SAUDI ARABIA
Developing Intellectual Property to Promote Economic Progress

KENYA
Introducing Customs Recordal

PAKISTAN
Country Insights
INTA 2019
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Meet us at
THE WESTIN BOSTON WATERFRONT HOTEL
15th FLOOR, COMMODORE SUITE

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In its ongoing efforts to advance the intellectual property protection scene in Saudi Arabia, the Saudi Authority for Intellectual Property recently ratified two memorandums of understanding, one with the United States Patent and Trademark Office and the other with the Korean Intellectual Property Office.

The MOUs, which were both signed at the General Assembly of the Member States of the World Intellectual Property Organization in Geneva, were recently ratified through Ministerial Decision no. 395 of 2019 and Ministerial Decision no. 412 of 2019.

The MOUs aim to facilitate the processing, examination and registration of applications for patents, industrial designs, and trademarks. They also aim to enhance Saudi Arabia’s cooperation with the United States and South Korea.

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.
In an effort to combat counterfeiting and piracy, Kenya recently laid the groundwork for Customs recordal. Once operational, the recordal will allow the local Anti-Counterfeit Agency to have the authority to stop the importation of counterfeit goods at ports of entry.

The recordal, which is valid for the period of one year, will allow the ACA to adopt an ex-officio border system that will facilitate prompt and proactive action.

It is worth noting that Algeria, Cyprus, Jordan, Morocco, Saudi Arabia, Sudan, Tunisia, Turkey, and the United Arab Emirates have established Customs recordal for registered trademarks. The table below lists the filing requirements and the recordal period for each jurisdiction.

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<tr>
<th>COUNTRY</th>
<th>FILING REQUIREMENTS</th>
<th>RECORDAL PERIOD</th>
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<tbody>
<tr>
<td>ALGERIA</td>
<td>• Power of attorney, legalized up to the Algerian Consulate&lt;br&gt;• Copy of registration certificate of the trademark to be recorded&lt;br&gt;• Letter of commitment in French signed under the company’s seal or letterhead and duly legalized before the Algerian Consulate&lt;br&gt;• Photos and other information about the original and counterfeit products</td>
<td>Recordal is valid for 12 months, renewable for like periods</td>
</tr>
<tr>
<td>CYPRUS</td>
<td>• Power of attorney, simply signed&lt;br&gt;• Copy of the registration certificate of the trademark to be recorded&lt;br&gt;• Application form&lt;br&gt;• Photos and other information about the original and counterfeit products</td>
<td>Recordal is valid for one year, renewable for like periods</td>
</tr>
<tr>
<td>JORDAN</td>
<td>1. Recordal with General Customs Department&lt;br&gt;• Power of attorney, legalized up to the Jordanian consulate&lt;br&gt;• Copy of the registration certificate of the trademark to be recorded&lt;br&gt;• A petition duly executed on behalf of the rights holder&lt;br&gt;• Brochures or images showing how the genuine trademark is being used&lt;br&gt;2. Recordal with Aqobe Special Economic Zone Authority (ASEZA)&lt;br&gt;• Power of attorney, legalized up to the Jordanian Consulate&lt;br&gt;• Copy of the registration certificate of the trademark to be recorded&lt;br&gt;• Application form&lt;br&gt;• Brochures or images showing how the genuine trademark is being used</td>
<td>1. Recordal is valid for the trademark’s protection term, renewable for like periods&lt;br&gt;2. Recordal is valid for one year, renewable for like periods</td>
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| MOROCCO          | • Power of attorney, legalized up to the Moroccan Consulate  
                   • Certified copy of the registration certificate of the trademark to be recorded  
                   • A petition duly executed on behalf of the rights holder  
                   • An undertaking, legalized, together with a notarized copy of the company’s General Assembly showing the name and position of the signatory  
                   • Actual samples of goods bearing the trademark involved or a leaflet/brochure allowing easy identification of the genuine products in comparison with the counterfeit products (optional)  
                   • Any relevant information on the origin of the counterfeit goods if available (optional)  
                   • A specification of the exact goods for which the mark is actually used, in order for Customs to assign the adequate Harmonized System coding | Recordal is valid for 12 months, renewable for like periods |
| SAUDI ARABIA     | • Power of attorney, legalized up to the Saudi Consulate  
                   • Copy of the registration certificate of the trademark to be recorded | Recordal is valid for one year, renewable for like periods |
| SUDAN            | • Power of attorney, legalized up to the Sudanese Consulate  
                   • Certified copy of the registration certificate of the trademark to be recorded  
                   • Certificate of Incorporation, legalized up to the Sudanese Consulate  
                   • Copy of the Import Certificate. Same is usually issued to the local agent/distributor by the Ministry of Economy and Trade  
                   • Application form  
                   • An electronic presentation of the original product to aid Customs officials in detecting counterfeiters and differentiating them from the genuine products | Recordal is valid for one year, renewable for like periods |
| TURKEY           | • Power of attorney, notarized with an Apostille certification  
                   • Certified copy of the registration certificate of the trademark to be recorded  
                   • Application form  
                   • An electronic presentation of the original product to aid Customs officials in detecting counterfeiters and differentiating them from the genuine products | Recordal is valid for one year, renewable for like periods |
| TUNISIA          | • Power of attorney, simply signed  
                   • Certified copy of the registration certificate of the trademark to be recorded  
                   • Application Form  
                   • Photos and other information about the original and counterfeit products | Recordal is valid for one year, renewable for like periods |
| UAE (ABU DHABI, DUBAI, SHARJAH, AJMAN, RAS AL HAIMAH) | • Power of attorney, legalized up to the UAE Consulate  
                   • Certified copy of the registration certificate of the trademark to be recorded  
                   • Application form  
                   • An electronic presentation of the original product to aid Customs officials in detecting counterfeiters and differentiating them from the genuine products | Recordal is valid for the trademark’s protection term, renewable for like periods |
With its significant geopolitical position, Pakistan is nestled in the cradle of the historical Indus Valley civilization, which dates back at least 5,000 years. And Pakistan’s location in South Asia provides the country with convenient access to the international market.

In an effort to boost development, Pakistan and China are implementing the China-Pakistan Economic Corridor, with $60 billion in investments targeted towards energy and other infrastructure projects. The CPEC investments are expected to enable growth rates of over 6 percent of GDP by laying the groundwork for increased exports.

Local industries include textiles and apparel, food processing, pharmaceuticals, surgical instruments, construction materials, paper products, fertilizer, and shrimp. Pakistan’s GDP growth has gradually increased since 2012, and was 5.3 percent in 2017. The GDP composition by sector of origin is 24.4 percent for agriculture, 19.1 percent for industry, and 56.5 percent for services.

Pakistan maintains a relatively comprehensive regulatory and legislative system for the protection of trademarks, patents, designs, and copyright. In order to have an effective protection strategy, all intellectual property rights must be registered and enforced in Pakistan under local laws. While Pakistan has been a Contracting Party to the Paris Convention for the Protection of Industrial Property since July 2004, the country is not a Contracting Party to the Patent Cooperation Treaty.
On the trademarks front, Pakistan follows the 11th edition of the Nice classification and a single application may not include several classes. Trademark examination is done on formal, absolute, and relative grounds and oppositions may be filed after two months from publication date. The protection term for a trademark is 10 years from filing date and is renewable for like periods. As for use, trademarks are vulnerable to a cancellation action by any interested party if there has been no effective use of the mark for a period of five consecutive years preceding date of filing for cancellation. An extension of time is possible for filing oppositions, counter oppositions, and responding to office actions.

As for patents, priority rights may be claimed from states that are a party to the Paris Convention for the Protection of Industrial Property, and a claim for priority is required to be filed within twelve months of the first filing. The examination results for the filed patents in Pakistan are subject to the Patents Ordinance (2000) and Patents Rules (2003). The examiners will consider equivalent filings as well when evaluating patentability. Once approved, the notification is published upon grant in the Official Gazette and oppositions may be filed within four months from publication date. Patents are protected for a period of 20 years from the filing date, or from the priority date. Annuities are due annually on the anniversary of the filing date, or the priority date, and payable after the granting of the patent. A six month grace period is observed for late payment along with a surcharge.

Given that Pakistan is not a member of the PCT, nationals do not have the option of filing with the PCT Receiving Office for international protection or for international publication of their patents within the 152 PCT contracting states.

Pakistan remains a country with high aspirations that welcomes foreign investments. A healthy balance between the latter and local development is bound to be beneficial for the country’s own growth. The proper application and enforcement of IP laws should help Pakistan become more of an innovative hub in South Asia and lead to this required healthy financial balance.
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