September 2020

LEBANON
A Message Concerning the Beirut Explosion

SAUDI ARABIA
Say It Loud: First Sound Mark Registered
Cooperation for Innovation: SAIP Signs Agreement with JPO
Fraudsters Beware: Tougher Penalties for Commercial Fraud
Going Micro: Biological Deposits for Patenting Purposes

JORDAN
Pay Attention: Time for Substantive Examination
Celebrating 50 Years in Africa!
We all experienced the event on August 4, 2020 in a terrifying and disturbing manner, and find ourselves grieving as we tend to our wounds - both physical and emotional. We are grateful for the support and kind words from our friends and colleagues across the world. It is especially in these times that we most cherish the bonds that unite us.

Thankfully we are all safe, and our offices are unscathed. Our work will continue uninterrupted and you may send all your instructions, queries, and documents directly to your account managers and the people you are corresponding with at Head Office and Lebanon Office.

For more information, check Saba IP Network.
The Saudi Authority for Intellectual Property (SAIP) accepted the first sound trademark application in Saudi Arabia, with the sound represented on the application by a musical notation. The application was examined as to form only, and was subsequently registered.

By way of background, according to Article 2 of the Gulf Cooperation Council Trademark Law, the definition of a trademark includes color marks, sound marks, and smell marks. However, there are no precedents in Saudi Arabia 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 local Saudi judicial interpretation of the Law would be in cases involving identical circumstances.

This means that the question of enforceability of sound trademarks is a matter solely determined by the articles on trademark infringement as referred to under the GCC Trademark Law.
SAUDI ARABIA | COOPERATION FOR INNOVATION: SAIP SIGNS AGREEMENT WITH JPO

The Saudi Authority for Intellectual Property (SAIP) recently signed a memorandum of understanding (MOU) with the Japan Patent Office (JPO). The MOU aims to facilitate the processing, examination, and registration of applications for patents, industrial designs, and trademarks.

It is worth noting that the SAIP and the JPO have been implementing a patent prosecution highway (PPH) pilot program since January 2020. These developments come in light of the Saudi Arabia-Japan Business Forum for Saudi Arabia Vision 2030 and the Joint Group for Saudi-Japan Vision 2030 meeting that were held in late 2019.

We expect such agreements to continue fostering and developing a bilateral partnership in the field of intellectual property and to strengthen the relationship between Saudi Arabia and Japan.

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.
SAUDI ARABIA | FRAUDSTERS BEWARE: TOUGHER PENALTIES FOR COMMERCIAL FRAUD

In light of its continuous crackdown on intellectual property infringement and malicious business practices, Saudi Arabia issued a new decision in an effort to curb commercial fraud. New regulations were published in order to assist in eliminating the shady business practices in the country, and such measures include more stringent penalties for offenders of up to 5 years in prison and a fine of up to SAR 5 million (around US$ 1.33 million).

Newly published regulations state that the definition of a commercial fraud crime has been expanded to include the act of selling and/or producing infringing or fraudulent products, or raw materials used to produce said products, that are harmful to human or animal health and safety.

By way of background, under the Gulf Cooperation Council Trademark Law, which is applied in Saudi Arabia, and the Anti-commercial Fraud Law, the Anti-Commercial Fraud Department (ACFD) at the Ministry of Commerce (MOC) has the jurisdiction to act on an ex officio basis or upon a request from brand owners or right holders in order to seize any and all goods that are suspected of bearing infringing trademarks.

Filing an administrative action before the ACFD must be done in writing, and must include all evidence of infringement and registered rights over the trademark. It is worth noting that Saudi Authority for Intellectual Property (SAIP) plans to absorb the responsibilities of ACFD in the near future to offer a streamlined and centralized service to brand owners and the parties concerned.

Such developments in Saudi Arabia showcase that the country is nurturing the right environment for the protection and enforcement of intellectual property rights.
In its ongoing efforts to advance the patent protection scene in the country, Saudi Arabia recently ratified the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. With the Treaty in force, the deposit of a microorganism with an International Depositary Authority (IDA) will satisfy the deposit requirements of the national patent law in Saudi Arabia.

A key advantage of this update is that the Saudi Authority for Intellectual Property (SAIP) can rely on the Treaty’s uniform standards to assure effective deposit and public availability via the IDAs.

This means that there is no longer a need for Saudi Arabia to independently establish a local recognized depositary to meet national patentability disclosure requirements, which also benefits applicants when filing their patent applications with SAIP by using a single authority for deposit.
JORDAN | PAY ATTENTION: TIME FOR SUBSTANTIVE EXAMINATION

The Patent Office in Jordan announced that patent examination fees for applications filed on or after December 9, 2018 will become due. This announcement comes as an implementation of Article 20 of the last published Implementing Regulations in 2016. The fees will apply retroactively to all pending patent applications and will be applicable to all new patent filings.

By way of background, as part of the process of acceding to the Patent Cooperation Treaty, Jordan has amended Patent Law No. 71 of 2001 under Law No. 16 and 17 of 2017 and introduced new Implementing Regulations.

The Law is in line with the international standards which Jordan has been committed to through joining the various international IP treaties and conventions.
IT’S NOT ABOUT BEING THERE.
IT’S ABOUT BEING AWARE.

90+ YEARS OF EXPERIENCE
18 OFFICES
1 STOP SHOP IP FIRM

COUNSELING | PROSECUTION | ENFORCEMENT | ANTI-COUNTERFEITING

sabaip.com
THE SABA NETWORK

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

Jordan
36 Prince Shaker Bin Zaid Street
Al Shmeisani
Amman, Jordan
T. +962 6 464 2145
F. +962 6 464 2159
P.O. Box 846133
Amman 11184
jordan@sabaip.com

Kuwait
Jassim Ahmed Alghesh
(Secretary General)
Kuwait
T. +965 2 422 3428
F. +965 2 740 2745
P.O. Box 1265
13013 Safat
kuwait@sabaip.com

Lebanon
Saba House
Said Freiha 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 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 Zerkountou
Residence Zerkountou
Casablanca 20350
T. +212 522 251 530
F. +212 522 251 603
P.O. Box 13 923
Casablanca 20032
morocco@sabaip.com

Oman
Muscat International Centre
Belal Al Fatah Street
Muscat, Oman
T. +968 248 111 26
F. +968 248 111 28
P.O. Box 2077
Postal Code 112, Sultanate of Oman
oman@sabaip.com

Qatar
Gridding 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 4 1, 2nd Floor, Tower B COSI Olaya
Towers Olaya Street, Riyadh 12213,
Saudi Arabia
T. +966 11 2079596
F. +966 11 2079598
P.O. Box 61145 Riyadh 11565
saudi@sabaip.com

Sudan
Saba House
Said 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
Said 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 Arafay Street, Business Bay
T. +971 4 553 9911
F. +971 4 366 8470
P.O. Box 42259
uae@sabaip.com

West Bank
Saba House
Said 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
San’a, Yemen
T. +967 1 420 595
F. +967 1 420 596
P.O. Box 1693
yemen@sabaip.com