

SABA
INTELLECTUAL
PROPERTY

sabaip.com



BULLETIN

May 2019

SAUDI ARABIA

Developing Intellectual Property
to Promote Economic Progress

KENYA

Introducing Customs Recordal

PAKISTAN

Country Insights

INTA 2019

141st Annual Meeting

MAY 18 - MAY 22
BOSTON, MASSACHUSETTS

Meet us at

**THE WESTIN BOSTON
WATERFRONT HOTEL**

15th FLOOR,
COMMODORE SUITE

425 Summer St, Boston,
MA 02210, USA



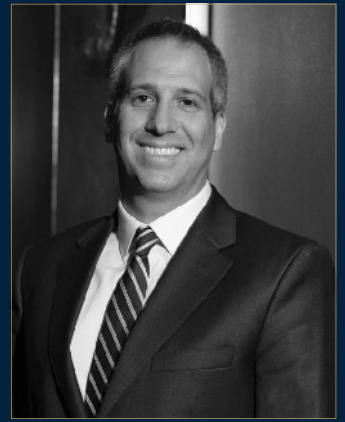
Rami Abdallah



Maria Abdo



Shafic Eid



Marwan Haddad



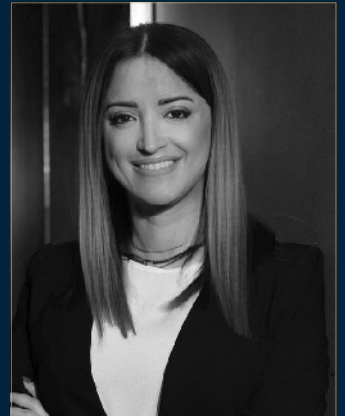
Pascal Haddad



George Jomaa



Hady Khawand



Zeina Salameh



Salah Samhouri



Tatiana Solomon



Ramzi Tarazi



Hisham Zahr

SAUDI ARABIA | DEVELOPING INTELLECTUAL PROPERTY TO PROMOTE ECONOMIC PROGRESS

SAUDI ARABIA

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.



KENYA | INTRODUCING CUSTOMS RECORDAL



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.

COUNTRY	FILING REQUIREMENTS	RECORDAL PERIOD
ALGERIA	<ul style="list-style-type: none"> • Power of attorney, legalized up to the Algerian Consulate • Copy of registration certificate of the trademark to be recorded • Letter of commitment in French signed under the company's seal or letterhead and duly legalized before the Algerian Consulate • Photos and other information about the original and counterfeit products 	Recordal is valid for 12 months, renewable for like periods
CYPRUS	<ul style="list-style-type: none"> • Power of attorney, simply signed • 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
JORDAN	<ol style="list-style-type: none"> 1. Recordal with General Customs Department <ul style="list-style-type: none"> • Power of attorney, legalized up to the Jordanian consulate • Copy of the registration certificate of the trademark to be recorded • A petition duly executed on behalf of the rights holder • Brochures or images showing how the genuine trademark is being used 2. Recordal with Aqaba Special Economic Zone Authority (ASEZA) <ul style="list-style-type: none"> • Power of attorney, legalized up to the Jordanian Consulate • Copy of the registration certificate of the trademark to be recorded • Application form • Brochures or images showing how the genuine trademark is being used 	<ol style="list-style-type: none"> 1. Recordal is valid for the trademark's protection term, renewable for like periods 2. Recordal is valid for one year, renewable for like periods

KENYA

KENYA | INTRODUCING CUSTOMS RECORDAL



KENYA

COUNTRY	FILING REQUIREMENTS	RECORDAL PERIOD
MOROCCO	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 counterfeits and differentiating them from the genuine products 	Recordal is valid for one year, renewable for like periods
TURKEY	<ul style="list-style-type: none"> • 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 counterfeits and differentiating them from the genuine products 	Recordal is valid for one year, renewable for like periods
TUNISIA	<ul style="list-style-type: none"> • 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 KHAIMAH)	<ul style="list-style-type: none"> • 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 counterfeits and differentiating them from the genuine products 	Recordal is valid for the trademark's protection term, renewable for like periods

PAKISTAN | COUNTRY INSIGHTS

PAKISTAN

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.



PAKISTAN | COUNTRY INSIGHTS



PAKISTAN

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.

THE SABA NETWORK

Head Office

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 45 48 88
F. +961 5 45 48 44
P.O. Box 11-9421
headoffice@sabaip.com

Algeria

Cabinet Boukrami
(In cooperation with Saba & Co. IP)
Centre Commercial et d'Affaires El Qods
10th floor, BU 10-04 B, Cheraga 16002
Algiers, Algeria
T. +213 21 34 11 61
F. +213 21 34 11 62
P.O. Box 86 Centre Commercial et d'Affaires
El Qods, Cheraga 16002
algeria@sabaip.com

Bahrain

Bahrain Tower, Al-Khalifa Road
Manama, Bahrain
T. +973 17 210 301
F. +973 17 224 699
P.O. Box 21013
bahrain@sabaip.com

Cyprus

Mitsis Building #2
14, Makarios Avenue
1065 Nicosia, Cyprus
T. +357 22 755 434
F. +357 22 754 037
P.O. Box 21143
1502 Nicosia
cyprus@sabaip.com

Djibouti

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 45 48 88
F. +961 5 45 48 44
P.O. Box 11-9421
djibouti@sabaip.com

Egypt

10 Aisha El Taymouriah Street
Garden City, CP 11451
Cairo, Egypt
T. + 20 2 279 59686
F. + 20 2 279 52314
P.O. Box 129, Mohamed Farid
info@sabaip-eg.com

Ethiopia

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 45 48 88
F. +961 5 45 48 44
P.O. Box 11-9421
ethiopia@sabaip.com

Gaza

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
gaza@sabaip.com

Iraq

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
iraq@sabaip.com

Jordan

56 Prince Shaker Bin Zaid Street
Al Shmeisani
Amman, Jordan
T. +962 6 464 2145
F. +962 6 464 2159
P.O. Box 840553, Amman 11184
jordan@sabaip.com

Kuwait

Al Hajri Building
Al-Shuhadaa Street
Kuwait, Kuwait
T. +965 2 242 3428
F. +965 2 240 2243
P.O. Box 1245, 13013 Safat
kuwait@sabaip.com

Lebanon

Saba House,
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 45 48 40
F. +961 5 45 48 42
P.O. Box 11-9420
lebanon@sabaip.com

Libya

Saba House,
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
libya@sabaip.com

Morocco

185 Boulevard Zerkouni
Residence Zerkouni
Casablanca 20330
Casablanca, Morocco
T. +212 522 251 530
F. +212 522 251 603
P.O. Box 13 921
Casablanca 20032
morocco@sabaip.com

Oman

Muscat International Centre
Beit Al Falaj Street
Muscat, Oman
T. +968 248 111 26
F. +968 248 111 28
P.O. Box 2027 Ruwi
Postal Code 112, Sultanate of Oman
oman@sabaip.com

Qatar

Gridco Building
C Ring Road
Doha, Qatar
T. +974 44 42 3992
F. +974 44 32 4106
P.O. Box 14035
qatar@sabaip.com

Saudi Arabia

Al Hadaf Marks Services LLC
(In Cooperation with Saba & Co. IP)
Office # 1, 2nd Floor, Tower B GOSI Olaya
Towers Olaya Street, Riyadh 11565
Saudi Arabia
T. +966 11 2079596
F. +966 11 2079598
P.O. Box 61145
saudi@sabaip.com

Sudan

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
sudan@sabaip.com

Tunisia

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
tunisia@sabaip.com

United Arab Emirates

Tamani Arts Tower - 18th Floor
Al Asayel Street, Business Bay
Dubai, UAE
T. +971 4 553 9911
F. +971 4 566 8470
P.O. Box 42259
uae@sabaip.com

West Bank

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
westbank@sabaip.com

Yemen

Hadda Towers, Building #7
Hadda Street
Sana'a, Yemen
T. +967 1 420 595
F. +967 1 420 596
P.O. Box 1493
yemen@sabaip.com