



Managing Intellectual Properties Guide

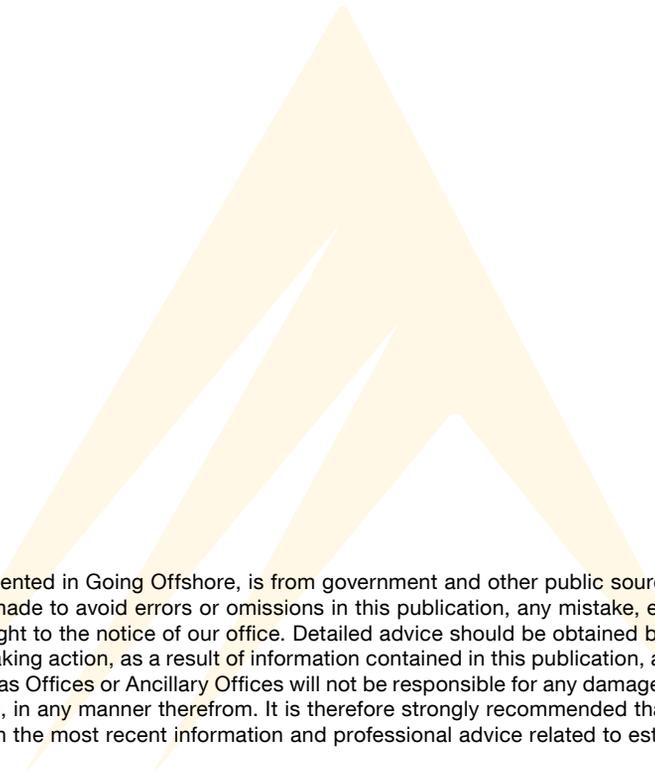
35+ Years of local expertise

35+

A circular graphic with a yellow sun-like background and the text "35+ Years of local expertise" curved around the top edge. The number "35+" is prominently displayed in white in the center.

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Crowe Mak was previously known as Horwath Mak. The name changed with effect from June 11, 2018.

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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.

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This protection is available to both published and unpublished works.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 assignee) 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.

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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.

Patent Registration

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.

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.

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).

Copyright Registration

According to UAE Federal Law No. 7 of 2002 on Copyrights and related rights, any original work in the areas of literature, arts or science and its description, form of expression, significance or purpose. The following intellectual works are protected under copyrights law:

1. Books, booklets and articles
2. Computer software and applications,
3. Lectures, speeches, plays, musicals and dramas.
4. Audio and video medium.
5. Paintings, Drawings and Photographic works.
6. Works of applied art and plastic art.

According to Article 20 of Federal Law No. 7 of 2002., the rights of the author under this Law shall be protected for the duration of his life plus 50 years starting from the first day of the calendar year following his death.

2- SAUDI ARABIA

Trademark Registration

Saudi Arabia is a member of the Paris Convention for the Protection of Industrial Property. 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.

There is a 60 days time period 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., 60 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.

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 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.

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.

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.

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.

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.

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.

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.

Once a trademark application is filed, the trademark is examined as to form and substance, as Qatar follows the anteriority examination system. 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.

Patent Registration

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.

Copyright Registration

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.

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.

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.

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.

Patent Registration

Oman is a member of the Gulf Cooperation Council (GCC) Patent Office. 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.

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.

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.

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.

Patent Registration

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.

6- BAHRAIN

Summary of the Trademark Registration

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.

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.

Patent and Utility Model Registration

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.

Design and Industrial Model Registration

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

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.

7-AFGHANISTAN

Summary of Trademark Registration

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.

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. Duly signed and stamped Power of Attorney from the applicant.
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

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.

Patent and Utility Model Registration

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.

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. 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.

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.

Design and Industrial Model Registration

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.

Copyright Registration

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.

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.

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.

An application for the renewal of the mark should be made within 6 months before expiration. If not renewed within the said 6 months, the mark would be removed from the register of trademarks.

Patent Registration

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.

All applications are published after 18 months of the priority date or filing date of the application whichever is earlier.

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.

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.

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.

11- IRAQ

Trademark Registration

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.

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.

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. Search is not optional an search application will be considered as registration application.

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 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.

Patent Registration

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.

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.

Design & Industrial Model Registration

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.

Copy Right Registration

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

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. 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. 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.

Patent Registration

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.

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.

Design & Industrial Model Registration

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.

Copyright Registration

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.

13- LEBANON

Trademark Registration

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.

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.

Patent Registration

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.

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.

Design and Industrial Model Registration

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.

Copyright Registration

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 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.

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.

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.

Patent Registration

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.

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.

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.

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.

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.

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.

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.

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.

Copyright Registration

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.

16- PAKISTAN

Trademark Registration

Pakistan is a member of the Paris Convention for the Protection of Industrial Property.

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.

Patent Registration

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.

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.

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.

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.

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. Separate trademark application required to file in South Sudan and North Sudan.

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.

Patent Registration

Sudan has been a member of the Patent Cooperation Treaty (PCT). 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.

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.

Design & Industrial Model Registration

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.

Copyright Registration

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.

18- SYRIA

Trademark Registration

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.

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.

Patent Registration

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

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).

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.

Copyright Registration

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.

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.

Once a trademark application is filed, it is examined as to its registrability. Upon examination, if the Trademark Registrar rejects the mark, an appeal may be 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.

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.

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.

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.

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.

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.

20- PALESTINE - GAZA STRIP / PALESTINE - 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.

Patent Registration

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.

Design and Industrial Model Registration

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.

21- YEMEN

Trademark Registration

In Yemen, the Sana'a and Aden have separate jurisdictions with regards to trademark registration. Yemen divided two jurisdictions; one party in Sana'a - Yemen under the national salvation government and the other party in Aden – Yemen under the rule of the new legitimate government please note that this results in the formation of new trademarks Office in Aden which functions independently from the current TMO in Sana'a. Therefore, it is recommended to secure the trademarks rights with both Sana'a and Aden Registries.

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.

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.

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.

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.

22- TUNISIA

Trademark Registration

Trademark Law No. 36 was issued on April 17, 2001 in Tunisia.

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.

Patent Registration

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.

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 Normalisation 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.

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.

23- European Union

The European Union trademark system creates a unified trademark registration in Europe and All member states of the European Union. The EU trademark system is unitary in character. Thus, an objection against an EU trademark application in any member state can defeat the entire application. The EU trademark application is enforceable in all member states.

Member countries: Austria, Bulgaria, Belgium, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

24- African Entities

The African Regional Intellectual Property Organization (ARIPO)

ARIPO is mandated to register marks and the administration of such registered mark on behalf of Banjul protocol on marks was adopted on November 19th, 1993 at Banjul, the Gambia. The applicant may file a single application either one of the Banjul contracting status or directly with the ARIPO office.

The member countries to the Banjul protocol are Botswana, Eswatini, Lesetho, Liberia, Malawi, Namibia, Sao Tome and Principe, Tanzania, Uganda and Zimbabwe.

Organization Africaine de la Propriete Intellectuelle (OAPI)

OAPI offers a centralized registration system for its 17 member countries. Registration of IP rights at OAPI automatically covers all of the territories there were member states at the time of filing the application for registration. It is not possible to designate a restricted number of member states.

Member States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoro Islands, Congo, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo

25- Patent Corporation Treaty - The International Patent System

The Patent Corporation 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.



Our Purpose and Values

It does take time to become an expert in any field and we have put in over 38 years of our dedication to serve the region and deliver quality to our clientele. We believe our quintessence is not only about independence and professionalism, it is also about providing quality and competitive services to the user.

We share a common purpose of building value for clients. While placing great emphasis on establishing professional relations with each of our clients. This enables to work in an atmosphere of openness and trust. Simply stated, it is how we live our core values – care, share, invest and grow.

Dr. Khalid Maniar

Founder & Managing Partner

About Us

Your Global Partner

Crowe is globally ranked as the 8th largest accountancy network with more than 35,000 partners and staff in over 130 countries.

We provide audit, tax, advisory, risk and technology services by leveraging through extensive local experience and high level of partner involvement. Our aim to provide due diligence with care has enabled us to serve a diverse range of clients from small family owned businesses to large multinational conglomerates.

The firm continually demonstrates a commitment to quality while serving clients through our international expertise and talent. Our commitment to the highest technical standards and integrity, ensures that our clients receive the most accurate and relevant advice.

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A circular graphic with a yellow sun-like background and the text "35+ Years of local expertise" written around the perimeter. The number "35+" is prominently displayed in the center in a large, white, bold font.

35+ Years of local expertise

35+