

SABA
INTELLECTUAL
PROPERTY



BULLETIN

December 2019

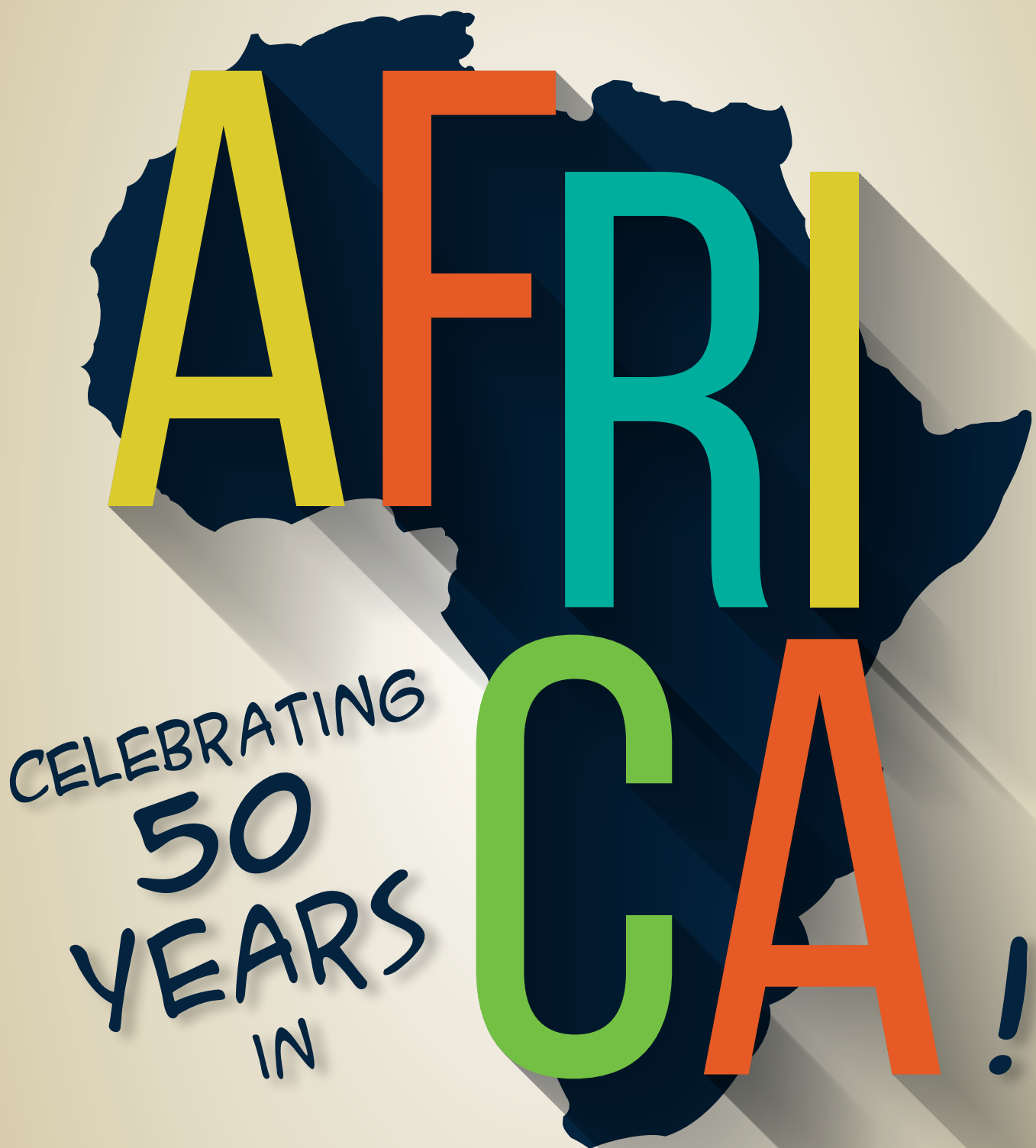


MYANMAR
Upcoming Transformation of the
Legal and Economic Scene

UAE
DIFC Issues New IP Law

SAUDI ARABIA
Accession to the Locarno
Agreement and Vienna Agreement

2019
Year in Review



MYANMAR | UPCOMING TRANSFORMATION OF THE LEGAL AND ECONOMIC SCENE



With the upcoming adoption of the new Trademark Law in January 2020, Myanmar is on the verge of a major legal and economic transformation.

Under the outgoing Registration Act, brand owners could register a declaration of ownership and publish a cautionary notice for trademarks every three years to obtain some sort of protection. Under the new Law, however, Myanmar aims to bring its legal system in line with other countries in the Asia-Pacific region.

With the Law entering into force, the Trademark Office in Myanmar will launch a “soft opening” trial period that will run from January 2020 until June 2020, which will allow recorded marks to be registered. The new Law will allow multiple classes to be filed under the same mark and will grant protection for a period of ten years from filing date. During the soft opening period, all marks currently recorded should be re-filed on a first-to-file basis and examined by the TMO.

After the end of the trial period, the TMO will begin accepting new applications. Filing requirements are: (1) POA, notarized and legalized by the Consulate of Myanmar, (2) sample of the proposed mark, and (3) class(es) and lists of goods/services.

In case a mark was previously filed under the old system, a scanned copy of Registered/ Renewed Declaration of Ownership of Trademark will be required. Evidence of use in Myanmar may be required if an opposition proceeding is filed by third parties after publication in the Official Gazette.

Myanmar 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. We expect that the proper application and enforcement of IP laws, Myanmar will become more of an innovative hub in Southeast Asia.

MYANMAR

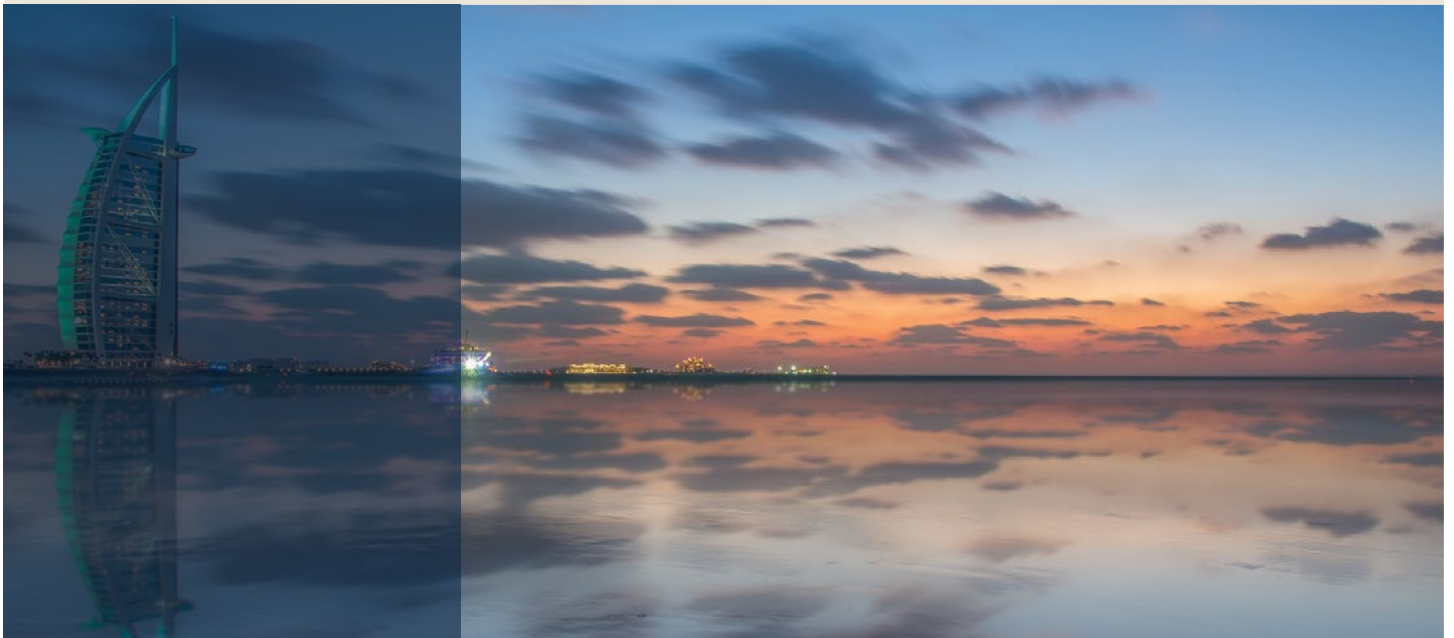
UAE | DIFC ISSUES NEW IP LAW

UAE

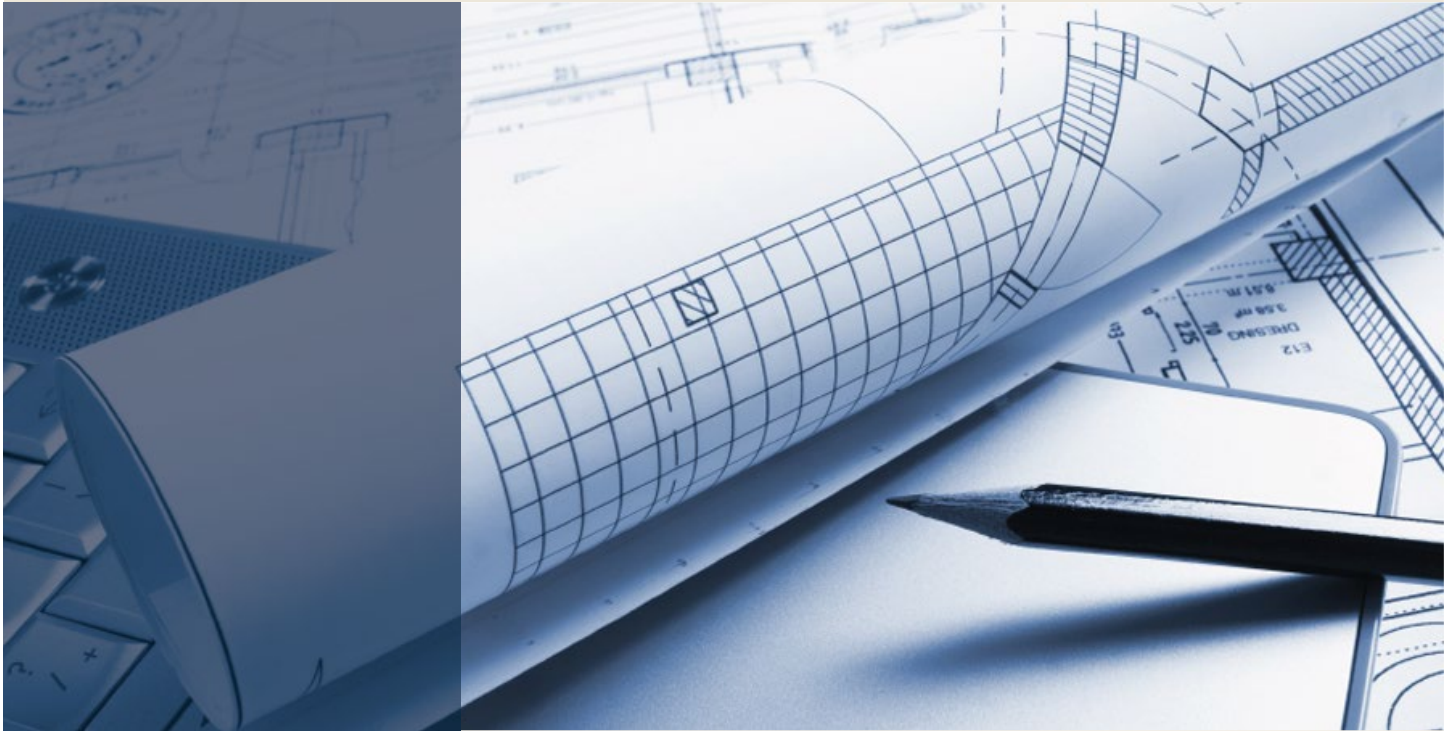
In its continuous efforts to facilitate investment and innovation, the Dubai International Financial Centre (DIFC) enacted Intellectual Property Law of 2019 that governs all aspects of intellectual property enforcement within its territory.

The Law, which entered into force on November 21, 2019, recognizes all IP registrations in the United Arab Emirates, including trademarks, patents, and industrial designs. The Law establishes an IP Office that will be responsible for enforcing the law, dispute resolution, and imposing fines for infringement. In other words, the IP Office in the DIFC will consolidate the functions of several law enforcement departments, simplifying the procedure and increasing the efficiency of anti-counterfeiting efforts. The benefits of this one-stop shop are increased speed and cost-effectiveness in the effort to stop infringements and to destroy infringing goods.

By way of background, the DIFC is a special economic zone in the city with its own independent judicial system. The district houses hundreds of financial institutions, including wealth funds and private investors.



SAUDI ARABIA | ACCESSION TO THE LOCARNO AGREEMENT AND VIENNA AGREEMENT



SAUDI
ARABIA

Saudi Arabia ratified its accession to two key World Intellectual Property Organization treaties: the Locarno Agreement and Vienna Agreement.

The Locarno Agreement stipulates procedures for establishing, amending and additionally creating international classification for industrial designs. Contracting states in the Middle East and Africa are Algeria, Armenia, Azerbaijan, India, Iran, and Turkey.

Saudi Arabia also joined the Vienna Agreement, which establishes a classification for marks that consist of, or contain, figurative elements. Contracting states in the region are Armenia, India, Jordan, Tunisia, and Turkey.

2019 | YEAR IN REVIEW

Our annual “Year in Review” feature sums up the most important intellectual property news and developments that unfolded over the past year in the Middle East, Africa, and their neighboring regions.

The wireless trend continues to gain more and more traction regionally, as we have been witnessing over the years. Algeria, Azerbaijan, Egypt, Iran, Jordan, Kuwait, Saudi Arabia, Lebanon, Morocco, and the United Arab Emirates are among several jurisdictions that already have fully functional online platforms. This past year was particularly interesting as we saw the UAE going fully paperless in early October 2019. Egypt expanded the functionality of its online platform and allowed patent official fees to be paid electronically as of May 2019. In more recent news, Egypt amended the Implementing Regulations of its IP Law to include provisions on the establishment of an electronic notification system. This update, which was announced in November 2018, stipulates that the Patent and Trademark Offices will introduce paperless notification processes in 2020. With a virtually instantaneous issuance of filing receipts and filing numbers, and the ease of online payment of fees, we expect a remarkable increase in the speed within which applications are examined.

2019



2019 | YEAR IN REVIEW



Official fees were revised across numerous jurisdictions this past year, mainly in Algeria, Bahrain, Jordan, Kuwait, Tunisia, UAE, and Yemen. However, in the UAE we saw a dramatic decrease in the official fees - which were previously among the highest in the region. This update follows the UAE's recent decision to amend the fees for more than 1,500 government services in an effort to decrease the cost of doing business and bolster the competitiveness of the country to empower entrepreneurs and encourage the creation of new investment opportunities.

On the patents front, we noticed an ongoing improvement of the economic landscape across the region. Saudi Arabia signed three different patent prosecution highway agreements with the United States, South Korea, and Japan. The UAE also signed a separate agreement with South Korea this past year. We expect these agreements, among other cooperation endeavors, to encourage further investment in developing innovative products and processes. Local and foreign investments have already catalyzed such developments and, in combination with growing markets and needs, it is only a question of time before certain local industries in the region become pioneers in their fields.

2019

2019 | YEAR IN REVIEW

Other notable developments in the region worth pointing out are outlined below:

TRADEMARK UPDATES

Updates on the Legal Scene

Saudi Arabia

Saudi Arabia broadened the definition of a trademark and now allows the registration of surnames as marks. The Trademark Office will assess several aspects when examining the trademark application.

The country also approved the Franchising Law in late October 2019, which is expected to enter into force on April 25, 2020. The Ministry of Commerce and Investment will be administering the Law and issuing the Implementing Regulations that will clarify the Law's provisions. Once in effect, the Law will apply to all franchising arrangements in Saudi Arabia.

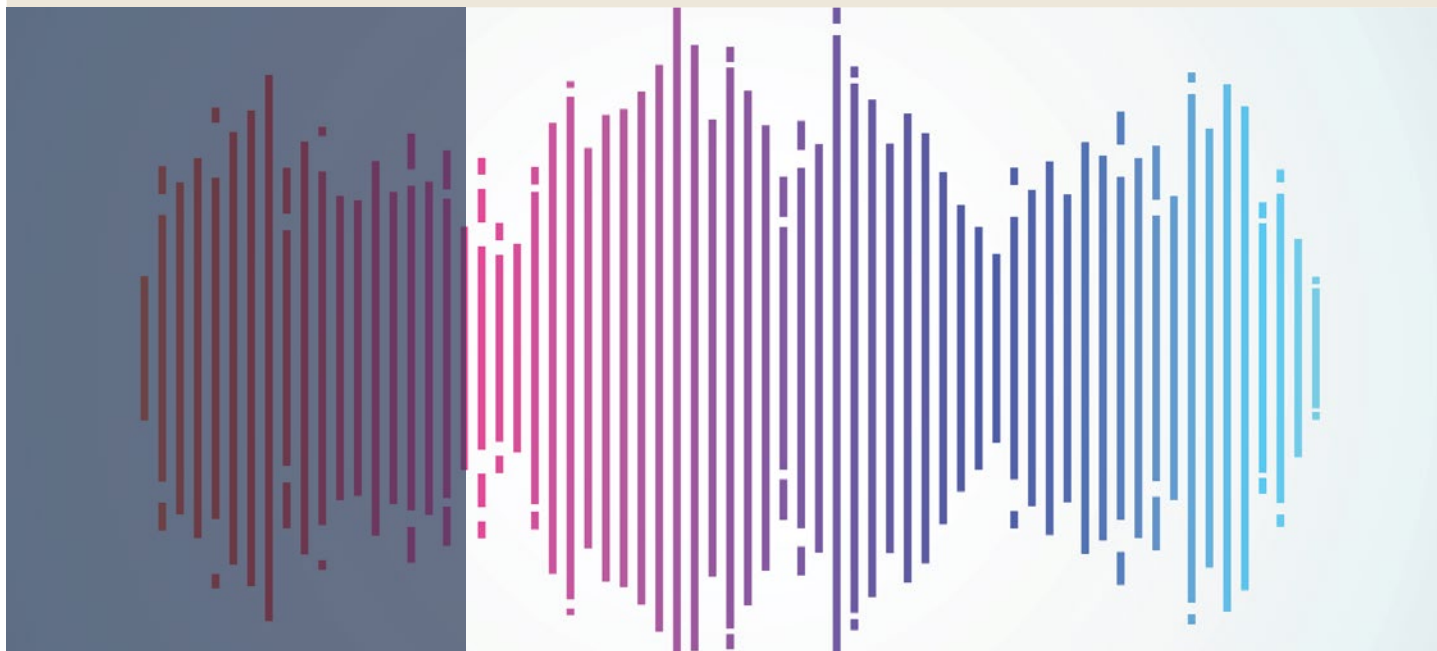
Qatar

Qatar issued Law no. 7 of 2019 to promote the use of the Arabic language. Regarding trademarks, Article 10 of the Law mandates that all trademarks and trade names must be displayed in Arabic. It is possible to use the foreign mark provided that the Arabic version is placed in a more prominent place.

2019



2019 | YEAR IN REVIEW



PROCEDURAL CHANGES

Oman

The TMO accepted the first sound trademark application in the country, with the sound represented on the application by a musical notation. The applications were examined as to form only, and were subsequently registered.

However, in the absence of fundamental principles of protectability of sound marks including related definitive issues such as specific articulation or affixation/product connection requirements, grey areas in the legislation and the implementation have still to be clarified.

There are no precedents on how prior cases regarding infringement of unconventional sound trademarks have been decided. Generally speaking, the existence of such precedents gives an indication of how the judicial interpretation of the laws would be in cases involving identical circumstances. So the question of enforceability of sound trademarks is a matter solely determined by the articles on trademark infringement as referred to under the local law in Oman.

2019

2019 | YEAR IN REVIEW

2019

Kuwait

The legalized power of attorney must be submitted at the time of filing at the TMO as of January 2019. Prior to this procedural change, the TMO stipulated that the POA may be submitted within three months from filing date. As for the priority claim, no changes were made to the deadline. Priority documents in support of trademark applications may be submitted within three months from filing date.

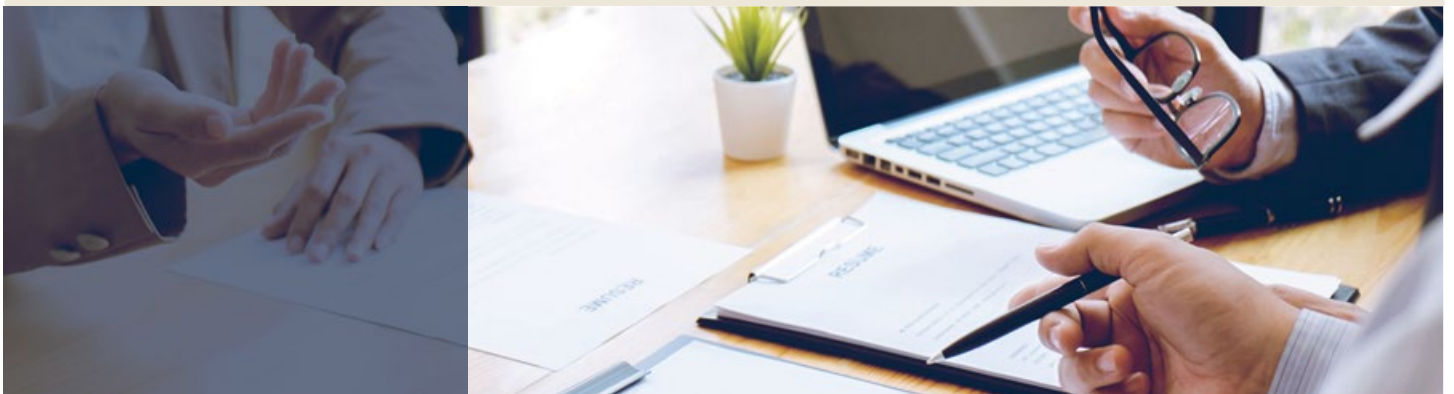
PATENT UPDATES:

Saudi Arabia: Patent Grievances Committee Established

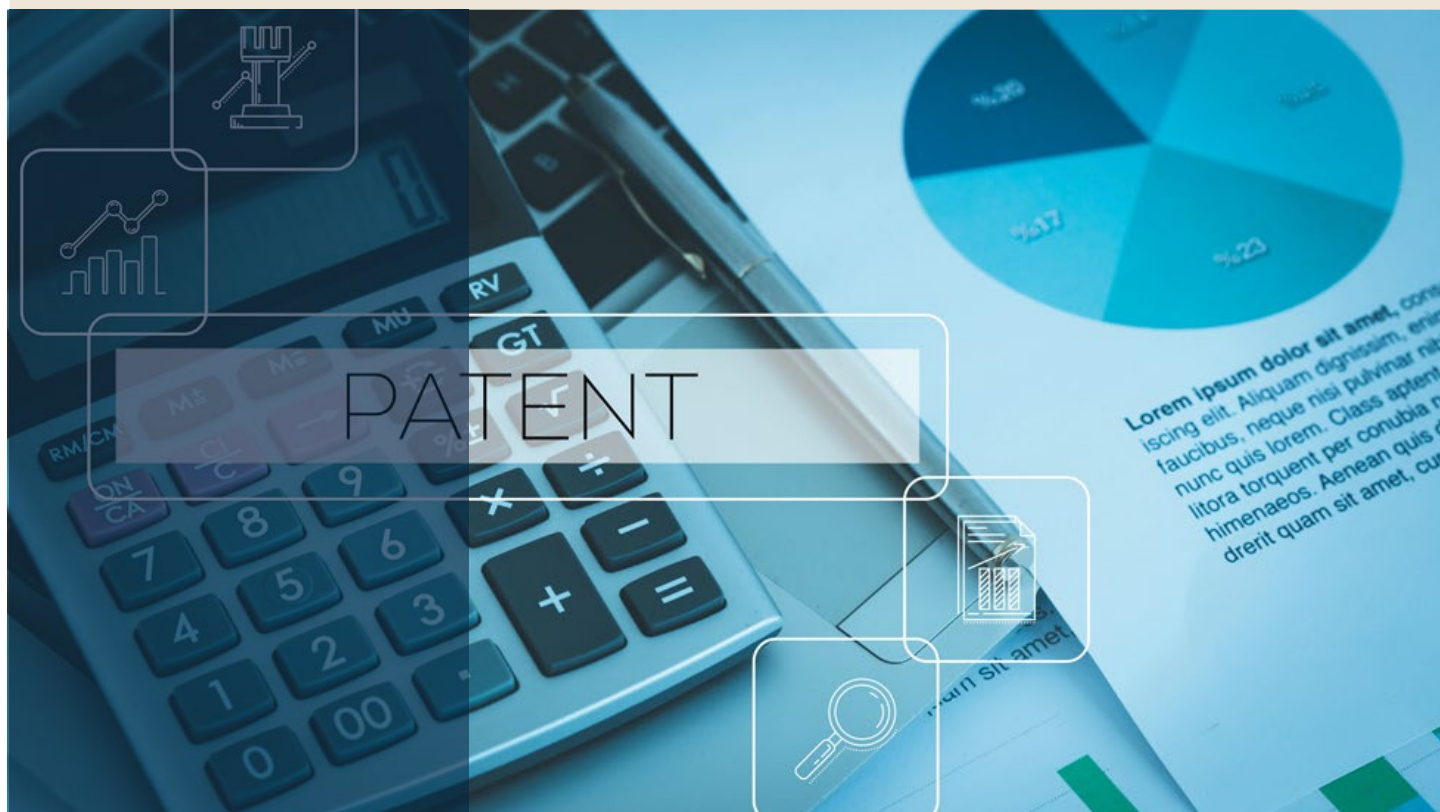
Saudi Arabia established the Patent Grievances Committee. Pursuant to Article 35 of the Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Models, the Committee has the jurisdiction to hear infringement cases, invalidation cases, and allows applicants and interested parties to have a clear mechanism for appealing or opposing official decisions. We expect the Committee will streamline patent related procedures and motivate local innovation and the country's economic systems.

Egypt: Protecting Plant Varieties

Egypt amended Book Four of Law no. 82 of 2002 on the Protection of Intellectual Property Rights, which relates to Plant Varieties. These amendments made the Egyptian IP Law more compatible with the International Convention for the Protection of New Varieties of Plants.



2019 | YEAR IN REVIEW



MANAGEMENT OF PATENT ANNUITIES

Jordan

For patent applications entered via PCT on or after April 22, 2019, annuities due at the time of national filing will include the back annuities accumulated in the international stage. With this new practice, annuities will become due annually prior to grant with the international filing date as the base date.

As for applications filed in accordance to the Paris Convention, annuities may be paid annually while an application is pending (optional), where the base date is the national filing date.

Syria

The Patent Office granted a grace period of one year, as of June 17, 2019, for inventors who did not invest in their inventions to reinstate patents for their inventions, or submit a nominal working.

2019

2019 | YEAR IN REVIEW

2019

COPYRIGHT UPDATES:

Setting the Stage for Creative Works

Saudi Arabia and Kuwait

Both Saudi Arabia and Kuwait have taken serious strides in their effort to encourage the creation of art and culture by issuing Implementing Regulations of their national Copyright Laws. In related news, the Marrakesh Treaty entered into force in Saudi Arabia. It is worth noting that Saudi Arabia is the first country in the region to ratify the Marrakesh Treaty and begin providing access to published works for persons who are blind or visually impaired, free of charge.

With the Treaty in force, Saudi Arabia eases the challenges faced by people with visual disabilities in reading publications, facilitate their participation in cultural and social life, and increase their access to culture, knowledge, and education.

Contracting states in the region are Afghanistan, Azerbaijan, India, Jordan, Morocco, Qatar, Tunisia, and the United Arab Emirates.



IT'S NOT ABOUT
BEING THERE.
IT'S ABOUT
BEING AWARE.



"THE OTHER
FIELD"
EDWARD FORSTER

90⁺

YEARS OF EXPERIENCE

18

OFFICES

1

STOP SHOP IP FIRM

COUNSELING | PROSECUTION | ENFORCEMENT | ANTI-COUNTERFEITING

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