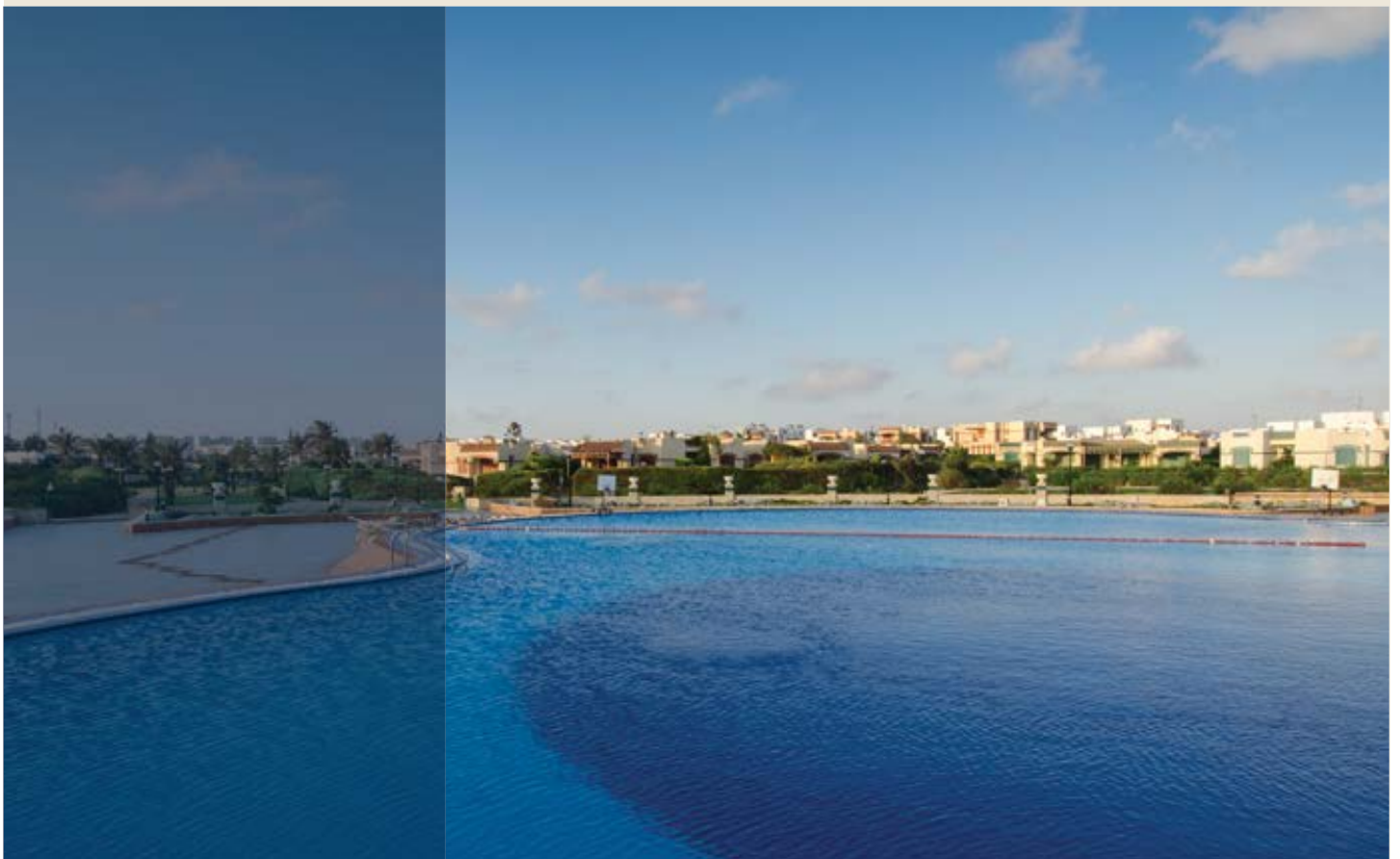
MENA | USTR 301 SPECIAL REPORT

MENA

The Office of the United States Trade Representative published the Special 301 Report on April 27, 2018, reviewing global developments on trade and intellectual property.

Countries in the Middle East and North Africa on the watch list are Algeria, Egypt, Kuwait, Lebanon, Saudi Arabia, and the United Arab Emirates. These countries do in fact maintain strong IP laws and are making efforts to improve intellectual property rights protection and enforcement. Such initiatives imply that there is a profound commitment to IP, which will undoubtedly increase and foster the global incentives for research and investment in these countries, and the region as a whole.

The Special 301 Report is prepared annually by the Office of the United States Trade Representative under Section 301 as amended of the Trade Act of 1974. The report categorizes trade barriers for U.S. companies and products due to the IP law in other countries.



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MENA | RECAPPING RECENT TRADEMARK UPDATES



With the advent of the INTA Annual Meeting this month, we address in this feature recent trademark updates, including official fees, procedural changes, e-filing, and packaging requirements.

Increase in Official Fees and Introduction of VAT

Be it directly or indirectly related to the implementation of the Gulf Cooperation Council Trademark Law, we have witnessed throughout 2017 a considerable increase in official fees in the GCC. Furthermore, value added tax was introduced at a rate of 5 percent in Saudi Arabia as of January 2018. Implementation of the VAT in the United Arab Emirates has also been introduced as of January 2018 but VAT is unlikely to be applied to non-GCC residents. We expect the remaining GCC countries, namely Bahrain, Kuwait, Oman, and Qatar, to adopt the VAT by January 1, 2019 at the latest.

Procedural Changes Related to Trademark Registration in Iraq

The Trademark Office in Iraq stipulated a new procedure for the refiling of a trademark application with filing number preceding 72,000 only if the application is determined to be confusingly similar/identical to a newly filed application by a third party pursuant to relative grounds examination. The deadline to refile the application will be seven days from the official notification date. The refiling arrangement will apply only to applications filed before March 2016 (through the old filing system) that have not been published by August 2017.

MENA

MENA | RECAPPING RECENT TRADEMARK UPDATES



While on the topic of registration, perhaps the most major procedural change in Iraq has been the TMO's announcement that trademark applications may be filed in Latin script without having to submit the Arabic transliteration of the mark. This update rescinds the previous registration requirement that demanded trademarks to be filed in Arabic alongside the Latin version, which provided for the protection of the transliteration of a registered mark without having to file a separate application for it.

With the new procedure in place, it becomes advisable to register the transliteration of the mark in Arabic. An advantage of registering the Arabic transliteration of the mark is that it may mitigate problems that would arise when it comes to enforcing trademark rights against third parties using or attempting to register confusingly similar Arabic transliterations. It is worth noting that it is easier to enforce marks in the same language - Arabic, in this case. This is due to the fact that problems can arise when it comes to enforcing trademark rights against third parties using or attempting to register confusingly similar Arabic transliterations. It is always easier to enforce marks in the same language.

This news follows the introduction of a new procedure at the TMO for the renewal of trademarks, and for the recordal of assignment, merger, change of name, as well as change of address, which entails the publication of notices in the Official Gazette. Needless to say, this revised practice comes with an additional official fee for publication.

Going Paperless in the MENA Region

There has been a move towards electronic filing over the past few years in several countries of our region, namely Algeria, Azerbaijan, Iran, Saudi Arabia, Lebanon, Morocco, United Arab Emirates, West Bank, and Yemen, and we are seeing Kuwait getting on board only recently. The Trademark Office in Kuwait began receiving and processing trademark applications in electronic form as of January 2, 2018. New applications will be allotted an e-number by the TMO, which includes the year of filing (example 321/2018). Another development in the Gulf region is the UAE TMO's issuance of trademark certificates electronically starting from gazette number 181 onwards.

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MENA | RECAPPING RECENT TRADEMARK UPDATES



With a virtually instantaneous issuance of filing receipts and filing numbers, there is also a dramatic increase in the speed within which applications are examined. In Saudi Arabia, for example, it is now taking around three to six months on average for an application to mature into registration in the absence of an office action or an opposition. Prior to e-filing, the standard procedure ran for almost two years.

New Packaging Regulations for Imported Goods

Lebanon and the United Arab Emirates introduced new packaging regulations for imported goods. The authorities concerned at the Ministries of Agriculture and Economy and Trade in Lebanon have made it mandatory to indicate, among other information, the importer's name and address on imported food packages. The required information must be written in either Arabic, English, or French, as per the requirements listed in Common Decision no. 1/1 of 2018. As for the UAE, the Gulf Cooperation Council Standardization Organization now asks for the inclusion of, among other information, the name of cosmetic and personal care products in Arabic on the packaging of products sold in the country.

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 in 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, i.e. Arabic in both Lebanon and the UAE. Having said that, registering trademark in the transliterated Arabic script, in addition to their original Latin format, is advisable considering that Lebanon and the UAE are governed by civil law - that is, the concept of first-to-file carries considerable weight.

Formation of IP Committee in Qatar and IP Commission in Saudi Arabia

Qatar ratified Ministerial Decision no. 45 of 2017 on Establishing the Committee for the Preparation of the National Strategy for Intellectual Property and Innovation. The Decision was published in the official gazette on December 31, 2017, and came into force on January 1, 2018.

MENA | RECAPPING RECENT TRADEMARK UPDATES



According to Article 2 of the Decision, the Committee will be tasked with drafting a National Strategy for Intellectual Property and Innovation, in cooperation with the World Intellectual Property Organization, governmental and non-governmental agencies, and experts chosen by the Minister of Economy and Commerce.

In Saudi Arabia, the Council of Ministers established the Intellectual Property Commission, which is led by the Ministry of Commerce and Investment and its duties include handling all IP matters in the country.

Revisiting the Nice Classification

Oman is the most recent country in the Middle East and North Africa to hop on the 11th Edition of the Nice Classification train. The 11th Edition entered into force in February 2018 and replaced the outgoing 10th edition. The adoption of the 11th edition will not affect trademarks already filed and registered in Oman. Upon next renewal, goods and classes affected by this change in formalities should be reclassified accordingly by the Trademark Office.

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MENA | RECAPPING RECENT TRADEMARK UPDATES



MENA

In the West Bank, however, the 10th Edition of the Nice Classification entered into force on January 1, 2018 and replaced the outgoing eighth edition. The adoption of the 10th edition will not affect trademarks already filed and registered in the West Bank. It is worth noting that upon next renewal, goods and classes affected by this change in formalities should be reclassified accordingly by the TMO.

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