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BULLETIN

November 2022



UAE

Legalization No Longer
Required for Patent
and Design Registration

ETHIOPIA

Destination East Africa:
Protecting IP Rights

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



90⁺
YEARS

50⁺
JURISDICTIONS

1
FIRM

COUNSELING | PROSECUTION | ENFORCEMENT

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UAE | LEGALIZATION NO LONGER REQUIRED FOR PATENT AND DESIGN REGISTRATION



The Patent Office in the United Arab Emirates (UAE) held a workshop to discuss changes pursuant to the introduction and publication of the new Industrial Property Law (Federal Law No. 11/2021) and Implementing Regulations (Federal Law No. 6/2022).

Some key take aways from the workshop that affect applicants at the time of filing and during prosecution are the following:

	PREVIOUS PROCEDURE/ REQUIREMENT	CURRENT PROCEDURE/ REQUIREMENT
POA	Legalized	Notarized
Arabic translation of supporting documents	Required	Not required
Claims	N/A	Must be limited to 50 claims for patents, whereas utility models must be limited to 10 claims
Convert a patent application into a utility model application and vice versa	N/A	Possible
Post-grant amendments	N/A	Possible, if the scope of the claims remains within the allowed scope
Protection term	10 years from filing date for industrial designs	20 years from filing date for industrial designs
Renewal grace period for granted patents	N/A	12 months from the due date, the first 3 months without surcharge and another 9 months with surcharge
Renewal grace period for pending applications	N/A	3 months without surcharge and with surcharge until the registration date of the application

The workshop provided for a platform to address several changes to expect under the new law and regulations but also to confirm some of the procedures that were being implemented albeit not clearly recited in the previous law. The PTO also referred to an upcoming plan to introduce expedited examination, which is expected to be implemented soon.

Many of these changes will become apparent with filing, examination, and prosecution with upcoming cases.

It is worth noting that these changes only apply to patents and not trademarks.

ETHIOPIA | DESTINATION EAST AFRICA: PROTECTING IP RIGHTS

Ethiopia is the second most populous country in Africa. For more than a decade before 2016, the GDP grew at a rate between 8 percent and 11 percent annually – one of the fastest growing states among the 188 IMF member countries. This growth, which has been driven by the government's investment in infrastructure, as well as sustained progress in the agricultural and service sectors, is expected to keep rising in the years to come. Ethiopia's annual GDP growth averaged 10.9 percent. The country's GDP is US\$92.154 billion, while the GDP per capita is US\$2,300. The GDP composition is 34.8 percent for agriculture, 21.6 percent for industry, and 43.6 percent for services. Foreign exchange earnings are led by the services sector and by the export of several commodities.

While coffee remains the largest foreign exchange earner, Ethiopia is diversifying

exports, and commodities such as gold, sesame, livestock, and horticulture products are becoming increasingly important for the growing economy. Manufacturing represented less than eight percent of total exports in 2016, but manufacturing exports are expected to increase in future years due to an international presence that is considerably growing in Ethiopia. The East African nation recently attracted US\$8.5 billion in foreign direct investment. Investment in the country has been primarily in infrastructure, construction, and agriculture. In the fall of 2015, the Ethiopian government finalized and published the 2016-20 five-year plan, known as the Growth and Transformation Plan II, which emphasizes developing manufacturing in sectors where Ethiopia has a comparative advantage, such as textiles and garments, leather goods, and processed agricultural products.

ETHIOPIA | DESTINATION EAST AFRICA: PROTECTING IP RIGHTS

ETHIOPIA

Ethiopia maintains a relatively comprehensive regulatory and legislative system for the protection of trademarks, patents, designs, and copyrights, and is a party to the World Intellectual Property Organization (WIPO). The country also maintains an observer status at the World Trade Organization (WTO). Accordingly, IP is an important avenue for nourishing the economy in Ethiopia. On the trademarks front, Ethiopia follows the Trademark Registration and Protection Proclamation of 2006, which is implemented by Ministerial Resolution no. 273 of 2012.

The 10th edition of the Nice Classification is in force and multiclass applications are acceptable. Trademark examination is performed on formal, absolute, and relative grounds and oppositions may be filed within 60 days from publication date. The protection term for a trademark is seven 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 three consecutive years preceding date of filing for cancellation. Trademark registration requirements are: (1) Power of Attorney, legalized, and (2) copy of home (or foreign) registration certificate of the mark with English translation, notarized or certified. All documents must be submitted at the time of filing. Although Ethiopia has not signed any reciprocity agreements concerning the claiming of priority, the Trademark Office will recognize priority claims if filed within a 6-month period from the priority application filing date.

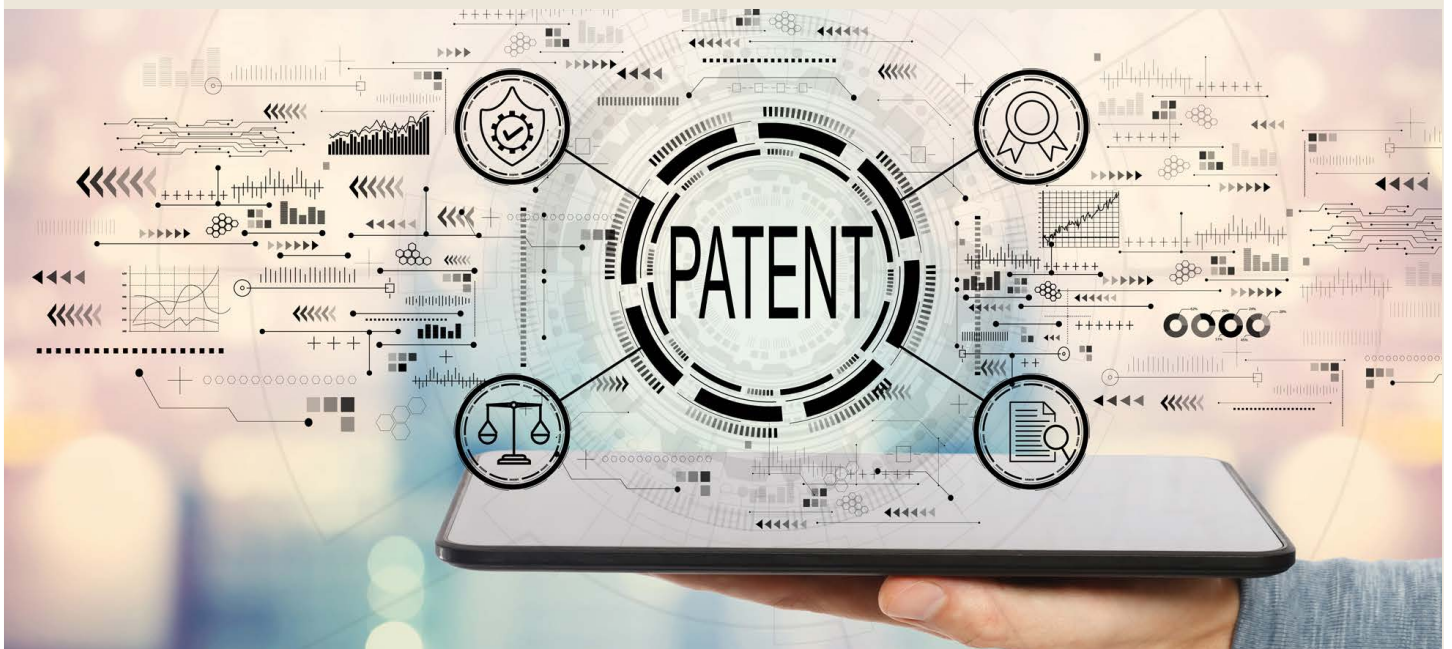
ETHIOPIA | DESTINATION EAST AFRICA: PROTECTING IP RIGHTS

As for patents, two types of patents are available in Ethiopia: Patents of Invention and Patents of Importation. The protection term for a patent is 15 years from filing date and is extendable for five years. It is worth noting that although Ethiopia is not a member of the Paris Union, priority may still be claimed from a foreign patent application filed not more than twelve months previously. Absolute novelty is required for patentability in Ethiopia. However, novelty will not be destroyed if the disclosure of the invention to the public occurred not earlier than twelve months preceding the filing date or where applicable the priority date. Filing requirements for Patents of Invention are a legalized Power of Attorney, specification, claims and abstract in English, International Patent Classification, and formal drawings - if applicable, along with a legalized Assignment of Invention, and a legalized Certificate of Incorporation.

The priority document with a verified English translation may be submitted within three months from the date of filing.

As for Patents of Importation, the filing requirements are the same as for the Patents of Invention, except for having to submit a certified copy of basic foreign granted patent. The Assignment of Invention is not required for Patents of Importation.

Ethiopia, as aforementioned, remains a country with high aspirations that welcomes foreign investments. The protection of IP assets in Ethiopia is a challenging and labor-intensive process that requires special consideration and handling. Rights holders should seek sound advice before they decide on the best route to arrive at well-established protection strategy.



THE SABA NETWORK

Head Office

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
headoffice@sabaip.com

Algeria

Cabinet Boukrami
(In cooperation with Saba & Co. IP)
Centre Commercial et d'Affaires EL Qods
10th floor, BU 10-04 B, Cheraga 16002
Algiers, Algeria
T. +213 21 34 11 61
P.O. Box 86 Centre Commercial et d'Affaires
EL Qods, Cheraga 16002
info@boukrami.com

Bahrain

Bahrain Tower, Al-Khalifa Road
Manama, Bahrain
T. +973 17 210 301
P.O. Box 21013
bahrain@sabaip.com

Cyprus

Mitsis Building #2
14, Makarios Avenue
1065 Nicosia, Cyprus
T. +357 22 755 434
P.O. Box 21143
1502 Nicosia
cyprus@sabaip.com

Djibouti

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
djibouti@sabaip.com

Egypt

10 Aisha El Taymouriah Street
Garden City, CP 11451
Cairo, Egypt
T. +20 2 279 59686
P.O. Box 129, Mohamed Farid
info@sabaip-eg.com

Ethiopia

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
ethiopia@sabaip.com

Gaza

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
gaza@sabaip.com

Iraq

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
iraq@sabaip.com

Jordan

56 Prince Shaker Bin Zaid Street
Al Shmeisani
Amman, Jordan
T. +962 6 464 2145
P.O. Box 840553, Amman 11184
jordan@sabaip.com

Kuwait

Jassim Ahmed Alfahed
(In cooperation with Saba & Co. IP)
Al Hajri Building,
Al-Shuhadaa Street Kuwait, Kuwait
T. +965 2 242 3428
P.O. Box 1245, 13013 Safat
kuwait@sabaip.com

Lebanon

Saba House,
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 840
P.O. Box 11-9420
lebanon@sabaip.com

Libya

Saba House,
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
libya@sabaip.com

Morocco

185 Boulevard Zerkouni
Residence Zerkouni
Casablanca 20330
Casablanca, Morocco
T. +212 522 251 530
P.O. Box 13 921
Casablanca 20032
morocco@sabaip.com

Oman

Muscat International Centre
Beit Al Falaj Street
Muscat, Oman
T. +968 248 111 26
P.O. Box 2027 Ruwi
Postal Code 112, Sultanate of Oman
oman@sabaip.com

Qatar

Unit 1, 14th Floor
Shoumoukh Tower A, Building 58
Street No. 231, Zone 23 Bin Mahmoud,
Doha, Qatar
T. +974 4442 3992
P.O. Box 14035
qatar@sabaip.com

Saudi Arabia

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
saudi@sabaip.com

Sudan

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
sudan@sabaip.com

Tunisia

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
tunisia@sabaip.com

United Arab Emirates

Tamani Arts Tower - 18th Floor
Al Asayel Street, Business Bay
Dubai, UAE
T. +971 4 553 9911
P.O. Box 42259
uae@sabaip.com

West Bank

Saba House
Saïd Freiha Street, Hazmieh
Beirut, Lebanon
T. +961 5 454 888
P.O. Box 11-9421
westbank@sabaip.com

Yemen

Hadda Towers, Building #7
Hadda Street
Sana'a, Yemen
T. +967 1 420 595
P.O. Box 1493
yemen@sabaip.com