

Middle East Intellectual Property Newsletter Vol. 86

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News

1. Important topics

GCC: Recent Legal Reforms Enhancing the Intellectual Property Landscape in the Region¹

Significant changes have been implemented in the intellectual property (IP) laws across various Gulf Cooperation Council (GCC) countries, with a focus on patents, industrial designs, and trademarks. These amendments aim to streamline procedures and enhance IP rights protection. The recent developments in Saudi Arabia, the United Arab Emirates (UAE), and Qatar are highlighted below.

Saudi Arabia: Extending Design Protection and Revising Trademark Rejection Procedures

Saudi Arabia has made key amendments to its Patent and Industrial Design Law through Royal Decree No. (M/45), effective from October 3, 2023. A notable change is the extension of design protection from 10 years to 15 years. This extension is particularly beneficial for designs registered in 2013, which now qualify for an additional 5-year protection upon payment of necessary fees.

Additionally, the Saudi Authority for Intellectual Property (SAIP) has updated its policy on rejected trademark applications. Previously, applicants could amend rejected trademarks within a 10-day grace period or appeal the decision. The new policy requires applicants to appeal the rejection decision directly, eliminating the amendment option.

United Arab Emirates: New Regulations and Patent Platform

In November 2023, the UAE Cabinet issued Ministerial Decision No. 112 of 2023, introducing revised fees for patent applications, utility models, and industrial design applications. These changes amend the fees associated with Federal Law No. 11 of 2021 and include the implementation of new regulations and a Patent Platform, significantly enhancing the UAE's patent registration system.

Applicants are now required to pay any outstanding annuities within 90 days of completing the legal examination, instead of from the filing date. This change ensures that applicants pay the correct amount based on the benefits granted during the legal examination and mandates that all formalities be met before annuity payments become due.

Qatar: Adoption of GCC Trademarks Law

On June 18, 2023, Qatar's Minister of Commerce and Industry issued Decree No. 56 of 2023, adopting the GCC Trademarks Law. This decree, effective from August 10, 2023, includes an increase in fees for trademark services, aligning with regional standards and enhancing trademark-related services.

These updates reflect a concerted effort by Gulf countries to strengthen their intellectual property frameworks, offering enhanced protection and efficiency for businesses and innovators. It is crucial for stakeholders to stay informed of these evolving regulations to effectively navigate the IP landscape.

Saudi Arabia: Enhancing IP Collaboration with Japan²

Saudi Arabia and Japan have deepened their intellectual property (IP) collaboration through a recent bilateral meeting between the Saudi Authority for Intellectual Property (SAIP) and the Japan Patent Office (JPO) on June 2, 2024. This meeting builds upon the 2019 Memorandum of Cooperation (MOC), which initially centered on joint projects in patent examination, human resource development, and raising public awareness about IP rights.

¹ <https://www.obwb.com/newsletter/recent-legal-reforms-enhancing-the-intellectual-property-landscape-in-the-gcc-countries>

² <https://www.jpo.go.jp/e/news/ugoki/202406/2024060601.html>

The updated MOC now encompasses initiatives focused on strengthening IP enforcement, aiming to drive innovation and economic progress in both nations.

UAE: Ajman Police Arrest Dealer of Counterfeit Car Oils³

The General Command of Ajman Police has successfully detained an individual on charges of manufacturing, distributing, and storing counterfeit automotive oils bearing various internationally registered trademarks within the Emirate.

Colonel Ahmed Saeed Al Nuaimi, Director of the Criminal Investigation Department at Ajman Police, disclosed that an intelligence report was received by the Hamidiya Comprehensive Police Station indicating the existence of a warehouse in the New Industrial Area engaged in the illicit production, packaging, storage, and sale of counterfeit automotive lubricants.

Upon receipt of the report, a specialized task force from the Criminal Investigation Department was constituted. Following the strict adherence to all legal protocols, the designated site was subjected to a police raid. The operation resulted in the confiscation of a substantial quantity of oils fraudulently branded under the names of multiple legitimate companies. Further investigative measures identified the suspect as being implicated in another related case under investigation at the City Comprehensive Police Station, confirming his residency within the Emirate.

Pursuant to obtaining the requisite judicial warrants, law enforcement officials conducted a search of the suspect's residence. This search yielded a considerable stockpile of counterfeit automotive oils. Under interrogation, the suspect confessed to the activities of refilling containers of renowned global brands with his company's oil, with the intent to deceive consumers and unlawfully profit from the established brand names.

The Ajman Public Prosecution Office has initiated formal legal proceedings. The suspect has admitted to the allegations and is currently held in custody pending further judicial review and prosecution.

UAE: Advancing IP Rights Protection⁴

The UAE Ministry of Economy has announced the successful implementation of a new mechanism aimed at protecting intellectual property (IP) rights for creative works in the digital space. This initiative, launched in cooperation with the Telecommunications and Digital Government Regulatory Authority (TDRA), features the "InstaBlock" initiative, which provides immediate response to reports of IP rights violations.

The Ministry blocked 1,117 websites that infringed on IP rights, thereby safeguarding the rights of numerous digital entertainment platforms such as Abu Dhabi Media Network, MBC, OSN Network, and BeIN media group.

H.E. Dr. Abdulrahman Hassan Al Muaini, Assistant Undersecretary for the IP Rights Sector at the Ministry, highlighted that this mechanism not only enhances legislative protections but also raises public awareness about respecting IP rights and accessing content legally. The new mechanism includes an immediate service called "LiveBan" for handling complaints related to live streaming copyright infringements, ensuring rapid and effective enforcement of IP laws.

³ <https://www.albayan.ae/uae/news/2024-06-27-1.4895790>

⁴ <https://www.moec.gov.ae/en/-/ministry-of-economy-introduces-new-mechanism-to-strengthen-the-protection-of-ip-rights-for-creative-works-in-collaboration-with-tdra>

<https://enews.alwast.net/arabnews/uae-shuts-down-over-1000-illegal>

<https://gulfnews.com/business/markets/uaes-zero-tolerance-on-copyright-violations-pays-off-with-instablock-1.1717131024058>

<https://www.moec.gov.ae/en/-/ministry-of-economy-announces-outcomes-of-the-implementation-of-new-mechanism-for-ip-rights-protection-of-creative-works-in-digital-space>

This initiative is part of a broader IP system comprising 11 integrated initiatives designed to foster innovation and creativity in the UAE, making it a global hub for the creative economy. The system aims to create a secure and stimulating environment for creators, entrepreneurs, and innovators, contributing significantly to the national GDP and the country's economic growth over the next fifty years.

Bahrain: Court Orders Registration of “Noq” Trademark for Bahraini Company⁵

In a notable legal victory, the High Administrative Court has overturned the decision by the Ministry of Industry and Commerce to refuse the registration of the “Noq” (camel) trademark for a Bahraini company. The court has mandated the ministry to register the trademark in the company's name and cover the associated fees and legal costs.

Representing the company, lawyer Ibtisam Al Sabbagh explained that her client owns the “Noq” trademark and had applied for its registration under the Classification of Goods and Services. The Ministry initially rejected the application, citing that the mark was descriptive and lacked distinctiveness, as it is a common name for meat products in this category. The Ministry also referred to a conflict with Article 3(1) of Law No. 6 of 2014 regarding trademarks.

Despite an initial appeal being rejected, the company pursued the case in court. Al Sabbagh highlighted Article 2 of the GCC Trademarks Law, which allows for trademarks to include names, symbols, images, and other distinctive elements used to differentiate goods or services.

Al Sabbagh argued that the “Noq” trademark had already been registered in Saudi Arabia, Kuwait, and Oman, and similar trademarks featuring camel images had been registered in Bahrain. The court agreed, noting that the trademark's unique character comes from its writing style, design, and camel image, making it distinctive and unlikely to mislead consumers.

The court emphasized the acceptance of the trademark's registration in several GCC countries as evidence of its validity. It also noted that the ministry had previously approved similar trademarks, further supporting the case for “Noq.”

Concluding that the ministry's decision was not based on a sound legal or factual basis, the court annulled the rejection, allowing the registration process to proceed and ordering the ministry to pay all related fees and expenses.

Türkiye: Workshop on Mediation of IP Disputes Held in Istanbul⁶

A significant workshop focusing on the mediation of Intellectual Property (IP) disputes took place on May 9, 2024, in Istanbul. This event was a collaborative effort between the Turkish Patent and Trademark Office (TÜRKPATENT), the WIPO Arbitration and Mediation Center, and the Turkish Justice Academy.

The workshop was held in the Assembly Hall of the Istanbul Chamber of Industry, featuring opening remarks from Prof. Dr. M. Zeki Durak, President of TÜRKPATENT, Marco Aleman, WIPO Assistant Director General, and Hasan Çoban, Vice General Secretary of the Istanbul Chamber of Industry.

In his address, Prof. Dr. M. Zeki Durak underscored the importance of industrial property rights, noting that Türkiye has over 2 million valid industrial property registrations. He emphasized the role of these rights as critical tools in global competition. Durak also highlighted TÜRKPATENT's close cooperation with international bodies such as WIPO, and its collaboration with courts, legal experts, patent and trademark attorneys, and academicians.

⁵ <https://www.newsofbahrain.com/bahrain/100258.html>

⁶ <https://www.turkpatent.gov.tr/en/news/workshop-on-mediation-of-intellectual-property-ip-disputes>

“This workshop exemplifies our commitment to fostering a robust IP framework in Türkiye,” said Durak. “It is a key component of the memorandum of understanding signed between TÜRKPATENT and WIPO in 2023.”

The workshop featured several in-depth sessions:

- Resolving IP and Technology Disputes through Alternative Dispute Resolution
- Mediation of IP Disputes in Türkiye: An Overview
- Conducting Mediation under the WIPO Mediation Rules and Case Studies
- These sessions provided valuable insights into the use of mediation as an effective tool for resolving IP disputes, aligning with international best practices and enhancing the efficiency of IP dispute resolution in Türkiye.

The event underscored the growing importance of mediation in the realm of IP law, offering practical guidance for patent and trademark attorneys, corporate legal departments, and IP professionals. By promoting alternative dispute resolution mechanisms, the workshop aimed to reduce the burden on courts and facilitate faster, more amicable resolutions to complex IP disputes.

As mediation becomes an increasingly preferred method for resolving IP conflicts, this workshop marked a pivotal step towards strengthening the IP landscape in Türkiye, ensuring that the country remains competitive in the global market.

2. Additional topics

UAE:

Dubai Customs' Key Role in Elevating UAE's Intellectual Property Protection to Global Standard
<https://www.globaltrademag.com/dubai-customs-key-role-in-elevating-uaes-intellectual-property-protection-to-global-standard/> (2024.05.28)

UAE participates in international diplomatic conference on genetic resources in Geneva to promote cooperation in IP & patent granting systems
<https://www.moec.gov.ae/en/-/uae-participates-in-international-diplomatic-conference-on-genetic-resources-in-geneva-to-promote-cooperation-in-ip-patent-granting-systems> (2024.05.29)

Economic Integration Committee reviews progress of National Registry, discusses UAE's endeavours in enhancing trademark protection
<https://www.moec.gov.ae/en/-/economic-integration-committee-reviews-progress-of-national-registry-discusses-uae-s-endeavours-in-enhancing-trademark-protection> (2024.06.03)

Intellectual Property in E-Cigarettes and Vapes in the UAE
<https://www.twobirds.com/en/insights/2024/uae/intellectual-property-in-ecigarettes-and-vapes-in-the-uae> (2024.06.13)

Saudi Arabia:

Saudi university secures X-ray film patent
<https://www.arabnews.com/node/2536751/saudi-arabia> (2024.06.24)

Saudi Patent for Clean Hydrogen Production at Reduced Cost
https://english.aawsat.com/business/4518356-saudi-patent-clean-hydrogen-production-reduced-cost?_wrapper_format=html&page=2 (2024.06.02)

GCC:

Enhancing resilience in GCC pharma & biotech through R&D <https://www.us.jll.com/en/trends-and-insights/investor/enhancing-resilience-in-gcc-pharma-and-biotech-through-r-and-d> (2024.05.30)

Türkiye:

Possible Effects of a Unified Patent Court in Türkiye

https://www.lexology.com/library/detail.aspx?g=45428ca2-f1c3-4397-832a-178755f8d691&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2024-06-06&utm_term= (2024.06.02)

Patent Law in Türkiye Key Developments and Predictions - 2024

<https://www.lexology.com/library/detail.aspx?g=64b046a3-5c78-446e-88b6-f9eccdbefbae> (2024.06.02)

A New Slant On The Implementation Of The Bolar Exemption In Turkish Patent Law

<https://www.mondaq.com/turkey/patent/1475188/a-new-slant-on-the-implementation-of-the-bolar-exemption-in-turkish-patent-law> (2024.06.06)

TURKPATENT Aims to Improve the Industrial Property Capacities of Design Centers

<https://www.turkpatent.gov.tr/haberler/turkpatent-tasarim-merkezlerinin-sinai-mulkiyet-kapasitelerini-gelistirmeyi-hedefliyor> (2024.06.11)

Pakistan:

IPO-Pakistan hosts meeting on IPR enforcement coordination

<https://www.radio.gov.pk/08-06-2024/ipo-pakistan-hosts-meeting-on-ipr-enforcement-coordination> (2024.06.07)

Qatar:

Qatar Stresses Intellectual Property Has Become Significant Tool for Economic Growth

<https://menafocus.qa/qatar-stresses-intellectual-property-has-become-significant-tool-for-economic-growth/> (2024.06.04)

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