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OMAN: PATENT OFFICIAL FEES DUE

The Patent Office in Oman announced that substantive examination fees related to patent applications that have passed formality examination between 2013 and 2014 must be paid by November 21, 2016. No extension of time is possible.

As a reminder, the Omani and the Egyptian Patent Offices signed a memorandum of understanding on September 10, 2014 in which the two offices will work together towards the development of capabilities at the Omani Patent Office.

The Egyptian Patent Office will also act as the examining office for all pending and new patent applications filed in Oman. The Egyptian Patent Office is the only Arab office that serves as an International Search Authority, as well as an International Preliminary Examination Authority.

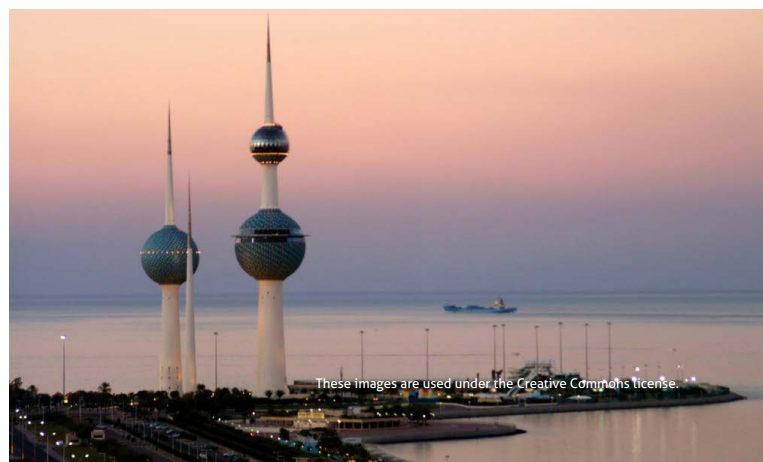


KUWAIT: ADOPTING THE TENTH EDITION OF THE NICE CLASSIFICATION

The tenth edition of the Nice Classification is expected to enter into force on January 1, 2017 in Kuwait, thus replacing the outgoing eighth edition. The adoption of the 10th edition will not affect trademarks already filed and registered in Kuwait. Upon next renewal, goods and classes affected by this change in formalities should be reclassified accordingly by the Trademark Office.

It is important to note that regardless of which edition of the Nice Classification is being used, the trademark offices across the Gulf Cooperation Council (GCC), which Kuwait is a member of, will depart from the Nice Classification when dealing with items that contradict Sharia law. For example, trademarks covering alcoholic goods and related retail or wholesale services are prohibited. By way of background, the GCC member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

The table below offers a general overview on the Nice Classification in the Middle East and North Africa.



Country	Nice Edition Adopted	Member of the Nice Agreement?	Is it possible to claim class headings?
Afghanistan	8th	No	Yes
Algeria	10th	Yes (entry into force: July 5, 1972)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Bahrain	10th	Yes (entry into force: December 15, 2005)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Cyprus	10th	No	No
Djibouti	8th	No	Yes
Egypt	10th	Yes (entry into force: June 18, 2005)	Yes
Ethiopia	8th	No	Yes
Gaza	8th; Class 33 & alcoholic goods in class 32 cannot be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
India	9th	No	Yes
Iran	8th; Class 33 & alcoholic goods in class 32 cannot be registered	No	Yes
Iraq	7th with local sub-classification	No	Yes (an applicant can only claim class headings)
Jordan	10th	Yes (entry into force: November 14, 2008)	No
Kuwait	8th; Class 33, alcoholic goods in class 32, & pork meat in class 29 cannot be registered	No	Yes
Lebanon	10th	Yes (entry into force: April 18, 1961)	Yes

Country	Nice Edition Adopted	Member of the Nice Agreement?	Is it possible to claim class headings?
Libya	8th; Class 33, alcoholic goods in class 32, as well as Christmas trees and related products in class 28 cannot be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Morocco	10th	Yes (entry into force: October 1, 1966)	Yes
Oman	10th	No	No
Pakistan	8th	No	Yes
Qatar	7th; Class 33 & alcoholic goods in class 32 cannot be registered	No	Yes for all classes except for classes 1, 4 to 7, 10 to 14, 16 to 22, 29, and 31
Saudi Arabia	10th; Class 33, alcoholic goods in class 32, pork meat in class 29, & Christmas trees and related products in class 28 cannot be registered	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Sudan	9th; Class 33 & alcoholic goods in class 32 cannot be registered	No	No
Syria	10th	Yes (entry into force: March 28, 2005)	Yes
Tunisia	10th	Yes (entry into force: May 29, 1967)	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Turkey	10th	Yes (entry into force: January 1, 1996)	Yes
United Arab Emirates	10th; Class 33 & alcoholic goods in class 32 cannot be registered	No	Yes
West Bank	8th	No	Yes, provided that the headings are specified. Using the phrase "all goods/services in the class" is not acceptable.
Yemen	8th; Class 33 & alcoholic goods in class 32 cannot be registered	No	Yes

DJIBOUTI: PCT ENTERS INTO FORCE



Djibouti became the 150th member of the Patent Cooperation Treaty (PCT) on June 23, 2016. Accordingly, PCT entered into force on September 23, 2016 and DJ will be automatically designated on all PCT applications as of that date.

The Office of Industrial Property and Commerce of Djibouti will act as a receiving office for local applicants with the possibility of designating the Egyptian Patent Office as the International Search Authority.

The law in Djibouti has not yet been amended to recognize the PCT, however. In the absence of a new patent law and related implementing regulations to govern international filings, the applicable time limit for national phase entry (NPE) under both Ch. I and Ch. II is 30 months from the earliest priority, with the possibility for restoration of the right of priority under PCT Rule 49ter.2 for both “unintentional” and “due care” requests.



QATAR: NEW TOBACCO LEGISLATION IN FORCE

Qatar issued Law no. 10 of 2016 which repeals Law no. 20 of 2002. The new law entered into force on October 11, 2016 and provides a broader ban on advertisements and promotional activities for cigarettes or tobacco and its derivatives.

Article 7 of the law stipulates that it is prohibited to import, distribute, promote, sell and/or manufacture electronic cigarettes and smoking articles look-alikes. The law defines smoking articles look-alikes as products that do not contain tobacco, but are packaged to resemble tobacco products. This includes, but is not limited to, candies and toys for children that resemble tobacco products, its derivatives and the ways it is administered, as outlined in Article 1 of the law.

It is worth noting that the new law does not address the use of tobacco brands in relation to non-tobacco products. Thus, the use of tobacco brands on non-tobacco products would be viewed as illegal only if said non-tobacco products are within the definition of the smoking articles look-alike, that is, they are packaged to look like tobacco products.



ARIPO: PARTNERING UP WITH THE EUIPO

The African Regional Intellectual Property Organization (ARIPO) signed a memorandum of understanding with the European Union Intellectual Property Office (EUIPO) on October 3, 2016. The purpose of the MOU is to increase bilateral cooperation between the two regional organizations in the field of intellectual property.

This cooperation will be achieved by:

- The publication of ARIPO trademark and industrial design data on EUIPO online information and classification systems
- The exchange of information between the two countries on the legislative front
- Providing specialized training to governmental enforcement agencies
- Holding regular meetings between government officials from both countries to discuss and exchange the latest intellectual property issue
- Cooperation on the automation and modernization on the IT front

With this MOU, ARIPO shows its commitment to develop and establish a competent IP system and demonstrates its awareness of the strategic importance of IP on the member countries' economic development.

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



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