

SABA
INTELLECTUAL
PROPERTY

BULLETIN

March 2021

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THE BIGGER YOU GROW,
THE STRONGER WE GET



90⁺
YEARS

50⁺
JURISDICTIONS

1
FIRM

COUNSELING | PROSECUTION | ENFORCEMENT | ANTI-COUNTERFEITING

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OMAN | EASE IN: GRADUAL MARCH TOWARDS AN ONLINE ENVIRONMENT



Given the recent trend in going paperless in the member states of the Gulf Cooperation Council, the Patent and Trademark Office in Oman announced that the all trademark services will gradually be conducted online starting with trademark registration in March 2021.

These e-services, which will be provided via the PTO's proprietary "Invest Easy" portal, replace previous procedures that required the submission of applications in person. Accordingly, we expect this new practice to significantly speed up procedures at the PTO, and to undoubtedly facilitate the registration process.

With this update, the PTO also announced a 20 percent fee on the paid official fees for using the online portal for all trademark matters. The new fees will be implemented as of March 2021 as well, and will be capped at a maximum increase of OMR 20 (around USD 52) per application.

TRADEMARK PROTECTION FRAMEWORK IN OMAN

Classification

11th edition – single class application

Examination

On formal, absolute, and relative grounds

Opposition

60 days from last publication date

Protection Term

10 years 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, with Apostille certification, copy of certificate of incorporation or extract from the commercial register, and certified copy of priority document, if priority is claimed. All documents may be submitted within 60 days from filing date

SOMALIA | BACK ON THE IP MAP: TMO REOPENS

After a period of almost three-decades on hiatus and following the issuance of Ministerial Decree 1 of 2019, the Somali Intellectual Property Office (SIPO) has officially resumed operations.

While the East African nation is expected to issue new legislation on intellectual property, for the time being the pre-federal IP law remains in force. Prior to this update, some sort of protection could be sought out by publishing cautionary notices at regular intervals in a local newspaper.

Somalia follows the Nice classification and an application can include one class. Trademark examination is performed on absolute and relative grounds and the opposition period is 45 days from publication date.

The protection term for a trademark is 10 years from filing date and is renewable for like periods. Given that Somalia is not a member of the Paris Convention, priority cannot be claimed.

Filing requirements are: (1) power of attorney, simply signed; (2) certificate of incorporation; and (3) copy of home certificate of registration.

Somaliland

By way of background, Somaliland is a self-declared country in the Horn of Africa, internationally considered to be part of Somalia; however, a SIPO registration is unlikely to be enforceable there. It is therefore recommended to publish cautionary notices on a regular basis in Somaliland.



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SAUDI ARABIA | CYBERSPACE IS NO PLACE TO HIDE: ONLINE ANTI-COUNTERFEITING MEASURES



With Saudi Arabia's status as the world's largest exporter of petroleum and a relentless commitment to promote a robust economic diversification program, the desert nation is a market of strategic and economic importance for international brand owners to consider when enforcing their rights.

In an effort to combat such malicious practices by unscrupulous individuals on the Internet, Saudi Arabia introduced Maroof in 2016, an online platform that was developed by the Ministry of Commerce to enhance the shopping experience of online users and to combat the sale of counterfeit products within the kingdom's borders.

Through an online web portal and an app for smartphones, Maroof allows shoppers to access a secure database and search for local online stores conveniently and securely shop with confidence. Maroof also includes a section that allows customers to publically share their experiences, as well as review and rate vendors, on the platform for others to view. By allowing consumers to rate their transactions with merchants and the quality of the goods they purchase online, Maroof aims to create a reliable database that can be accessed and reviewed by customers, merchants, and even the local authorities concerned should any complaints or issues arise.

The service provided by Maroof is free of charge and does not require any commercial registration. This, in practice, makes it more accessible for legitimate users to ensure compliance and identify and seize any counterfeit or infringing products that might be harmful.

Additionally, online vendors who choose to include their commercial registration are awarded a golden certificate that is included on their profiles a status that is comparable to receiving a verified badge on popular social media platforms, such as the blue verified badge near usernames on Twitter, Facebook, or Instagram. Ultimately, the goal of Maroof is to reduce the permeation of fake goods being sold online and to protect the rights of consumers and brand owners.

SAUDI ARABIA

SAUDI ARABIA | CYBERSPACE IS NO PLACE TO HIDE: ONLINE ANTI-COUNTERFEITING MEASURES



With regards to the unlawful use of trademarks in domain names and websites, a brand owner has the option to launch proceedings to restrain the use of a mark in domain names, hyperlinks, meta-tags, and online ads and on websites. The brand owner has the option to initiate an administrative action before the Anti-Commercial Fraud Department (ACFD) at the Ministry of Commerce which launched a special department that tackles such types of infringement. Also, the brand owner has the option to resort to the commercial court and file an infringement action as well.

Brand owners also have the option to file an action with the Saudi Arabia Communication and Information Technology Commission (CITC), which has the jurisdiction to hear all disputes relating to “.sa” domains.

By way of background, the CITC is facilitating the growth and localization of the information technology (IT) sector in Kingdom as part of Saudi Vision 2030. By 2023, the CITC aims to increase the IT and emerging tech market size, by further regulating and licensing these technologies, and driving global investment in Saudi Arabia.

TUNISIA | NORTH AFRICA INSIGHTS: WHAT YOU NEED TO KNOW ABOUT IRPS



With coasts along the Mediterranean basin and a close proximity to Europe, Tunisia occupies a regional position of great importance in North Africa. Tunisia is an export-oriented country that is actively liberalizing and privatizing its economy. The country has a diverse economy, ranging from agriculture, mining, manufacturing, and petroleum products, to tourism. Key exports include textiles and apparel, food products, petroleum products, chemicals, and phosphates, with about 80 percent of exports bound for Tunisia's main economic partner, the European Union.

Tunisia's strategy, coupled with investments in education and infrastructure, fueled decades of 4-5 percent annual GDP growth and improved living standards for the local population. Tunisia's economy is structurally designed to favor vested interests. The annual GDP growth averaged 2 percent and the GDP is \$125.783 billion, while the GDP per capita is \$10,750. Furthermore, the GDP composition by sector of origin is 10.1 percent for agriculture, 26.2 percent for industry, and 63.8 percent for services.

Tunisia maintains a relatively comprehensive regulatory and legislative system for the protection of trademarks, patents, designs, copyright, and trade secrets.

In addition, Tunisia is a party to the Berne Convention, Madrid Agreement (Source), Nairobi Treaty, Paris Convention, Budapest Treaty, Hague Agreement, Lisbon Agreement, Madrid Protocol, Patent Cooperation Treaty, Nice Agreement, Vienna Agreement, and The International Union for the Protection of New Varieties of Plants.

On the trademarks front, Tunisia follows 11th Edition of the Nice Classification and multiclass applications are acceptable. Trademark examination is performed on formal and absolute grounds, and oppositions may be filed after 60 days from publication date. The protection term for a trademark is 10 years from filing date and is renewable for like periods.

TUNISIA

TUNISIA | NORTH AFRICA INSIGHTS: WHAT YOU NEED TO KNOW ABOUT IRPS



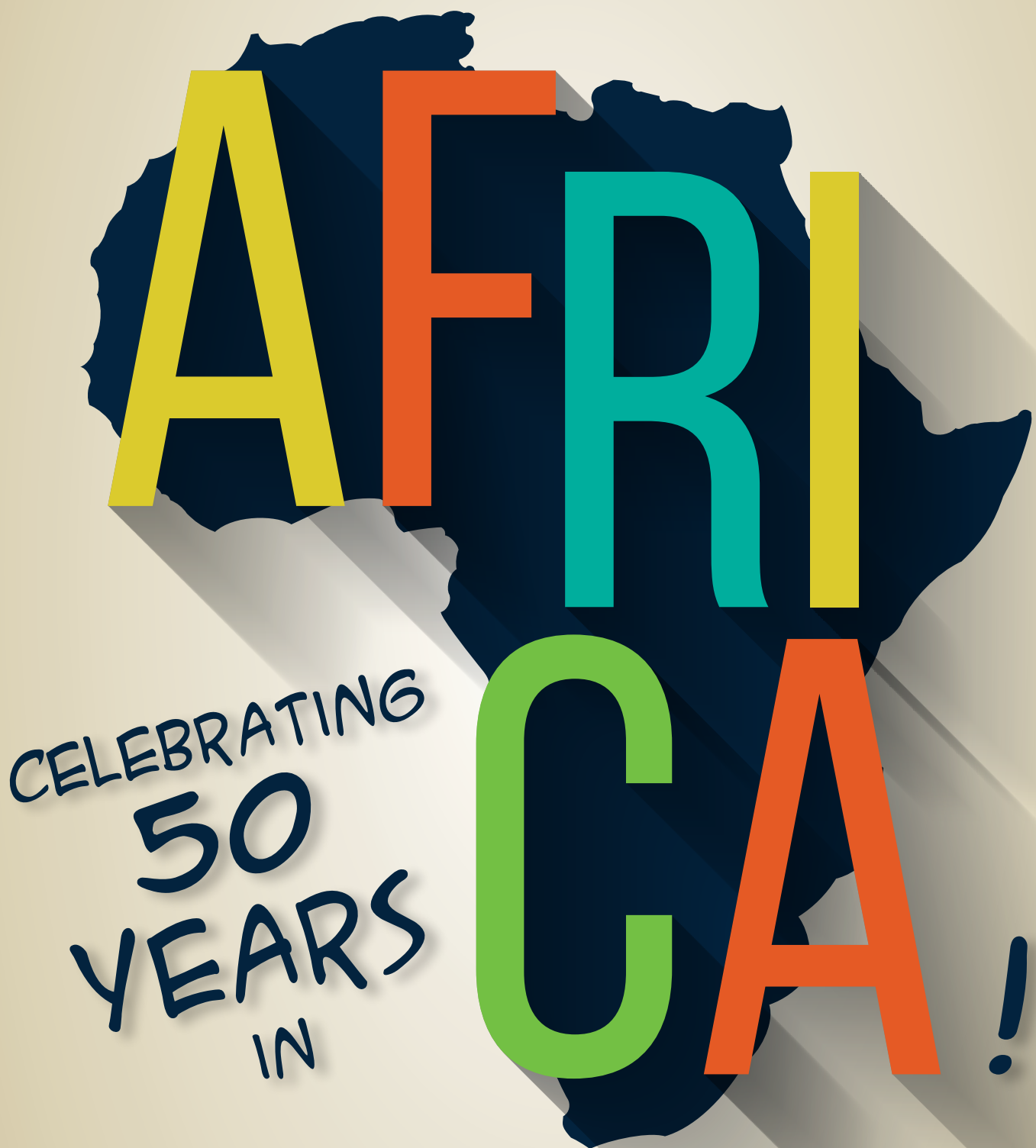
As for use, trademarks are vulnerable to a cancellation action by any interested party if there has been no effective use of the mark for a period of five consecutive years post registration.

As for patents, the European Patent Office and the Tunisian Patent Office (INNORPI) signed an agreement, which stipulates that European patent applications with a filing date of December 1, 2017 or later can designate TN and European patent grants can be validated in Tunisia. Although Tunisia is not a European Patent Convention member state, the Law provides the country a pseudo-EPC status with regards to patent procurement, and is expected to encourage more filings and more foreign investment.

It is possible to file patent applications in Tunisia via PCT national stage entry or claiming Paris Convention.

In line with expected PCT Rules, patents are protected for a period of 20 years, from the international filing date. Annuities are due annually on the anniversary of the international filing date and payable as of nationalization of the application in Tunisia. A one year grace period is observed for late payment along with a surcharge.

Tunisia, as aforementioned, 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 Tunisia become more of an innovative hub in North Africa and lead to this required healthy financial balance.



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