

**SABA**  
INTELLECTUAL  
PROPERTY

**BULLETIN**

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## EGYPT | NEW AUTHORITY FOR INTELLECTUAL PROPERTY SHAPING THE FUTURE OF INNOVATION



On August 6, 2023, Egypt underwent a transformative shift in its approach to IP regulation as the law establishing the Egyptian Authority for Intellectual Property (EAIP) came into effect. This landmark development marks the beginning of a new chapter, with the EAIP taking on a comprehensive mandate over all aspects of intellectual property within the North African nation.

### *A Unified Vision for Intellectual Property in Egypt*

This pivotal moment follows the unveiling of the National Intellectual Property Strategy that laid the groundwork for a holistic reformation of Egypt's intellectual property landscape, as reported last November. The strategic blueprint set the stage for the establishment of the EAIP, designed to centralize and harmonize all matters related to intellectual property within a single authoritative body.

Under the newly enacted Law 163 of 2023, the EAIP is vested with a multifaceted role encompassing the full spectrum of intellectual property. This includes overseeing the registration and granting of intellectual property rights, developing, and updating the national intellectual property strategy, collaborating with relevant ministries and authorities to institute implementing regulations, and safeguarding intellectual property in alignment with international conventions and standards.

The law also outlines the expansive responsibilities of the EAIP, casting it as a driving force behind technological innovation, human creativity, scientific research, and cultural advancement. This broadened mandate places the entity at the forefront of Egypt's mission to cultivate a knowledge-based economy, wherein intellectual capital fuels sustainable development and economic prosperity.

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### *Key Provisions*

The legislative framework framing the EAIP's operations introduces several pivotal provisions:

- 1. Supervisory Authority:** Endowed with an exclusive mandate over all forms of intellectual property within Egypt, the EAIP stands as the primary authority responsible for ensuring that intellectual property practices resonate with national interests and economic aspirations.
- 2. Strategic Imperative:** The entity is entrusted with formulating a comprehensive national intellectual property strategy in collaboration with relevant ministries and authorities. This strategic roadmap aims to foster an environment conducive to innovation and global competitiveness.
- 3. Organizational Framework:** The legislation stipulates the establishment of a governing board charged with shaping the entity's organizational structure, internal regulations, and strategic objectives. This governance

mechanism aims to ensure efficient operations and optimal performance.

- 4. Financial Independence:** To ensure self-sufficiency, the EAIP's financial stability will be maintained through foreign grants, donations, and service-related fees. This financial autonomy ensures the entity's capacity to fulfill its mission effectively.

### *A Promising Trajectory for Egyptian Intellectual Property*

With the Egyptian Authority for Intellectual Property now at the helm, Egypt enters a new era of intellectual property oversight. The entity's comprehensive mandate, strategic vision, and financial autonomy uniquely position it to drive innovation, creativity, and economic growth through the effective utilization of intellectual capital.

As Egypt focuses on enhancing intellectual property protection and cultivating a knowledge-driven economy, the EAIP sets the stage for a promising future in intellectual property rights and innovation.





## YEMEN | ADOPTING THE 10TH EDITION OF THE NICE CLASSIFICATION FOR TRADEMARKS

In a significant stride towards modernizing its intellectual property framework, Yemen has taken a commendable step by adopting the 10th edition of the Nice Classification. This update marks a leap from the outgoing 8th edition.

With Yemen's transition to the 10th edition of the Nice Classification, it is important to note that certain items are still excluded from registration in line with cultural and legal considerations:

1. **Class 33:** Alcoholic beverages fall within Class 33 of the Nice Classification. However, in accordance with Yemen's regulations,

trademark registration for alcoholic goods will not be permitted.

2. **Class 32:** This class comprises non-alcoholic drinks, encompassing beverages other than beers. However, the registration of trademarks related to beer will not be allowed.
3. **Class 29:** Class 29 pertains to meat, fish, poultry, and game. Trademarks applications for pork meat within this category will be ineligible for registration in Yemen.





## SOUTH SUDAN | TRADEMARK RESERVATION PROCESS REINSTATED TO SAFEGUARD INTELLECTUAL PROPERTY



In an exciting development for trademark owners, the Ministry of Intellectual Property in South Sudan has reactivated the process of trademark reservation. The reintroduction of this process allows brand owners to protect their valuable intellectual property by 'reserving' their marks. This move aims to prevent third parties from registering similar marks once the new law comes into force, safeguarding the uniqueness and exclusivity of trademarks.

### *Understanding the Benefits of Trademark Reservation*

The key advantage of trademark reservation lies in its ability to preclude other parties from registering similar marks when the new law officially takes effect. This proactive approach allows brand owners to maintain control over their distinctive identities and avoid potential conflicts with unauthorized users.

### *Immediate Filing for Reservation*

Trademark owners can start filing applications for reservation immediately. Although official registration of the mark will only be completed once the Intellectual Property Bill 2015 is enacted, the reservation process secures the rights of the mark in the Ministry's database. A duly stamped copy of the reservation application will be provided, reinforcing the mark's protection even during the waiting period for the law's passage.

### *Intellectual Property Bill 2015 and its Implications*

The Intellectual Property Bill 2015 has yet to be passed into law, impacting trademark registration and renewal processes. While trademark registrations filed since South Sudan's Independence in 2011 technically require renewal, the absence of the Bill's enactment suspends these renewals. Existing trademark registrations, however, remain valid until the Bill becomes law, at which point renewals will become possible.

### *Exploring the Reservation Process*

Under the previous reservation/registration system, a separate application for registration was necessary after reserving a mark. At present, the system allows for reservation only, simplifying the process for trademark owners.

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## **SOUTH SUDAN | TRADEMARK RESERVATION PROCESS REINSTATED TO SAFEGUARD INTELLECTUAL PROPERTY**



### ***What Trademark Owners Need to Do***

Trademark owners who had previously reserved or registered their marks need not take any immediate action. However, this presents an excellent opportunity for brand owners to review their portfolio and consider reserving any additional marks they wish to protect in South Sudan.

### ***Required Information and Documentation for Reservation***

For those interested in reserving a mark in South Sudan, specific information and documentation are essential:

- A notarized Power of Attorney (POA).
- A clear copy of the trademark if it is in a logo/stylized format.
- A list of goods and/or services following the 10th edition of the International Classification.
- Certified copy of a valid corresponding Home or Foreign Registration, with verified English translation (if applicable), with identical applicant details.
- Certified copy of the Applicant's certificate of incorporation with a verified English translation (if applicable).

### ***Monitoring the Situation***

While the reservation process has been reintroduced, the Registry may still face challenges as they adjust to the renewed system. Close monitoring of the situation will help understand any potential changes and updates.

The revival of the trademark reservation process in South Sudan is excellent news for brand owners seeking to protect their intellectual property. By reserving their marks, trademark owners can proactively defend their unique identities and preserve their exclusivity. As we eagerly await the passage of the Intellectual Property Bill 2015, the opportunity to secure trademark reservations allows businesses to navigate the legal landscape more confidently.

## GCC | INNOVATION AS A DRIVER OF GROWTH



In today's global economy, innovation plays a vital role in driving growth and fostering development. Countries that invest in innovation can create new products and services, improve productivity, and stimulate economic growth. The innovation index is a tool used to measure a country's innovation performance, and it has become a key metric for policymakers and investors to evaluate a country's economic potential. In the GCC region, innovation is an integral part in the different countries' forward-looking visions for growth and sustainability.

The innovation index is a composite indicator that measures a country's innovation performance. It takes into account factors such as research and development (R&D) investment, patent applications, and high-tech exports. The index is used to rank countries based on their innovation performance. The higher a country's innovation index, the more innovative it is considered. Research has shown that there is a positive relationship between innovation index and economic growth. Countries that perform well in the innovation index tend to have higher economic growth rates. The top 10 economies in 2022 based on the Global Innovation Index (GII) can be found in Table I, which also lists the GI for the GCC countries. As can be seen, since the UAE's vision was launched back in 2010, the earliest country in the region to launch such an initiative, the UAE presently ranks the highest of the GCC countries, coming in at rank 31.



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GII RANK	ECONOMY	SCORE
1	Switzerland	64.6
2	United States	61.8
3	Sweden	61.6
4	United Kingdom	59.7
5	Netherlands	58.0
6	Republic of Korea	57.8
7	Singapore	57.3
8	Germany	57.2
9	Finland	56.9
10	Denmark	55.9
31	United Arab Emirates	42.1
51	Saudi Arabia	33.4
52	Qatar	32.9
62	Kuwait	29.2
72	Bahrain	28.0
79	Oman	26.8

Source: Global Innovation Index Database, WIPO, 2022

Policymakers can use the innovation index to identify areas for improvement and develop policies to promote innovation. For example, a country with a low innovation index may need to increase R&D investment, improve intellectual property protection, or develop a more skilled workforce. By promoting innovation, policymakers can help stimulate economic growth and improve the standard of living for their citizens. Having recognized the importance of innovation, the GCC countries have made significant strides in promoting an innovation culture. Now, it is crucial for the private sector to capitalize on these government initiatives and foster a culture of innovation within their organizations.

Innovation can drive economic growth through various means. Firstly, it spurs the development of new products and services, which can create new markets and boost demand. This can lead to increased business activity, job creation, and higher incomes.

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Secondly, innovation can improve productivity, which can lead to cost savings and increased competitiveness. Finally, innovation can lead to the development of new industries and sectors, which can create new opportunities for growth. Innovation, more so than diversification, is key to unlocking value that cannot be reached by competing in the same playing field.

The essence of innovation may be described as change that unlocks new value. The process of unlocking value is built on well-known concepts and practices such as creativity, experimentation, prototyping, and others. A culture of innovation refers to a workplace environment that encourages employees to share and discuss creative ideas. This culture begins with a leadership of innovation which introduces, enables, and empowers individual innovation within the organization.

GPCA held its 7th IP Awareness Workshop on 24-25 May 2023 under the theme 'Transitioning from a Technology Licensee to a Technology Leader.'

The transformation from a culture of users to a culture of innovators requires significant time and resources. The workshop provided an understanding of IP, including its associated rights, strategies, and protection mechanisms in the GCC with real world examples and case studies. During the workshop, participants explored various aspects, including different types of technology and IP, effective management of existing assets, and strategies for developing, protecting, leveraging, scaling up, implementing, and commercializing new technology and IP. The aim was to help companies derive maximum value from their IP while minimizing any associated risks, which is crucial in today's competitive global business environment.

To create IP, first, a company needs to innovate. Whereas innovation may take place locally, within a company, its impact is global. Hence, a successful innovation requires answers to a solution for an unmet customer need, which solution should be built on a business model that allows for the solution to be monetized.

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In a recent article published by McKinsey & Company, the authors found that “companies that harness the essentials of innovation see a substantial performance edge that separates them from others- with evidence that mastering innovation can generate economic profit that is 2.4 times higher than that of other players.” There is no doubt that innovation, possibly more than diversification, is key to unlocking value that cannot be reached by competing in the same playing field. Innovation, by its essence, is the process of creating change that unlocks new value. The process of unlocking value is built on well-known concepts and practices such as creativity, experimentation, prototyping, and others.

Innovation and creativity are closely related but not synonymous. Using creativity in business is important because it fosters unique and novel ideas. This novelty is a key component of innovation. The importance of innovation becomes more apparent during challenging times. Three typical reasons why innovation is crucial for any business are: (1) it allows adaptability, (2) it provides growth, and (3) it distinguishes businesses from the competition. There are many tools and instruments that can help guide an organization into becoming an innovative hub, capitalizing on its own human resources to drive innovation and growth.

In an article published in 2021 in Forbes, the author tackles the topic of “Why Innovation, Not Diversification, Is Key To The Oil And Gas Industry’s Survival.” A quick survey of patented technology in the oil and gas and downstream industry shows that the most common subject matters relate to exploration,

production technologies, drilling and completion technologies and enhanced recovery methods. These innovations have undoubtedly ensured sustainability in a crowded industry competing for some of the same resources. More recently, innovators in the environmental and safety technologies are starting to see a spike, ushering in an era for disruptive technology. Be it carbon footprint measurement and reduction, alternative treatment methods for cleaner derivatives, advanced management software or others, the innovators in this area are the ones addressing the needs for the clients of the future, thus ensuring continuous growth.

According to a GlobalData Patent Analytics surveying patenting behavior, the oil and gas industry sector witnessed an average annual drop rate in patents of about 7% between Q1 2018 and Q1 2022; whereas the power and utilities sector witnessed an average annual growth rate in patents of 14% during the same period. The highest share in power generation relates to using solar-based technologies, but also key patented themes included climate change, emissions reductions, renewable energy, industrial automation and electric vehicles (EVs).

In summary, innovation is a key driver of economic growth because it helps to create new value and drive progress in a wide range of industries and sectors. It is crucial for economic growth because it leads to the creation of new products, services and business models that can increase productivity, efficiency and competitiveness. It can also lead to the development of new industries and the expansion of existing ones.



## MENA | UNDERSTANDING THE RISKS OF THIRD-PARTY PIRATED SOFTWARE USE FOR BUSINESS



In today's fast-paced and technology-driven world, businesses heavily rely on software to streamline operations, boost productivity, and maintain a competitive edge. However, some companies resort to unethical practices, such as using pirated software from third-party sources, underestimating the serious risks they expose their businesses to.

At Saba IP, we believe in raising awareness about the potential dangers associated with such practices and providing actionable insights to protect your business from legal and cybersecurity challenges.

### THE PERILS OF USING PIRATED SOFTWARE

Software piracy involves unauthorized copying, distribution, or use of copyrighted software without proper licensing or permission from the copyright holder. This illegal practice not only poses significant financial losses for developers and businesses but also undermines innovation and creativity in the software industry.

While using pirated software may initially appear as a cost-saving measure, it carries significant risks that can lead to long-term harm for your business:

- **Legal Consequences:** Using pirated software exposes your company to legal actions that can result in substantial fines and severe damage to your reputation. Many software developers and organizations actively monitor and enforce their licensing agreements, making it essential to ensure compliance to avoid legal trouble.

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- **Cybersecurity Threats:** Pirated software often contains malicious code, including malware and viruses, posing a serious cybersecurity risk. Your company's sensitive data may be compromised, leading to data breaches and potential financial losses. Cybercriminals commonly exploit unsuspecting businesses by distributing pirated software laden with harmful code.

- **Lack of Updates and Support:** Third-party pirated software typically lacks access to updates and customer support. This leaves your business vulnerable to bugs, vulnerabilities, and operational disruptions. Legitimate software licenses, on the other hand, offer regular updates, security patches, and technical assistance to maintain smooth operations.

### THE ROLE OF SABA IP IN PROTECTING YOUR BUSINESS

At Saba IP, we understand the complexities of IP enforcement and the challenges our clients face when dealing with software piracy. Our team of experienced IP attorneys possesses in-depth knowledge of copyright law, software licensing agreements, and

international IP regulations.

With this expertise, we can efficiently identify and enforce our clients' IP rights against infringing parties.

- **Tailored Enforcement Strategies:** We recognize that each case of software piracy is unique, requiring a personalized approach. Saba IP works closely with our clients to develop tailored enforcement strategies that align with their specific needs and circumstances. This involves a comprehensive assessment of the piracy situation, identifying the responsible parties, and selecting the most appropriate legal actions to protect our clients' intellectual property.

- **Cease and Desist Notices:** One of the initial steps in combating software piracy is sending cease and desist notices to the infringing parties. These notices inform the offenders of their illegal activities and demand that they cease their infringing actions immediately. Our attorneys craft these notices with precision, asserting our clients' rights firmly and setting a clear expectation of compliance.



## MENA | UNDERSTANDING THE RISKS OF THIRD-PARTY PIRATED SOFTWARE USE FOR BUSINESS



### • **Digital Monitoring and Takedown Services:**

Saba IP employs cutting-edge technology to monitor online platforms, websites, and file-sharing networks for instances of software piracy. Through advanced digital monitoring tools, we can swiftly detect and assess unauthorized distribution of copyrighted software. Upon identification, our team takes prompt action, issuing takedown requests to the hosting platforms, internet service providers, and search engines, thereby preventing further dissemination of pirated software.

• **Litigation and Legal Remedies:** When dealing with persistent or large-scale software piracy cases, Saba IP is fully prepared to initiate legal proceedings on behalf of our clients. Our litigators are well-versed in IP infringement cases, presenting compelling arguments in court to obtain favorable judgments or settlements. We are determined to protect our clients' interests and secure the maximum damages possible for the harm caused by software piracy.

### EMBRACING ETHICAL SOFTWARE PRACTICES FOR LONG-TERM BENEFITS

Promoting ethical software practices goes beyond mere compliance; it brings several long-term benefits to your business:

- **Enhanced Reputation:** By demonstrating ethical software usage, your business establishes itself as a responsible and trustworthy entity in the industry. This reputation can enhance client trust and attract potential partners and customers.
- **Improved Cybersecurity:** Authorized software providers offer regular updates and patches, strengthening your defenses against cyber threats. By using authentic software, your business becomes more resilient to evolving security challenges.
- **Sustainable Partnerships:** Choosing reputable software vendors fosters positive relationships, opening doors to potential collaborations and partnerships. Ethical practices attract like-minded partners and clients who value integrity.



**MENA | UNDERSTANDING THE RISKS OF THIRD-PARTY PIRATED SOFTWARE  
USE FOR BUSINESS**

The risks associated with using pirated software from third-party sources are severe and far-reaching, and software piracy poses a severe threat to intellectual property rights, necessitating a robust and comprehensive approach to enforcement. At Saba IP, we are committed to helping businesses protect their interests, reputation, and cybersecurity. Through tailored enforcement strategies, digital monitoring services, litigation expertise, and proactive educational efforts, we remain committed to upholding the integrity of our clients' intellectual property rights in the dynamic landscape of the digital world.

MENA

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For any inquiries or feedback, please do not hesitate to contact us at [news@sabaip.com](mailto:news@sabaip.com).

<https://www.sabaip.com/>



<https://www.sabaip.com/wp-content/uploads/2023/04/Saba-I-P-Directory-of-Offices-and-Registration-Requirements-2023-24.pdf>

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