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BULLETIN

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Destination South Asia: IP Protection in a Rapidly Booming Region

Meet us at

AIPPI

WORLD CONGRESS 2022

September 10 - 13 | SAN FRANCISCO

MARRIOTT MARQUIS HOTEL

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SAUDI ARABIA | SAIP SIGNS NEW PPH AGREEMENT WITH EPO

The Saudi Authority for Intellectual Property (SAIP) recently signed a Patent Prosecution Highway (PPH) agreement with the European Patent Office (EPO).

The PPH agreement is expected to foster and develop a bilateral partnership in the field of intellectual property and to strengthen the relationship between Saudi Arabia and the European Union (EU). The PPH allows an application that has been determined to be patentable by the EPO to undergo an accelerated examination with a simple procedure upon the applicant's request.

It is worth noting that the SAIP has already signed similar PPH agreements with the United States Patent and Trademark Office (USPTO), Japan Patent Office (JPO), Korean Intellectual Property Office (KIPO), and China National Intellectual Property Administration (CNIPA).
Furthermore, pursuant to these agreements, the SAIP has limited the PPH programs in place to specific International Patent Classifications (IPC), which fall under the following four general classes: physics, civil engineering, mechanics, and metals.

We expect these PPH agreements, among other efforts by the SAIP, to streamline the Saudi patent registration procedures and attract foreign patent applicants from the aforementioned industries to register their inventions in Saudi Arabia.

MOROCCO | RATIFICATION OF THE GENEVA ACT OF THE HAGUE AGREEMENT

Morocco recently ratified the Geneva Act of the Hague Agreement, which entered into force in July 2022.

Companies and designers in Morocco can now seek design protection in all the 94 countries covered by the Hague System, which further accelerates local growth into international markets.

In parallel, non-residents seeking design protection will be able to designate Morocco.

By way of background, contracting parties to the Agreement from our region include African Intellectual Property Organization (OAPI), Algeria, Armenia, Azerbaijan, Egypt, Oman, and Tunisia.

PAKISTAN | DESTINATION SOUTH ASIA: IP PROTECTION IN A RAPIDLY BOOMING REGION

With its significant geopolitical position in South Asia that provides the country with convenient access to the international market, Pakistan is nestled in the cradle of the historical Indus Valley, which dates back at least 5,000 years. Local industries include textiles and apparel, food processing, pharmaceuticals, surgical instruments, construction materials, paper products, fertilizer, and shrimp. Pakistan's GDP growth has gradually increased since 2012 and was 5.3 percent in 2017. The GDP composition by sector of origin is 24.4 percent for agriculture, 19.1 percent for industry, and 56.5 percent for services.

PAKISTAN

Pakistan maintains a relatively comprehensive regulatory and legislative system for the protection of trademarks, patents, designs, and copyright. To have an effective protection strategy, trademarks and patents must be registered and enforced in Pakistan, under local laws. While Pakistan has been a Contracting Party to the Paris Convention for the Protection of Industrial Property since July 2004, the country is not a Contracting Party to the Patent Cooperation Treaty (PCT).

On the trademarks front, Pakistan follows the 11th edition of the Nice classification and a single application may not include several classes. 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 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 after registration. An extension of time is possible for filing oppositions, counter oppositions, and responding to office actions.

As for patents, priority rights may be claimed from states that are a party to the Paris Convention for the Protection of Industrial Property.

PAKISTAN | DESTINATION SOUTH ASIA: IP PROTECTION IN A RAPIDLY BOOMING REGION

The examination results for the filed patents in Pakistan are subject to the Patents Ordinance (2000) and Patents Rules (2003). The Examiners will consider equivalent filings as well when evaluating patentability. Once approved, the notification is published upon grant in the Official Gazette and oppositions may be filed within four months from publication date. Patents are protected for a period of 20 years from the filing date, or from the priority date. Annuities are due annually on the anniversary of the filing date, or the priority date, and payable after the granting of the patent. A six-month grace period is observed for late payment along with a surcharge.

Pakistan 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 Pakistan 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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