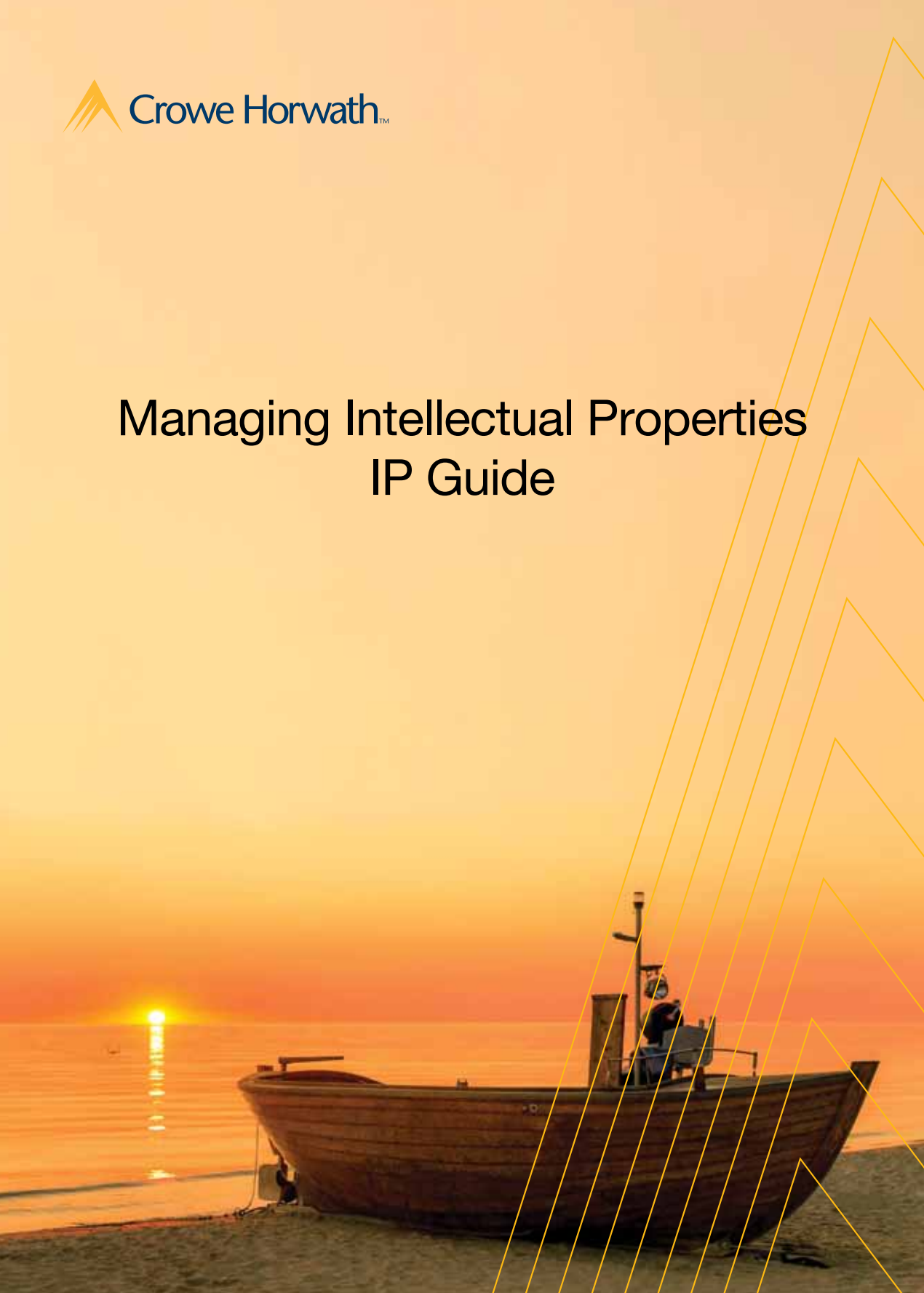


# Managing Intellectual Properties IP Guide



## CONTACTS

HORWATH MAK BUSINESS CONSULTING  
Level 14, 1403, Al Reem Tower  
Al Maktoum Street, Deira

### Mailing Address

P.O. Box 82315, Dubai, UAE  
T: +971 4 2367588  
F: +971 4 2367589

### Contact person

Ilyas Manjra  
[ilyas@horwathmakbusiness.com](mailto:ilyas@horwathmakbusiness.com)  
[consulting@horwathmak.ae](mailto:consulting@horwathmak.ae)  
[www.horwathmakbusiness.com](http://www.horwathmakbusiness.com)



# Managing Intellectual Properties IP Guide



## The Mak Philosophy:

The foundation for Horwath Mak – a byword for reliability in the UAE was laid way back in 1981 when it was incorporated. Today, Horwath Mak has grown to become the comprehensive corporate consultancy network even while being counted amongst the top ten multidisciplinary practices in the region.

Horwath Mak is a leading firm in the United Arab Emirates and is a great example of the excellent quality of the firms that represent the Horwath network.

At Horwath Mak Business Consulting we have believed that a thorough understanding of your present and future needs is just as important as our extensive multidiscipline knowledge of the Business Consulting practice.

An offering of full range of service which provide a unique opportunity to deal with a single firm for “total business solutions” and ensures your success is always our concern.

### **Ilyas Manjra**

Managing Partner

Horwath Mak Business Consulting

## Vision

- To provide the highest level of:
- Efficient,
- Cost effective and
- Personalized and professional service

## Mission

- To provide total solutions for setting up, profitability and success for corporations
- Constant gradation with respect to rapidly changing business environments.
- Total commitment to state of the art expertise and highest technical standards.

## Why Horwath Mak?

- A regional force with deep industry and business process expertise.
- Proven track record.
- Driven by a group of professionals who excel in their fields
- Provides a comprehensive range of services under one roof
- Client-focused, teamwork and continuous improvement
- Provides focused advice and timely response and solutions
- Product positioning and brand building
- Determines workforce productivity
- Expertise in designing workflow systems

## Professional Membership & International Affiliations

- The International Trademark Association (INTA).
- The Institute of Trade Mark Attorneys (ITMA).
- European Communities Trade Mark Association (ECTA).
- Arab Society for Intellectual Property
- International Association for the Protection of Intellectual Property - AIPPI
- Licensing Executives Society – LES
- The Pharmaceutical Trade Marks Group - PTMG
- The Brand Owners Protection Group – BPG
- Intellectual Property Agents & Trademark Owners Worldwide – IPAT
- The Association of European Trade Mark Owners – MARQUES
- American Business Council
- British Business Group
- Middle East Council of Shopping Centers

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## Trademark Registration

A trademark is any word, name, symbol or device used, or intended to be used, in interstate commerce to distinguish the products and services of one company or individual from those of another. In addition to names and logos, trademarks can include any device that distinguishes the source of goods or services. This can include color (e.g. pink for insulation) or even sounds (e.g., NBC's chimes).

## Trademark Rights

Obtaining the rights in a trade mark means obtaining the right to prevent others from using the same or similar mark on the same or similar products or services.

## What Can Be Trademarked:

- A business name, phrase or logo may be registered as a trademark if it is, fanciful, arbitrary or suggestive.
- Fanciful – Fanciful marks are generally marks without a dictionary meaning. Examples include, Exxon and Xerox.
- Arbitrary – Arbitrary marks have nothing to do with the goods or services with which they are associated. Examples include Diesel for clothing and Apple for computers.

Fanciful, arbitrary and suggestive marks are good choices when choosing a potential trademark or service mark.

## Validity of a Trademark

A registered trademark lasts 10 years, provided that it is properly maintained. The UAE allows for a period of five years' time starting from the registration date for a trademark proprietor to commence use of the trademark. Such use should be continuous for a period of five years in order to maintain the ownership of a trademark by the proprietor.

## Copyright

Copyright is a form of protection provided by the laws of the United Arab Emirates to the authors of "original works of authorship", including literary, dramatic, musical, artistic, and certain other intellectual works.

This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to do authorize others to do the following:

- To distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;



- To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, panto mimes, and motion pictures and other audio-visual works;
- To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture and other audio-visual works; and
- In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

## What Works Are Protected?

Copyright protects “original works of authorship” that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- literally works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

## How Long Copyright Protection Endures

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinary given a term enduring for the author’s life plus an additional 70 years after the author’s death.

## What is Patent?

A Patent is a set of exclusive rights granted by government to the patentee (The inventor or assigncc) for a limited period of time in exchange for public disclosure or certain details of a device, method, process or composition of matter (substance) (known as inventor) which is new, inventive, and useful, or industrial applicable. A patent provides a patentee exclusive rights in making, using, selling the patented products / method or authorizing others to do so. An invention must be new, non-obvious and industrial applicable in order to be protected by a patent.

# 1- UNITED ARAB EMIRATES

## Trademark Registration

The United Arab Emirates (UAE) has been a member of the Paris Convention for the Protection of Industrial Property since September 19, 1996. The International Classification of Goods and Services for the Purpose of the Registration of Marks under the Nice Agreement (9th edition) is followed in the UAE and the revision of class 42 with the creation of classes 43 to 45 has been adopted as of January 1, 2002.

Federal Law No. 8 for the year 2002 amended some articles of the Federal Law No.37 for the year 1992. The law covers the seven Emirates Abu-Dhabi, Dubai, Sharjah, Ras Al-Khaimah, Ajman, Fujairah and Umm Al-Quwain. A separate application has to be filed with respect to each class of goods or services.

According to Decree No. 12 for 2002 issued by the Ministry of Trade and Commerce on February 3, 2002, payment of registration fees should be made within 30 days from the date of expiry of the opposition period or the date of receiving a decision from the Trademark Office regarding an opposition (if any).

A trademark registration is valid for 10 years as of the date of filing the application renewable for similar periods. The renewal fees of a trademark registration can be paid during the final year of the protection period.

A grace period of 3 months is allowed for late renewal with a fine. The renewal of a trademark is also published in the Trademark Journal and in two local daily Arabic newspapers. The ownership of a registered trademark can be assigned with or without the goodwill of the commercial enterprise. Unless an assignment has been recorded in the register and published in the Trademark Journal, the assignment shall have no effect vis-à-vis third parties. Changes in the name and/or address of the registrant must be recorded in order to protect rights. Registered user agreements, license and amendments which do not affect the identity of the mark substantially, limitation of the list of goods and/or services covered by a trademark registration can be recorded as well.

Use of a trademark is not compulsory for filing application for registration or for maintaining the registration in force. However, any interested party may request the court to cancel a trademark registration, if the owner fails to use such a trademark in the UAE for 5 consecutive years from the date of registration.

Illegal and/or unauthorized use of a registered trademark by any third party, use of a fake or counterfeit trade/service mark, application to one's goods a registered trademark belonging to another party in bad faith, dealing in goods bearing a fake or counterfeit trademark, rendering services under a fake or counterfeit service mark, and use of a trademark that falls under certain categories of unregistrable marks are offenses punishable under the law in the UAE.

## Filing Requirements

1. Duly Notarized POA
2. Soft copy as well as hard copy of the trademark
3. Trade License Copy
4. Certified copy of the home country registration if priority is claimed

## Renewal of Trademark/Service Mark Registrations

1. A Power of Attorney duly notarized & legalized up to the Consulate of the UAE.  
(In case we are not the attorney of record at the UAE Trademark Office).
2. copy of the certificate of registration of the trademark.

## Notes:

1. The originals have to be shown for checking when submitting the application.
2. The application is to be submitted in two copies each one in a separate file.
3. For companies:
  - a. Two copies of the Memorandum of Association and Articles of Incorporation duly legalized.

## Patent Registration

### The United Arab Emirates Patent Law

Federal Law No. 44 for the year 1992 pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs was replaced by Federal Law No 17 for the year 2002 and later amended by the Federal law 31 for the year 2006. As per the last issued law, protection period for patent is 20 years and for Utility Certificate is 10 years. No extension of this term is allowed in the UAE.

A patent granted under the Federal law of the United Arab Emirates provides protection in the seven emirates namely Abu Dhabi, Dubai, Sharjah, Fujairah, Ras-Al- Khaimah, Umm-Al-Quwain and Ajman.

UAE is a member of a number of international bodies, namely:

- WIPO Convention, since September 1974.
- Paris Convention (Industrial Property), since September 1996.
- PCT (Patents), since March 1999.
- WTO: Member and Signatory to TRIPS Agreement, since April 1996.
- Gulf Cooperation Council (GCC), effective November 1998.

The United Arab Emirates is covered under the Gulf Cooperation Council (GCC) which also covers IP protection in Kingdom of Saudi Arabia, Kingdom of Bahrain, Sultanate of Oman, State of Qatar and State of Kuwait.

**NOVELTY:** Although the UAE Patent law does not have any stipulation of novelty except the mention of "new", the implementing regulations require the administration to examine the patent as to the new invention has no precedence in the industrial prior art which means that the invention was not disclosed to public anywhere at any time whether by written, oral disclosure or by use or any other method which allows the understanding of the invention.

**NON- OBVIOUSNESS:** The invention should have technical development which is not obvious to any skilled person related to field of technology to which the invention belongs.

## Filing Requirements

### Patent Applications

1. Duly notarized POA.
2. A duly legalized extract from the Commercial Register or from the Memorandum of Association, if the applicant is a company or body corporate.
3. One copy of the English specification and claims together with its Arabic translation.
4. One set of the drawings relating to the invention, if any.
5. An abstract of the invention of no more than 200 words, together with the best explanatory diagram.
6. A duly legalized deed of assignment signed by the inventor, if the applicant is not the inventor.
7. A certified copy of the application giving the filing date, number and country if the application is to be filed with a priority claim.

### Note:

Please note that the documents in item (3,4 and 5) should be submitted at the Patent Office on the filing date of the application, while documents in items (1, 2, 6 and 7) can be submitted within 90 days (strictly non-extendible) from the filing date of the patent application.

For PCT applications entering the national phase in the UAE, a copy of the PCT international publication search and examination reports must be submitted with the application.

## Design and Industrial Model Registration

A design or industrial model registration is valid for 10 years.

The payment of annuities can be made on or before the due date at any time and for any number of years, however, annuities can still be paid during the 3 months after the due date without a late payment fee and another 3 months with a late payment fee, (the total grace period is 6 months).

## Filing Requirements

### Design Applications

1. A Power of Attorney duly legalized up to the UAE Consulate.
2. A duly legalized extract from the Commercial Register or from the Memorandum of Association, if the applicant is a company or body corporate.
3. Two copies of the model or design, if it is two- dimensional or two copies of each view thereof, if it is three-dimensional.
4. A duly legalized deed of assignment signed by the inventor, if the applicant is not the inventor.
5. A certified copy of the priority document, if it is to be claimed.

### Note:

Please note that the documents in item 3 should be submitted at the Patent Office on the filing date of the application, while documents in items (1, 2, 4 and 5) can be submitted within 90 days (strictly non-extendible) from the filing date of the design applications.

## 2- SAUDI ARABIA

### Trademark Registration

Saudi Arabia is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Saudi Arabia and the revision of class 42 with the creation of classes 43 to 45 has been adopted as of January 1, 2002. Trademarks covering alcoholic goods are not registrable as well as retail and wholesale services. A separate application should be filed with respect to each class of goods or services.

Publication is an invitation to any interested party to oppose the registration of trademarks or service marks conflicting with their interests. There is a 3-month period open for filing opposition by any interested party. An opposition to the registration of a trademark or service mark should be filed within the term of the opposition period, i.e., 90 days from the date of publication of the notice in the Official Gazette. The case should be filed before the Board of Grievances (First Instance Court).

The duration of a trademark or a service mark registration is 10 years from the filing date according to the Hijri (Islamic) calendar (equivalent to approximately 9 years and 8 months). The registration is renewable for similar periods of 10 years each. According to the provisions of the new trademark law, a grace period of 6 Hegira months with a lateness fine is allowed for filing a renewal application after the expiration of the protection period. A fresh trademark application can be filed for the re-registration of a canceled trademark or service mark.

Use of trademarks is not compulsory in Saudi Arabia for filing applications to obtain registration or for maintaining registrations in force. However, a trademark becomes vulnerable to cancellation by any interested party who can establish that the trademark was not actually used for a period of 5 years in succession, unless the owner of the mark presents a reasonable excuse to justify non-use of the mark.

Unauthorized use of a trademark registered under the law, an imitation of such trademark applied on goods or in relation with services of the same class, sale, storing for the purpose of sale, exhibiting for sale of goods bearing a counterfeit mark, or using a mark duly registered under the law by another person to serve the purpose of unauthorized promotion of goods or services of the same class are offenses punishable under the law.

### Filing Requirements

#### Trademark/Service Mark Applications

1. Duly notarized and legalized POA up to the Saudi Consulate.
2. A list of the goods/services to be covered by the application.
3. In case of claiming priority, a certified copy of the priority application is to be filed within six months from the filing date of the foreign application.

## Patent Registration

Patents in Saudi Arabia are governed by Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Models Law which was issued, as per Royal Decree No. M/27 on July 17, 2004.

The law, which provides full protection for patents, layout designs of integrated circuits, plant varieties and industrial models in Saudi Arabia, was published in the Official Gazette No. 4004, dated August 6, 2004 and entered into force on September 6, 2004.

The Implementing Regulations for the aforementioned law were issued as per an administrative decision on December 26, 2004 and entered into force on the same date.

The Directorate of Patents at King Abdul-Aziz City of Science and Technology is deemed as the "Patent Office" and has the authority to grant patents in the country.

Once an application for the grant of a patent is filed with the Patent Office, it will be examined with respect to the compliance of the applicant with the formalities. If executed satisfactorily, the application receives a filing number and the filing date is secured.

A patent shall be protected for 20 years from the date of filing the application. A patent is subject to annuity due at the beginning of each year subsequent to the year in which the application was filed and payable within a period of 3 months (January 1st to March 30th). Late payment of annuity fees is allowed within 3 months thereafter in exchange for a double fee.

Naming the inventor is compulsory. The rights to a patent belong solely to the inventor; such rights can be assigned with or without consideration.

The granting of a license does not prevent the patentee from utilizing the patent or from granting a license on the same patent to another person, unless otherwise restricted in the original license agreement. The licensee may not assign the rights and privileges conferred on him, unless his ability to do so is expressly stipulated in the license agreement.

The Patent Office may grant a compulsory license for exploiting the patent to any person upon application filed thereof, provided that the patentee has not exploited or sufficiently exploited the invention covered by the patent within 4 years from the application filing date or 3 years from the grant date unless he justifies that with a legitimate excuse.

Saudi Arabia is a member of Patent Cooperation Treaty as per the Royal Decree on December 14, 2009.

Saudi Arabia is a member of the Gulf Cooperation Council (GCC) Patent Office. It is a regional office for the GCC, which comprises the United Arab Emirates, Kingdom of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar and State of Kuwait. Certificates of patents granted by the Office secure legal protection of the inventor's rights in all member states.

## Filing Requirements

### Patent Applications

1. Notarized and legalized POA up to the Saudi Consulate
2. A notarized and legalized deed of assignment, if any, executed by the inventor(s), assigning the patent rights to the applicant.
3. Two copies of the specification in English and Arabic prepared strictly in the following order:
  - The abstract (not exceeding one page);
  - Background of the invention;
  - Summary description of the invention;
  - Brief description of the drawings, if any;
  - Full description of the invention;
4. General Information Required:
  - a. Name(s) and address (es) of the inventor(s);
  - b. A list of the home and/or foreign applications stating:
    - County of filing
    - Application number(s) and filing date(s);
    - Publication number and date (if any);
    - Class of the patent in accordance with the International Classification (if known).

### Note:

The original documents in points 1 and 2 should be submitted at the time of filing the application.

### Information

1. Full name and address of the applicant and the designer.
2. Description of the model or design together with the relevant drawings.
3. Type of the products for which the industrial model or design will be used.
4. In the case of disclosure through an official exhibition or any other public disclosure, the documents indicating such disclosures and date are required.

### Copyright Registration

The copyright law in the Kingdom of Saudi Arabia was issued as per Royal Decree No. M/41 dated August 30, 2003 and published in the Official Gazette No. 3959 dated September 19, 2003.

The Implementing Regulations of the law were published in the Official Gazette (Um-Al-Qura) dated June 4, 2004 and entered into force on August 2, 2004.

Protection is granted to authors whose works of art are expressed in writing, sound, drawing, photography or motion pictures and computer software. The rights of the author are protected for his lifetime and for a period of 50 years after his death.



The protection shall cover all intellectual works whether they are literary, scientific or artistic of any type as far as the distribution of the same in Saudi Arabia is allowed.

Foreign intellectual works are protected in accordance with the international conventions Saudi Arabia is a member therein.

The law incorporates stringent penalties to be imposed on Intellectual Property infringers. These penalties include financial fines reaching up to 250.000 Saudi Riyals, closing the violating establishment, confiscation of all copies of the work and imprisonment for a period not exceeding 6 months.

No registration procedures of copyright are available in Saudi Arabia. According to the Berne Convention for the Protection of Literary and Artistic Works, registration in the home country extends to all member states.

However, any printed materials or computer programs can be distributed in Saudi Arabia only after receiving an approval from the Ministry of Information. For this purpose, a local distributor is essential. The distributor should obtain the necessary approval locally.

The Kingdom of Saudi Arabia is a member of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works.

## Filing Requirements

### Copyright Applications

#### Computer software:

1. Three copies of the software.

## 3- QATAR

### Trademark Registration

Qatar follows the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement, yet classes 1, 4 to 7, 10 to 14, 16 to 22, 29 and 31 are not granted entirely under the trademark law. Products covered by class 33 and alcoholic drinks and beverages in class 32 are not registrable. The law has been amended so that a separate application should be filed with respect to each class of goods or services.

Once a trademark application is filed, the trademark is examined as to form and substance, as Qatar follows the anteriority examination system. Accepted trademark applications are published in the Official Gazette of Trademarks. Any interested party may, within 4 months from the date of publication, oppose the registration of a published trademark.

A trademark registration is valid for 10 years from the date of filing the application, renewable for further consecutive periods of 10 years each. The renewal fees of a trademark registration can be paid during the last 12 months of the current protection period. There is a 6-month grace period within which a late renewal application can be filed, but such a late renewal application is subject to the payment of additional fees. A separate application for the renewal of a trademark registration or any recordal is needed in respect of each class of goods or services as far as trademarks are originally registered in more than one class.

Note: Trademark Law No. 9 of 2002 was issued on June 8, 2002 and published in the Official Gazette, but its Implementing Regulations have not yet been issued.

### Filing Requirements

#### Trademark/Service Mark Applications

1. Legalized POA up to the Qatari Consulate or any other Arab consulate.
2. A simple copy of the certificate of incorporation of the applicant company, or an extract of the entry of the applicant in the commercial register.
3. Five prints of the trademark.
4. A list of the goods to be covered by the application. The protection of the class cannot include all goods and services for classes 1, 4 to 7, 10 to 14, 16 to 22, 29 and 31, as they are not entirely granted by the trademark law; one item must always be excluded from these classes. Products covered by class 33 and "alcoholic drinks and beverages" in class 32 are not registrable.
5. The name, address, nationality, activity and legal status of the applicant and the nature of its business.
6. A copy of the priority document, in case priority is claimed.

## Note:

In case no Qatari Consulate exists, legalization will be accepted from any Arab Consulate.

## Patent Registration

Qatar is a member of the Gulf Cooperation Council (GCC) Patent Office. It is a regional office for the GCC, which comprises the United Arab Emirates, Kingdom of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar and State of Kuwait. Certificates of patents granted by the Office secure legal protection of the inventor's rights in all member states. As there are no statutory patent laws in force in Qatar, the only available means for protecting patents is publishing cautionary notices in Arabic and English in local newspapers.

Cautionary notices define the owner's interest in industrial property, announce the ownership thereto and alert the public against any possible infringement. Such publication of notices could be of considerable assistance in case of litigation.

There is no standing regulation as to when a cautionary notice should be republished. A cautionary notice is not as effective as a registration and is not deposited with any government department. Consequently, republication of cautionary notices at reasonable intervals acts as a reminder to the public and helps ward off eventual infringers.

## Filing Requirements for Patents

### Patent Applications

1. The name, address, nationality, nature of business, etc. of the owner of the invention.
2. The title of the invention and the particulars of the home registration or any other registration.
3. A summary description of the invention in English, if the owner desires to have it published.

## Copyright Registration

Qatar is a member of the Berne Convention for the Protection of Literary and Artistic Works.

The Qatari Copyright Law No. 25 of 1995 was issued on July 22, 1995 and published in the Official Gazette No. 14 dated August 12, 1995. The Implementing Regulations have not yet been issued; thus delaying the implementation of the law.

Currently, it is possible to deposit a copyright work with the Copyright Protection Office; however, it is not possible to settle the relevant fees and no filing certificate will be issued. The Copyright Protection Office will keep the application in its custody till the issuance of the Implementing Regulations of the law. In evidence of submitting a copyright work, the office will provide a letter stating that it received the work only.

Protection will be granted to authors of literary, artistic and scientific works whatever the value,

kind or purpose or expression of the work is. Generally, the protection will be provided for works whose means of expression is writing, sound, drawing, image or motion picture. It also includes creative titles and computer software.

## **Note:**

A new law on the Protection of Copyright and Neighboring Rights (Law No. 7 of 2002) was issued in Qatar but the Implementing Regulations have not yet been issued.

## **Filing Requirements:**

1. The name of the author or authors in case of joint works.
2. The subject of the work.
3. Five copies of the work.
4. A detailed specification of the work.
5. A written declaration of the ownership of the work by the author or authors.
6. A written declaration by the author or authors specifying the manner in which they choose to publish the work.
7. Approval of the work by the competent department in the Ministry of Information in accordance with the provisions of the Publications Law.

## 4- OMAN

### Trademark Registration

Oman is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Oman. A separate application should be filed with respect to each class of goods or services.

Once a trademark or a service mark application is filed, the mark is examined as to its registrability. The Registrar may object in writing to certain aspects of the mark in the course of examination, such as the scope of goods or services, or he may ask for the modification of the mark. Trademark or service mark applications accepted for registration by the Registrar are published in the Official Gazette and once in a local daily newspaper. It is necessary to specify the list of goods/services at the time of filing for a registration of a trademark to avoid any opposition that might take place; the same also applies when renewing a trademark.

Publication is an invitation to any interested party to oppose the registration of trademarks or service marks conflicting with its interests. An opposition to the registration of a trademark or service mark should be made within the term of the opposition period, i.e. 90 days as from the date of publication in the Official Gazette.

The duration of a trademark or service mark registration is for 10 years from the filing date renewable for similar periods of 10 years each. According to the provisions of the law, a grace period of 6 months is allowed for filing a renewal application with a lateness fine. Renewal application(s) will be published in the Official Gazette.

The assignment of a trademark or service mark can be recorded once the mark is registered in the country. In fact, unless an assignment has been entered against a trademark or service mark in the register and published in the Official Gazette, it shall not be effective vis-à-vis third parties. The registrant of a trademark or service mark is also obliged to record any change in his name and/or address with the Trademark Registry.

Use of trademarks is not compulsory in Oman for filing applications or for maintaining registrations in force. However, a trademark registration becomes vulnerable to cancellation by any interested party who can establish the fact that the trademark was not actually used for a period of 3 years in succession, unless the owner of the mark presents a reasonable excuse to justify his non-use of the mark. A trademark registration will be incontestable, if it gains uninterrupted use for 3 years as of the registration date without any successful legal action against it during that period.

Unauthorized use of a trademark registered under the law, an imitation of such trademark applied on goods or in relation with services of the same class, sale, storing for the purpose of sale, or exhibiting for sale of goods bearing a counterfeit mark, or using a mark duly registered under the

law by another person to serve the purpose of unauthorized promotion of goods or services of the same class are offenses punishable under the law.

## Filing Requirements

### Trademark/Service Mark Applications

1. Duly legalized POA.
2. A certified copy of the certificate of incorporation of the applicant company, an extract of its entry in the commercial register or a good standing certificate including all relevant information.
3. Fifteen Prints of the trademark.
4. A list of the goods and services to be covered by the application.
5. If priority is claimed, a certified copy of the priority document should be submitted to the Trademark Office in Oman within three months as of the filing date of the application.

## Patent Registration System

Oman is a member of the Gulf Cooperation Council (GCC) Patent Office. It is a regional office for the GCC, which comprises the United Arab Emirates, Kingdom of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar and State of Kuwait. Certificates of patents granted by the Office secure legal protection of the inventor's rights in all member states.

As of October 26, 2001, Oman has been a member of the Patent Cooperation Treaty (PCT) as per Royal Decree No. 37/2001 issued on April 24, 2001 and published in the Official Gazette No. 694 on May 1, 2001.

## Copyright Registration

Oman is a member of the Berne Convention for the Protection of Literary and Artistic Works.

The Omani copyright law, issued by Royal Decree No.65/2008 dated May 4, 2008, became effective on May 18, 2008.

The law grants protection to authors of literary, artistic and scientific works whatever the value, kind or purpose or way of expression of the work is. Generally, the protection will be provided for works whose means of expression is writing, sound, drawing, image or motion picture. It will also include creative titles and computer software, which are published, acted or displayed for the first time in the Sultanate of Oman or abroad.

The term of protection is the lifetime of the author plus 50 years following his/her death. Copyright works may be deposited at the Ministry of Commerce and Industry and shall be considered a presumption of ownership.

## Filing Requirements

### Copyright Applications

1. A Power of Attorney legalized up to the Consulate of Oman.
2. Three original samples of the work.
3. A copy of the home registration certificate or registration effective elsewhere

## 5- KUWAIT

### Trademark Registration

The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Kuwait. The trademark law does not provide for the protection of trademarks covering alcoholic drinks in classes 32 and 33 and pork meat in class 29. Class No. 33 has been completely dropped and the international class 34 has been reinstated for tobacco products. A separate application should be filed with respect to each class of goods and services.

Once a trademark application is filed, the trademark is examined as to its registrability. In case the Registrar rejects a trademark, the applicant may file an appeal in court within 30 days as of the date of the official notification. Trademark applications accepted by the Registrar are published in 3 consecutive issues of the Official Gazette of Kuwait (Al-Kuwait Al-Youm).

There is a 30-day period open for filing opposition by any interested party. The statement of opposition to the registration of a trademark should be submitted to the Registrar within the prescribed term of 30 days, as of the date of the last (third) publication of the relevant notice in the Official Gazette.

An opposition statement requires a counter statement to be filed within 30 days by the applicant in order to maintain the trademark application in force. All opposed trademark applications remain pending with the Registrar until he takes a decision or a court decision is issued in favor of either party or an amicable settlement is reached by the parties concerned. In the absence of opposition, the relative certificate of registration will be issued.

A trademark registration is valid for 10 years as of the date of filing the application, renewable for similar periods of 10 years each upon submitting an application for renewal during the last year of the protection period of the trademark.

The trademark law provides for a 6-month grace period for late renewal of a trademark registration subject to the payment of a lateness fine. A trademark, which lapses, may be re-registered in the name of a third party at any time.

However, a trademark registration is vulnerable to cancellation by any party who can convince the court that the trademark has not actually been used in a serious manner for 5 consecutive years, or that there was no bona fide of using the trademark on the goods in respect of which the trademark was registered.

Unauthorized use of a trademark registered under the law or an imitation of such a trademark applied on goods of the same class, or sale, storing for the purpose of sale, or exhibiting for sale of goods, bearing a counterfeit mark by another person to serve the purpose of unauthorized promotion of goods of the same class are offenses punishable under the law in Kuwait.



## Filing Requirements

### Trademark/Service Mark Applications

1. Legalized POA up to the consulate of Kuwait.
2. A certified copy of the certificate of incorporation of the applicant company, an extract of its entry in the commercial register or a good standing certificate including all relevant information.
3. Digital Prints of the trademark.
4. A list of the goods and services to be covered by the application.

### Renewal of Trademark/Service Mark Registrations

1. A Power of Attorney notarized and legalized up to the Kuwaiti Consulate.
2. The original Kuwaiti registration certificate of the trademark for endorsement purposes.

### Assignment Applications

1. The original Kuwaiti certificate of registration of the trademark for endorsement purposes.

### Patent Registration System

The provisions of Law No. 4 of 1962 and its amendment of 1999 allows for the registration of patents in Kuwait. The validity of a patent of invention is 20 years as of the date of filing the application.

According to the patent law, patents for utility models will be granted to those applications which include a new technical solution in the shape or formulation for equipment, means, tools, parts thereof or others which are used in commercial applications. An applicant may transform his patent application for utility model into a patent application for an invention, if the conditions are fulfilled, and vice-versa. In both cases, the filing date of the original application shall be taken into consideration.

The term of protection of a utility model is 7 years starting from the date of submitting the application. It is not possible to renew the term of protection. The Patent Office shall publish utility model applications within 6 months from the date of submitting the application.

Kuwait is a member of the Gulf Cooperation Council Countries (GCC). A patent granted by the GCC Patent Office which is located in Saudi Arabia will protect the patent in all member countries including Kuwait.

## Filing Requirements

### Patent Applications

1. A Power of Attorney legalized up to the Kuwaiti Consulate.
2. An extract of the entry of the applicant in the commercial register, or an official copy of the memorandum or articles of association, if the applicant is a company or a body corporate legalized up to the Kuwaiti Consulate.
3. The title of the invention.
4. A summary description of the invention.
5. The number and date of the corresponding foreign patent.
6. The name, address, nationality and occupation of the applicant(s) and inventor(s).
7. Two copies of the specifications of the invention together with the Arabic translation.
8. Two sets of the formal drawings bearing Arabic reference numerals.
9. An assignment document from the inventor to the applicant legalized up to the Kuwaiti Consulate.

## Filing Requirements

### Design Applications

1. A Power of Attorney legalized up to the Kuwaiti Consulate.
2. An extract of the entry of the applicant in the commercial register, or an official copy of the memorandum or articles of association, if the applicant is a company or a body corporate legalized up to the Kuwaiti Consulate.
3. The name, address, nationality and occupation of the applicant.
4. Two representations of each design or model showing the various views. The figure of the design or model should be placed in an upright position on the sheet. When more than one figure of the design or model are shown, these should be on the same sheet, each designated as "perspective view", "front view", "side view" or as the case may be.

## 6- BAHRAIN

### Summary of the Trademark Registration System

The Kingdom of Bahrain is a member of the Paris Convention for the protection of Industrial Property. Starting June 2007, claiming priority has become possible.

The International classification of Goods and Services for the Purposes of Registration of Marks under the Nice Agreement is followed in Bahrain and the revision of class 42 with the creation of classes 43 to 45 has been adopted as of July 1, 2005.

Trademark rights are acquired by registration. However, a trademark application can be opposed successfully upon producing sufficient proof of the prior use of the mark in Bahrain and elsewhere in the world.

A trademark registration is valid for 10 years as of the date of filing the application, and it can be renewed for periods of 10 years each. The trademark law provides for a 3 month grace period for late renewal of a trademark. If a trademark is not renewed, the law does not allow third parties to register the trademark, unless after the lapse of 3 years from the date of cancellation.

### Filing Requirements

#### Trademark /Service Mark/Collective Mark Applications

1. Legalized POA
2. A certified copy of the home registration or any foreign registration of the trademark (except from boycotted countries). A Trade License / certificate of incorporation of the applicant company.
3. The full name, address, nationality and profession of applicant.
4. A list of the goods to be covered by the application, in no more than 6 lines.
5. JPEG format of the mark.

### Patent and Utility Model Registration System

Once an application for the grant of a patent/utility model is filed, it is examined with respect to compliance with the formalities and patentability provided for under Patent and Utility Models Law No. 1 of 2004.

A patent or utility model application should be filed in Bahrain within 6 months as of the filing date of the priority document, in order to claim priority.

As per Patent and Utility Model No. 1 of 2004 a patent is valid for 20 years and a utility model is valid for 10 years from the date of filing the application, or from the priority date in case of claiming priority.

Bahrain is member of Gulf Corporation Council (GCC) Patent Office.

## Filing Requirements

### Patent & Utility Model Applications

1. POA & Trade License
2. One copy of the English specification and claims together with its Arabic translation.
3. One set of the drawings relating to the invention, if any
4. An abstract of the invention of no more than 200 words, together with the best explanatory diagram
5. A deed of assignment signed by the inventor and the applicant and duly legalized up to an Arab Consulate if the applicant is not the inventor.
6. A certified copy of the application giving the filing date, number and country if the application is to be filed with a priority claim.

### Design and Industrial Model Registration System

A design registration in the Kingdom of Bahrain is valid for 10 years from the filing date, renewable for an additional term of 5 years (15 years in total).

Design applications accepted by the Registrar are published in the Official Gazette. There is a 30 day period open for filing an opposition by the interested party.

### Copyright Registration System

Law No. 22 of 2006 related to Copyright and Neighboring Rights was issued on June 25, 2006 to govern the protection of copyright and related rights in the Kingdom of Bahrain.

In order to gain protection, the publishers of copyrightable works have to deposit 3 copies of the work with the Copyright Protection Office at the Ministry of Information. Original works of literature, arts and science, regardless of type, importance or purpose of protectable.

The law, whose Implementing Regulations have not yet been issued, annulled Copyright Law No. 10 of 1993.

Such works include book, pamphlets and other writings, lectures, sermons, dramatic works, musical works, musical compositions, cinematographic works, works of drawing, painting, architecture, sculpture, engraving, photographic works, works of applied art, illustration, maps, plans, sketches, and three dimensional works as well as computer programmers and folklore expressions. The law also provides protection for neighboring rights, including rights of performers, producers of sound recordings and broadcasting organizations.

Protection period for the economic rights of the authors consists of two phases, the authors lifetime and a period ranging from 20 - 70 years following his death.

Bahrain is a member of the Berne Convention for the Protection of Literary and Artistic Works.

**Note:**

The Copyright Office is currently not accepting new copyright applications, due to the non-issuance of the implementing Regulations for the said law.

## 7-AFGHANISTAN

### Summary of Trademark Registration System

Afghanistan is not a member of the Paris Convention, WIPO or any other international treaty for the Protection of Industrial Property; and hence an applicant cannot claim priority based on their home applications/ registration. However, the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement which consists of 45 classes is followed in Afghanistan.

If the application for registration of a mark is accepted by the Registration Bureau or the Commercial Court, the Registration Bureau would be bound to register the trademark within 10 days and to issue a formal Registration Certificate to the applicant.

Subsequently, the Publication Department of Afghanistan Government shall publish the details of the accepted trademarks in the Official Gazette

A trademark registration is valid for 10 years of the date of filing the application and the owner of the trademark may apply for an additional 10 years upon expiration of the initial 10 years. Use of marks in Afghanistan is not compulsory for filing applications or necessary for maintaining registrations in force.

### Filing Requirements

#### Trademark Application:

1. Address and the Legal Status of the Applicant in English
2. A list of goods/services and the corresponding class(s), as per the Nice Classification;
3. A Power of Attorney duly legalized up to the Afghanistan Consulate; and
4. Prints of the trademark.

## 8-CHINA

### Trademark Applications

Formal Requirements for Filing Trademark Applications in China:

1. Nationality, name, address of the applicant and the Chinese translation as well
2. The classes in which registration is sought.
3. Specific of all the goods or services sought to be covered in each registration. Extra payment for additional goods / services
4. Details of the priority application (if appropriate).
5. A certified priority document and its English translation, if its not in English.
6. A specimen (5-10 cm) of the mark, if it is in black and white. 8 color copies and two black and white copies, if the mark claims cover protection.
7. A signed Power of Attorney; no legalization or notarization is required.
8. A copy of the applicant's passport if the applicant is an individual instead of a company.

### Time Frame for Trademark Registration in China

1. From filing to the issuance of official receipt: three months
2. Preliminary examination: twelve to eighteen months
3. Publication Period: three months
4. Time for issuance of certificate: One month

### Patent of Patent Application for Design

1. Name and address of the applicant(s) and the investor(s)
2. Information of Priority Right (If priority right is claimed)
3. Description, claims, abstract, drawing (if any) or three sets of photographs
4. Certified priority document (if priority right is claimed)
5. Assignment (if the applicant in China is different from that of the priority application.
6. Power of Attorney

Items 1-3 are mandatory at the time of filing, whereas items 4-6 can be filed later; however the deadline for submitting item 4 will expire after three months from the Chinese filing date.

### Design Applications

For a design application to be filed in China, it is required to submit the following:

1. Two sets of drawings or photographs (if color is claimed it is required to submit two sets of colorful photographs) to the State Intellectual Property Office of China. For that purpose, please provide us with four sets of drawings or photographs for one design case.

The following information is also required at the time of filing a design case.

1. Priority Right Data (if any to be claimed)
2. Name, address and nationality of each designer
3. Name, address, nationality and residence of each applicant.
4. Title of Article
5. Locarno Classification of the article of which the design applies.

If priority is claimed, a certified copy of the priority document is required to be submitted within three months from the Chinese filing Date.



## 9- EGYPT

### Trademark Registration System

Egypt is a member of the Madrid Agreement Concerning the International Registration of Marks (Act of Stockholm of 1967). The International Classification of Goods and Services for the Purposes of Registration of Marks under the nice agreement is followed in Egypt and the revision of class 42 with the creation of class

As per new regulations issued by the Egyptian Trademark Office, the deadline to file a petition application in response to the provisional refusal of an international registration has been reduced to three months instead of six months from the date of notification through the World Intellectual Property Organization (WIPO).

A trademark registration is valid for 10 years from the date of filing the trademark application and it is renewable for periods of 10 years each upon application and payment of the prescribed renewal fees.

Use of trademarks in Egypt is not compulsory for filing applications for registration or for maintaining trademark registrations in force. However, a trademark registration is vulnerable to cancellation on the strength of a court decision obtained to this effect by any interested party.

A cancellation action relies basically on establishing sufficient grounds that the trademark in question has not actually been used seriously for a period of 5 consecutive years. A trademark registration is consequently canceled unless the owner proves that non-use of the trademark was for reasonable cause of which the court approves. The Trademark Office or any party concerned is entitled to demand cancellation of any trademark registered in bad faith.

Any infringement or unauthorized use of a registered trademark is punishable under the provisions of the current trademark law.

### Filing Requirements

#### Trademark/Service Mark/Collective Mark Applications

1. Duly Legalized POA
2. Ten Prints of the trademark for each class.
3. A list of the goods and services to be covered by the application; class heading can be claimed for all classes in Egypt.
4. A certified copy of the priority document must be submitted within six months, in case it is claimed.

## Patent and Utility Model Registration System

Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law in Egypt. The Patent Office may require whatever amendments may be necessary to bring the application into conformity with the law.

The provisions of the patent law stipulate that an application should be filed before the invention has become known prior to the filing date or the priority date through publication or use worldwide. The Patent Office currently receives many published patents worldwide and stipulates absolute novelty when examining the patent.

Patent applications are examined closely as to the contents and novelty of the invention. Once the application is accepted, it is automatically published in the Official Gazette. Any interested party may oppose the grant of a patent within 2 months as of the date of publication. The opposition notice is submitted to the competent committee. Should no opposition against the grant of a patent be filed, or should the committee reject an opposition, the charges of preparing copies for circulation purposes, which is the final step before grant, must be paid to the Patent Office.

It takes an average of 3 years from the filing date of the patent application to mature into a granted patent. Annuities are to be paid every year as of the filing date of the application even before the patent is granted. However, according to the current patent law, there is a one year grace period from the due date with a late fine to settle payment on annuity.

A patent is valid for 20 years starting from the date of filing the application. Annuities should be paid until the expiry of the patent protection period.

The rights to a patent may be assigned or transferred through succession. The assignment of patent applications and granted patents must be made in writing. An assignment shall have no effect against third parties, unless it has been published in the Official Gazette and duly entered in the relevant records of the Patent Office.

Infringement of the rights of a patentee is punishable under the provisions of the current patent law.

## Filing Requirements

### Patent Applications

1. A Power of Attorney legalized up to the Egyptian Consulate.
2. A deed of assignment legalized up to the Egyptian Consulate.
3. The name, address, nationality and profession or nature of business of the applicant(s) and the inventor(s).
4. The specification in English or French for preparing the Arabic translation. The specification must be subdivided as follows:
  - a. Prior art,

- b. Drawbacks of the prior art,
- c. What is new about the invention (improvements),
- d. Detailed description,
- e. Mode of exploitation of the invention,
5. A summary of the invention (abstract) in English and Arabic (about 100 words).
6. One set of the formal engineering drawings.
7. An extract of the entry of the applicant company in the commercial register, or a copy of the certificate of incorporation. The document in either form should be duly legalized up to the Egyptian Consulate.
8. A certified copy of the priority document must be submitted within three months, in case it is claimed.

## Design and Industrial Model Registration System

Designs and industrial models are protected in Egypt through registration with the competent office. The International Classification for Industrial Designs under the Locarno Agreement is applied in Egypt. A registration is effective with novelty examination. A design or an industrial model registration is valid for 10 years starting from the date of filing the application. A registration can be renewed once for further 5 years. A registration of a design or an industrial model is subject to cancellation in the event any interested party requests such a cancellation before the competent tribunal, on the grounds that the subject design or industrial model was not novel at the time of filing the relevant application. The registration, assignment and cancellation of design and industrial model registrations are published in the Official Gazette and entered in the register.

Opposition of the registration of an industrial design is permitted by Intellectual Property Law No. 82 of 2002, and can be submitted within 2 months from the publication date of the industrial design.

## Filing Requirements

### Design Applications

1. A Power of Attorney legalized up to the Egyptian Consulate.
2. Four representations (photographs or drawings) of the design or model on good quality paper of size 33x21 cm.
3. A legalized extract of the entry of the applicant company in the Commercial Register, or a legalized copy of the certificate of incorporation; which includes the name, address, nationality, legal status and profession or nature of business of the applicant.
4. A certified copy of the priority document for a convention application. All documents must be available within three months from the filing date.

## Copyright Registration System

Original works of literature, art and science, regardless of type, importance or purpose are protected in Egypt as per Law No. 82 of 2002. This includes works of art expressed in writing,

sound, drawings, photography and motion pictures, such as books, writings, speeches, oral works, plays, dramatic works, musical compositions, films, phonographic works, applied art, 3-D works, computer programs and national folklore. Such works are protected for the lifetime of the author plus 50 years following his/ her death.

The law also provides protection for related rights, including rights of performers, producers of phonograms and broadcasting organizations.

In order for protection to be effective, the work of art is to be original and includes personal efforts, innovation and new arrangement.

The Cultural Affairs' Supreme Council at the Ministry of Culture reserves the right to allow publication of the work of art for documentary, transitional, educational, cultural or scientific uses under certain conditions.

Egypt is a member of the Berne Convention for the Protection of Literary and Artistic Works.

# 10- INDIA

## Trademark Registration

The Trade Marks Law in India is governed by the Trade Marks Act, 1999 and the Rules made there under which came into effect on September 15, 2003.

Under the Trade Marks Act, 1999 a person who is the proprietor of a trademark can apply for the registration of its mark for goods as well services. Though Multi-class applications are allowed, the statutory fees remains the same whether a single application is filed for registration of a trademark in respect of goods/services falling in different classes or separate applications are filed with respect to each class of goods/services. An application for registration of a trademark may be filed on a 'proposed to be used' basis i.e. use of trademark in India is not a *sin qua non* for filing its application for registration.

In view of the amendment made on May 20, 2010, applications filed on or after September 15, 2003 in Service Class 42 may fall in Classes 42 to 45, which have to be amended and filed accordingly. In the absence of such filing, the renewal of trademarks under those applications would not be effected.

A trademark registration once granted, is valid for 10 years as of the date of filing the application and renewable for periods of 10 years perpetually. In case of a convention application, the 10-year period begins from the earliest priority date. Trademarks that are registered before September 15, 2003, will remain valid according to the old law (7 years) and they would be renewed for 10 years. In case of applications filed before this date and registered on or after this date, validity period shall be 10 years.

An application for the renewal of the mark should be made within 6 months before expiration. The mark can also be renewed by paying surcharge within 6 months after the expiry date. If not renewed within the said 6 months, the mark would be removed from the register of trademarks. An application for restoration and renewal can be filed within one year from the date of the expiration of the registered trademark. If no action is taken within the said one-year period, a fresh application for the registration of the mark is to be filed.

## Requirements

### Note:

All documents should be in English, or a certified/ notarized English translation is required.

1. A simply signed Power of Attorney; and address of the applicant
2. Name and address of the applicant
3. A list of the goods/services
4. Digital representation of the mark

5. A certified priority document or a copy of it duly notarized, if priority is to be claimed. If the certificate is not in English, a certified/notarized English translation is required.

## Patent Registration

### Summary of the Patent Registration System

Under the Paris Convention, an application should be filed in India within 12 months from the date of the basic application filed in the home country of the applicant.

For national phase entry under the Patent Cooperation Treaty (PCT)- as against the minimum period of 30 months prescribed by the PCT- the Indian law allows 31 months to enter into National Phase from the earliest priority date. Amendments made to the international application in response to the Search Report or Preliminary Examination Report can be considered as amendments made to the patent's specifications at the option of the applicant(s).

All applications are published after 18 months of the priority date or filing date of the application whichever is earlier. In case of national phase applications under the PCT, they are published immediately after filing, as 18 months from the priority date would have been generally over. An applicant can request for an early publication too.

A request for examination has to be filed within 48 months from the date of priority. Patent applications are examined in the order of filing request for examination with respect to compliance with the formalities and patentability requirements. Novelty is not limited to India.

A novelty examination generally takes into consideration any specification previously lodged with the Patent Office, any patent previously granted in various countries and any other materials an examiner treats as relevant. The Patent Office may ask to make amendments that it deems necessary to conform to the requirements.

An applicant has to put the application in order for acceptance removing all the objections within 12 months from the date of the First Examination Report.

There is no provision for extension of time under any circumstance. Once an application is accepted, it would be granted a patent and published in the Official Journal of the Patent Office.

A patent will remain valid subject to the payment of the prescribed annuity (annual fees). The annuity is to be paid only after the issuance of the patent.

The right to a patent may be assigned, licensed or transferred through succession. The assignment of patent applications or granted patents must be made in writing.

Working of patents is an official requirement in India. In case the owner or the licensee(s) of a patented invention fails to satisfy the stipulated working requirements of the country within 3 years

as of the date of grant, the patent will be subject to compulsory licensing under the provisions of the law.

The rights conferred by a patent on the registered patentee expire on the lapse of the protection period as prescribed by the law, lawful assignment of the patent rights, final court decision to this effect or nonpayment of the annuity fees.

## Requirements

1. A simply signed Power of Attorney.
2. A declaration signed by the inventor / a notarized copy of the assignment from the inventor(s) to the applicant(s).
3. In case of national phase application under the PCT, international application number, title of the invention and the applicant(s) in India and any amendments filed to the international application. If the international application or WIPO publication was not in English, a certified/notarized English translation is required.
4. In case of convention application under the Paris Convention, one copy of the specification including claims and drawings, a certified copy of the basic application or its notarized copy. If the certificate is not in English, a certified/notarized English translation is required. If it is not readily available, the application can be filed based on the basic application number, date of the application and country of the application.

## Design & Industrial Model Registration

As per the Paris Convention, an applicant can claim priority of up to 6 months in India. The International Classification for Industrial Designs under the Locarno Agreement (32 Classes) is implemented in India, although India is not a party to the Agreement. Industrial designs are protected in India through registration with the Patent Office.

Once a design application is filed, the examiner shall examine the application for novelty and other legal requirements. The design should be new, original and should not have been disclosed anywhere in India or any other country by publication or by use prior to the filing date or priority date. A certificate of registration is issued in respect of a design application accepted by the Controller and published in the Official Gazette.

Any person interested may present a petition to the Controller for the cancellation of the registration of the design at any time after the registration of the design for lack of novelty or for not fulfilling any other requirement under the law.

Upon a design registration, the registered proprietor shall have a copyright in the design initially for a period of 10 years starting of the registration date. The period of copyright can be extended for a second period of 5 years from the expiration of the original period of 10 years on payment of the prescribed fee. There is no provision in the design law of India for compulsory working with respect to designs.

Piracy of a registered design is a civil offence and the proprietor can claim damages in addition to

seeking injunction.

## Filing Requirements

### Design Application

#### Note:

All documents should be in English or a certified/ notarized English translation is required.

1. A simply signed Power of Attorney; this can be filed after filing the application.
2. A document supporting the right of the applicant in the design, in the event the applicant is not the creator.
3. Specify the novel aspects of the design.
4. The article(s) covered by the design and the material used in producing these items.
5. The class in which the design is to be registered.
6. Four sets of the representations of the design.
7. A certified priority document or a copy of it duly notarized, if priority is to be claimed. If the certificate is not in English, a certified/notarized English translation is required. If it is not readily available, the application can be filed based on the basic application number, date of the application and country of the application. A copy of the priority document can be submitted within two months of filing the application.



# 11- IRAQ

## Trademark Registration System

Iraq is a member of the Paris Convention for the Protection of Industrial Property. Registration of trademark in Iraq is effective under the provisions of Trademarks and Descriptions Law No. 21 of 1957 and its subsequent amendments.

Order No. 80 issued by the Coalition Provisional authority on April 26, 2004 amended the aforementioned trademarks law. The law was renamed the "Trademark and Geographical Indications Law."

The classes of goods are subdivided. The wordings of the goods to be included in the application should be in conformity with the local classification, which is almost identical to the International Classification of Goods and Services for the Purposes of the Registration of Marks under Nice Agreement. An application can include goods in any number of classes, but with additional charges for each additional class.

Service marks are registrable as of April 29, 2001, according to the International Classification. The prints of the trademark should show the Arabic translation of the mark in a larger lettering on the top of the word in Latin. The prints of the trademark covering goods in class 34 should contain the statutory warning in both English & Arabic along with the trademark denomination and should include the label of the trademark as used.

A trademark registration is valid for 15 years as of the filing date of the application, renewable for similar periods. The trademark law in Iraq does not provide for a grace period during which a late renewal application can be filed. However, the Trademark Office may grant, upon request, a grace period of once month so that a trademark renewal may be effective. Alternatively the trademark will be re-filed with a validity extending for 15 years as of the expiry date of the registration.

Use of trademark in Iraq is not compulsory for filing an application for registration, or for maintaining trademark registrations in force. However, a trademark registration is vulnerable to cancellation on the basis of a court decision obtained to this effect by any interested party.

A cancellation action relies basically on establishing sufficient grounds that the trademark in question has not actually been used seriously for a process of two consecutive years.

A trademark registration is consequently cancelled unless the owner proves that nonuse of the trademark was for reasonable causes of which the court approves.

The Trademark Office or any party concerned is entitled to demand the cancellation of any trademark registered in bad faith. Any infringement or unauthorized use of a registered trademark is punishable under the provisions of the current trademark law.

## Filing Requirements

### Trademark/Service Mark Applications

1. Duly signed POA
2. The name, address, nationality and occupation of the applicant.
3. Goods Description
4. Ten prints of the trademark; a local requirement stipulates that Arabic transliteration should be shown above the Latin script

### Patent Registration System

Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law. The Patent Office may require whatever amendments may be necessary to bring the application into conformity with the law. In the event the applicant does not comply with the requirements of the Patent.

Office within a given grace period as authorized by the Registrar, a patent application will be treated as renounced.

Once an application is accepted, the grant decision will be published after which the relevant letters patent will be issued. It takes at least 2 to 3 years for the letters patent to be issued after the usual acceptance process, and this involves additional costs to the applicant.

Annuities are to be paid every year on the anniversary date of completing the relevant file at the Patent Office with the required documents. However, payment of annuities may not be made to the Patent Office except after the grant of the patent.

A patent is valid for 20 years starting from the date of completing the application submitted to the Patent Office. Such validity is subject to the payment of the prescribed annual fees that are calculated from the date of completing the filing requirements.

All the unpaid annuities are collected from the applicant with a retroactive effect upon the grant of the patent.

## Filing Requirements

### Patent Applications

1. A Power of Attorney duly legalized up to the Consulate of Iraq, kindly try to legalize it up to the Jordanian Consulate and
2. The name, address, occupation and nationality of the applicant.
3. Summary of the invention in English with the Arabic translation
4. Specifications and claims in English with Arabic translation

## Note

The Registrar of Patents may ask for a legalized copy of the corresponding foreign basic letters patent and/or a novelty search report..

## Design & Industrial Model Registration System

The procedures for the registration and protection of designs in Iraq are similar to those of patents, except for the requirement of two miniature models of the design made of plastic or metal. A design registration is valid for 7 years. Annuities are to be paid to maintain the design registration. Renewal of a design registration is not provided for in the law.

Order No. 81 issued by the Coalition Provisional Authority on April 26, 2004 amended the Design Law No. 65 of 1970 to Patents, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law.

## Filing Requirements

### Design Applications

1. A Power of Attorney duly legalized up to the Consulate of Iraq.
2. The name, address, nationality and occupation of the applicant
3. Description of the design.
4. Copies of the drawings or reproductions of the design
5. Two miniature models of the design. readily available, the application can be filed based on the basic application number, date of the application and country of the application. A copy of the priority document can be submitted within two months of filing the application.

## Copy Right Registration System

Order No. 83 issued by the Coalition Provisional Authority on April 29, 2004, amended Copyright Law No. 3 of 1971, which governs the protection of copyright in Iraq. However, the aforementioned law is still not implemented yet.

In order to gain protection, the publishers of copyrightable works will have to deposit copies of the work with the Ministry of Culture. Protection is granted to every Intellectual Property work of art no matter what its type, method of expression, importance and purpose is.

Copyrightable works include written and oral works, computer programs, dramatic and musical works, cinematographic and photographic works, drawings and scientific three-dimensional figures. Protection for the lifetime of the author plus 50 years following his/ her death is granted.

Protection of related rights such as performers, producers of phonograms and broadcasting organizations is also incorporated in the law.

# 12- JORDAN

## Trademark Registration System

Jordan is a member of the Paris Convention for the Protection of Industrial Property since July 17, 1972. The Ninth Edition of International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (Nice Classification) has been officially adopted in Jordan with effect from November 14, 2008, according to the Trademark Office at the Ministry of Industry and Trade. The said new adoption of the Ninth Edition of the International Classification of Goods and Services allows for the protection of service marks in international classes 35 up to 45. A separate application should be filed with respect to each class of goods.

A trademark registration according to the new law is valid for 10 years from the date of filing the application or from the priority date renewable for periods of 10 years each. Trademarks that have already been filed or registered before December 1, 1999, will remain valid according to the old law (7 or 14 years); they shall be renewed every 10 years. The new trademark law provides for a one-year period for the late renewal of a trademark. If a trademark registration is not renewed within the grace period as of the date of expiration, it will be canceled automatically.

The owner of a lapsed mark due to non-renewal has the exclusive right to re-file the same trademark within one year from the expiry date. Any other interested party may file the same trademark after the expiry of another year.

## Filing Requirements

### Trademark/Service Mark Applications

1. A Power of Attorney signed, notarized and legalized up to the Jordanian Consulate.
2. The name, nationality, address and occupation of the applicant.
3. Description of goods / services
4. Digital copies of the mark
5. The meaning of the trademark.
6. A certified priority document, if priority is to be claimed.

## Patent Registration System

Novelty requirement in Jordan is absolute novelty which is not only limited to the country. Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law. If no priority is claimed, the Jordanian patent office asks for the WIPO assistance with regards to the substantive examination of the patent that is filed in Jordan without claiming priority. If the Jordanian application claims priority of US or EP application, thus, the patent office will consider the results that will be issued from these patent offices (US or EP). It is worth mentioning that the only considerable results are the ones that issued from the EP and US patent office's only.

An application should be filed in Jordan within 12 months as of the date of the first international publication, or within 12 months as of the date of the first filing in order to claim priority, which must be in accordance with the application filed in the home country.

Amendment of patent application is possible before the official grant of the subject patent, provided that said amendments do not exceed what has been disclosed in the original application.

A novelty examination takes into consideration any specification previously lodged with the Patent Office or any patent previously registered. The Patent Office may require whatever amendments it deems necessary to bring the application into conformity with the law. In case the applicant does not comply with the requirements of the Patent Office as authorized by the Registrar of Patents, the Registrar will reject the application.

The law allows for the protection of chemical products relating to medical drugs, pharmaceutical compositions or food.

The term of patent protection in Jordan is 20 years as from the filing date. The application is subject to the payment of the prescribed annuity fees due, after issuance of the letters patent, from the filing date in Jordan. A grace period of 6 months, from the due date, is granted to the owners of registered patents to pay the due fees. If this is the case, the official fees have to be paid in double.

The right to a patent may be assigned, transferred through succession or license. The assignment of granted patents must be made in writing. An assignment will have no effect against third parties, unless it has been published in the Official Gazette and duly entered in the relevant records of the Patent Office.

As per the Jordanian patent law, the granted patent must be used with three years of the grant date; otherwise, this patent may be subject to compulsory license. The compulsory license is applicable by applying for a request to the Minister in which he decides all the following steps and the fair compensation to the patent owner.

The rights conferred by a patent on the registered patentee expire on the lapse of the protection period as prescribed by the law, lawful assignment of the patent rights, final court decision to this effect, or nonpayment of the annuity fees within 6 months after the respective due date.

Infringement of the rights of a patentee is penalized under the provisions of the current patent law in Jordan.

## Filing Requirements

### Patent Applications

1. A Power of Attorney duly notarized and legalized up to the Jordanian Consulate
2. Affidavit (patent application form No. 4) which must be duly notarized and legalized up to the Jordanian Consulate at your end. This form should be jointly signed by the inventor(s) and the patentee in case the later is not the inventor(s). If this is the case, the said form will also serve as a deed of assignment.
3. A simply copy of the company's (applicant) certificate of incorporation or articles of association for a corporate person (Legalization is not required). This document has to be submitted in Arabic & English languages at the Patent Office.
4. A certified copy and a soft copy (e-copy) of the priority document, if priority is to be claimed (Legalization is not required), noting that the document should be matching the application in Jordan, including applicant(s) & inventor(s).
5. Translation of:
  - English & Arabic translation of the full specifications, claims, abstract, and drawings.
  - English & Arabic translation of the full priority document (if claimed).
  - English & Arabic translation of the company's certificate of incorporation.
6. The final examination (granted) in US or EP, or if not available, any final examination to support and speed up the acceptance of the above mentioned patent application. In this respect, please be advised that upon your request and approval we may follow up the matter from our side and obtain the granted document and any final examination to be submitted on behalf of your client's application.

In case the original stated documents are in English, and then only Arabic translation would be required, otherwise, the documents have to be translated into both languages.

### Design & Industrial Model Registration System

Although Jordan is not a member of the Locarno Agreement, the International Classification for Industrial Designs (32 Classes) under the said Agreement is implemented. Designs are protected in Jordan through registration with the Patent Office.

Once a design application is filed, the registrar shall examine the application in form. Design applications accepted by the Registrar shall be published in the Official Gazette. There is a 3-month period open for filing opposition by any party. In the absence of an opposition, the relevant certificate of registration will be issued.

According to the design law, no annuities or maintenance fees are to be paid on new design applications; all registration fees are paid in full upon filing the application.

A design registration is valid for 15 years starting from the date of filing the application or from the priority date. There is no provision in the current design law of Jordan for compulsory working with respect to designs.

Any infringement or unauthorized use of a registered design is punishable under the current design law in Jordan.

## Filing Requirements

### Design Applications

1. A Power of Attorney notarized and legalized up to the Jordanian Consulate, signed by the applicant.
2. A copy of the certified copy of the certificate of registration of the company or the articles of association. (Legalization is not required).
3. A deed of assignment notarized by the notary public and legalized up to the Jordanian Consulate, noting that this form must be jointly signed by the applicant(s) and the designer(s).
4. A certified copy of the priority document, if priority is to be claimed.
5. An abstract showing the elements of novelty of the subject design application. Noting that any application does not contain the same will be considered as rejected. It is important to take note that the novelty elements should only refer to the outside shape features, ignoring any technical or use features.
6. Multi side views of the subject design.

## Copyright Registration System

Copyright Law No. 22 for the year 1992 (and its amendments of 1998, 1999 and 2005) governs the protection of copyright and related rights in Jordan.

Protection covers original works of literature, art and science no matter what their type, importance or purpose is. This includes works of art expressed in writing, sound, drawing, photography and motion, such as books, speeches, plays, musical compositions, films, applied art, 3-D works and computer software.

Jordanian publishers seeking protection of copyrightable works have to deposit four copies of the work with the National Library at the Ministry of Culture. The duration of protection for copyrighted material is the lifetime of the author plus 50 years following his/her death. The rights of performers and producers of phonograms shall be protected for 50 years, while the rights of broadcasting organizations shall be protected for 20 years.

The Ministry of Culture reserves the right to allow publication of the work of art, if the copyright holder has not done so, or if his/her heirs do not publish it within 6 months of being informed to do so in writing. In this case, the Ministry of Culture will provide the copyright holder or the heirs with fair compensation.

Infringements of the law are prosecuted before the Civil Court of Jordan.

Jordan is a member of the Berne Convention for the Protection of Literary and Artistic Works.

## Filing Requirements

### Copyright Applications

#### Note:

Copyright owners from countries that are party to the Berne Convention do not require registration.

#### For written material

1. A Power of Attorney notarized and legalized up to the Jordanian Consulate.
2. Four copies of the work.

#### For other copyrightable works

1. A Power of Attorney notarized and legalized up to the Jordanian Consulate.
2. Two copies of the work.

#### Note:

1. A copyright application can be filed only, if one of the following conditions is met:
2. The applicant is Jordanian.
3. The work is created by a resident in Jordan and is to be published and distributed in Jordan.
4. The subject of the work is related to Jordan.



# 13- LEBANON

## Trademark Registration System

Lebanon is a member of the Paris Convention for the Protection of Industrial Property. The nature of the Lebanese registration system is a deposit system. An application can include goods and/or services in any number of classes, but a separate sum of official fees is to be paid for each class.

The 8th Edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Lebanon. One Power of Attorney, which must be filed with the application, can be used for filing several trademark applications.

As per the Paris Convention, any person who has duly filed an application for the registration of a trademark, in one country of the Paris Union established by the Convention, shall enjoy for the purpose of filing in Lebanon, a right of priority during a period of 6 months. In case of claiming a priority right, late filing of the Power of Attorney and the priority document is possible within 3 months from the registration date.

Under normal circumstances, the registration of a trademark is completed within a 2-week period; while the relevant registration certificate is issued within 2 weeks of the registration date.

A trademark registration is valid for 15 years as of the registration date and renewable for indefinite similar periods. Filing a late renewal application is possible through a grace period of 3 months from the date of expiration.

A trademark registration is cancelled only through a court action filed by a prior user, requesting such cancellation.

Unauthorized use of a registered trademark, an imitation of a trademark applied on goods of the same class, sale, storing for the purpose of sale, exhibiting for sale of goods bearing a counterfeit mark, or using a mark duly by another party in order to serve the purpose of unauthorized promotion of goods of the same class are all offenses punishable under the law.

## Filing Requirements

### Trademark/Service Mark Applications

1. A simply signed Power of Attorney.
2. A certified copy of the home certificate of registration or an application which is required only for claiming convention priority. It can belatedly be filed within three months of the filing date.
3. The name, address and nationality of the applicant and the nature of its business.
4. A list of the goods to be covered by the application.
5. Ten prints of the trademark.

## Patent Registration System

The nature of the Lebanese registration system is a deposit system. There is no examination for patent applications. The specification of the patent can be filed in Arabic, French or English. One Power of Attorney, which must be filed with the application, can be used for filing several patent applications. As per the Paris Convention, any person who has duly filed an application for the registration of a patent, in one country of the Paris Union established by the Convention,

shall enjoy for the purpose of filing in Lebanon, a right of priority during a period of 12 months. In case of claiming a priority right, late filing of the Power of Attorney and the priority document is possible within 3 months from the acceptance date.

There is no provision for opposing the registration of a patent. Patents are protected for 20 years from the acceptance date (grant date). An annuity fee is payable on the anniversary of the acceptance date. There is a 6-month grace period for late renewal of a patent.

Under normal circumstances, the registration of a patent is completed within a period of 2 weeks; while the relevant patent certificate is issued within 2 weeks of the registration date.

Every person, subject to public or private laws, is entitled after 3 years from the date of the patent grant, to present an official request for a compulsory license to exploit the invention in Lebanon, according to the conditions hereinafter stated, if the patent owner or his successors did not exploit the patent or actually and practically prepare to exploit the invention being the subject of the patent in the Lebanese Territory

Compulsory license may also be requested, if the patent owner or his successors started the exploitation, then seized to do so for a period not less than 3 years for no legitimate reason.

## Filing Requirements

### Patent Applications

1. A simply signed Power of Attorney.
2. The name, address, nationality and occupation of the applicant(s) and inventor(s).
3. Three copies of the specifications and claims in any major language (especially English, French or Arabic), and three sets of the formal drawings, divided as follows: Title of the invention, summary of the invention, full description of the invention (detailing the methods to execute the invention and its industrial application, preferably with examples, statistics, etc.), claims, drawings and brief description of the drawings, a list of all enclosed documents.
4. A certified copy of the home certificate of registration or application which is required only for claiming convention priority. It can belatedly be filed within three months of the filing date.

## Design and Industrial Model Registration System

The nature of the Lebanese registration system is a deposit system. One Power of Attorney, which must be filed with the application, can be used for filing several design applications.

An industrial model is registrable for an initial term of 25 years starting from the registration date.

The duration of a registration is extendible only once for a term of 25 years. A design should be distinguishable from those previously known. Advertising a design prior to filing the application, even by way of sale of the relevant products, does not preclude registration.

Under normal circumstances, the registration of a design is completed within a period of 2 weeks; while the relevant registration certificate is issued within 2 weeks of the registration date.

There is no provision for opposing the registration of a design or an industrial model. The depositor or the applicant shall have the right to ask for advertising all the things he filed or just a part thereof at the time of filing without paying an additional fee. He shall reserve this right during the first 5 years following the filing, but in this case the request for advertising shall necessitate the payment of a fee. As long as the depositor has not asked for advertising the things he filed, the secrecy of the filing shall be fully maintained.

## Filing Requirements

### Design Applications

1. A simply signed Power of Attorney.
2. A description of the design.
3. The name, address and nationality of the applicant.
4. A set of the drawings using the metric system specifying the views.
5. If convention priority is to be claimed, a certified copy of the home application must be submitted within three months of the filing date.

## Copyright Registration System

Copyright protection in Lebanon is governed by Artistic and Literary Ownership Law No. 75 which was enacted on April 3, 1999 and entered into force on June 6, 1999.

Under normal circumstances, the registration of copyright is completed within a 2 week period, while the relevant registration certificate is issued within 2 weeks of the registration date.

The protection of this law shall apply to every production of the human spirit be it written, pictorial, sculptural, manuscript or oral, regardless of its value, importance or purpose and the mode or form of its expression.

## **The protection of this law shall apply, among other works, to:**

1. Books, archives, pamphlets, publications, printed material and other literary, scientific and artistic writings;
2. Lectures, addresses and other oral works;
3. Audiovisual works and photographs;
4. Musical compositions with or without words;
5. Dramatic or dramatic-musical works;
6. Choreographic works and pantomimes;
7. Drawings, sculpture, engraving, ornamentation, weaving and lithography;
8. Illustrations and drawings related to architecture;
9. Computer programs whatever their language and including preliminary works
10. Maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science;
11. Any kind of plastic art work whether intended for industry or not.

The following derivative works shall be subject to the provisions of this law and shall be protected as original works without prejudice to the rights in the original work:

- Any kind of plastic art work whether intended for industry or not;
- Translations, adaptations, transformations and arrangements of music;
- Collections of literary or artistic works and compilations of data, whether in machine-readable or other form, provided that they are authorized by the copyright holder or his public or private successors and that by reason of the selection and arrangement of their contents they constitute intellectual creations.

## **The following shall be excluded from the protection provided by this law:**

- Daily news.
- Laws, legislative decrees, decrees and decisions issued by all public authorities and official translations thereof.
- Judicial decisions of all kinds and official translations thereof.
- Speeches delivered in public assemblies and meetings. The authors of speeches and presentations shall enjoy the sole right of collecting and publishing such lectures and presentations.
- Ideas, data and abstract scientific facts.
- Artistic folkloric works of all kinds. However, works inspired by folklore shall enjoy protection.

A created work is considered protected by copyright as soon as it exists. According to the Berne Convention for the Protection of Literary and Artistic Works, literary and artistic works are protected without any formalities in the countries party to that convention.

However, registration of copyright is recommended in Lebanon, as it can serve as prima facie evidence in a court of law with reference to disputes relating to copyright.

Protection is available to nationals and foreigners for the lifetime of the author and for a period of 50 years after his death. Should the work be published in the name of a company, the duration of the protection shall be 50 years from the date of publication of the work.

Infringements are prosecuted before the Civil Court in Lebanon and infringers will be penalized by a fine or imprisonment.

Lebanon is a member of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

## Filing Requirements

### Copyright Applications

1. A Power of Attorney simply signed by the applicant
2. The name , address and nationality of the applicant
3. A brief description of the copyright.
4. If the applicant is not the author, a legalized deed of assignment is required.
5. Four Copies of the work.

# 14- LIBYA

## Trademark Registration

Libya is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Libya. The trademark law does not provide for the protection of trademarks covering alcoholic drinks in classes 32 and 33 and pork meat in class 29. Service marks can be registered according to the Eighth Edition of the Nice Classification.

Recently, the Libyan Trademark Office implemented a new effective trademark registration system. It considered all trademark applications filed in Libya prior to August 2002 as invalid. Accordingly, fresh applications should be filed in order to ensure legal protection for the applications filed prior to August 2002.

A trademark registration is valid for 10 years from the date of filing the trademark application renewable for periods of 10 years each upon application, and payment of the prescribed renewal fees. A grace period of 3 months is allowed for the late renewal of the registration of a trademark with the payment of a lateness fine.

Use of trademarks in Libya is not compulsory for filing applications, but it is necessary for maintaining trademark registrations in force. However, a trademark registration is vulnerable to cancellation on the strength of a court decision obtained to this effect by any interested party. A cancellation action relies basically on establishing sufficient grounds that the trademark in question has not been effectively used for a period of 5 consecutive years.

The verification of such nonuse shall lead to the cancellation of a trademark registration, unless the owner proves that nonuse of the trademark was for reasonable causes of which the court approves. The Trademark Office or any party concerned is entitled to demand the cancellation of any trademark registered in bad faith.

Any infringement or unauthorized use of a registered trademark is punishable under the provisions of the current trademark law in Libya.

## Filing Requirements

### Trademark/Service Mark/Collective Mark Applications

1. Duly signed POA
2. Commercial extract of the applicant's company or Certificate of Incorporation duly legalized by to the Libyan Consulate in the applicant's home country.
3. Certified copy of the home registration certificate of the trademark (country of origin) duly legalized by the Libyan Consulate in the applicant home country.
4. Prints of the trademark.
5. Certified copy of the priority document if the priority is claimed.

## Patent Registration System

Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law in Libya. The Patent Office may require whatever amendments may be necessary to bring the application into conformity with the law. In the event the applicant does not comply with the requirements of the Patent Office within a given grace period of 6 months, a patent application will be treated as renounced.

An applicant is entitled to appeal the requirements and conditions of the Patent Office by means of submitting a petition to the competent committee within 30 days as of the receipt of the notice served to him by the Patent Office. Approved applications are published in the Official Gazette and are rendered open for public inspection. Any interested party may oppose the grant of a patent within 2 months as of the date of publication.

The opposition notice is submitted to the competent committee. Should no opposition against the grant of a patent be filed, a decision granting the patent is issued and published in the Official Gazette.

The provisions of the patent law stipulate that an application should be filed before the invention has become known through publication or use in Libya. Patent applications are examined closely as to form only.

A patent is valid for 15 years starting from the date of filing the application. Such validity is subject to the payment of the prescribed annual fees. All annuities for the 15-year protection period are to be paid after the publication in the Official Gazette. After the 15-year period, a patent can be renewed for further 5 years provided that the patent is of special importance, or if the patentee has not been sufficiently rewarded for his invention. Annuities should be paid until the protection period expires.

## Filing Requirements

### Patent Applications

1. Legalized Power of Attorney
2. A copy of the extract of the entry of the applicant company in the commercial register, or a copy of the Certificate of Incorporation, if the applicant is a company or a corporate body duly notarized and legalized up to the Libyan Consulate of the applicant home country.
3. A deed of assignment from the inventor(s) if not employed by the applicant company duly legalized up to the Libyan Consulate of the applicant home country.
4. If the inventor(s) is employed by the applicant company, a certificate of employment duly signed and stamped by the applicant company and legalized by the the Libyan Consulate in the applicant home country will be sufficient instead of the deed of assignment.
5. The name, nationality, address and profession or nature of business of the applicant and the inventor(s).

6. Two copies of the specification and a summary of the invention in Arabic.
7. Four sets of the formal drawings; one set on ordinary paper with all reference numerals and three sets on strong white paper without any reference numerals or letters for inserting Arabic numerals.
8. A certified copy of the priority document for a convention application.

## Notes:

- All requirements should be submitted upon filing.
- Claiming priority based on the Paris Convention or Entering the National Phase of PCT is possible upon submitting requirements No. 1, 5 and 6; the rest of the required documents should be followed within three months as of the filing date.
- For Entering the national phase of PCT, the following should be provided: Copy of International Publication, PCT request, along with the international search report if available.
- All documents need to be translated into Arabic.

## Design & Industrial Model Registration

Designs and industrial models are protected in Libya through registration with the competent office. The Patent Office examines the application as to relative novelty.

A registration of a design or an industrial model is subject to cancellation in the event any interested party requests such a cancellation before the competent tribunal on the grounds that the registrant is not the real owner of the design.

A design or an industrial model registration is valid for 5 years starting from the date of filing the application renewable for two similar periods of 5 years each. Registration, assignment and cancellation of design or industrial model registrations are published in the Official Gazette and entered in the register.

There is no provision in the current Libyan law as to working or compulsory licensing of designs and industrial models.

Any infringement or unauthorized use of a registered design or industrial model is punishable under the current law in Libya.

## Filing Requirements

### Design Applications

1. Legalized Power of Attorney
2. A copy of the extract of the entry of the applicant company in the commercial register, or a copy of the Certificate of Incorporation, if the applicant is a company or a corporate body duly notarized and legalized up to the Libyan Consulate of the applicant home country.



3. A deed of assignment from the inventor(s), if not employed by the applicant duly legalized up to the Libyan Consulate of the applicant home country.
4. If the inventor(s) is employed by the applicant company, a certified of employment duly signed and stamped by the applicant company and legalized by the Libyan Consulate in the applicant home country will be sufficient instead of the deed of assignment.
5. The name, nationality, address and profession or nature of business of the applicant and the inventor(s).
6. A copy of the specifications and a summary of the invention in English.
7. Two copies of the specification and a summary of the invention in Arabic.
8. Four sets of the formal drawings; one set on ordinary paper with all reference numerals and three sets on strong white paper without any reference numerals or letters for inserting Arabic numerals.
9. A certified copy of the priority document for a convention application

## Copyright Registration

Libya is a member of the Berne Convention for the Protection of Literary and Artistic Works. In order to gain protection, the material to be copyrighted must be deposited with the Copyright Protection Office at the Ministry of Culture and Information, within one month of its publication in Libya or of the entry of the material provided that the filing is prior to distribution (with a minimum number of 20 editions for distribution).

Protection is granted to original works of literature, art and science regardless of type, importance or purpose. This includes works of art expressed in writing, sounds, drawings, photography and motion pictures; such as, books, writings, speeches, oral works, plays, dramatic works, musical compositions, films and phonographic works. Protection is granted for the lifetime of the author plus 50 years following his/her death. In order for protection to be effective, the work of art has to be original and includes personal efforts, invention and new arrangement.

If the copyright holder (or his/her heirs) fails to publish a certain work of art, the Ministry of Culture and Information reserves the right to allow publication of that work. Such publication is possible through obtaining an order from the Civil Court to transfer the right of publication to the Ministry of Culture and Information, while providing the copyright holder or the heirs with fair compensation. Infringements are prosecuted before the Civil Courts in Libya.

## Filing Requirements

### Copyright Applications

1. Six copies of the copyright work.
2. If the applicant is not the author, a certified copy of the deed of assignment or a distributorship agreement is required.
3. The name, business, nationality and address of the author.
4. A Power of Attorney signed, stamped by the applicant company and legalized up to the Libyan Consulate in the applicant home country.

# 15- MOROCCO

## Trademark Registration

Morocco is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (9th edition) is followed in Morocco and the revision of class 42 with the creation of classes 43 to 45 has been adopted since January 1, 2002.

The Moroccan Parliament approved on December 14, 2005, a new Industrial Property Law which was published in the Official Gazette No. 5397 on February 20, 2006.

The new Law No. 31-05 amends and supplements Law No. 17-97 on the Protection of Industrial Property which took effect on December 18, 2004.

The new law comprises provisions related to the following procedures:

### 1. **Electronic (online) Filing of Trademarks**

The online filing of trademark applications allows national economic operators as well as trademark associates to proceed with the filing of their trademark applications without the need to displace to the Trademark Office or to one of its delegations.

### 2. **Opposition System of Trademarks**

As per the newly introduced opposition system, the Moroccan Trademark Office publishes all filed trademark applications on a half-month basis (each 15 days) to enable holders of the protected trademarks in Morocco to submit written oppositions with the Trademark Office to enforce full Intellectual Property Rights (IPRs) related to their trademarks.

The said opposition should be submitted to the Trademark Registrar within 2 months as of the publication of the list of the filed trademarks.

The contradictory procedure can extend over 6 months at the end of which the Trademark Office, after having considered the demands (claims) of every party concerned, will take a decision regarding the opposition. In case one of the concerned parties objects to the decision of the Registrar, the decision will be liable to appeal before the Appeal Commercial Court of Casablanca.

During the period of the contradictory procedure, the opposition system offers the possibility of suspension and extension of the procedure of opposition. This will allow the concerned parties to reach out-of-court settlement in order to put an end to the dispute in question.

## Filing Requirements

### Trademark Applications

1. A Power of Attorney simply signed and stamped by the applicant.
2. The name, address and nationality of the applicant and the nature of its business.
3. A list of the goods to be covered by the application.
4. Prints of the trademark
5. The musical composition (notes) for sound marks and explanatory legend regarding the essence for smell marks.
6. A certified copy of the basic registration, if convention priority is to be claimed; this must be submitted within 3 months of filing.

### Patent Registration

A patent application containing the description of the invention must be filed accompanied by a proof of payment of the prescribed fees. A 3-month period is given to the applicant or his representative to file any missing documents. After full payment of the official fees, the application will then enter in the National Patent Register and it will be allotted a filing number and a filing date. A receipt shall be issued to the applicant or his representative after the filing of the application.

Once all filing procedures are completed, the patent application is confidentially consulted by the representatives of the Administration of the National Defense in order to ensure that the publication of the invention does not harm the state security.

The term for the protection of a normal patent right is 20 non-renewable years as of the filing date of the patent application, and is also 20 non-renewable years as of the international filing date for the Patent Cooperation Treaty (PCT) application entering national phase in Morocco.

Morocco has been a member of the PCT since October 8, 1999. Any international application made as of the aforementioned date may designate the Kingdom of Morocco.

## Filing Requirements

### Patent Applications

1. A Power of Attorney simply signed by the applicant.
2. Formal drawings.
3. Specification and claims in French.
4. Priority assignment document simply signed by the inventor(s), if the applicant and the inventor(s) are not the same.
5. Priority document, if there is any.
6. A certificate of guarantee, if the invention is subject of international exhibitions or, if it is officially known.

## Note:

Regarding PCT applications, the international preliminary report as well as the publication sheet showing Morocco among the designated states must be submitted.

## Design and Industrial Model Registration

Designs and industrial models are protected in Morocco through registration with the competent authority. Such a registration is carried out without any novelty examination.

A single application may include up to fifty consecutively numbered designs or models. The law benefits only designs that are registered with the Patent Office. Missing documents must be filed within 3 months as of filing.

Industrial designs and models are protected for 5 years. The term may be extended to two other consecutive terms of 5 years. Renewal of a registration must be effected within the 6- month period preceding the expiry of its term of validity. However, a grace period of 6 months may be granted to effect the renewal.

The renewed model or design will keep the same number of the original model or design preceded by capital letter R for the first renewal and 2R for the second renewal.

An application for a design or industrial model may be refused, if a model or design is against public order, or if all original documents are not submitted to the Patent Office within 3 months as of the filing date, or if the model or design reproduces effigies of his Majesty the King or any member of the Royal Family.

## Filing Requirements

### Design Applications

1. A Power of Attorney simply signed by the applicant.
2. Three representations of the model or design.
3. A certificate of guarantee, if the model or design is subject of international exhibitions or if it is officially known.
4. A certified copy of the home registration, if priority is to be claimed.
5. Payment of official fees.
6. Authorization for trademarks that reproduce effigies, armorial bearings and initials.

## Copyright Registration

Copyright Law No. 1.69.135 of July 29, 1970 governs the protection of copyright in Morocco. Morocco is a member of the Berne Convention for the Protection of Artistic and Literary Works.

Original works of literature, art and science regardless of type, importance or purpose are protected.

This includes works of art expressed in writing, sound, drawing, photography and motion pictures, such as books, writings, speeches, oral works, plays, dramatic works, musical compositions, films, phonographic works, applied art, 3-D works and computer programs. Such works are protected for the lifetime of the author plus 50 years following his/her death.

In order to gain protection, these works have to be deposited at the Ministry of Culture; the artistic works such as films, music, plays, paintings at the Bureau Maurcain De Droit D'auteur (Moroccan Bureau of Copyright); while the registration of literary works at La Bibliotheque General (General Library).

The Ministry of Culture reserves the right to allow the publication of the work of art for documentary, translation, educational, cultural or scientific uses under certain conditions.

Infringements are prosecuted before civil and commercial courts. The courts can stop the circulation of the infringing works, seize and destroy them and the equipment used, as well as enforcing an imprisonment period or a fine.

## Filing Requirements

### Copyright Applications

1. A simply signed Power of Attorney.
2. A copy of the home registration certificate or registration effective elsewhere.
3. Six samples or copies of the work

# 16- PAKISTAN

## Trademark Registration

Pakistan is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (classes 1-34) and service mark classification (classes 35- 45) is applied in Pakistan.

Pakistan is currently following both the Trademarks Act of 1940 in respect of cases filed prior to April 12, 2004, as well as the new Trademarks Ordinance of 2001 that was promulgated on April 12, 2004. In the said Ordinance, provisions for the registration of service marks, convention applications, priority rights and domain names have been included.

A trademark application filed in Pakistan is examined to determine its registrability. When a trademark is accepted by the Registrar, it is published in the Trademarks Journal.

The use of a trademark is not mandatory for filing an application. However, for maintaining the registration in effect, evidence of use is required to be filed at the time of second renewal. However, a concerned party may request the Registrar or the High Court to remove a trademark from the register, if it has not been used for 5 years and one month from the date of registration.

## Filing Requirements

### Trademark/Service Mark Applications

1. Duly Notarized POA
2. Translation of the non-English words appearing in the mark.
3. Confirmation whether the mark is in use in Pakistan or proposed to be used. If in use, the period of use shall be specified.
4. The nature of business of the applicant, e.g. manufacturers, merchants, etc.
5. The name, address and nationality/domicile of the applicant.
6. Specification of the goods on which the mark is applied.
7. Prints of the mark, (not needed for word marks).
8. A certified copy of the application giving the filing date, number and country, if the application is to be filed with a priority claim.

## Patent Registration

Effective January 1, 2005, Pakistan has entered into the product per se patent protection regime in the field of pharmaceuticals and agriculture. With the new regime, the "Black Box" application era has ended up. The old system of UNIFORM filing is now restored. There is, however, no development as to when Pakistan is going to sign the Patent Cooperation Treaty (PCT).

Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law, including novelty, inventiveness and industrial application. In case of rejection, the applicant has the right to appeal to the High Court within 90 days as of the date of receiving the notification of rejection.

Accepted applications are published in the Official Gazette and any interested party has the right to appeal to the Controller of Opposition within 120 days as of the date of publication in the Official Gazette. In the absence of opposition, the letters patent is issued.

The right to a patent may be assigned or licensed. An assignment shall have no effect against third parties, unless it has been recorded at the Patent Office and published in the Official Gazette.

Working of patents in Pakistan is an official requirement.

If the owner of a patented invention does not satisfy the stipulated working requirements within 4 years from the filing date or 3 years from the grant date of the patent, if the working is stopped for 2 consecutive years, if the use does not cover the demands of Pakistan, or if the owner refuses to license it under a contract of fair terms, the patent will be subject to compulsory licensing under the provisions of the law. Importation of products made under the patent is not considered as use.

Under the Patents Ordinance of 2000, four kinds of patents are granted:

1. An ordinary patent which is dated as of the official date of the application for the patent.
2. A patent relating to chemical products intended for use in agriculture and medicines.
3. A patent claiming "priority" which is dated as of the official date of corresponding application for patent first made in a country which is a member of the WTO.
4. A patent of addition, for the purpose of improving or modifying an invention for which a patent has already been applied or granted.

A patent is valid for 20 years. Annuities are to be paid starting from the fifth of the patent term and are paid in advance at the beginning of the fourth year.

The right to a patent may be assigned or licensed. An assignment shall have no effect against the three parties, unless it has been recorded at the Patent Office and published in the Official Gazette.

## Filing Requirements

### Patent/Utility Model Applications

1. A Power of Attorney simply signed on Form P-28.
2. Name, address and nationality of the applicant.
3. An abstract of the invention of no more than 200 words.
4. Three copies of the specifications and claims.
5. Three sets of the drawings relating to the invention, if any.
6. A certified copy of the application giving the filing date, number and country, if the application is to be filed with a priority claim.

## Search

1. Title of the invention, (filing number and filing date (if any)).
2. Years to be searched.

## Annuity

1. Title of the invention.
2. Filing number and filing date.

## Recording an Assignment

1. A Power of Attorney simply signed on Form P-28.
2. A duly notarized deed of assignment executed by both parties.

## Obtaining a Copy of the Patent Document

1. Title of the invention.
2. Filing number and filing date.

## Design & Industrial Model Registration System

Designs and industrial models are protected in Pakistan through registration with the competent office. An application for a design registration is examined with respect to compliance with the formalities and patentability provided for under the design law including novelty and distinctiveness.

The registered design shall be protected for 10 years as of the filing date or priority date. Protection period may be extended for two further periods of 10 years.

The renewal application may be filed during the last 6 months of the tenth year of the protection period.

However, a late renewal is possible upon the payment of a fine, within 6 months from the expiration of the protection period. Registration, assignment, or cancellation of a design or industrial model registration shall be published in the Official Gazette and entered in the register.

## Filing Requirements

### Design/ Industrial Model Applications

1. A Power of Attorney simply signed on Form-31.
2. Four copies of the model or design, if it is two- dimensional or two copies of each view thereof, if it is three-dimensional.
3. A certified copy of the priority document, if it is to be claimed.



## Copyright Registration

Under Pakistan's Copyright Ordinance of 1962 and its amendments of 2000, original works of literature, art and science, regardless of type, significance or purpose are protectable.

Protection includes works of art expressed in writing, sound, drawings, photography and motion pictures, such as books, speeches, oral works, dramatic works, musical composition, films, phonographic works and applied art. Such works are protected for the lifetime of the author plus 50 years following his/her death.

Civil remedies by way of injunction and/or damages, and criminal remedies by way of fine and imprisonment are available through the courts of Pakistan. Police raids are also permissible.

Pakistan is a member of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

## Filing Requirements

### Copyright Applications

1. A notarized Power of Attorney.
2. Affidavit from the author.
3. Name, address and nationality of the applicant and author. If the author is dead, the date of his death.
4. Nature of the applicant's interest in the copyright of the work.
5. Class and description of the work.
6. Title of the work.
7. Language of the work.
8. Whether the work is published or unpublished.
9. Year and country of first publication and name, address and nationalities of the publishers.
10. Years and countries of subsequent publishers, if any, and names, addresses and nationalities of the publishers.
11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each together with the particulars of assignment and licenses, if any
12. Name, address and nationalities of the other persons, if any, authorized to assign or license the rights comprising the copyright.
13. If the work is an artistic work, the location of
14. The original work, including name, address and nationality of the person in possession of the work. (In case of an architectural work, the year of the work completion should also be mentioned).

## Statement of further particulars

(For literary, dramatic, musical and artistic works only)

Whether the work to be registered is:

- An original work;
- A translation of a work in the public domain;
- A translation of a work in which copyright subsists;
- An adaptation of a work in public domain; or
- An adaptation of a work in which copyright subsists.

## If the work is a translation or adaptation of a work in which copyright subsists:

- Title of the original work;
- Language of the original work;
- Name, address and nationality of the author of this original work; if the author is dead, the date of his death;
- Name, address and nationality of the publisher, if any, of the work;
- Particulars of the authorization for a translation or adaptation including the name, address

# 17- SUDAN

## Trademark Registration

Sudan is a member of the Madrid Agreement Concerning the International Registration of Marks (Act of Stockholm of 1967). The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Sudan with the exception of trademarks covering alcoholic goods, which are not registrable.

Once a trademark application is filed, it is examined as to its registrability. Should the mark lack any requirement as provided for in the law and its regulations, the Registrar of Trademarks will reject the application. The applicant may appeal to the Registrar for reviewing the rejection. However, if this failed to give the expected result, the applicant may appeal such rejection to the court of law.

Trademark applications approved by the Registrar are published in the Official Gazette. There is an 8-month period from the date of publication during which any interested party may file an opposition notice. An opposition to the registration of a published trademark should be prosecuted before the Registrar, whose decision may be appealed to the court. In the absence of any opposition, a published trademark is registered, and the relative certificate is issued. A declaration of nationality stating that the nationality of the applicant has not been changed since the filing of the application is normally requested before the issuance of the certificate of registration.

A trademark registration in Sudan is valid for 10 years from the date of filing the trademark application, renewable for periods of 10 years each, upon application and payment of the official renewal fees. Late renewal of a trademark registration is permitted until a cancellation decision is published in the Official Gazette.

Use of trademarks in Sudan is not a prerequisite for filing applications or for maintaining trademark registrations in force. However, a registered trademark is vulnerable to cancellation, if there had been no use of the mark in Sudan during 5 consecutive years after registration of the mark. On the basis of a court order, the Trademark Office or any interested party is entitled to demand the cancellation of any trademark registered in the country in bad faith.

## Filing Requirements

### Trademark/Service Mark/Collective Mark Applications

#### Note:

All Powers of Attorney must be legalized up to the Sudanese Consulate in the concerned country. In case there is no Sudanese Embassy in the concerned country the documents must be legalized from a Sudanese Embassy in the closest country.

1. Legalized POA
2. A certified extract of the entry of the applicant company in the commercial register, or a certified copy of the certificate of incorporation legalized up to the Sudanese Consulate. If not in English or Arabic, a certified and legalized translation of the extract in either language should be provided, legalized up to the Sudanese Consulate.
3. Sixteen prints of the trademark for each class.
4. A list of the goods and services to be covered by the application. The protection of the class cannot include all goods and services or the class headings; one item must always be excluded.
5. The meaning, if any, of a word mark.

## Note:

The Registrar in Sudan sometimes asks for a certified copy of the corresponding home registration of the trademark.

## Search Applications

1. Four prints of the trademark
2. The class in which the search should be conducted

## Patent Registration

Sudan has been a member of the Patent Cooperation Treaty (PCT) since April 16, 1984. For international applications under the PCT designating Sudan, a copy of the application must be filed within 30 months of the claimed priority date. Both product and process claims are patentable.

Once an application for the grant of a patent is filed, it will be examined with respect to compliance with the formalities and to unity of invention only. Upon the acceptance of a patent application, the applicant will be notified and invited to pay the publication fees, then the patent will be granted and publication of the grant in the Official Gazette will take place.

Any refusal by the Registrar to grant a patent may be appealed before the court. Anyhow, upon the acceptance of a PCT application, the applicant will be notified and invited to pay the registration fees and the patent will be granted without publication of the grant.

A patent is valid in Sudan for 20 years from the date of filing the application. Maintenance fees are due annually counting from the filing date. A 6-month grace period subject to a fine is allowed for late payment of an annuity. For PCT patents, the anniversary date of the annuity payments is calculated from the International filing date.

Working of patents in Sudan is an official requirement. In the event that the owner of a patented invention in Sudan does not satisfy the stipulated working requirements of the country within 4 years from the date of filing or 3 years from the date of grant, the patent will be subject to compulsory licensing under the provisions of the law.

## Filing Requirements

### Patent Applications

1. Duly Notarized POA
2. A certified copy of the certificate of incorporation of the applicant company and its articles of incorporation duly legalized up to the Sudanese Consulate. A certified and legalized translation is required, if the document is not in either English or Arabic.
3. Two copies of the patent specification and claims including an Arabic translation of the abstract of the invention.
4. Two sets of the formal drawings, if any.
5. A priority document, if priority is to be claimed.

### For filing the national phase of a PCT application, the following additional information or documents are required:

1. PCT filing number and date.
2. Particulars of the application on the basis of which priority is claimed.
3. International publication number and date.
4. A certified copy of the PCT application.
5. A copy of the relative international publication and search report, if any.

### Note:

For filing the national phase of a PCT application, a certified copy of the Certificate of Incorporation of the applicant company is not required.

## Design & Industrial Model Registration

Sudan issued the Implementing Regulations for Industrial Designs Law of 1974 in July 1999.

Based on these Regulations, the Industrial Designs Office accepts applications for industrial designs. The Office examines the application in terms of novelty and makes sure that the filing requirements are fulfilled.

Protection of industrial designs shall be valid for 5 years from the date of the application, and may be renewed for two successive 5-year periods. Renewal fees should be paid within 12 months, with a grace period of 6 months allowed to pay the fees after the lapse of the legal period provided that a late renewal fee should be paid.

## Filing Requirements

### Design/ Industrial Model Applications

1. A Power of Attorney signed and stamped by the applicant's seal, or otherwise duly notarized.
2. Full description of the design in Arabic including the material(s) of which the industrial design is made, (if not in Arabic, we could make the translation at our end for extra charges).
3. Photographic pictures of the industrial design in color (if possible).
4. Sketch drawing showing the measurement of the industrial design.
5. An architectural model or any other means of production which is shown by such representation.
6. A certified copy of the priority document, in case of claiming priority.
7. Method of manufacturing the design.
8. Quality of the production, (high, medium, low).

### Copyright Registration

Copyright protection is granted in Sudan based on Copyright and Neighboring Rights Protection Act No. 54 of 1996.

The protection is available to works of fine arts, drawings, photography, paintings, engravings, sculptures, decorations, musical works, dramatic works, phonographic, cinematography and television films in addition to maps, manuscripts relating to geography, topography or science.

The term of protection is the lifetime of the author plus 25 years following his/her death.

Infringements are prosecuted before Khartoum Commercial and Intellectual Property Rights Court and infringers will be penalized by a fine or an imprisonment.

Sudan is a member of the Berne Convention for the Protection of Literary and Artistic Works.

## Filing Requirements

### Copyright Applications

1. A simply signed Power of Attorney and stamped with the company's seal.
2. Two copies of the work for registration purposes. In case of sculptures or similar works, a photograph of the work is needed.
3. Details of the author including the address.

# 18- SYRIA

## Trademark Registration

A new law, under No. 8 of 2007, was enacted in Syria for Distinctive Marks, Geographical Indications and Industrial Drawings and Designs. The law entered into force on April 12 and its Implementing Regulations were issued on April 15, 2007.

Single class system for trademark applications is adopted in Syria, i.e. each class relating to the same trademark should be covered by separate application. For a trademark renewal covering several classes, one multi-class renewal application can be submitted to be published by the Trademark Office for opposition before effecting the renewal.

However, upon registering the renewal, each class will get a separate renewal number; whereupon a separate renewal certificate will be issued and a separate publication per class will be published individually.

The Property Protection Office may request in writing the applicant to include any conditions or amendments to clarify the mark in a manner that prevents confusion with another right previously registered, or for which an application for registration was filed. The amendment should be made within 3 months from the date of notification.

The applicant, whose application was rejected or suspended pending certain conditions or amendments, may object in writing to the decision of the Property Protection Office mentioned to the competent ad hoc committee within 30 days from the date on which the decision was served to him in writing, in return for payment of the assigned fee.

If the ad hoc committee rejects the applicant's objection, the applicant can appeal before the competent court within 30 days from the date on which the ad hoc committee's decision has been served to him in writing. Accepted applications fulfilling the stipulated requirements shall be published in the property protection journal for opposition by the public.

Any interested party may object in writing to the application for the registration of a mark to the Property Protection Office after payment of the specified fee within 90 days of the date of publication. The Property Protection Office shall inform the applicant or his agent of the objection during a period of 30 days from the date of receipt.

The applicant or his agent shall submit to the Property Protection Office a written and grounded response to that objection within 30 days from the date of being informed of the objection. Otherwise, the applicant shall be considered as waived his application.

Syria is a member of the Paris Convention for the Protection of Industrial Property and it follows the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement.

## Filing Requirements

### Trademark Applications

- POA
- Copy of Certificate of Incorporation
- Lists of Goods / Services
- Prints of the mark

### Patent Registration

Syria has been a member of the Patent Cooperation Treaty (PCT) since June 26, 2003.

The patent application is filed with the Patent Office at the Syrian Proprietary Protection Department, along with all the required papers and documentation

## Filing Requirements

### Patent applications under the Paris Convention Required Documents

#### Notes:

- Annuities should be paid annually from the international filing date, even before granting the patent.
  - Pharmaceuticals and chemical compounds/reagents are not patentable under the Syrian patent law substantially. In this context, such inventions can be protected in Syria as to the method of preparation thereof.
  - Boycott declaration is not requested as to national applications of PCT in Syria.
  - A 6-month grace period is allowed for late payment of annuities against payment of a lateness fine.
  - Working of a patent is compulsory within 2 years as of the date of the grant. A nominal working notice published in a local newspaper inviting potential investors to exploit the invention in the country is acceptable for satisfying the compulsory condition.
1. The procedure of the super-legalizing the Power of Attorney in Syria involves obtaining the Interior Ministry's approval first, which takes 2-3 months.
  2. A copy of the PCT international application (request form 101, with its attached declarations as filed), showing Syria as a designated country.
  3. WIPO IB advice of receipt of priority document within the specified period (form 304).
  4. A copy of the PCT publication.
  5. A copy of the search report with the ISA's written report.
  6. A copy of the preliminary examination report.
  7. Specifications, claims and abstract of the invention in quadruplicate in English or French with the Arabic translation. Arabic translation can be made through our office.
  8. CD of the specifications, claims and abstract of the invention.



As for the national applications of PCT, the Patent Office relies mainly on the intentional preliminary examination report to decide on granting the patent in Syria or not. This procedure could take one year or so. However, this is not always the rule, sometimes; such applications are also referred to Research Centers for consideration.

During the prosecution of the convention patent application, the Israel-Boycott Bureau may request from the above applicant company a boycott declaration. This document is to be submitted only when it is actually requested.

If the boycott declaration is not submitted when requested, the application will not progress to registration procedures. In case the proposed applicant has prior registrations or a clearing approval in Syria, then it would be possible to waive the request of this declaration.

A patent application is usually referred to university professors and scholars specialized in patent issues who lay down a report as to whether the patent has a practical industrial application on the basis of which the ad hoc committee decides whether to grant the patent or not. (This step takes 2-3 years).

Syria has been a member of the Patent Cooperation Treaty (PCT) since June 26, 2003.

The patent application is filed with the Patent Office at the Syrian Proprietary Protection Department, along with all the required papers and documentation.

## Industrial Drawing and Design Registration

A new law, under No. 8 of 2007, was enacted in Syria for Distinctive Marks, Geographical Indications and Industrial Drawings and Designs. The law entered into force on April 12 and its Implementing Regulations were issued on April 15, 2007.

The Property Protection Office may request in writing the applicant to include any conditions or amendments to clarify the industrial drawing/design in a manner that prevents confusion with another right previously registered, or for which an application for registration was filed. The amendment should be made within 3 months from the date of notification.

## Filing Requirements

### Industrial Drawing/Design Applications

1. A Power of Attorney legalized up to the Syrian Consulate.
2. A copy of the design home or foreign registration.
3. Six photographs of each design in all dimensions. (The Registrar may request a physical sample of the design later).
4. Technical description of each design with the supporting drawing in Arabic. (If in English, the Arabic translation thereof should be enclosed).

## Copyright Registration

Copyright protection in Syria is governed by Law No. 12 of 2001. The Syrian Copyright Protection Department (CPD) started entertaining copyright applications in Syria, but the governmental fees will be paid later on, once specified.

The present copyright applications filed in Syria are held in abeyant, since a new copyright and related rights law has been drafted to replace the existing law, but it has not been passed yet. Syria is a member of the Berne Convention for the Protection of Literary and Artistic Works.

## Filing Requirements

### Copyright Applications

1. A Power of Attorney legalized up to the Syrian Consulate.
2. Personal data of the copyright work creator (copy of his ID is required).
3. The copyright work made on CDs in triplicate (within 5 mm lid boxes).
4. Undertaking that the copyright is created by the work owner and is not illegally quoted. (Undertaking form will be available at the CPD).
5. Assignment from the copyright work creator to the applicant, in case the applicant is not the creator.
6. The copyright work should be published within 3 years from its registration; otherwise the copyright registration will be considered void.

# 19- TURKEY

## Trademark Registration

Turkey is a member of the Paris Convention for the Protection of Industrial Property. Being a member of the Nice Agreement, the International Classification of Goods and Services for the Purposes of the Registration of Marks (9th edition) is followed in Turkey, and the revision of class 42 with the creation of classes 43 to 45 has been adopted as of January 1, 2002. Multi-class applications are possible for both goods and services.

Once a trademark application is filed, it is examined as to its registrability. Upon examination, if the Trademark Registrar rejects the mark, an appeal maybe submitted within 2 months from the date of rejection. Once a trademark application is accepted by the Registrar, it is published in the Official Gazette.

Any interested party may file a notice of opposition to the registration of the mark within three months from the publication date. The Registrar's decision concerning the opposition may be appealed to the Committee "Re-Examination and Evaluation Board" and the Committee's decision to the competent court. In the absence of opposition, a trademark is registered and the relative certificate of registration is issued.

A trademark registration is valid for 10 years as of the date of filing the application renewable for similar periods. The renewal fees of a trademark registration can be paid during the last 6 months of the final year of the protection period. A grace period of 6 months is allowed for late renewal with a fine.

## Filing Requirements

### Trademark, Service Mark and Collective Mark Applications

1. A simply signed Power of Attorney.
2. The name, address, nationality and occupation of the applicant and the nature of its business.
3. Eight prints of the mark, (not required for word marks).
4. A list of the goods/services and the classes pertaining thereto.
5. A certified copy of the priority document, which can be submitted within three months from the date of filing, in the case that it is claimed.

## Patent Registration

Turkey is a member of the Patent Cooperation Treaty (PCT) and the European Patent Convention.

Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law including novelty, inventiveness (state- of-the-art) and industrial application. The Institute examines the compliance of the

application to the formal requirements. Should the examination results reveal that the application suffers formal deficiencies, or that the invention is not subject to patent protection, the examination procedure is suspended and the applicant is requested to remedy the deficiencies or to notify the Institute his objections within the period set forth in the regulations.

Should the examination conducted by the Institute shows no deficiency as to formal requirements or when any such deficiency has been duly remedied and completed in accordance with the requirements, the Institute shall inform the applicant that the request, if not filed earlier, for conducting the search on the state-of-the-art, is to be filed within 15 months from the filing date. In the absence of opposition, the letters patent or the utility certificate is issued.

Within 15 months from the date of filing the application, the applicant shall request the Institute to conduct the search on the state-of-the-art where priority is claimed; such period (15 months) runs as of the date of priority. Failure to take action causes the lapse of the application.

After receiving the search report, the applicant must decide within 3 months whether to proceed with substantive examination or to request the grant of a patent without said examination or as a result of deferred-examination for a period of 7 years. The patentee of a non-examined patent or any third party may request before the expiration of a 7-year term (from the filing date), that the prosecution for the substantive examination be resumed in order to obtain a patent for a duration of 20 years.

Should the applicant request a Substantive Examination; the applicant shall request the Institute to conduct the examination after the 6 months following the publication of the state-of-the-art search report, where third parties may raise objections to the grant of the patent.

A patent is valid for 20 years, and a utility certificate is valid for 10 years. Annuities are to be paid during the final 3 months of each year of the protection period. However, late payment of the annuities with a surcharge is allowed within 6 months from the lapse of the annuity due date. It is possible to pay the annual fees in advance to cover the whole or a part of the validity period in advance.

The right to a patent may be assigned or licensed. An assignment shall have no effect against third parties, unless it has been recorded at the Patent Office and published in the Official Gazette.

## Filing Requirements

### Patent Applications

1. A simply signed Power of Attorney.
2. Specification, claims and abstract (in about 100 words) in Turkish. One copy in English, French or German is needed for translation purposes.
3. Formal drawings, if any, (3 sets).
4. The particulars of the corresponding foreign application.

5. A certified copy of the basic application as filed along with its translation, if priority rights are to be claimed.
6. A Deed of Assignment (or proof of assignment) from the investors to the applicant.

## Note:

As per the current practice of the Turkish Patent Institute, the report on the state-of-the-art must be requested within 15 months as of the application date or priority date. The search on the state-of-the-art is carried out in an office accepted as searching authority.

For PCT applications entering the national phase in Turkey, a copy of the PCT application and the examination report must be submitted with the application.

## Patent Annuities

1. A simply signed Power of Attorney for each application, if we are not the agents on record.
2. The number and date of filing the patent.
3. The name, address and nationality of the applicant.

## Design and Industrial Model

Designs and industrial models are protected in Turkey through registration with the competent office. The International Classification for Industrial Designs under the Locarno Agreement is followed in Turkey as of November 30, 1998.

Once an application for the grant of a design is filed, it is examined with respect to compliance with the formalities and patentability provided for under the design law including novelty and distinctiveness. (Novelty is defined by law as a design is considered new if, before the date of application or priority (if any), no identical design has been made available to the public anywhere in the world.)

Examination is conducted only in form by the Turkish Patent Institute prior to the registration. Designs allowed for registration are published and thereby become open to opposition for a period of 6 months. However, at the request of the applicant, the publication may be postponed for up to 30 months from the filing date. If opposition by third party is justified, the design is not registered.

The registered design is protected for 5 years as of the filing date. This period may be renewed four times and the total protection period is 25 years. The renewal application may be filed during the last 6 months of the 5-year period of protection. However, it may also be renewed with fine, within 6 months from the expiration of the protection period.

The registration, assignment and cancellation of design and industrial model registrations are published in the Official Gazette and entered in the register.

## Filing Requirements

### Design Applications

1. A Power of Attorney.
2. The information on how the applicant has acquired the right to apply for a design from the designer.
3. A certified priority document. If priority is claimed, number, date and country of the application are required.
4. Drawing(s) or painting(s), graphic, photographic or other similar representations of the designs suitable for reproduction and reflecting all of its features; 20 pictures (8x8) cm size.
5. Description related to the design and products to which the design is to be incorporated.

In case of multiple applications, separate descriptions and representations of the design should be submitted.

### Design Annuities

1. A simply signed Power of Attorney for each application, if we are not the agents on record.
2. The number and date of filing the design.
3. The name, address and nationality of the applicant.

## Copyright Registration

The Turkish Copyright Law No. 5846 of 1951 amended by Law No. 4630 of 2001 allows for the protection of copyrightable works in general and computer software in particular.

Original works of literature, art and science, regardless of type, importance or purpose are protected. This includes works of art expressed in writing, sound, drawings, photography and motion pictures, such as books, writings, speeches, oral works, plays, dramatic works, musical compositions, films, phonographic works, applied art, 3-D works and computer programs. Such works are protected for the lifetime of the author plus 70 years following his/her death.

In order for protection to be effective, the work of art is to be original and includes personal efforts, innovation and new arrangement.

Any enforcement of the law is through the courts of Turkey.

Some Articles of the Copyright Law No. 5846 dated 1951 has been amended in the following years: 1983, 1995, 2001 and 2004.

On May 17, 2006, a new regulation related to the "works of art" in relation to the above-mentioned copyright law has been executed and published in the Official Gazette No. 26171.

The following works are protected as per the said law:

1. Literature and science works;
  2. Music works;
  3. Fine art works:
    - Paintings, art and crafts, engraving, illumination works, calligraphy, serigraphy
    - Statues, relief, carving
    - Architecture works
    - Handworks, miniature, ornament, designs, photographic works
    - Graphic Arts
    - Caricature works
  4. Cinema Works
- Turkey is a member of the Berne Convention for the Protection of Literary and Artistic Works.

## 20- PALESTINE/GAZA STRIP & THE WEST BANK

The Palestinian territories, the West Bank and Gaza Strip, have separate jurisdictions with regards to Intellectual Property.

The Palestinian trademark and patent laws of 1938 are adopted in Gaza Strip, while the Jordanian laws are adopted in the West Bank. The two laws are very similar. For obtaining full protection all over the Palestinian territories, we recommend filing in both jurisdictions.

Palestine is not a member of any international convention, but abides by the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement. A separate application is to be filed for each class of goods and/or services in each jurisdiction.

Once a trademark application is filed, it is examined as to its registrability. Trademark applications accepted by the Registrar are published in the Official Gazette. There is a 3-month period open for filing opposition by any interested party.

A trademark registration is valid for 7 years from the date of filing the application and renewable for periods of 14 years each. The trademark law provides for a one-month period for late renewal of a trademark subject to the payment of a lateness fine. A trademark registration can be renewed at any time after the expiry of the relevant registration, as long as the Registrar has not ordered that such trademark registration should be cancelled from the register of trademarks.

Use of trademarks is not compulsory for filing applications or for maintaining trademark registrations in force. However, a trademark registration is vulnerable to cancellation by any interested party, who can establish that the trademark was not actually used during the 2 years immediately preceding the application for cancellation, or that there was no bona fide of using the trademark on the goods in respect of which the trademark was registered.

## Filing Requirements

1. Duly Legalized POA.
2. Certified copy of extract from the Commercial Registry; includes Name, nationality, address, legal status, nature of business, etc. of the applicant company.
3. A list of the goods and services to be covered by the application.
4. A clear fifteen prints of the trademark for each class of goods.

## Patent Registration System

Once a patent application is filed, it is examined as to compliance with the formalities and patentability provided for under the patent law. A separate application has to be filed in each jurisdiction. The Patent Office may require whatever amendments necessary to bring the application into conformity with the law. In the event the applicant does not comply with the requests of the Patent Office within a given grace period or as authorized by the Registrar of Patents, the Registrar will refuse the application.

A patent is valid for 16 years from the date of filing the application. Such validity is subject to the payment of the prescribed renewal fees, which should be paid before the expiration of the fourth, eighth and twelfth years from the filing date or the convention filing date in case of priority applications.

Novelty is not limited to the country only. A novelty examination takes into consideration any specification previously lodged with the Patent Office or any patent previously registered.

The right to a patent may be assigned, transferred through succession or licensed. The assignment of patent applications and granted patents must be made in writing. An assignment shall have no effect against third parties, unless it has been published in the Official Gazette and duly entered in the relevant records of the Patent Office.

Infringement of the rights of a patentee is punishable under the provisions of the current patent law.

## Filing Requirements

### Patent Applications

1. Legalized Power of Attorney.
2. Patent Form No.1 sworn and signed by the inventor(s)
3. As applicant(s), or jointly by the inventor(s) with other person(s) as applicants. In case of claiming priority, the form should be signed by the applicant in the home country or by his successor.
4. Three copies of the specification and claims in English and Arabic.
5. Three sets of the formal drawings, if any.



## Design and Industrial Model Registration System

Designs are protectable through registration with the competent office. A separate application has to be filed in each jurisdiction. Design applications accepted by the Registrar are published in the Official Gazette. There is a 2-month period open for filing opposition by any interested party. Such a registration is effected without any novelty examination at the applicant's responsibility.

A design registration is valid for 5 years from the filing date renewable for 2 similar periods of 5 years each.

There is no provision in the current design law for compulsory working or licensing with respect to designs.

Infringement or unauthorized use of a registered design is punishable under the current design law. Institutions of the Palestinian National.

## Filing Requirements

### Design Applications

1. Legalized POA
2. Three sets of the specimens or representations of the design.
3. The name, business, nationality and address of the applicant.
4. The classes in which the design is to be registered.
5. The article(s) covered by the design and the material used in producing these items.
6. A description of the design pointing out its novel aspects.

## 20- YEMEN

### Trademark Registration

A unified Intellectual Property Rights Law No. 19 of 1994 has been adopted by Yemen. This law repeals Trademarks and Trade Names Law No. 45 of 1976, and Articles 1757-1927 relating to the protection of Intellectual Property Rights of the Civil Law, both of which were in force in the Former People's Democratic Republic of Yemen.

In accordance with the decision of the Minister of Justice, the Trademarks Registry Office located in Aden has officially submitted all the files, registers and records relating to trademarks, patents and designs, to the Registrar of Trademarks at the Ministry of Industry and Trade located in Sana'a with effect from November 1995. Based on the above, all pending applications previously filed in the former South Yemen will be handled by the Sana'a Office.

The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (8th Edition) is followed in Yemen. Trademarks covering alcoholic drinks are not registrable according to the trademark law. A separate application should be filed with respect to each class of goods and services. All documents shall be submitted upon filing the application

According to the regulations issued in October 1999, some classes have been divided into subclasses. This does not affect protection, but it is a regulatory procedure for filing and incurs extra fees.

The validity of a trademark registration is for 10 years as of the date of filing the application renewable for similar periods of 10 years each. The renewal application should be submitted within the last year of the current validity term. The trademark law provides for a 3-month period for late renewal of a trademark, but such renewal application is subjected to the payment of a lateness fine.

### Filing Requirements

#### Trademark/Service Mark Applications

1. Duly Legalized POA
2. A legalized copy of the certificate of incorporation, or an extract of the commercial register which should include the name, address, date of incorporation and objectives of the corporation.
3. Digital copy of logo

### Patent Registration

For the time being, the Patent Office in Yemen is only accepting filing of patent applications. No

further actions such as examination, publication, granting, or annuities payment are taken on the applications yet.

## Filing Requirements

### Patent Applications

1. Duly Notarized POA
2. A notarized and legalized deed of assignment by the Yemeni Consulate, if any, executed by the inventor(s), assigning the patent rights to the applicant.
3. One copy of the specification and claims together with its Arabic translation.
4. One set of the drawings relating to the invention, if any.
5. An abstract of the invention of no more than 100 words with an Arabic translation.
6. A certified copy of the priority documents for claiming priority.

## Design and Industrial Model Registration

The validity of a design registration is for 5 years, and is renewable for two similar periods. An application in respect of a design or an industrial model is submitted to the registry along with its supporting documents.

## Filing Requirements

### Design Applications

1. Duly Legalized POA
2. A duly legalized extract from the Commercial Register or from the Memorandum of Association, if the applicant is a company or body corporate.
3. Two copies of the model or design, if it is two dimensional or two copies of each view thereof, if it is 3-D.
4. A duly legalized deed of assignment signed by the inventor, if the applicant is not the inventor.
5. A certified copy of the priority documents for claiming priority (if any).

## Copyright Registration

The unified Intellectual Property Rights Law No. 19 of 1994 stipulates protection for copyright, but the non- issuance of the Implementing Regulations has delayed the full implementation of the law.

## 21- TUNISIA

### Trademark Registration System

Trademark Law No. 36 was issued on April 17, 2001 in Tunisia. This law replaced the Tunisian Trademarks and Trade Names law Dated June 4, 1889 and its amendment of 1936. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Tunisia, and the revision of class 42 with the creation of classes 43 to 45 has been adopted as of January 1, 2002.

The law addresses several aspects, some of which are in compliance with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. These aspects include protecting color, sound and collective marks, acknowledging well-known trademarks, as well as allowing the examination by the Tunisian authorities of trademarks published in the Trademark Office Official Gazette "Al-Muwassafat".

Following the publication, a period of 2 months is given, in which an opposition maybe filed by any party. Once the opposition period is completed and no opposition has been filed, then the trademark may mature into registration and a certificate of registration will be issued.

Protection under the law has been reduced to 10 years from the filing date instead of the designated 15 years currently being implemented. Also, fines by court decisions on infringers maybe levied from 5,000 Tunisian Dinar (\$3,700) to 50, 000 Tunisian Dinar (\$37,000).

Use of a trademark within a period of 5 years is a must by law. All trademarks registered before the issuance of this law must be used within 5 years from its issuance date. Otherwise, the trademark will be vulnerable to cancellation due to the non-use.

### Filing Requirements

#### Trademark/Service Mark Applications

1. A simply signed Power of Attorney.
2. Five prints of the mark.
3. A list of the goods and/or the services (classes) covered by the application in French.
4. A certified copy of the priority document must be submitted, in case it is claimed.

### Patent Registration

Tunisia has been a member of the Patent Cooperation Treaty (PCT) since December 10, 2001. Any international PCT application made as of the aforementioned date may designate Tunisia.

Once an application for the registration of a patent is filed, it is examined as to form only. The Tunisian Patent Office does not carry out any examination as to novelty or merit of the invention.

A patent application is published in the Al-Muwassafat quarterly gazette published by the Institut National de la Normalisation et de la Propriete Industrielle (INNORPI), together with a summary of the contents thereof. The grant of a patent is also published. There are no provisions in the law as to appealing the decisions of the Registrar.

The provisions of the patent law in Tunisia stipulate that a patent application should be filed before the invention has been published, or used, or has otherwise received sufficient publicity to allow it to be put into practice either in Tunisia or abroad.

A patent is valid for 20 years as of the date of filing the patent application. The validity of PCT applications is calculated from the international filing date. Annuities are payable as of the date of filing. Annuities are payable in the anniversary date of filing. A late fine, which may be calculated at the rate of 8% of the due annuity, is payable when the annuity is paid within the 6-month grace period, per annuity and per month.

## Filing Requirements

### Patent Applications

1. A simply signed Power of Attorney.
2. Three copies of the specification in English, French or Arabic.
3. Three sets of the formal drawings.
4. A certified copy of the basic application is required when filing a convention application. The priority document should be submitted within 90 days as of the date of application.

### Note

If the assignee applies, it is preferable to file the deed of assignment of priority right signed by the holder of the basic application.

Regarding PCT applications, the international preliminary report as well as the publication sheet showing Tunisia among the designated states must be submitted.

According to the Tunisian Patent Office procedures, specification and claims of a patent application may be filed in English, French or Arabic.

## Design and Industrial Model Registration

Tunisia is a member of the Hague Agreement Concerning the International Registration of Industrial Designs. Designs and industrial models are protected through registration with the competent authority; the Institut National de la Normalization et de la Propriete Industrielle (INNORPI). Such registration is effected without novelty examination at the applicant's responsibility.

A design or an industrial model registration is granted for 5, 10 or 15 years starting from the date of filing the application. A registrant for the shorter terms has the option of applying for the extension of the protection period by the maximum duration of 15 years.

A registration of a design or an industrial model is subject to cancellation in the event any interested party requests such a cancellation before the competent tribunal, provided that the contestant has also filed an application for the same design or model.

The registration, assignment and cancellation of design and industrial model registrations are published in the Al-Muwassafat quarterly gazette and entered in the designs register.

There is no provision in the current Tunisian law as to working or compulsory licensing with respect to designs and industrial models. Any infringement or unauthorized use of a registered design or industrial model is punishable under the current law in Tunisia.

## Filing Requirements

### Design Applications

1. A simply signed Power of Attorney.
2. Four representations (photocopies, photographs or drawings) of the design.
3. Four copies of the inscription (if necessary).

## Copyright Registration

Copyright Law No. 36 of 1994 governs the protection of copyright in Tunisia. Although the law was published in the Official Gazette in 1994, but until now, no procedure has been implemented for the registration of copyright.

Protection is granted to authors of literary, artistic and scientific works whatever the value, kind or purpose or way of expression is. Generally, the protection is provided for the works whose means of expression is writing, sound, drawing, image or motion picture. It also includes creative titles and computer software which are published, acted or displayed for the first time in Tunisia. Such works are protected for the lifetime of the author plus 50 years following his/her death, while the protection period of software is for 25 years from the grant.

The National Council for Culture is entitled to authorize documentary, translations, educational, cultural or scientific use under certain conditions.

The Civil Court prosecutes all copyright acts of contravention and is entitled to confiscate revenues and counterfeit copies.

Tunisia is a member of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

## 22- PCT – The International Patent System

### 1) What is the Patent Cooperation Treaty (PCT)?

The Patent Cooperation Treaty is an international treaty with more than 150 Contracting States. The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application instead of filing several separate national or regional patent applications. The granting of patents remains under the control of the national or regional patent Offices in what is called the “national phase”.

The PCT procedure includes:

**Filing:** Filing an international application with a national or regional patent Office or WIPO, complying with the PCT formality requirements, in one language, and you pay one set of fees.

**International Search:** an “International Searching Authority” (ISA) identifies the published patent documents and technical literature (“prior art”) which may have an influence on whether your invention is patentable, and establishes a written opinion on your invention’s potential patentability.

**International Publication:** as soon as possible after the expiration of 18 months from the earliest filing date, the content of your international application is disclosed to the world.

**Supplementary International Search (optional):** a second ISA identifies, at your request, published documents which may not have been found by the first ISA which carried out the main search because of the diversity of prior art in different languages and different technical fields.

**International Preliminary Examination (optional):** one of the ISAs at your request carries out an additional patentability analysis, usually on an amended version of your application.

**National Phase:** after the end of the PCT procedure, usually at 30 months from the earliest filing date of your initial application, from which claim priority, you start to pursue the grant of your patents directly before the national (or regional) patent Offices of the countries in which you want to obtain them.

## FAQ

### 1) What is the effect of an international patent application?

In general terms, your international patent application, provided that it complies with the minimum requirements for obtaining an international filing date, has the effect of a national patent application (and certain regional patent applications) in or for all PCT Contracting States. Moreover, if you comply with certain formal requirements set out in the Treaty and Regulations, which are binding on all of the PCT Contracting States, subsequent adaptation to varying national (or regional) formal requirements (and the cost associated therewith) will not be necessary.

### 2) Who has the right to file an international patent application under the PCT?

You are entitled to file an international patent application if you are a national or resident of a PCT Contracting State. If there are several applicants named in the international application, only one of them needs to comply with this requirement.

### 3) Where can I file my international patent application?

You can file an international patent application, in most cases, with your national patent Office, or directly with WIPO if permitted by your State's national security provisions. Both of those Offices act as PCT "receiving Offices". If you are a national or resident of a country which is party to the ARIPO Harare Protocol, the OAPI Bangui Agreement, the Eurasian Patent Convention or the European Patent Convention, you may alternatively file your international patent application with the regional patent Office concerned, if permitted by the applicable national law.

### 4) Can I file PCT applications electronically?

In the majority of cases, applicants file PCT applications electronically. You can file PCT applications electronically with any competent receiving Offices which accepts such filings. Preparing the PCT application using the WIPO web service (ePCT-filing) or the software provided by WIPO (PCT-SAFE) helps you to prepare your applications by automatically validating the entered data and drawing your attention to incorrectly or inconsistently completed parts. Moreover, it helps you to manage your applications, for example, with monitoring time limits for relevant actions.

### 5) How long does the PCT process take?

You have, in most cases, up to an additional 18 months from the time you file your international patent application (or usually 30 months from the filing date of the initial patent application of which you claim priority before you have to begin the national phase procedures with individual patent Offices and to fulfill the national requirements.



This additional time can be useful for evaluating the chances of obtaining patents and exploiting your invention commercially in the countries in which you plan to pursue patent protection, and for assessing both the technical value of your invention and the continued need for protection in those countries.

It is important to note, however, that you do not have to wait for the expiration of 30 months from the earliest filing date of your patent application (“priority date”) before you enter the national phase – you can always request an early entry into the national phase. Since, in the national phase, each patent Office is responsible for examining your application in accordance with national or regional patent laws, regulations and practices, the time required for the examination and grant of a patent varies across patent Offices.

## **6) What does it mean to “claim priority” of an earlier patent application?**

Generally, patent applicants who wish to protect their invention in more than one country usually first file a national or regional patent application with their national or regional patent Office, and within 12 months from the filing date of that first application (a time limit set in the Paris Convention, they file their international application under the PCT.

The effect of claiming the priority of an earlier patent application is that a patent shall not be invalidated by reasons of any acts accomplished in the interval, such as another filing, the publication or sale of the invention.

## **7) In what languages can an international patent application be filed?**

You can file an international patent application in any language which the receiving Office accepts. If you file your application in a language which is not accepted by the ISA that is to carry out the international search, you will be required to furnish a translation of the application for the purposes of international search. Receiving Offices are, however, obliged to accept filings in at least one language which is both a language accepted by the competent ISA that is to carry out the international search and a “publication language”, that is, one of the languages in which international patent applications are published (Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish). You therefore always have the option of filing your international patent application in at least one language from which no translation is required for either PCT international search or publication purposes.

## **8) Which Office will carry out the international search of my PCT application?**

The following have been appointed by the PCT Contracting States as International Searching Authorities (ISAs): the national Offices of Australia, Austria, Brazil, Canada, China, Chile, Egypt,

Finland, India, Israel, Japan, the Republic of Korea, the Russian Federation, Spain, Sweden, Ukraine and the United States of America, and the following regional Offices, the European Patent Office and the Nordic Patent Institute.

The availability of a particular ISA to the nationals or residents of a country is determined by the receiving Office where the international application was filed. Some receiving Offices provide a choice of more than one competent ISA. If your receiving Office is one of those, you can choose any one of them, taking into account differing requirements relating to language, fees, etc..

## **9) What is a PCT international search?**

A PCT international search is a high quality search of the relevant patent documents and other technical literature in those languages in which most patent applications are filed (Chinese, English, German and Japanese, and in certain cases, French, Korean, Russian and Spanish). The high quality of the search is assured by the standards prescribed in the PCT for the documentation to be consulted, and by the qualified staff and uniform search methods of the ISAs, which are all experienced patent Offices. The results are published in an international search report and a written opinion of the ISA on the potential patentability of your invention.

## **10) Will an international search be carried out for all international applications?**

As a rule, an international search is carried out for all international applications. There are instances, however, where the ISA will not be able to carry out a search. For example, where the international application relates to subject matter which the ISA is not required to search or if the description, claims or drawings are not sufficiently clear for it to carry out a meaningful search. In such cases, the ISA will issue a declaration that no international search report will be issued.

There are also circumstances where the ISA will issue a partial search report. This can occur when, in the view of the ISA, the international application contains multiple inventions but the applicant has not paid additional search fees to cover the work required to search those additional invention(s).

## **11) What is the written opinion of the International Searching Authority?**

For every international application, the ISA will establish, at the same time that it establishes the international search report, a preliminary and non-binding opinion on whether the invention appears to meet the patentability criteria in light of the search report results. The written opinion, which is sent to you together with the international search report, helps you understand and interpret the results of the search report with specific reference to the text of your international application, being of special help to you in evaluating your chances of obtaining a patent. The written opinion is made available to the public at the same time as the application.

## 12) What is the PCT supplementary international search?

Supplementary international search permits the applicant to request, in addition to the international search (the “main international search”), one or more supplementary international searches each to be carried out by an ISA other than the ISA which carried out the main international search. The additional search has the potential of reducing the risk of new patent documents and other technical literature being discovered in the national phase since, by requesting supplementary search the applicant can enlarge the linguistic and/or technical scope of the documentation searched.

## 13) What does international publication under the PCT consist of?

WIPO publishes the international application shortly after the expiration of 18 months from the priority date (if it has not been withdrawn earlier), together with the international search report. PCT international applications are published online on PATENTSCOPE, a powerful, fully searchable database with flexible, multilingual interfaces and translation tools to assist users and the public in understanding the content of published applications..

## 14) Can third parties access documents contained in the file of the international application? If so, when?

Until international publication (18 months after the priority date), no third party is allowed access to your international application unless you as applicant request or authorize it. If you wish to withdraw your application (and you do so before international publication), international publication does not take place and, as a consequence, no access by third parties is permitted. However, when international publication occurs, certain documents in the international application file are made available on PATENTSCOPE together with the published international application, for example, the written opinion of the ISA and any informal comments on the written opinion.

## 15) What is international preliminary examination?

International preliminary examination is a second evaluation of the potential patentability of the invention, using the same standards on which the written opinion of the ISA was based (see Question 18). If you wish to make amendments to your international application in order to overcome documents identified in the international search report and conclusions made in the written opinion of the ISA, international preliminary examination provides the only possibility to actively participate in the examination process and potentially influence the findings of the examiner before entering the national phase – you can submit amendments and arguments and are entitled to an interview with the examiner. At the end of the procedure, an international preliminary report on patentability (IPRP Chapter II) will be issued.

The International Preliminary Examining Authorities (IPEAs) which carry out the international preliminary examination are the ISAs mentioned above.

## 16) How do I enter the national phase?

It is only after you have decided whether, and in respect of which States, you wish to proceed further with your international application that you must fulfill the requirements for entry into the national phase. These requirements include paying national fees and, in some cases, filing translations of the application. These steps must be taken, in relation to the majority of PCT Contracting States' patent Offices, before the end of the 30th month from the priority date. There may also be other requirements in connection with the entry into the national phase – for example, the appointment of local agents. More general information on national phase entry can be found in the PCT Applicant's Guide, National Phase, and specific information concerning fees and national requirements can be found in the national chapters for each PCT Contracting State in the same Guide.

## 17) What happens to my application in the national phase?

Once you have entered the national phase, the national or regional patent Offices concerned begin the process of determining whether they will grant you a patent. Any examination which these Offices may undertake should be made easier by the PCT international search report and the written opinion and even more by an international preliminary examination report.

## 18) What is the role of WIPO in the PCT?

WIPO administers the PCT. It also organizes the PCT Assembly, the PCT Working Group and the Meeting of International Authorities. Further, for each PCT application filed, WIPO is responsible for:

- receiving and storing all application documents;
- performing a formality examination;
- publishing the international application on WIPO's online database PATENTSCOPE;
- publishing data about the PCT application as prescribed in the Treaty and Regulations;
- translating various portions of the PCT application and certain associated documents into English and/or French, where necessary;
- communicating documents to Offices and third parties; and
- providing legal advice on request to Offices and users.

WIPO also:

- provides overall coordination of the PCT System;
- provides assistance to existing, new and potential Contracting States and their Offices;
- provides advice on implementing the PCT in the national legislation and on setting up internal procedures in the Contracting States' patent Offices;
- publishes the PCT Applicant's Guide and the PCT Newsletter;
- creates and disseminates PCT information via the PCT website, webinars, and through telephone and e-mail assistance; and
- organizes and gives PCT seminars and training courses.

## 19) What are the advantages of the Patent Cooperation Treaty?

The PCT System has many advantages for you as an applicant, for the patent Offices and for the general public:

- a) you have up to 18 months more than if you had not used the PCT to reflect on the desirability of seeking protection in foreign countries, to appoint local patent agents in each foreign country, to prepare the necessary translations and to pay the national fees;
- b) if your international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any PCT Contracting State patent Office during the national phase of the processing of the application;
- c) the international search report and written opinion contain important information about the potential patentability of your invention, providing a strong basis for you to make business decisions about how to proceed;
- d) you have the possibility during the optional international preliminary examination to amend the international application, enter into dialogue with the examiner to fully argue your case and put the application in order before processing by the various national patent Offices;
- e) the search and examination work of patent Offices in the national phase can be considerably reduced thanks to the international search report, the written opinion and, where applicable, the international preliminary report on patentability that accompany the international application;
- f) you may be able to fast-track examination procedures in the national phase in Contracting States that have PCT-Patent Prosecution Highway (PCT-PPH) agreements or similar arrangements;
- g) Since each international application is published together with an international search report, third parties are in a better position to evaluate the potential patentability of the claimed invention;
- h) For you as an applicant, international publication online puts the world on notice of your invention.
- i) You may also highlight your interest in concluding licensing agreements on patent scope, which can be an effective means of advertising and looking for potential licensees;
- j) You also achieve other savings in document preparation, communication and translations because the work done during the international processing is generally not repeated before each Office (for example, you submit only one copy of the priority document instead of having to submit several copies); and
- k) If your invention appears to be not patentable at the end of the international phase, you may abandon the PCT application and you will have saved the costs you would otherwise have incurred by directly seeking protection in foreign countries, appointing local patent agents in each foreign country, preparing the necessary translations and paying the national fees. Ultimately, the PCT:
  - brings the world within reach;
  - streamlines the process of fulfilling diverse formality requirements;
  - postpones the major costs associated with seeking multinational patent protection;
  - provides a strong basis for patenting decisions; and
  - Is used by the world's major corporations, research institutions and universities when they seek multinational patent protection.

## 23- GCC Patent Office

### The Gulf Cooperation Council

The Gulf Cooperation Council (GCC), also known as the Cooperation Council for the Arab States of the Gulf is a trade bloc involving the following six Arab Gulf States, State of Bahrain, State of Kuwait, State of Qatar, Sultanate of Oman, Kingdom of Saudi Arabia and the United Arab Emirates (UAE).

On May 25, 1981 the leaders of the aforementioned states met in Abu Dhabi, UAE, where they reached a cooperative framework joining the six states. The agreement to establish the GCC was signed on November 11, 1981 in Riyadh.

According to Article 4 of the GCC Charter, the basic objectives of the GCC are to effect coordination, integration, and inter-connection between GCC member states in all the fields in order to achieve unity between them; to deepen and strengthen relations, links and areas of cooperation currently prevailing between their peoples in various fields; to formulate similar regulations in various fields including the economic and financial affairs, commerce, customs and communications, education and culture, to stimulate scientific and technological progress in the fields of industry, mining, agriculture, water and animal resources; to establish scientific research; to establish joint ventures and encourage cooperation by the private sector for the good of their people.

### The GCC Patent Office

The GCC Supreme Council, during its 13th session held in December 1992, approved the Patent Regulation and the Statute of the GCC Patent Office.

The Patent Office was opened in Riyadh, Saudi Arabia, and it started receiving applications as of October 3, 1998.

In November 1999, the GCC Council proposed further amendments to the Regulation; the amended Regulation became effective as of August 16, 2000.

Certificates of patents granted by the GCC Patent Office secure legal protection of the inventor's rights in all member states of the GCC which comprises the State of Bahrain, State of Kuwait, State of Qatar, Sultanate of Oman, Kingdom of Saudi Arabia and United Arab Emirates (UAE).

A patent shall be promptly validated in the member states as of the date of grant. At the moment, national patent offices are in operation in a number of the GCC States. These national offices grant patent protection in their respective countries, and the applicant may file as many applications as he wishes with any national office whether such office is already in operation or still in the process of establishment. The applicant may also file an application, if he so wishes.

## Procedures of the GCC Patent Office

Once an application for a patent is filed with the GCC Patent Office, it is examined with respect to the compliance of the applicant with the formalities. If executed satisfactorily, the application receives a filing number and the filing date is secured. The patent law stipulates absolute universal novelty.

**Disclosure of the invention anywhere, expressed by use, in writing by oral disclosure, or in any other way before the relevant date of filing the patent application, or the priority date of validity claimed in respect thereof, shall destroy the required absolute novelty unless the disclosure has occurred due to arbitrary actions of others, against the applicant or his predecessor or as a result thereof.**

The Patent may claim priority of a previous application from another country or regional application within 12 months of the original filing. A patent is valid for 20 years from the date of filing the patent provided the maintenance annuities are paid. A patent is subject to annuity due at the beginning of each subsequent year to the year in which the application was filed and payable within a period of 3 months (January 1 to March 30). Late payment is possible within 3 months thereafter in exchange for an additional fee.

The patent shall exploit the invention covered by the patent as sufficient exploitation in the GCC member states, within 3 years from the date of granting. If the prescribed grace period lapsed without the patent being sufficiently exploited, the Board of Directors may grant a compulsory license according to specific conditions.

## Filing Requirements

1. A Power of Attorney in the name of Saudi Arabia, executed by the applicant, duly notarized and legalized up to the consulate of any GCC State.
2. A certified copy of the certificate of incorporation or an extract from the commercial register of the applicant company duly legalized by the consulate of any GCC state.
3. A deed of assignment executed by the inventor(s), assigning their patent rights to the applicant, also notarized and legalized up to the consulate of any GCC State.
4. A certified copy of the priority documents. If the documents are not in English, a simple English translation is required.
5. Two copies of the specifications and claims in English and Arabic, prepared strictly in the following order:
  - Title of the Invention
  - Technical Background
  - Disclosure of the invention
  - Description of Drawings
  - Detailed description of the invention
  - Method of the industrial application of the invention
  - Claims & Abstract of the Invention
  - Drawings, if any
6. The Arabic text of the specification and claims on a diskette as MS Word format.

## Note

A GCC patent application can be filed with the English text of the specifications and claims together with the Arabic translation thereof. Document 1, 2, 3 and 4 above should be submitted to the GCC Patent Office within 3 months from the date of filing the application. Failure to meet the deadline will cause the application to lapse, as no extension is granted by the GCC Patent Office.





**Alaeldin Gassim**  
IP consultant (Legal)



**Bhagyashree Kalmadka**  
Manager Client Relation



**Kashef Mirza**  
Director Marketing



**Kasim Kheruwala**  
Sr. Consultant & Counsel



**Ebin Alex**  
Team Manager  
Business Development



**Vidhya Sudheesh**  
Consultant-IP



**Manmeedh K. S**  
Sr. Business Consultant



**Arjun Balan**  
Consultant-Trademark



**Geo Francis**  
Sr. Consultant-Onshore



**Lekshmi Nair**  
Consultant-Offshore



**Mohd. Sahib Vali**  
Accountant



**Athar Manga**  
Coordinator-Free Zone



**Rakshindah Shaikh**  
Coordinator-IP



**Raiza De Villa**  
Admin Assistant



**Joblyn**  
Secretary



**Salim Vali**  
Office Assistant

## FRANCHISING

Franchising is an effective and fast way to establish a new business it substantially reduces the gestation period and entrepreneur shall be embarking on the tried and tested products and services.

Horwath Mak can offer franchise from UK, USA, Europe, Australia etc. for any major Products or Services.

### STEPS:

- Step 1 – Franchise Feasibility
- Step 2 – Franchise Program and System Development
- Step 3 – Franchise Documentation Development
- Step 4 – Implementation and Recruitment

The engagement of a suitable Franchising Consultant will do much to smooth the process and reduce (if not eliminate) the confusion and guessing.

Horwath Mak Business Consulting can assist with all your franchising requirements, from initial feasibility studies to assisting successful franchisees to market their business should they wish to move on. No other consulting group can offer the range or quality of professional services and experiences provided by Horwath Mak Business Consulting.

### Some of the services offered include:

#### For Franchisors

- Business to Franchising
- Consulting and Development
- Administration, Legals & Financials
- Marketing & Advertising
- Franchisee Management & Support
- Franchise Inductions & Negotiations

#### For Franchisees

- Impartial advice on purchasing a Franchise
- Franchise Evaluation & Diagnostics
- Advertising & Marketing Assistance
- Sales Growth Strategies
- Selling of a Franchise
- Territory & Site Negotiations

Horwath Mak Business Consulting recognizes the fundamental importance of assisting prospective franchise purchasers in selecting the perfect franchise most suited to their background and personal requirements. In developing successful franchise businesses, Horwath Mak Business Consulting and its clients inject a lot of effort and research in recommending the right people for the right franchise.

Further expansion within our group now allows us to make available to you one off businesses for sales, which are not franchises. Therefore, if you are thinking of buying any business, we now have the expertise to facilitate this service.

Before becoming a Horwath MAK Business Consulting client, all prospective Franchisors must satisfy the Horwath Mak Business Consultants Excellence Criteria. The management team of Horwath Mak Business Consulting works closely in developing, educating and scrutinizing potential new Franchisor clients.

## Take Advantage of Proven Track Record

Horwath Mak Business Consulting provides initial consultations at a No Cost- Obligation Free basis. If you are contemplating going into business take advantage of Horwath MAK Business Consulting experience and become aware of which businesses to consider and which to avoid. Horwath Mak Business Consulting is able to assist you in making the right choice for you and your family.

## Disclaimer

All information presented in “Establishing Business in United Arab Emirates”, is from government and other public source available. While efforts have been made to avoid errors or omissions in this publication, any mistake, error or discrepancy noted may be brought to the notice of our office. Detailed advice should be obtained before taking action, as a result of information in this publication, as Horwath MAK its UAE offices, Overseas Offices or Ancillary Offices will not be responsible for any damage or loss of action to anyone, of any kind, in any manner therefrom. It is therefore strongly recommended that potential investors contact Horwath MAK or any of its Offices to obtain the most recent information and professional advices related to establishing businesses in the United Arab Emirates.

**Ilyas Manjra**  
Managing Partner  
Horwath Mak Business Consulting  
September 2016



