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Jordan

Amendments to the Patent Law

The Jordanian Ministry of Industry and Trade (MIT) has published on its website draft amendments to the Jordanian Patent Law No. 32 of 1999. These amendments aim to position the patent law in accordance with international patent-related treaties and agreements that Jordan plans to adhere or accede to. These will still have to be approved by Parliament before they are published in the Official Gazette and subsequently implemented and enforced.

The goal of these amendments is two-fold. On the one hand, they provide more access to the public in general and to the patent landscape in Jordan. According to the amended law, it will be possible to search and view all published inventions, including pending patent applications as well as granted or rejected patents. It will also be possible to verify the status; and this capability will enable local industries to obtain access to the latest technologies and in cases where there are rejections, to pursue developments without concerns of potential infringement.

On the other hand, the amendments provide more options for the patent owners in taking action such as withdrawing a pending patent application or even a granted application. They also empower the patent owner to assign, license or perform record changes for a pending application. More importantly, these amendments will provide for an improved IP protection environment, as they should prevent parallel development and potential infringement resulting from the lack of knowledge of the existence of a patent application for a particular novel product or process.

Given that Jordan has not deposited its instruments of accession to the Patent Cooperation Treaty (PCT), these amendments could be an indicator of things to come. Jordan is no stranger to the WIPO and the various treaties it manages for marks and copyrights and its laws are consistent with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Should you have any questions, or require any additional information, please contact us at bulletin@sabaip.com.



Bahrain

Accession to the Apostille Convention

The Bahraini Authorities have recently announced the accession of Bahrain to the Apostille Convention (Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents). The Convention entered into force in the country on December 31, 2013. Accordingly, Bahrain will start accepting Apostille legalization of documents related to trademarks, patents, industrial designs and all other

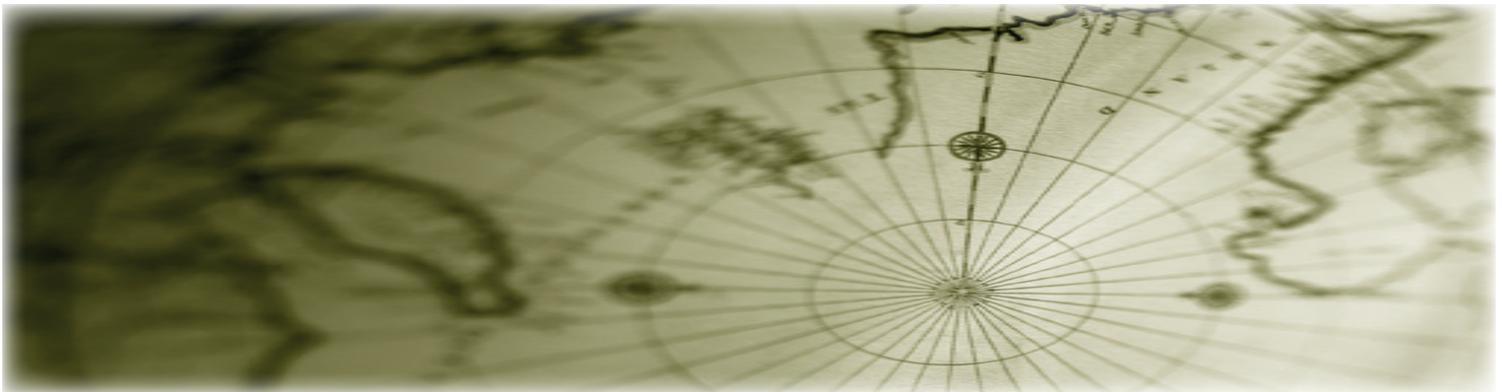
IP related matters. There will be no need for further legalization up to the Bahraini Consulate as long as the applicant's home country is a member of the Apostille Convention.

It is worth noting here that Bahrain and Oman are the only two Arab countries that are currently members of the Apostille Convention.

Saudi Arabia

New Scale for Filing and Registration Numbers

The Saudi Trademark Office has introduced a new numbering method for trademark applications. Following the e-filing system which was introduced only a few months ago, applications are now allotted an e-number which will be taken as the filing number and will remain the same at the time of registration (i.e. registration number). The e-number basically begins with the Lunar year during which the application was filed. Previously, an application was allotted a different number at the time of registration.



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UAE

Amending Trademark Applications

Starting February 2014, the Trademark Office in the UAE will no longer accept requests to amend a pending application unless the changes are not substantial. In this case, the TMO will review the proposed amendments but there are no clear guidelines or actual directives on how these requests will be treated.



IP Highlights

Nice Classification

Businesses are going to surprisingly great lengths in order to protect their marks in the increasingly competitive Arab market. Certainly, brands owners should now be fully aware of all trademark issues specific to the Arab region. Heading this list would be the classification system in each country and the extent to which this classification is in line with the international standards defined by the Nice agreement. Owners should also be informed of the explicit requirements that are a characteristic of the relatively conservative countries, such as the GCC countries, seeing that the local laws are mostly governed by the doctrines of the Shari'a law (the body of Islamic religious law).

Nice Edition and Membership

The TMO of most Arab countries follow the Nice classification, even if the country is not a member of the Nice Agreement. The 10th edition is adopted across the board except for Djibouti (8th), Gaza (8th), Iraq (7th), Kuwait (8th), Libya (8th), Qatar (7th), Sudan (8th), West Bank

(8th) and Yemen (8th). In Iraq, a further local sub-classification is put into place. The class-headings are simply sub-classified in an alphabetical order. The headings in class 30 for example are designated the letters "a" to "t".

Class Headings Claim

In Egypt, Kuwait, Morocco and UAE, an applicant can claim the whole class without specifying the particular goods/services. The TMO will in principle not object to the use of any of the class headings as being indefinite. There are some few notable exceptions to the class headings definition. Specifically, in Qatar, headings are admissible except for classes 1, 4 to 7, 10 to 14, 16 to 22, 29, and 31. Saudi Arabia and Libya have another limitation.

Applicants can claim headings, provided that the headings are specified. An application with the specification "all goods/services in the class" will be rejected on formal grounds. Countries that do not admit class headings are Jordan, Oman and Sudan. The actual language of the goods or services specified in the registration will define the parameters of the scope of protection of a registration.

Specific Restrictions/Procedures

Some TMOs impose a set of restrictions that are in compliance with the local laws. In Gaza, Kuwait, Libya, Qatar, Saudi Arabia, Sudan, UAE and Yemen, class 33 and alcoholic goods in class 32 cannot be registered. Further restrictions are

imposed in class 29 in Kuwait and Saudi Arabia when it comes to the registration of marks claiming "pork meat". Even more, applications specifying "Christmas related products" are inadmissible in Saudi Arabia and Libya.



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