UAE
DIFC Issues New IP Law

SAUDI ARABIA
Accession to the Locarno Agreement and Vienna Agreement

MYANMAR
Upcoming Transformation of the Legal and Economic Scene

2019 Year in Review
CELEBRATING 50 YEARS IN AFRICA!
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 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.
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.
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.
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.
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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.
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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.
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**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.
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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.
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.
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sabaip.com
THE SABA NETWORK

Head Office
Saba House
Said Freha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
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
Algeria, 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
info@boukrami.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
16 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
Said Freha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
djibouti@sabaip.com

Egypt
10 Alsha El Taymouirah Street
Garden City, CP 11451
Cairo, Egypt
T. +20 2 279 50686
F. +20 2 279 52314
P.O. Box 129, Mohamed Farid
info@sabaip-eg.com

Ethiopia
Saba House
Said Freha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
F. +961 5 454 844
P.O. Box 11-9421
ethiopia@sabaip.com

Gaza
Saba House
Said Freha 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
Said Freha 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 2150
P.O. Box 800553, Amman 11184
jordan@sabaip.com

Kuwait
Jassim Ahmed Alfahed
(In cooperation with Saba & Co. IP)
Al Haji Building,
Al-Shuqaiq Street Kuwait, Kuwait
T. +965 2 240 2243
F. +965 2 240 2243
P.O. Box 1245, 13013 Safat
info@jafahed.com

Lebanon
Saba House,
Said Freha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 840
F. +961 5 454 842
P.O. Box 11-9420
lebanon@sabaip.com

Libya
Saba House,
Said Freha 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 Zerktouni
Residence Zerktouni
Casablanca 20330
Casablanca, Morocco
T. +212 222 251 530
F. +212 222 251 603
P.O. Box 13 921
Casablanca 20032
morocco@sabaip.com

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

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

Saudi Arabia
Al-hadif 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
Said Freha 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
Said Freha 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 Kabeer Street, Business Bay
Dubai, UAE
T. +971 4 553 9911
F. +971 4 566 8470
P.O. Box 12259
uae@sabaip.com

West Bank
Saba House
Said Freha 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 1 420 593
F. +967 1 420 596
P.O. Box 3403
yemen@sabaip.com