

▲ APPIMAF Newsletter

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▲ BAHRAIN

Software Piracy Costing Millions

The Business Software Alliance (BSA) has recently reported in its seventh annual study conducted by the IDC, studying global trends in PC software piracy, that the commercial value of unlicensed software in Bahrain for the year 2009 amounts to 21 million US Dollars. This amount represents a 54% Piracy Rate which equals the total percentage of all software sales in the country. The BSA is an international association set up by the global software industry to promote safe and legal digital reproduction. Despite of the reported losses, the BSA declares that software piracy in Bahrain has in fact decreased from 2008 where the Piracy rate was at 55% which translates into a 7 million US dollars decrease in pirated software sales. This reduction is the result of the efforts employed by the Bahraini authorities to stop piracy in the country. The BSA continues to work with the Bahraini authorities to promote a better understanding of the negativity of software piracy and its effects on the country and the region as a whole. ▲

▲ IRAQ

Trademark Office reviews registrations 1 - 16090

As a result of the war in Iraq back in 2003, a large number of trademark files were destroyed. In an effort to resolve this, the Iraqi Trademark office has announced on 7 July 2010 that it will begin the revision of trademark registrations 1 to 16090 in order to make sure that the records are in order. If there are any missing documents, owners will be asked to complete all the requirements by December 7, 2010. Trademark registrations with incomplete records after this date will be considered abandoned. ▲

Drop in Official Fees

According to the official gazette no. 4154 the Iraqi Trademark Office has declared an amendment to the official fees related to all trademark matters. The new fees show a reasonable decrease specially those fees related to filing, publication, renewal and change of name/address. The new rates have been effective as of July 1, 2010 and apply to new as well as pending applications. ▲

▲ SUDAN

New Border Measures Regulations

The Sudanese Customs Authority has recently introduced new and strict border measures in an effort to increase the protection of Intellectual Property Rights in the country. They have therefore issued new “Regulations of Procedure of Customs Border Measures” and they are summarized as follows:

1. The Customs Authority can suspend the entry of counterfeited and pirated products.
2. A request for suspension can be filed as long as it is supported by sufficient evidence and information, showing that the alleged products are counterfeited and that the registered rights were violated.
3. Once notified, the rights’ owner should begin with the legal proceedings within ten days of notification; otherwise the seizure measure will be lifted.
4. The rights’ owner is allowed to inspect the confiscated goods under the supervision of the Customs Authority.
5. If the confiscated products are declared counterfeit by a final Court decision they would be destroyed.
6. The measures do not relate to goods in transit or personal items and gifts. ▲

Recordal of Trademarks Now Possible at Customs

According to articles 14 and 22 of the newly released border regulations, it is now possible for rights owners to record their trademarks at the Sudanese Customs. After the recordal is completed the trademark will be placed on watch and products of the same or similar trademark will be monitored and inspected ex-officio. Suspected products will be confiscated and the rights owner as well as the importer will be notified. Recordation is valid for one year and is renewable for like periods.

Required documents for recordation are as follows:

- 1- Power of attorney, legalized up to the Sudanese Consulate
- 2- Certified copy of the registration certificate of the trademark to be recorded
- 3- Request
- 4- An electronic presentation of the original product to aid the Customs officials in detecting counterfeit products and differentiating them from the originals. ▲

▲ UNITED ARAB EMIRATES

Accepting Arabic Domain Name Applications

The registration of Arabic domain names in the UAE is now possible. Websites until now had to have Latin script domains, which presents a problem to companies in the Middle East wanting to be available online yet aiming for a public with no English familiarity. Applications are currently being accepted for government bodies only. The UAENIC (United Arab Emirates Network Information Center) will begin its Landrush period on September 26, 2010 allowing anyone to apply for the registration of domain names of high commercial value. ▲

New Department for Intellectual Property Disputes in Abu Dhabi

The Judicial Council at the Abu Dhabi Judicial Department (ADJD) has recently approved the establishment of new divisions specialized in the settlement of IP disputes. This effort is part of the ADJD strategy for 2008 – 2013 reflecting the important role of Intellectual Property Protection in the UAE. The new IP divisions will proceed to promote creativity and innovation within Abu Dhabi as they will provide an efficient way to combat intellectual property rights violations. ▲

▲ SAUDI ARABIA

Removed From the USTR Watchlist!

The Office of the U.S. Trade Representative (USTR) recently released its annual Special 301 Report, on global intellectual property rights protection. The report highlights and monitors countries with IP enforcement inadequacies and places them into two lists, the “Priority Watch List,” and the “Watch List” both of which contain countries that, according to the United States, have weak or insufficient IPR protection and enforcement mechanisms.

The *Priority Watch List* enlists countries with inadequate level of IPR protection or a weak market access for persons relying on intellectual property protection. Countries on the *Watch List* do not pledge complete commitment to address underlying intellectual property rights problems. Interestingly, the Special 301 Report removed Saudi Arabia off the *Watch List* for taking steps in creating more stringent IPR policies that have significantly improved IPR protection and enforcement in the country.

Algeria has remained the only Arab country on the *Priority Watch List*. Although serious efforts have been made in 2009 by the government of Algeria to improve intellectual property rights protection and enforcement, the Special 301 report urges Algeria to step up its laws regarding patents, especially pharmaceutical products, as well as continue border measures to protect against counterfeiting and piracy. ▲

▲ LEBANON

USPTO Hosts Seminar on Intellectual Property

From July 22 to 24, 2010, a delegation composed of representatives from various U.S. government agencies visited Lebanon for discussions with Lebanese government officials, private sector leaders, and activists regarding intellectual property rights (IPR) in Lebanon. Participating in the delegation were officials from the U.S. Patent and Trademark Office, the Office of the U.S. Trade Representative, the Department of Justice, the U.S. Copyright Office, and the U.S. Department of State. While in Lebanon, the delegation met with the Ministers of Economy and Trade, Finance, Justice, and Health to discuss the roles of each ministry in combating violations of intellectual property rights and cooperation between the U.S. and Lebanon in this area. The visit was sponsored by the Middle East Partnership Initiative.

The visit also included the hosting of a seminar on Intellectual Property Rights organized by the USPTO’s GIPA, Global Intellectual Property Academy. The seminar discussed the current status of IP protection in Lebanon and the region. It has also presented the possible actions to be taken to improve the rights of IP owners. The topics presented include:

- Copyright in the internet age
- The international standards for the protection of trademarks
- The enforcement of IP rights in Lebanon
- IP awareness for the protection of consumers and supporting businesses
- Technical assistance and capacity building

The seminar also explored the increasing importance of IP in Official Lebanese circles. The Lebanese customs was singled out for its strides and policies with regards to the confiscation of counterfeited products. Also the removal of Lebanon from USPTO Special 301’s priority watch list was highlighted as a concrete translation of Lebanon’s enforcement of IP rights. The seminar finally concluded on the benefits of tough IP enforcement, as the protection of intangible assets will function to protect local IP as well as increase Lebanese companies’ propensity for creativity and innovation. ▲

▲ LIBYA

A New Law is born!

The Libyan Parliament has recently ratified a new Trademark Law replacing the existing Law no. 40 of 1956 on the protection of trademarks. The new law will come into force in the country as soon as it is published in the official Gazette and as soon as the implementing regulations are issued.

Some of the main features are:

- The scope of trademark protection has been expanded to include sound marks, color marks, collective marks and certification marks.
- Trademarks that have successfully withstood the opposition phase will be published a second time in the Official Gazette for confirmation of registration.
- The grace period for late renewals has been extended from 3 months to 6 months.
- There are new provisions for protection of famous trademarks that are well known in Libya ensuring protection even if the marks are not registered.
- Penalties for trademark infringement have increased, most notably in the amount of fines. Penalties include a maximum of two-year imprisonment and payment of fines of up to USD 7,500.
- Claim of priority, based upon an earlier-filed foreign application, is possible.
- A trademark is subject to cancellation by any interested party within 5 years from registration date unless the mark was registered in bad faith, in which case, there is no time limit.
- A trademark is vulnerable to cancellation by any interested party if there has been no effective use of the mark for a period of 5 consecutive years.
- Appeals against the Registrar's notices of rejection may be filed within 30 days of notification.
- Trademark registrations are valid for 10 years from filing date and are renewable for like periods. ▲

First Trademark Registration Certificates Issued

The latest developments from the Libyan Trademark Office include the issuance of the first registration certificate in 30 years. This is the result of the Ministerial Resolution No. 316 issued back in May 2009 which called for the modification of the form of trademark registration certificates. The Trademark Office has started issuing the certificates on a priority basis according to the filing dates.

The delay was due to the fact that the Trademark Office was not settled on the form of the certificate. Moreover, it was receiving a huge number of trademark applications and it was not well equipped to handle the volume of work. The long period of economic sanctions further contributed to the delay.

The following are the various steps in the registration process in Libya prior to receiving a trademark registration certificate:

1. The filing of a trademark application
2. The examination of the filed application.
3. The review of the application within a period of 10–12 months to make sure all requirements are met and the application is entitled for registration.
4. After the examination of the mark has concluded with no issues to be addressed or an applicant has responded adequately to an office action, the application will be published for opposition.
5. In the absence of an opposition or in case an opposition is decided in the applicant's favor, the trademark will be registered. ▲