

SABA
INTELLECTUAL
PROPERTY

BULLETIN

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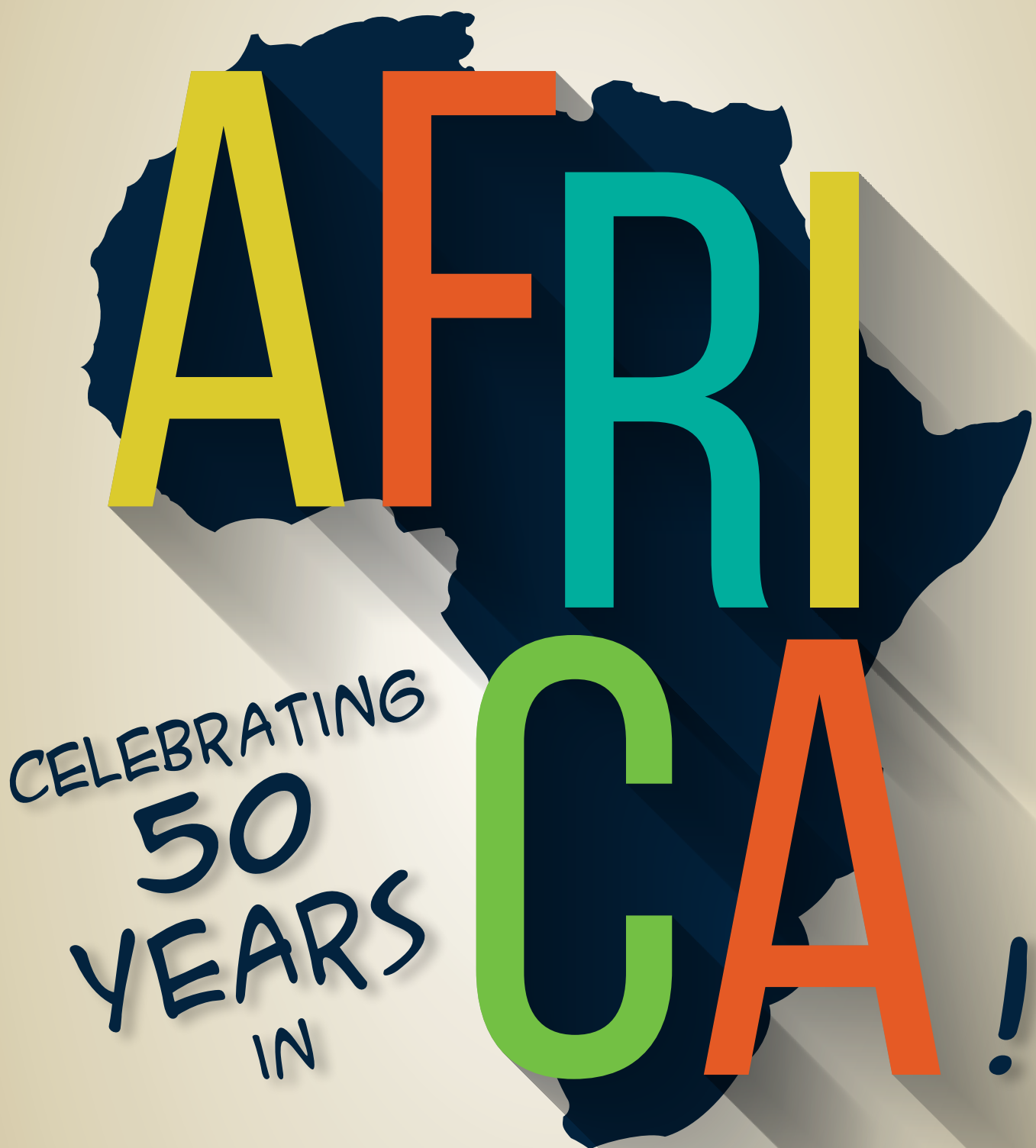
SAUDI ARABIA

A Household Name:
Surnames Can Be Trademarked

The Kingdom Strikes Again:
New Committee for the
Enforcement of IPRs

GHANA

Destination Africa: What You Need
to Know About IPRs



SAUDI ARABIA | A HOUSEHOLD NAME: SURNAMES CAN BE TRADEMARKED



The Saudi Authority for Intellectual Property (SAIP) in Saudi Arabia announced that the definition of a trademark has been broadened and now allows the registration of surnames as marks.

The SAIP will assess several aspects when examining the trademark application, including but not limited to:

- If the surname complies with the conditions and formal registration requirements related to trademarks;
- If the mark is the surname of the applicant;
- If the surname has been in commercial use for a time period that is not less than 10 years;
- If the surname is protected by a foreign trademark registration, then the applicant must submit a copy of the registration certificate;
- If the surname is considered a component of the mark and not the mark itself;
- If the surname has achieved fame through wide use in advertisements.

It is worth noting that surnames that are not allowed to be registered as trademarks in Saudi Arabia are tribal or clan names.

SAUDI ARABIA | A HOUSEHOLD NAME: SURNAMES CAN BE TRADEMARKED



TRADEMARK PROTECTION FRAMEWORK IN SAUDI ARABIA:

Classification

10th edition – single class application. Class 33, alcoholic goods in class 32, pork meat in class 29, and Christmas trees and related products in class 28 cannot be registered

Examination

On formal, absolute, and relative grounds

Opposition

60 days from publication date

Protection Term

10 Hijri years (approximately 9 years and 8 months) from filing date and renewable for like periods

Use

Vulnerable to cancellation if mark has not been used for 5 consecutive years

Filing Requirements

POA, legalized and copy of priority document, if priority is claimed, certified. A scanned colored copy of both the POA and priority document must be submitted at the time of filing. The original copies may be submitted within 3 months from filing date

SAUDI ARABIA | THE KINGDOM STRIKES AGAIN: NEW COMMITTEE FOR THE ENFORCEMENT OF IPRS



SAUDI
ARABIA

In compliance with its mandate to unify all intellectual property (IP) related matters under one centralized agency in Saudi Arabia, the Saudi Authority for Intellectual Property (SAIP) announced the formation of the National Committee for the Enforcement of Intellectual Property Rights (NCEIP).

In addition to the committee's various responsibilities that include being in charge of the enforcement of IP rights in Saudi Arabia, the NCEIP will be tasked with the creation and development of local IP legislation and the issuance of the appropriate implementing regulations. The NCEIP will also be expected to regularly issue reports and case studies to assess and continuously improve the local legal landscape.

The current status of the laws and regulations in Saudi Arabia provide brand owners with all the rights to be able to protect their intangible assets and encourage further investment in developing innovative products and processes.

GHANA | DESTINATION AFRICA: WHAT YOU NEED TO KNOW ABOUT IPRS



Formed from the merger of the British colony of the Gold Coast and the Togoland trust territory, Ghana in 1957 became the first Sub-Saharan country in colonial Africa to gain its independence. With a total area of 238,535 km² (92,099 sqm), Ghana is bordered by Côte d'Ivoire in the west, Burkina Faso in the north, Togo in the east, and the Gulf of Guinea and the Atlantic Ocean in the south.

With relatively diverse and abundant natural resources, Ghana has roughly twice the per capita output of the countries in West Africa. Gold, cocoa, petroleum, and individual remittances are major sources of foreign exchange.

Agriculture's contribution to economic activity in Ghana has decreased in recent years, now accounting for approximately 20 percent of GDP and employing about 45 percent of the workforce. As oil and gas production shows moderate growth, opportunities for auxiliary services to the industry will continue to rise. Although Nigeria remains the sectorial hub for West Africa, the relative ease of doing business in Ghana likely will attract a greater number of companies to establish a local or even regional presence in the market.

Ghana joined the World Intellectual Property Organization (WIPO) in 1976, and has since acceded to all the major intellectual property related treaties. Ghana maintains legislations for the protection of copyright, patent, trademark, and industrial design rights. The country also has a law encompassing unfair competition. Furthermore, Ghana is also a party to the Agreement on the Creation of the African Regional Industrial Property Organization (ARIPO) and the Harare Protocol.

On the trademarks front, Ghana follows the 10th Edition of the Nice classification and a single application may not include several classes. Trademark examination is done on absolute and relative grounds and oppositions may be filed after 60 days from publication date.

GHANA

GHANA | DESTINATION AFRICA: WHAT YOU NEED TO KNOW ABOUT IPRS



The protection term for a trademark is 10 years from filing date and is renewable for like periods.

As for use, trademarks are vulnerable to a cancellation action by any interested party if there has been no effective use of the mark for a period of five consecutive years preceding date of filing for cancellation.

Foreign patent applications in Ghana may be filed claiming 12 month Convention priority or entered as national stage via PCT within 30 months from the earliest claimed priority. Furthermore, it is also possible for a patent to be obtained by an ARIPO-PCT application. In line with expected PCT Rules, patents are protected for a period of 20 years from the international filing date. Annuities in Ghana are due annually on the anniversary of the international filing date and payable as of nationalization of the application.

It is worth noting that Ghana fared relatively well from the 2015 World Economic Forum's Africa Competitiveness report, especially when considering the ranking of countries for intellectual property protection. **Ghana was ranked fifth out of the top fifteen countries assessed.**

Ghana remains a country with high aspirations that welcomes foreign investments. A healthy balance between the latter and local development is bound to be beneficial for the country's own growth. The proper application and enforcement of IP laws should help Ghana become more of an innovative hub in West Africa and lead to this required healthy financial balance.

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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