

Middle East Intellectual Property Newsletter Vol. 77

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## News

### **1. Important topics**

#### **UAE: Energy drink company wins trademark infringement case in UAE<sup>1</sup>**

The IP Authorities in the UAE, leave no stone unturned when it comes to the protection of the Intellectual Property rights of any party. Hence parties can resort to the very effective IP infringement control mechanisms that have been set up by this Country's administration.

In a very recent judgment, Red Bull GmbH has been able to protect its trademark rights concerning the famous mark 'RED BULL', from the unlawful attempt of another party, trying to register a similar mark, in an attempt to override the fame and reputation of the 'RED BULL' mark. The 'brand Red Bull' is a registered trademark in the UAE. Hence the company reserves exclusive rights to the product's distinctive logo, name, symbol, and design, which identify and distinguish it from other products. No party has the right to use/register any mark, that is identical and/or confusingly similar to the original mark.

The company put forth strong arguments, while mentioning that the competitor was misleading customers into believing that its product was a Red Bull product or was endorsed by Red Bull due to its similar name and packaging, and hence carried the benefits and qualities that Red Bull offers.

In the light of its non-tolerant nature when it comes to protecting a party's rights, and the strong directives of this Country's administration, the Court took the rightful view that the competitor had intentionally adopted a product, which violated part of the trademark and/or reputation of Red Bull and attempted to capitalize on Red Bull's reputation, effective marketing, and significant market share.

This decision also serves as a warning to all businesses who attempt to carry out misrepresentation of a mark, to take advantage of the reputation of a competitor's product, by copying or creating a confusingly similar mark, thereby leading to illegal and unfair competition. The IP Authorities in the Emirates, have indicated, by way of strict implementation of laws, that such illegal activities will not be tolerated in the Country.

#### **UAE: Dubai Customs handled 14 million transactions in the year's first half<sup>2</sup>**

In the initial half of 2023, Dubai Customs completed clearance for 14 million customs transactions, marking a 10% increase compared to the same timeframe in 2022. Business registration services witnessed a 7% rise, with 143,000 service requests recorded. Customs declarations constituted 12.3 million transactions, representing 88% of the overall customs transactions. These figures underscore the escalating recovery within the business sector.<sup>3</sup>

Furthermore, Dubai Customs managed 194 cases of intellectual property disputes during this period. These cases encompassed 10.7 million counterfeit items valued at AED 53.277 million. The department also continued orchestrating recycling efforts for counterfeit and IP-infringing goods, successfully recycling 176,000 items affiliated with 65 global trademarks.

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<sup>1</sup> <https://www.khaleejtimes.com/business/red-bull-wins-trademark-infringement-case-in-uae> (2023.7.6)

<sup>2</sup> <https://www.dubaicustoms.gov.ae/en/NewsCenter/Pages/NewsDetail.aspx?NewsId=1943> (2023.7.23)

<sup>3</sup> <https://wam.ae/en/details/1395303179759> (2023.7.23)

Alongside these achievements, Dubai Customs carried out 1,059 seizures and initiated 908 customs cases. These endeavors reflect their pivotal role in ensuring national economic security, fostering an appealing investment climate, and elevating the country's stature as a prominent global business and trading hub.

In alignment with the Year of Sustainability objectives and the UAE's hosting of COP28, the Green Customs initiative<sup>45</sup> serves as a notable example of collaborative international efforts. This initiative aims to help customs inspectors and relevant personnel become better at supervising, licensing, and managing items that are bad for the environment, like dangerous chemicals, waste, and endangered plants and animals.

### **Saudi Arabia: Appointment of the Saudi Authority for Intellectual Property as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty<sup>67</sup>**

The SAIP became an accredited International Searching and Preliminary Examining Authority under the PCT (PCT/ISA). This means that international patent applicants in member states can now select the SAIP to review and issue search reports for their international patent applications.

As nothing comes easy, the SAIP had to meet the standards of the WIPO to be appointed as the Examining Authority, wherein the SAIP developed the necessary strategic plans and set the required targets. They also saw to the recruitment and training of examiners to provide them with the necessary skills that enable them to perform the search and examination process, skillfully and effectively. This also included the implementation of quality standards and the development of electronic systems.

These efforts as well as the collateral achievements speak volumes of the efforts of the Kingdom to enhance the IP system in the Country, thereby boosting the economic scenario of the Kingdom.

### **Turkey: Fast-paced registration of Geographical indications by TurkPatent in the European Union jurisdiction**

The Turkish Patent Office (TurkPatent) confirmed on July 20, 2023, that Edremit Olive Oil, which was published in the Official Gazette of the European Commission, has become the country's 5th geographical indication registered in the EU in 2023.<sup>8</sup>

This fast-paced registration for geographical indications from Turkey, indicates the accelerated growth of the IP registrations by this country, owing to the symbol of importance to Turkish roots and values.

The total number of registrations of Geographical Indication from Turkey in the EU has amounted to 13.

### **Pakistan: Attempts of the IPO for exploring ways to harness the power of intellectual property<sup>9</sup>**

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<sup>4</sup> <https://www.greencustoms.org/>

<sup>5</sup> <https://gulfnews.com/uae/crime/green-customs---dubai-crackdowns-on-trade-in-commodities-harmful-to-environment-1.93402644> (2023.1.23)

<sup>6</sup> <https://www.saip.gov.sa/en/news/2009/> (2023.7.10)

<sup>7</sup> <https://twitter.com/spagov/status/1678744424149393410> (2023.7.11)

<https://twitter.com/SAIPKSA/status/1678492745122344976> (2023.7.11)

<https://twitter.com/SAIPKSA/status/1678457497969999872> (2023.7.11)

<sup>8</sup> <https://twitter.com/TURKPATENT/status/1682036855724974080> (2023.7.20)

<sup>9</sup> <https://ipo.gov.pk/node/2540> (2023.7.12)

In the race to enhance its IP facility and advance the country in the field of technology, Pakistan is aware that it has to match world standards.

Upon his recent visit to the Punjab Board of Investment and Trade (PBIT), Chairman of the Intellectual Property Organization of Pakistan (IPO), Mr. Farukh Amil met with the CEO of PBIT Mr. Jalal Hassan. The meeting involved a discussion on the potential avenues for collaboration. The Chairman to IPO stressed the importance of Pakistan's accession to the various international IP treaties, such as the Patent Cooperation Treaty (PCT) of the World Intellectual Property Organization (WIPO), while highlighting that such advancements would allow for additional benefits to the IP sector of the Countries such as the much-required simultaneous registration of Pakistani based patents across different jurisdictions thus enhancing Pakistan's reputation as an investment-friendly destination, that requires a picture that indicates that the Country holds strong IPRs enforcement policies, that will empower and encourage the set of investment in the Country.

On another visit, Mr. Farrukh Amil along with the team of the IPO Regional Office also visited the Lahore University of Management Sciences (LUMS) and delivered an interactive lecture on "Significance of IP for innovators".<sup>10</sup>

#### **Qatar: Adoption of the GCC Trademark Law by Qatar**

Qatar has now become the fifth Gulf Cooperation Council (GCC) country to implement the GCC Trade Marks Law (the TM law) making a steep climb in the development for trade mark practice and cooperation in the Country.

The adoption of the GCC Trademark Law in Qatar marks a significant milestone in the world of intellectual property rights, which will promote a more efficient and harmonized system of protection within the GCC. It has to be understood that the GCC Trademark Law, does not act as a unified Legal system to the members, but it provides unified framework of set of rules that are consistent for the member Countries. Hence, there is no unified registration system. This means that the applicants will have to file trademark applications to the Trademark Offices of the respective GCC members Countries separately in order to obtain protection in the particular jurisdiction.

Major changes in the practice, upon the adoption of the GCC Trademark Law by Qatar: As opposed to the previous Qatari Trademark Law, some of the notable major changes are as follows:

- Rise in the official fees for all trademark-related matters, effective from August 10, 2023.
- Applications will now be scrutinized within 90 days from the submission date.
- The deadline to respond to an office action will be shortened to one month instead of two months.
- Publication period (opposition period) has been reduced to 60 days from 4 months.
- Notably, Article 2 of the Law now encompasses color marks, sound marks, and smell marks as eligible trademarks, enabling the possibility of securing registrations for such distinctive marks across the entire GCC.

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<sup>10</sup> [https://twitter.com/pakistan\\_ipo/status/1680858883127115776](https://twitter.com/pakistan_ipo/status/1680858883127115776) (2023.7.17)  
[https://twitter.com/pakistan\\_ipo/status/1680858885635317760](https://twitter.com/pakistan_ipo/status/1680858885635317760) (2023.7.17)

- Article 4 of the GCC Trademark Law provides more clarity and possibility of protecting what would be called a well-known trademark.
- Article 9(1) of the GCC Trademark Law explicitly permits trademarks to be registered for one or more classes, and this provision is further elaborated in the Implementing Regulations. Hence, we can mention that multi-class filing is a possibility. However, please also note that none of the other Gulf members (who have already implemented the GCC Trademark Law) have chosen to adopt multi-class filing as yet.

In conclusion, we may state that the adoption of the GCC trademark law promises, more effective procedures and a reduction in the currently lengthy time periods for examination, publication, and the processing of registration certificates which would in turn be helpful for enforcement purposes. Hence it definitely is a welcome move for the Country.

#### **GCC: The GCC Patent Office will resume receiving patent applications on behalf of the State of Qatar<sup>11</sup>**

Pursuant to Paragraph 1bis/5 of Article 1 bis of the GCC Patent Law, which was modified according to the decision of the supreme council during its 41st session on 21st Jumada (1) 1442 AH, corresponding to 5th January 2021 AD, in Al-Ula city of the Kingdom of Saudi Arabia, and in alignment with the regulations set forth in the aforementioned law, the GCC Patent Office will recommence its acceptance and assessment of patent applications on behalf of Qatar.

This process will involve both formal and substantive evaluations, effective from July 1, 2023. Notably, the GCC Patent Office resumed the acceptance of new submissions for Kuwait and Bahrain starting from January 1st, 2023.

#### **Middle East: Participation in the Meetings of the General Assembly of the Member States of the World Intellectual Property Organization**

Representatives from all 193 WIPO Member States participated in the July 6-14 WIPO Assemblies General Assembly to discuss the direction of the global intellectual property landscape and WIPO's efforts in advancing economic, social, and cultural development across nations. Here are some significant talks from the Middle East region:

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<sup>11</sup> <https://gccpo.org/AboutUsEn/ShowNews?id=69> (2023.7.19)

UAE	<p>The UAE changed its laws and joined three international agreements, including the Budapest Treaty<sup>12</sup>, Strasbourg Agreement<sup>13</sup>, and Madrid International Trademark System<sup>14,15</sup></p> <p>The UAE's strength in innovation and IP is obvious from its rankings on global lists like the Global Innovation Index.<sup>16,17</sup></p> <p>Moreover, the UAE's plans in the 'We the UAE 2031' vision<sup>18</sup> push for more IP growth and innovation to become a top destination for global talent by focusing on IP and innovation.</p>
Saudi Arabia	<ol style="list-style-type: none"> <li>1. SAIP Signs a Work Plan with the National Intellectual Property Administration of the Republic of China<sup>19</sup>: This will enable the parties, to develop a timely and practical plan that contributes to the implementation of activities between the two offices.</li> <li>2. SAIP signs Executive program with Korean Intellectual Property Office (KIPO)<sup>20</sup>: The signing of the Executive Program with KIPO will aid in promoting IP and Innovation material in diverse and specific media.</li> <li>3. The activation of the Patent Prosecution Highway (PPH) by SAIP with the Intellectual Property Office of Singapore (IPOS).<sup>21</sup> This will allow patent applicants to speed up the examination process in one country based on a positive result in the other country, and vice versa. The goal of the program is to expedite patent examinations in both countries with fewer steps, encouraging investments between them.</li> <li>4. The SAIP also signed a work plan with European Patent Office which again promises to improvise the system between the countries.<sup>22,23</sup></li> </ol>
Turkey	<p>An MOU between TURKPATENT and WIPO was signed to facilitate the exchange of solutions for industrial property disputes.<sup>24</sup> The Turkish delegation engaged in discussions with 14 countries and organizations and established cooperative</p>

<sup>12</sup>

[https://www.wipo.int/treaties/en/notifications/budapest/treaty\\_budapest\\_343.html#:~:text=The%20Director%20General%20of%20the%20World%20Intellectual%20Property,and%20amended%20on%20September%2026%2C%201980%20%28Budapest%20Treaty%29](https://www.wipo.int/treaties/en/notifications/budapest/treaty_budapest_343.html#:~:text=The%20Director%20General%20of%20the%20World%20Intellectual%20Property,and%20amended%20on%20September%2026%2C%201980%20%28Budapest%20Treaty%29) (2021.2.17)

<sup>13</sup>

[https://www.wipo.int/treaties/en/notifications/strasbourg/treaty\\_strasbourg\\_75.html#:~:text=The%20Director%20General%20of%20the%20World%20Intellectual%20Property,as%20amended%20on%20September%2028%2C%201979%20%28Strasbourg%20Agreement%29](https://www.wipo.int/treaties/en/notifications/strasbourg/treaty_strasbourg_75.html#:~:text=The%20Director%20General%20of%20the%20World%20Intellectual%20Property,as%20amended%20on%20September%2028%2C%201979%20%28Strasbourg%20Agreement%29) (2021.2.17)

<sup>14</sup> [https://www.wipo.int/madrid/en/news/2021/news\\_0026.html](https://www.wipo.int/madrid/en/news/2021/news_0026.html) (2021.9.28)

<sup>15</sup> [https://www.wipo.int/about-wipo/en/dg\\_tang/news/2023/news\\_0006.html#:~:text=At%20the%20end%20of%20an%20official%20visit%20to,entrepreneurs%20can%20use%20their%20IP%20to%20secure%20financing](https://www.wipo.int/about-wipo/en/dg_tang/news/2023/news_0006.html#:~:text=At%20the%20end%20of%20an%20official%20visit%20to,entrepreneurs%20can%20use%20their%20IP%20to%20secure%20financing) (2023.2.18)

<sup>16</sup> <https://u.ae/en/about-the-uae/the-uae-government/government-of-future/innovation-in-the-uae>

<sup>17</sup> <https://www.globalinnovationindex.org/gii-2022-report>

<sup>18</sup> <https://wetheuae.ae/en>

<sup>19</sup> <https://twitter.com/SAIPKSA/status/1677073594550034432> (2023.7.7)

<sup>20</sup> <https://twitter.com/SAIPKSA/status/1677256505085636608> (2023.7.7)

<sup>21</sup> <https://twitter.com/SAIPKSA/status/1679513799785578501> (2023.7.13)

<sup>22</sup> <https://twitter.com/SAIPKSA/status/1678778382799216642> (2023.7.11)

<sup>23</sup> <https://twitter.com/SAIPKSA/status/1679227250728742913> (2023.7.11)

<sup>24</sup> <https://twitter.com/CemilBASPINAR/status/1679413741375332352> (2023.7.13)

	agreements with the national IP offices of the US <sup>25</sup> , Europe <sup>26</sup> , etc. They also participated in the International Geographical Indications Exhibition. <sup>27</sup>
Pakistan	IPO Pakistan engaged in discussions with WIPO <sup>2829</sup> and INTA <sup>3031</sup> to explore possibilities of mutual collaboration and cooperation between Pakistan and the two organizations.
GCC	GCC countries are dedicated to intellectual property and innovation, leading to major achievements both locally and globally, including appointing SAIP for international patent evaluations under the Patent Cooperation Treaty. Enhancing intellectual property regulations and providing training in this area to meet worldwide standards to contribute to creating a more effective global intellectual property system. <sup>3233</sup>

## 2. Additional topics

### UAE:

Legal webinars were hosted by Dubai Chambers to provide support and empowerment to the business community in the emirate (2023.7.6)

<https://wam.ae/en/details/1395303175016>

UAE secured the top position in the GCC region to achieve a significant reduction in piracy levels (2023.7.6)

<https://www.khaleejtimes.com/business/uae-software-piracy-lowest-in-region>

Abu Dhabi Department of Economic Development launches Intellectual Property Excellence Centre (2023.7.13)

<https://wam.ae/en/details/1395303177248>

Abu Dhabi University receives two patents for Graphene-based quantum technology (2023.7.20. 2023.7.21)

<https://wam.ae/en/details/1395303179430>

<sup>25</sup> <https://twitter.com/CemilBASPINAR/status/1678782218184036356> (2023.7.11)

<sup>26</sup> <https://twitter.com/CemilBASPINAR/status/1677016249937850368> (2023.7.6)

<sup>27</sup> <https://www.turkpatent.gov.tr/en/news/turkpatent-organized-international-geographical-indications-exhibition-at-the-wipo> (2023.7.18)

<sup>28</sup> [https://twitter.com/PakUN\\_Geneva/status/1679916972237103104](https://twitter.com/PakUN_Geneva/status/1679916972237103104) (2023.7.14)

<sup>29</sup> [https://twitter.com/pakistan\\_ipo/status/1681958750478041088](https://twitter.com/pakistan_ipo/status/1681958750478041088) (2023.7.20)

<sup>30</sup> [https://twitter.com/pakistan\\_ipo/status/1678285754806726657](https://twitter.com/pakistan_ipo/status/1678285754806726657) (2023.7.10)

<sup>31</sup> [https://twitter.com/pakistan\\_ipo/status/1678285752155922432](https://twitter.com/pakistan_ipo/status/1678285752155922432) (2023.7.10)

<sup>32</sup> <https://www.gcc-sg.org/ar-sa/MediaCenter/NewsCooperation/News/Pages/news2023-7-9-1.aspx> (2023.7.9)

<sup>33</sup> <https://twitter.com/GCCPatentOffice/status/1678714649179480066> (2023.7.11)



<https://www.albawaba.com/business/pr/abu-dhabi-university-professor-receives-two-patents-revolutionary-graphene-based>

<https://www.khaleejtimes.com/uae/uae-professor-gets-patents-for-breakthrough-inventions-in-quantum-technology>

**Saudi Arabia:**

E-commerce in Saudi Arabia experiences a 21% growth (2023.7.22)

<https://saudigazette.com.sa/article/634416/SAUDI-ARABIA/E-commerce-records-in-Saudi-Arabia-grows-by-21-Riyadh-region-comes-on-top?ref=rss&format=simple&link=link>

Saudi Arabia has emerged as the top market for producers and smugglers of counterfeit drugs (2023.7.24)

<https://www.arabnews.com/node/2343486/media>

Statistical Report on Intellectual Property Information for the first half of 2023 (2023.7.25)

<https://externalportal-backend-production.saip.gov.sa/sites/default/files/2023-07/IP%20information%20semi%20annual.pdf>

**Turkey:**

The report titled "Chatbot Applications and the Exemplification of ChatGPT" has been released by the Digital Transformation Office (2023.7.21)

<https://cbddo.gov.tr/SharedFolderServer/Genel/21.Chatbot-Uygulamas%C4%B1-ve-ChatGPT-%C3%96rne%C4%9Fi-De%C4%9Ferlendirme-Raporu.pdf>

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<https://www.khaleejtimes.com/business/industry-worried-over-high-piracy-levels-in-kuwait>

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<https://ipo.gov.pk/node/2555>

The IMF relief in Pakistan encounters challenges, and there is much work to be done on that front (2023.7.27)

<https://www.arabnews.com/node/2344991>

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