

SABA
INTELLECTUAL
PROPERTY

BULLETIN

January 2022

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UAE | NOTICE OF CHANGE TO WORKWEEK SCHEDULE

Effective January 1, 2022, our offices in Dubai, United Arab Emirates will adopt a Monday to Friday workweek schedule, with Saturday and Sunday forming the new weekend.

This update follows the UAE's shift of the working week for the public sector to better align its economy with global markets.

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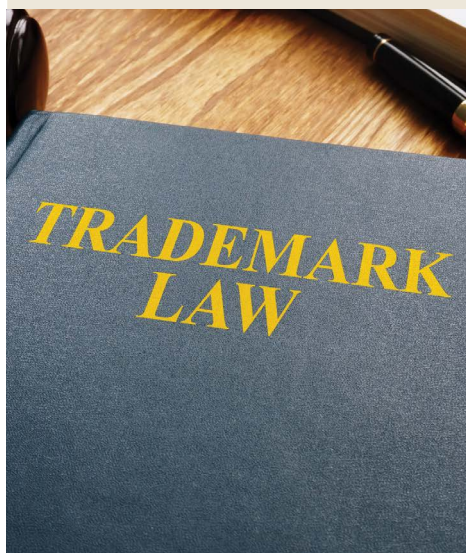
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UAE | LAYING DOWN THE (TRADEMARK) LAW



As a much welcomed attempt at improving the intellectual property scene in the country, Federal Decree Law No. 36 of 2021 (the Trademark Law) entered into force in the United Arab Emirates (UAE) on January 2, 2022. The new Law was published in the Official Gazette in September 2021.

The definition of a figurative representation of a trademark has been expanded to include sound, smell, and holographic marks. In addition to expanding the definition of a trademark, the new Law allows for a multi-class application system.

A Trademarks Grievances Committee shall be established at the Ministry of Economy under the chairmanship of a specialized judge nominated by the Minister of Justice with the membership of two specialists chosen by the Minister. It is now mandatory for the applicant/owner to file in a first stage any grievance against any of the Trademark Office (TMO) decisions before the Grievances Committee, otherwise, any related lawsuit shall not be accepted.

The new Law also provides temporary protection of Trademarks placed on goods and services displayed in exhibitions held in the UAE-provided such marks meet the conditions for registration of trademarks. Furthermore, it is compulsory for trademark licenses contract to be in writing and documented, while it is not mandatory to have them recorded at the TMO registry.

This news follows the accession of the UAE to the Madrid Agreement Concerning the International Registration of Marks. The UAE has also been actively reviewing and updating local legislation, such as Industrial Property Law No. 11 of 2021, which provisions for the regulation and protection of patents, utility models, industrial designs and trade secrets.

These updates are indicative of the UAE's drive and motivation to develop its own innovation and economic systems to shift towards a knowledge-based economy.

BAHRAIN | INCREASE IN VAT RATE



BAHRAIN

Bahrain announced that the value added tax (VAT) rate will be increased to 10 percent from the current rate of 5 percent effective January 1, 2022.

By way of background, VAT was introduced in July 2019 and applied to goods and services, with some limited exceptions on basic food items, healthcare, and education.

GCC | INNOVATORS REJOICE: IMPLEMENTING REGULATIONS OF THE PATENT LAW ISSUED

The long awaited Implementing Regulations of the amended GCC Patent Law are now available. The regulations were published in Issue 25 of the Official Gazette of the Secretariat General of the GCC and are expected to enter into force, as well as the amended Law, on February 1, 2022. These will undoubtedly pave the way to a clearer patent procurement process in the revamped GCC Patent System.

The Implementing Regulations further confirm the move from a unitary law to a country designation system and provides the option for national patent offices to elect the GCC Patent Office to act as the filing, examination and/or granting authority.

As a reminder, the amended GCC Patent Law was published on April 11, 2021.

In brief, the new law sees amendments or replacements of a number of articles, namely Articles 1, 4, 9, 17-21, 25, 28-30 and 32-33. **Most importantly though, is the introduction of Article 1 (*bis*) and its various provisions wherein the GCC Patent Office may accept new patent filings at the request of one of the GCC national offices, as well as its examination. No patent will be granted without the approval of the requesting national office or offices, and in all cases, a GCC patent will only be enforced in the said country or countries only.**

More information on the actual procedures and requirements for utilizing the GCCPO will be provided in the near future.



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



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.

TUNISIA | NORTH AFRICA INSIGHTS: 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 within a period of five years post its 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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**THE BIGGER YOU GROW,
THE STRONGER WE GET**



90⁺
YEARS

50⁺
JURISDICTIONS

1
FIRM

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