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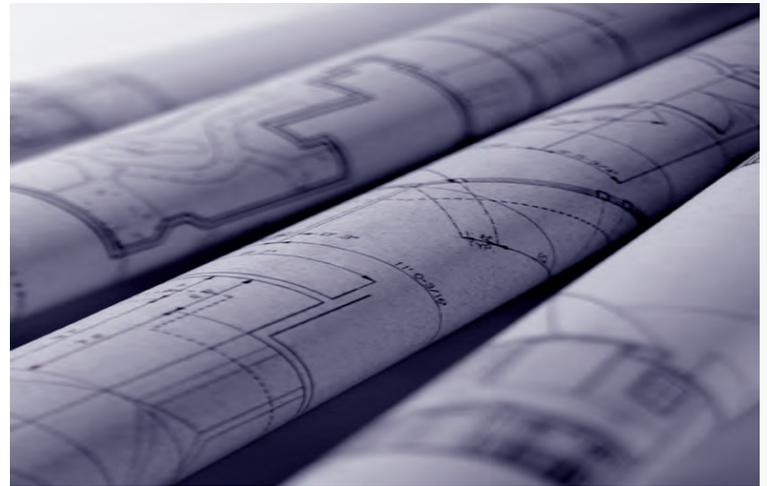
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GCC: A Glance at the New Trademark Law

The Saudi government's decision approving the unified GCC Trademark Law has recently been published in the country's Official Gazette. The Law was ratified in Saudi Arabia in 2007 and is expected to enter into force in the country six months after its implementing regulations are issued by the GCC Trade Cooperation Committee (made up of the Trade Ministers of the GCC member states). The governments of Qatar and the United Arab Emirates have also announced their approval of the unified GCC Trademark Law back in 2007 (Qatar: Decree no. 18/2007; UAE: Federal Decree no. 52/2007), but the Law has still not entered into force in both countries. The purpose of the GCC Trademark Law is to replace the local trademarks laws of each of the GCC member states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) and, thereby, creating unified implementing regulations for trademark protection in all countries. However, the GCC Trademark Law is not expected to offer for a unified filing system as the case is with the GCC Patent Law. Trademark applications will continue to be filed separately in each GCC member state for protection.



The GCC Trademark Law was initially submitted by the GCC General Secretariat and approved by the GCC Trade Cooperation Committee back in 1987. Since then, the GCC member states used the Law for consultative purposes only. By the end of the year 2005, the GCC Trade Cooperation Committee approved amendments to certain articles of the unified Trademark Law and recommended the submission of the amendments to the GCC Supreme Council for endorsement. The Law was then ratified by the Supreme Council in its 27th summit in 2006.

The 50-article Law outlines the general directives and rulings governing trademark registration, renewal, assignment, and cancellation procedures in the GCC countries. The main features of the Trademark Law as approved by the GCC Supreme Council are as follows:

1. The definition of a trademark has been broadened to include sound and smell marks.
2. A trademark may be individual or collective.
3. A separate application is required for each class.
4. Claim of priority, based on an earlier-filed foreign application, is possible. All GCC countries are members of the Paris convention, except for Kuwait.
5. Trademark applications accepted by the Registrar will be published for opposition purposes. Oppositions must be filed within 60 days from publication date.
6. Trademark registrations are valid for 10 years from filing date and are renewable for like periods. There is a grace period of six months for late renewals.
7. A trademark is vulnerable to cancellation by any interested party if there has been no effective use of the mark for a period of five consecutive years after registration.
8. The Law shall recognize famous trademarks that are well-known in the GCC member states and shall ensure protection thereof even if the marks are not registered.
9. The Law gives the right to trademark owners to initiate civil and criminal actions against any infringing party. Penalties include a maximum of five year imprisonment and payment of fines of up to US \$ 270,000.



Should you have any inquiries or comments regarding the subject matter, please contact us at bulletin@sabaip.com

Saudi Arabia

Saudi Arabia: Accepting PCT Designation

Beginning August 3rd, 2013, any international patent application filed will automatically include the designation of Saudi Arabia, under its country code "SA".

By way of background, on May 3rd, 2013, Saudi Arabia deposited its instrument of accession to the PCT. Also, because it will be bound by Chapter II of the PCT, it will automatically be elected in any demand filed in respect of an international application filed on or after August 3rd, 2013.

The Saudi Patent Office (SPO) has issued an official notification that their office will be accepting PCT designation starting August 3rd, 2013. The SPO has also indicated that the time limits that apply to entry into the national phase are as follows:

Chapter I (PCT Article 22.(1)) 30 months from the priority date.

Chapter II (PCT Article 39(1)(a)) 30 months from the priority date.

However, as of the date of publication of this article, the SPO has not yet issued the regulations associated to the national phase entry into Saudi Arabia.



Tunisia

Tunisia: Accession to the Madrid Protocol

The Director General of the World Intellectual Property Organization welcomed the deposit of the instrument of accession of Tunisia to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks on July 16, 2013. The agreement will enter into force in the country on October 16, 2013.

Tunisia Affiliations

Bodies: World Intellectual Property Organization, World Trade Organization.

Conventions: Paris Convention, Berne Convention, Madrid Protocol.

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Kuwait

Kuwait: TMO Modifies Formalities

The Kuwaiti Trademark Office is now requesting for a declaration in support of requests for cancellation of a registered trademark by its owner. The declaration must be legalized up to the Kuwaiti Consulate, and should be submitted along with a power of attorney and the original certificate of registration endorsement purposes.

For further information, we list below the statutory requirements of a trademark application (be it a registration, renewal, recordal of assignment or a recordal of change of name/address) at the Kuwaiti Trademark Office.

Trademark Application

1. Power of attorney, legalized.
2. 12 prints of the mark for each application.

Change of Name/Address

1. Power of attorney, legalized.
2. Official certificate evidencing the change of name/address.
3. Original certificate of registration of the marks for endorsement.

Trademark Renewal

1. Power of attorney, legalized.
2. Original Kuwaiti certificate of registration of the mark for endorsement.

Cancellation of a Trademark by its owner:

1. Power of attorney, legalized.
2. Declaration from the owner, legalized.
3. Original certificate of registration of the marks for endorsement.

Assignment

1. Power of attorney from the assignee, legalized.
2. Deed of assignment, legalized.
3. Original certificate of registration of the marks for endorsement

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Yemen

Yemen: Official Weekend

According to Ministerial Decree No. 179 of 2013, the official weekend in Yemen has shifted from Thursday - Friday to Friday – Saturday. This will be applicable as of August 17, 2013. All deadlines falling on a Friday or a Saturday will move to the first working day following the due date. The same applies to national holidays.

Thursday Friday	Friday Saturday	Saturday Sunday
Afghanistan Djibouti Iran	Algeria Bahrain Egypt Gaza Iraq Jordan Kuwait Libya Oman Qatar Saudi Arabia Sudan Syria UAE West Bank Yemen	Armenia Azerbaijan Cyprus Ethiopia Lebanon Morocco Pakistan Tunisia Turkey

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* All mail should be dispatched to the Head Office address in Lebanon for proper channeling.

The information contained in this newsletter is intended to provide a brief update of intellectual property news and should not be relied upon as legal advice. Legal or other professional counseling should be sought from the firm's Head Office in Beirut, Lebanon.

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