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## SAUDI ARABIA: ANNOUNCEMENT OF OFFICE RELOCATION

We are pleased to announce that we are moving to a larger office premises in Saudi Arabia. Effective January 15, 2017, our new contact details will be as follows:

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## NICE CLASSIFICATION: 11TH EDITION

The latest edition of the Nice Classification (11th edition) entered into force on January 1, 2017. Amendments cover 15 class headings and explanatory notes for seven classes. Furthermore, the list of goods and services was extended by 334 terms.

The 11th Edition will be applied to all international trademark applications and registrations received by an Office of Origin on and after January 1, 2017. If a renewal or a request for any other changes in relation to an international registration is filed with WIPO after December 31, 2016, the list of goods and services of the international registration will not be subject to reclassification under the 11th Edition.

It is worth noting that the Trademark Offices in Algeria, Cyprus, Jordan, and the West Bank already adopted the 11th Edition of the Nice Classification and are now ready to serve applications for goods and services in the said classes. Other Trademark Offices in the Middle East and North Africa have still not announced the adoption of the 11th Edition.

### Major revisions in the 11 Edition include:

- Class headings affected by current revisions are those numbered 3, 6, 10, 14, 16, 17, 18, 20, 21, 22, 24, 26, 28, 31 and 45
- All serving utensils are grouped under class 21 instead of class 8
- The addition of unlocking of mobile phones under class 42
- The addition of dog walking, kimono dressing assistance, and conducting religious ceremonies under class 45
- The addition of eyelash brushes and foam toe separators for use in pedicures under class 21
- The addition of herbal extracts for cosmetic purposes under class 3
- The addition of herbal extracts and physiotherapy preparations for medical purposes under class 5
- The addition of body composition monitors under class 10
- The addition of several new goods under classes 29 and 30, including guacamole, onion rings, falafel, bibimbap, dulce de leche, almond, peanut and coconut milks, as well as nut- and chocolate-based spreads. Escamoles (prepared edible ant larvae) and edible insects have also been added under classes 29 and 31

## KUWAIT: SEPARATE CERTIFICATES FOR RECORDAL

The Kuwaiti Trademark Office announced that it plans to issue separate certificates for the renewal and recordals matters for trademarks in the near future. In the meantime, the current procedure of endorsing the original certificates of the trademark registration with renewal and recordals particulars is still in practice.



## UAE: NEW REGULATIONS FOR COSMETICS AND PERFUMES

New regulations set by the Gulf Cooperation Council Standardization Organization (GSO) have made it mandatory to feature, among other information, the name of cosmetic and personal care products in Arabic on the packaging of products sold in the United Arab Emirates.

The new standard, GSO 1943/2016, lists the requirements and replaces GSO 1943/2009. The standard is expected to be adopted by the rest of the Gulf Cooperation Council (GCC) countries in the months to come. As a reminder, the GCC member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE.

Importers in the UAE have until the beginning of January 2018 to comply with this regulation.





## UAE: PUTTING A LID ON COMMERCIAL FRAUD

The United Arab Emirates issued Anti-Commercial Fraud Law no. 19 in December 2016 in an effort to protect consumers and regulate the market. The Law, previously approved by the Federal National Council back in 2014, brings improvements and positive enhancement to existing enforcement measures in the UAE and in particular with regards to increasing penalties imposed in relation to acts of commercial fraud.

The Law defines commercial fraud as the use and sale of a fraudulent commodity, which has been altered or manipulated in order to cause deception. As for counterfeit goods, they are defined in the Law as goods that bear a trademark that is identical or similar to a registered trademark. Although this definition limits the ability to use the Law as basis for taking action against look-a-like products, it nevertheless enables registered brand owners to take action against goods bearing similar marks, in addition to goods bearing identical marks.

Furthermore, the Law considers acts of Commercial Fraud to include the import, export, re-export, manufacture, sale, offer or possession for sale, storage, lease, marketing or trading with adulterated, spoilt, or counterfeit goods. The Law states that counterfeit goods will be destroyed as per the Implementing Regulations of the Law. Such provisions eliminate concerns of re-exportation of counterfeit goods by competent authorities and we await to see the positive impact that such provisions may have on current practices in the UAE with respect to re-export of goods seized by some custom authorities.







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The Law includes provisions that allow authorities to demand commercial books and invoices from traders. This enables the authorities concerned to reveal the origins of the counterfeit goods and lead them to the source of such goods in the UAE markets. It is uncertain though whether brand owners would be allowed to obtain such information from the authorities.

The Law further refers to establishment of the Higher Committee for Combating Commercial Fraud, assisted by subcommittees on an Emirate level. The Committee is entrusted, among other duties, with developing strategies and policies of combating commercial fraud, studying obstacles experienced upon the enforcement of the Law and proposing a mechanism for handling such obstacles and issuing regulations for the activities of the subcommittees. This is a positive development and a way forward in an attempt to harmonize the implementation of the Law on a federal level. It remains to be seen whether the Committee would also work on harmonizing procedures before competent authorities in handling brand owners' complaints against commercial fraud.

Another major development brought by the Law is the higher penalties for acts of counterfeiting. Brand owners have always demanded harsher penalties, especially in terms of fines imposed on counterfeiters and infringers. The Law details penalties imposed in relation to acts of commercial fraud which include imprisonment of up to two years and fines that reach up to 250,000 dirhams (US\$68,500) or both, in addition to the destruction of the counterfeit goods. The Law provides for even higher fines that reach up to 1 million dirhams (US\$274,000) if the counterfeit products relate to human foods, animal foods, medical drugs, and agricultural crops or organic foodstuffs. The Law also provides in certain circumstances additional penalties which include closure of the facility and cancellation of license.

We now await issuance of the Implementing Regulations to have clarity on any possible changes in the UAE IP Rights enforcement regime. At this stage, the Law is viewed as a positive development in the fight against acts of commercial fraud and offers a positive enhancement of the existing enforcement framework in the UAE and is expected to increase the effectiveness of enforcement mechanisms through the use of deterrent penalties.



## TURKEY: LAYING DOWN THE LAW

Turkey announced the adoption of Law No. 6769 on the Protection of Industrial Property Rights, which repeals and replaces the Decree Laws on Patents and Utility Models, on Trademark and Service marks, on Industrial Designs and Geographical Indications. The new Law passed before the Grand National Assembly on December 22, 2016 and entered into force on the date of publication in the Official Gazette on January 10, 2017. This coincided with an increase in the official fees for trademark matters. The increase also applies to EP Validation, search and examination, and the annuity maintenance fees for patents and utility models. The new rates went into force as of January 1, 2017.

The Law includes provisions on the protection of patents, integrated circuits, industrial designs, trademarks and trade names, which ensures that Turkey's IP framework is now better suited to the needs of IPR owners, and is more harmonized with global practice. The Law also stipulates the restructuring of the internal organization of the Turkish Patent Institute that was aptly renamed the Turkish Patent and Trademark Office.

The main changes in the Law include the enforceability of co-existence agreements and letters of consent, which will enable the applicants to overcome a relative grounds rejection with the prior right owner's consent. As for oppositions, the Law makes a clear distinction between well-known trademarks registered in Turkey and those which are not. This means that the owner of an unregistered well-known trademark will, therefore, be able to oppose applications for a mark identical or similar to a well-known trademark, for the same or similar goods and services. Furthermore, the Law introduces a new opposition ground: the defense of non-use. This stipulates that if the owner of the opposed application can claim that the opposing party has not used its trademark for more than five years with a justified reason after its registration date and in case of this defense, the Turkish Patent and Trademark Office will request the opposing party to provide substantial evidence regarding the use of the trademark. If they are not provided, the opposition will be rejected.

During the transitional period before the issuance of the implementing regulations, we expect further developments and news that will clarify the direct benefits of Turkey's new Law.





## ARIPO: HARARE PROTOCOL AMENDED AND INCREASE IN OFFICIAL FEES

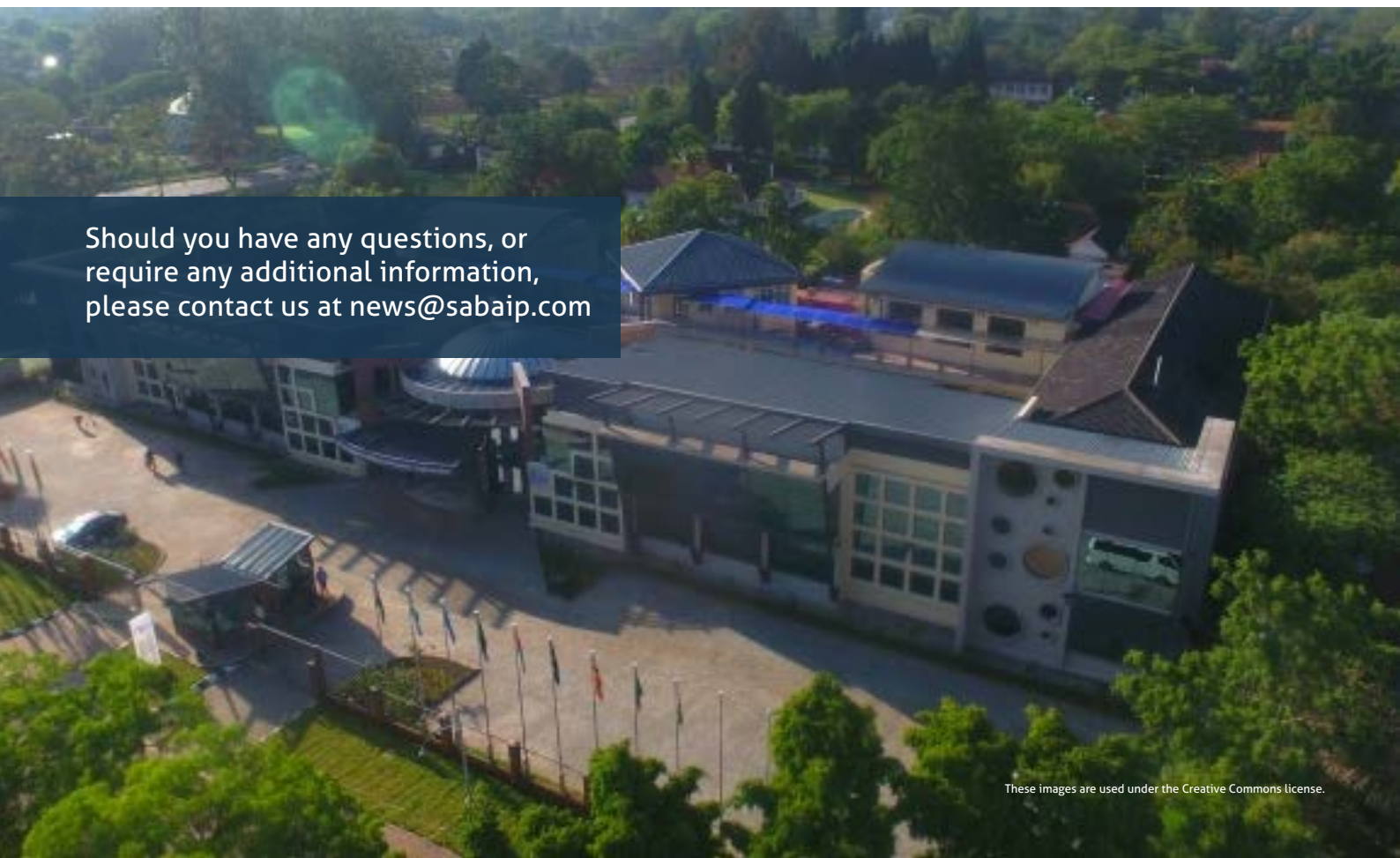
The African Regional Intellectual Property Organization (ARIPO) recently amended the Harare Protocol on Patents and Industrial Designs and announced an increase in official fees. The amendments entered into force on January 1, 2017.

Some of the amendments include the revision of the provisions for post-grant amendments, restrictions and clarification on multiple dependencies in claims, further clarification of patentable and non-patentable inventions, and an extensions on time limits.

It is worth mentioning that these changes coincided with ARIPO's 40th Administrative Council Session held in December 2016.



Should you have any questions, or require any additional information, please contact us at [news@sabaip.com](mailto:news@sabaip.com)





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