

SABA
INTELLECTUAL
PROPERTY

BULLETIN

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Taking your ideas to market



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UAE | INNOVATORS REJOICE, A NEW LAW IS COMING TO TOWN



In an effort to facilitate and promote innovation in the country, the United Arab Emirates (UAE) issued and published the new Law on Industrial Property, Law No. 11 of 2021 in the Federal Gazette No. 706. Implementation of the law awaits publication of the related implementing regulations, which are expected to be drafted by the authorities concerned before the end of 2021.

The Law provides for the regulation and protection of patents, utility models, industrial designs and trade secrets. The following provisions introduce major changes to the current Law:

- Inventors have the right to file a patent within 12 months from disclosure of their invention, thus shifting the system from one of absolute novelty to one of relative novelty. While this practice is common in a number of countries, such as the United States, this is new for the UAE;
- Applicants may request accelerated examination and the authority will accept a number of such cases per year. Specifics on this practice and whether the UAE intends to enter into PPH agreements remains to be seen.
- Methods of treatment and diagnosis remain non-patentable subject matter, however, the law does not specify the patentability status of products used in such methods. It may be assumed that since product claims are allowed, then by default, purpose-limited product claims, i.e. Compound X for use in the treatment of Disease Y, may be considered patentable. The implementing regulations may provide guidance on this topic.
- Applications must be submitted in both English and Arabic, as is the case now. This is expected to remain since all indications are that the Emirati Patent Office will continue to outsource the substantive examination which is currently through an agreement with the Korean Intellectual Property Office (KIPO).

With the implementation of this new law, many of the practices currently being done in the UAE will have a legal basis and provide applicants and patent owners with clear rights and basis for protecting and enforcing their IP rights.

SUDAN | INCREASE IN FEES



SUDAN

The official fees for all intellectual property related matters increased significantly across the board in comparison with their previous level in Sudan. The new rates were published in the Official Gazette on August 5 and were implemented on August 8, 2021 and apply to all new and pending applications.

SAUDI ARABIA | COOPERATION FOR INNOVATION: SAIP SIGNS AGREEMENT WITH INPI



The Saudi Authority for Intellectual Property (SAIP) recently signed a memorandum of understanding (MOU) with the French Institute of Industrial Property (INPI). The MOU aims to facilitate the bilateral cooperation in intellectual property between the two countries through exchange of information and practices, as well as experience and capacity building in intellectual property in general and geographical indications in particular.

It is worth noting that SAIP has regularly been showcasing its efforts as a self-funded agency with consolidated enforcement power and streamlined procedures.

SAIP has been very active since its inception in late 2017, and has signed several agreements with the United States Patent and Trademark Office, the Japan Patent 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.

SAUDI ARABIA | THE KINGDOM STRIKES AGAIN: MILLIONS OF COUNTERFEITS DESTROYED



SAUDI
ARABIA

The Saudi Authority for Intellectual Property (SAIP) is continuously proving its prowess after it has successfully confiscated and destroyed more than 5 million items that were in violation of intellectual property rights.

The infringing products that were confiscated by the SAIP in a sting operation alongside the Zakat, Tax and Customs Authority and the Ministry of Information.

This massive takedown operation comes as the culmination of many successful campaigns by the SAIP that targeted various cities in Saudi Arabia as part of their efforts to raise awareness and enforce intellectual property rights within the Kingdom. Ever since its inception, the SAIP has made it clear that there will be no clemency for any violation of any intellectual property rights.

Such developments are a clear testament to the fact that Saudi Arabia is nurturing the right environment for the protection and enforcement of intellectual property rights.

BANGLADESH | COUNTRY INSIGHTS

With over 57 rivers and vast rich fertile flat lands, Bangladesh is a lush country that is ripe with opportunities. The country's location in South Asia provides Bangladesh with convenient access to the international market.

Bangladesh's economy has grown roughly six percent per year since 2005. More than half of the country's GDP is generated through the services sector. On the other hand, garments, the backbone of Bangladesh's industrial sector, accounted for more than 80 percent of total exports in recent years. Recent improvements to energy infrastructure, including the start of liquefied natural gas imports in 2018, represent a major step forward in resolving a key growth bottleneck. As the consumer market grows in Bangladesh, middle class and affluent populations with rising

disposable incomes draw more foreign brands and increased incentives for investment.

Assessing for potential intellectual property risks and making use of the local legal protections available are important steps to take during the market entry planning and relocation stage. This includes a thorough examination of the local legal and compliance environment in the investment destination and possible exposure to new market risks, such as threats to intellectual property due to bad-faith trademarks etc.

The country maintains a relatively comprehensive regulatory and legislative system for the protection of trademarks, patents, designs, and copyright. In order to have an effective protection strategy, all intellectual property rights must be

BANGLADESH | COUNTRY INSIGHTS

registered and enforced in Bangladesh, under local laws. Bangladesh is a member of the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works. Furthermore, Bangladesh is a signatory of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement.

The Trademark Act of 2009 and Trademark Rules of 2015 lay down the foundation for all trademark matters in the country. The Trademark Office in Bangladesh follows the 10th edition of the Nice Classification and accepts only single class applications. Trademark examination is performed on formal, absolute, and relative grounds and oppositions may be filed after two months from publication date. The protection term for a trademark is seven years from filing date and is renewable for successive periods of 10 years each. 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 the date of filing for cancellation. An extension of time is possible for filing counter oppositions and responding to office actions.

As for patents, the laws in force are the Patents and Designs Act of 1911 and the Patents and Designs Rules of 1933. Priority rights may be claimed, and given that Bangladesh is not a member of the PCT, nationals do not have the option of filing with the PCT Receiving Office for international protection or for international publication of their patents within the PCT contracting states.

Bangladesh 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 Bangladesh become more of an innovative hub in South Asia and lead to this required healthy financial balance.



**THE BIGGER YOU GROW,
THE STRONGER WE GET**



90⁺
YEARS

50⁺
JURISDICTIONS

1
FIRM

COUNSELING | PROSECUTION | ENFORCEMENT

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