

BULLETIN

February 2020

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SAUDI ARABIA | SAIP IS THE NEW PATENT SHERIFF IN TOWN



In compliance with its mandate to unify all IP related matters under one authority, patents, layout designs of integrated circuits, plant varieties, and industrial designs previously managed by King Abdul Aziz City of Science and Technology, have now been transferred under the umbrella of the Saudi Authority for Intellectual Property (SAIP).

Furthermore, all Committees which hear on and decide on matters of opposition, appeals, and validity are also now under the jurisdiction of SAIP.

With this update, SAIP showcases its efforts as a self-funded agency with streamlined procedures. It is worth noting that SAIP has been very active since its inception in late 2017, and has signed two patent prosecution highway agreements with the United States Patent and Trademark Office and the Korean Intellectual Property Office.

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.

PATENT PROTECTION FRAMEWORK IN SAUDI ARABIA

Equivalent Search

Official search among granted and published patents is possible by patentee name, title, subject matter, and priority/PCT number

Examination

As to form, novelty, inventive step, and industrial applicability

Publication

Patents are published in the Official Gazette after substantive examination and before grant

Opposition

No provisions

Annuities

Due annually and is payable the first 3 months of each calendar year following the year the patent application was filed.
3-month grace period for late payment with a surcharge

Protection Term

20 years from the international filing date

SAUDI ARABIA | THE BALL IS IN YOUR COURT, COPYRIGHT AND PATENT DISPUTES



As a much welcomed attempt at improving the enforcement scene in the country, Saudi Arabia announced that patent and copyright disputes will be settled before specialized Commercial Courts as of February 1, 2020.

The Commercial Courts, which will be comprised of three judges, will hear infringement and invalidation cases. By resorting to the legal system, cases, where one of the parties is a national entity, can be brought in front of the local Courts. This update indicates a clear decentralization of the outgoing process to raise grievances, which for patent matters used to be under the jurisdiction of a Committee housed at the King Abdul Aziz City of Science and Technology - which meant that all related cases had to be heard and processed in one location.

This news comes in light of Saudi Arabia's ongoing efforts to develop the national system to become a more effective and convenient system for locals and to help promote local innovation.

SAUDI ARABIA | ON THE SILK ROAD WITH CNIPA

SAUDI ARABIA

The Saudi Authority for Intellectual Property signed a memorandum of understanding with the China National Intellectual Property Administration.

The MOU aims to facilitate the processing, examination and registration of applications for patents, industrial designs, and trademarks. It also expected to foster and develop a bilateral partnership in the field of intellectual property and to strengthen the relationship between Saudi Arabia and the People's Republic of China.



TUNISIA | INCREASE IN OFFICIAL FEES



TUNISIA

The Patent and Trademark Office in Tunisia, known by the French acronym INNORPI, announced an increase in the official fees for all trademark matters. The new fees were published in the Official Gazette and entered into force on January 24, 2020.

In related news, INNORPI also alluded to an upcoming increase in the official fees for patent matters.

It is worth noting that there has not been an increase in official fees in Tunisia since 1999.

EGYPT | ACCESSION TO THE UPOV BEARS FRUIT



Egypt ratified its accession to the International Convention for the Protection of New Varieties of Plants, which is known by the acronym UPOV. Egypt became a member of UPOV in December 2019.

The filing requirements of a plant variety application in Egypt are as follows:

- Denomination of the variety
- Full disclosure of the origin of the variety and the method of breeding
- A detailed description of the consecutive stages of the choice and propagation processes which were used to breed the variety
- Proof of the novelty of the variety, in the sense that the variety has not been sold or otherwise disposed of for purposes of exploitation. A variety shall not lose its novelty if it was exposed or circulated in Egypt for more than one year prior to the effective filing date of the application. Where a variety has been exposed or circulated outside Egypt, such period shall not exceed six years in case of trees and vines or four years for other crops
- Proof of the uniformity of the variety in the sense that any variations are describable, predictable, and commercially acceptable
- Proof of the stability of the variety in the sense that the variety, when reproduced, will remain unchanged with regard to its essential and distinctive characteristics within a reasonable degree of commercial reliability
- Proof of the distinctiveness of the variety, in the sense that the variety is clearly distinguishable from any other publicly known variety
- Illustrations of the variety, if they are necessary to identify it, along with a brief description

The protection term is 25 years from date of grant for trees and grapevines, and 20 years for other agricultural products. As for annuities, a maintenance fee is due annually and should be paid within a period not exceeding three months from the date of the grant of the certificate.

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