

SABA
INTELLECTUAL
PROPERTY

BULLETIN

July 2020

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Shut Down

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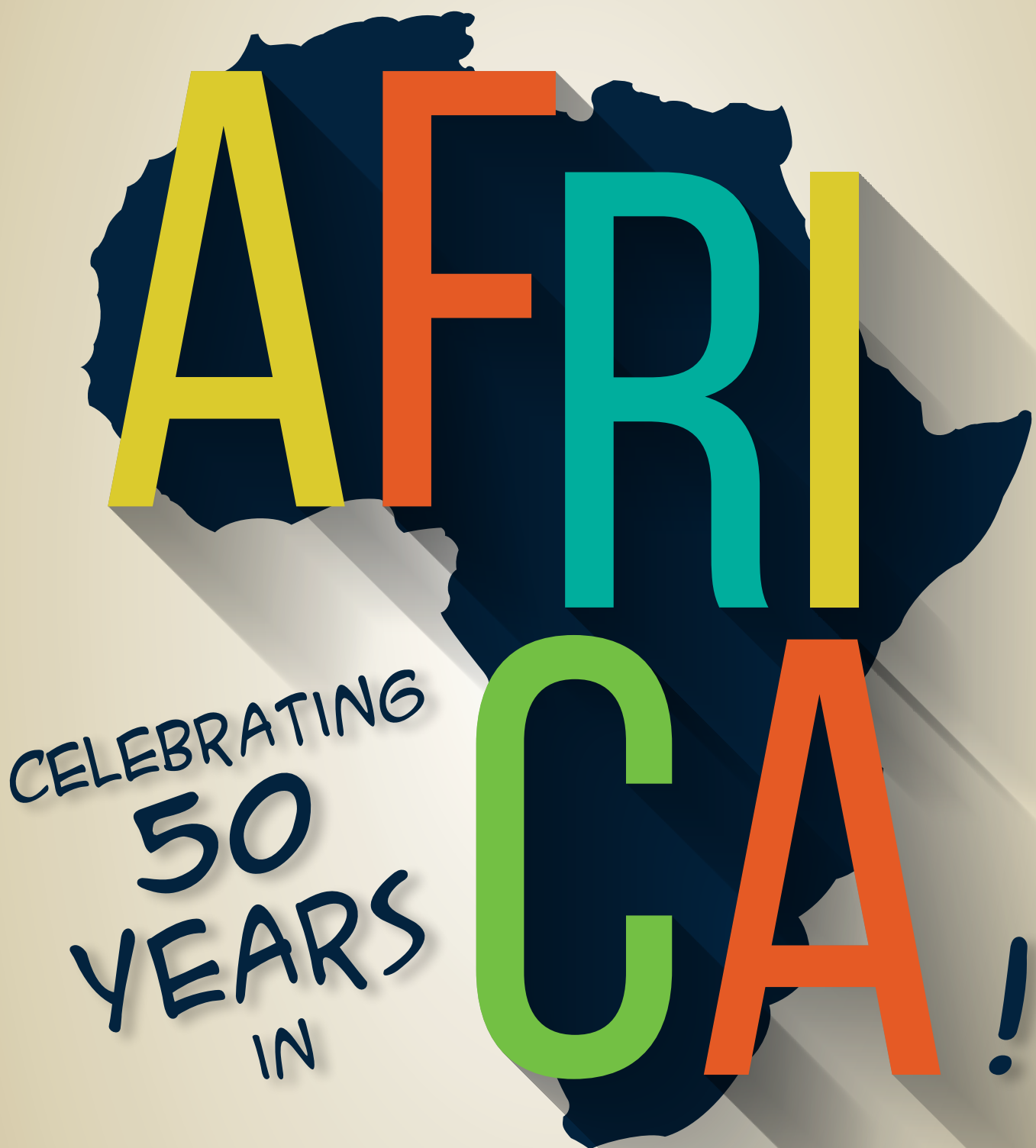
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UAE . SAUDI ARABIA . CYPRUS . EGYPT

UAE | NOT THAT SLICK: ILLEGAL OIL FACTORY SHUT DOWN



In their ongoing efforts to enforce intellectual property rights and protect consumers, the Ajman Department of Economic Development (Ajman DED) seized counterfeit synthetic engine oil worth AED 20 million (around USD 5.5 million). Over 100,000 packets of oil bearing trademarks of Saba IP's multinational clients were discovered by the authorities concerned, much to the chagrin of the counterfeiters.

Following several weeks of ceaseless work, our colleagues in the UAE Office located the factory in question in the Ajman Industrial Area and filed the case with the Ajman DED. It is worth noting that the Ajman DED has a clear, efficient and accessible online complaints system that allows brand owners to enforce their rights promptly within the borders of Ajman.

We highly recommend the use of the administrative complaints that are available in the UAE to help brand owners enforce their rights against counterfeiting, as it is quick and more cost-efficient remedy. In addition, the fines applied by the various Emirati economic development departments are higher than those imposed by criminal courts.

Needless to say, counterfeiters will think twice before trying to slip undetected under the watchful eye of the law in the UAE.

To learn more on how our experts can assist you in enforcing your IP rights in the UAE, or the Middle East and Africa region, visit **www.sabaip.com** or contact us at **info@sabaip.com**

SAUDI ARABIA | IMPLEMENTING REGULATIONS FOR COMPULSORY LICENSING ISSUED



The Saudi Authority for Intellectual Property (SAIP) recently issued a new set of Implementing Regulations for the compulsory licensing of patents. This update comes in light of SAIP's mission to lead the national strategy for the promotion of IP, revising and issuing regulations, providing services in a timely and high-quality manner, increasing IP awareness and providing education and training for all stakeholders, and coordinating IP enforcement efforts with other local Ministries and Departments.

The newly published Implementing Regulations for the compulsory licensing of patents have been developed by SAIP based

on the Law of Patents, Layout-Designs of Integrated Circuits, Plant Varieties, and Industrial Designs of 2004. With the Implementing Regulations in force, it is worth noting that compulsory licensing provisions existed in the aforementioned legislation and the practice is now clearly regulated by SAIP.

Article 2 of the Implementing Regulations states that SAIP is entitled to grant a compulsory license if the patent is essential for public health or national defense purposes; or the non-use or insufficient use of the patent in terms of quality or quantity could cause serious damage to Saudi Arabia's economic or technical development.

SAUDI ARABIA | IMPLEMENTING REGULATIONS FOR COMPULSORY LICENSING ISSUED



Furthermore, depending on the circumstances, a compulsory license that is granted on grounds of public interest can be an exclusive license. If a compulsory license is granted, the licensee has no right to grant sub-licenses. Having said that, SAIP permits the patent's subject matter to be imported only if the licensee is explicitly authorized to do so in the compulsory license. In such cases, SAIP necessitates the import authorization to be issued on a temporary basis and limited in order to meet the required demand in Saudi Arabia.

By way of background, Saudi Arabia has been a member of the World Trade Organization and a party to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) since December 2005. With that in mind, it is worth noting that the Implementing Regulations include a provision concerning Article 31bis. This means that Saudi Arabia is also entitled to grant compulsory licenses for the exportation of pharmaceutical products for addressing public health needs in other countries.

To date, however, there has not been one compulsory license granted in the Saudi Arabia, or any other jurisdiction in the Middle East and North Africa region. The assertion and enforcement of patents is a challenging and labor intensive process that requires special consideration and handling, especially during a pandemic. Inventors and owners must be able and ready to adopt a model that incorporates both legal as well as regulatory approaches in order to arrive at a well-established protection strategy in the MENA.

With that in mind, even if a compulsory license is granted, it still requires adequate remuneration of the patent owner. A compulsory license in most cases is non-exclusive which means that the patent owner can still operate in parallel with the compulsory license owner.

CYPRUS | LAYING DOWN THE LAW



As a much welcomed attempt at improving the intellectual property scene in the country, Cyprus issued the Commercial Trademark Act of 2020. The new Law, along with the Implementing Regulations, were published in the Official Gazette and entered into force in June 2020.

In addition to increasing the protection period of trademarks from 7 years to 10 years, the new Law has significantly simplified the transfer process, allowed the acceptance of a multi-class application system, replaced the Power of Attorney with a Responsible Declaration Form, and introduced the option of an amicable settlement in the opposition procedure. The new Law harmonizes the practice with the one adopted by the European Union. Some other features of the new Law are:

- **Division of Trademark Applications:** It will now be possible for an applicant to transform a single application into several divisional applications. At any time before registration, an applicant may request that their application be divided into two or more separate applications, with each relating to different goods or services. The division of trademark applications will allow applicants to avoid delays that may arise throughout the registration, for example from an opposition proceeding filed by a third party. Further, in the event that the decision in the office action or opposition proceedings is rendered against the applicant, the other classes that have been segregated by way of division will not be affected.
- **Unconventional Marks:** The definition of a figurative representation of a sign has been expanded to include color, sound, motion, and holographic marks. Although this is a major steppingstone, difficulty may arise at the time of substantive examination.
- **Expanded Online Services:** Applicants will be able to pay a single fee for the entire registration process and submit missing forms, or evidence, through the electronic platform, ensuring the legality of the transaction, having as evidence the date and time of the completion of the transaction.

UAE . SAUDI ARABIA . CYPRUS . EGYPT

EGYPT | SOUTH KOREAN GRANT TO ACCELERATE INNOVATION AT THE EGYPTIAN PATENT OFFICE



In its ongoing efforts to advance the intellectual property protection scene, Egypt recently approved a grant of EGP 47 million (around USD 2.9 million) from South Korea.

This news comes in light of Egypt's vision to increase cooperation with the international community. The grant is expected to advance

the management efficiency at the Egyptian Patent Office (EGPO) and encourage local innovation and entrepreneurship.

Such developments showcase Egypt's 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.

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



"THE OTHER
FIELD"
EDWARD HOPPER 1966

90⁺

YEARS OF EXPERIENCE

18

OFFICES

1

STOP SHOP IP FIRM

COUNSELING | PROSECUTION | ENFORCEMENT | ANTI-COUNTERFEITING

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