



## Talal Abu-Ghazaleh Presents to HRH Prince Al-Walid bin Talal the Encyclopedia of Excellence and Civilization Award

*Abu-Ghazaleh presented HRH Prince Al-Walid bin Talal with the Encyclopedia of Excellence and Civilization Award for his outstanding efforts worldwide in supporting economic, scientific and charitable endeavors*



**R**YADH - Mr. Talal Abu-Ghazaleh, Chairman of the Encyclopedia of Excellence and Civilization Committee presented HRH Prince Al-Walid bin Talal with

the Encyclopedia of Excellence and Civilization Award on May 28, 2008, for his outstanding efforts worldwide in supporting economic, scientific and charitable endeavors.

Meanwhile, the Encyclopedia's Secretary-General HRH Prince Nayef Bin Mamdouh Bin Abdul Aziz also presented HRH Prince Al-Walid an honorary Encyclopedia membership certificate in recognition of his global activities.

HRH Prince Al-Walid expressed his appreciation for this award, while wishing those involved in the Encyclopedia's committee continued prosperity and success.

The award ceremony was attended by Mr. Osama Touri, the Encyclopedia's executive director, and representatives from international news agencies, satellite channels and journalists.

HRH Prince Al Walid is heavily involved in charitable activities across the Middle East, Asia and Africa, and is estimated to donate more than \$100 million annually to charity.

The Encyclopedia of Excellence and Civilization Award aims at honoring distinguished individuals in various fields around the world.

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## TAGLegal Organizes Public Speaking and Report Writing Workshop in Yemen

**S**ANA'A - Under the patronage of Yemen's Minister of Justice, His Excellency Dr. Ghazi Al-Aghbari, Talal Abu-Ghazaleh Legal (TAGLegal) organized a workshop on Public Speaking and Report Writing at the Ministry's building in Sana'a, May 17-19, 2008.

The two-day workshop witnessed the attendance of more than 50 officials, department managers, legal advisors from the Ministry of Justice, along with other Ministry employees who can take benefit of the workshop.

Dr. Al-Aghbari inaugurated the workshop expressing his gratitude for organizing such events that deliver valuable knowledge and strengthen the bonds of relation between the Ministry and TAGLegal.

"Talal Abu-Ghazaleh Legal is one of the legal enterprises internationally known for its professionalism and expertise. This event is one of a series where private and public partnerships unite their efforts in developing the legal services industry locally and regionally," stated Dr. Al-Aghbari.

He also commended the positive outcomes that will add to the knowledge of the Ministry's staff.

"Using innovative methodologies would spare us the

trouble of revising and amending errors, which is usually a time-consuming process," he added.



On the other hand, Ms. Riyam Shaher, infringement officer at TAGLegal office in Yemen and one of the organizers, delivered a speech where she presented a briefing on TAGLegal's history in the region and emphasized its role in bringing legal and professional services forward.

"TAGLegal has always looked beyond the usual schemes when providing legal services; we perpetually at pushing forward the legal service industry in the Arab world, through finding new approaches to provide higher quality, as well as building capacities and integrating them in the global market," said Ms. Shaher.

Towards the end of the second day of the workshop, participants received certificates for taking part in the event.

## TAGLegal at INTA's 130th Annual Meeting in Berlin

**A**MMAN - Talal Abu-Ghazaleh Legal (TAGLegal) along with 8,000 trademark professionals and industry representatives from more than 130 countries convened at the 130th Annual International Trademark Association (INTA) meeting in Berlin, Germany from May 17-21, 2008. The event not only provided an opportunity for trademark lawyers to meet their international counterparts and clients, but also to hear the latest on policy and legal issues.



TAGLegal's Executive Director, Dr. Christian Bou Khater, commended the major event and its importance saying, "It is the biggest event of the year to us, because we get the chance to meet and interact with all our clients from around the world."

"This year's programs mainly highlighted trademark infringement rising numbers over the Internet, along with a number of issues like trademark protection, global sports sponsorships, educational opportunities with committee meetings, sessions,



workshops, and interactions,” she added.

In this regard, INTA’s Manager of Communications, Mr. Matthew Schmidt, stressed on the role of Internet in increasing trademark infringement cases. “Enforcement on the Internet would be necessary through a worldwide Internet policy, but for the moment the burden remains

on brand owners, who have to patrol the Internet in search of infringers,” said Schimdt.

Despite the fact that INTA does not undertake legal actions on behalf of its 5,000 corporate members, it influences legislations through providing the appropriate means of communication between clients and trademark lawyers.

## TAGorg Publishes the First Arabic Encyclopedia (TAGIPEDIA)



**A**MMAN - Talal Abu-Ghazaleh Organization (TAGorg) announced the launching of the first Arabic electronic encyclopedia (TAGIPEDIA) on June 15, 2008. This is considered the first initiative that targets Arab academics, scholars and readers, providing them with general knowledge and sciences from an Arabic cultural, historical and educational perspective.

TAGIPEDIA aims at founding a free-access database that delivers a broad variety of knowledge in all humanitarian sciences, with the highest standards of quality, integrity and accuracy. It also gives the chance for readers to augment the content through contributing to the encyclopedia without prejudicing the rights of its original author.

In order to preserve the authenticity and perfected essence of all contributions and contributors, the Organization has drafted an agreement with the Association of Arab Universities to cover up academic and scientific aspects of the encyclopedic content.

The agreement was set to find corporate cooperation between the two parties to accomplish the latter; in order to enrich the content and define the references and sources of the incoming information that institutions, universities, schools and research centers supply.

Other agreements will be signed with responsible parties to supervise the divisions of every scientific field on TAGIPEDIA website and introducing it to both private and public sectors; in addition to the cooperation in pushing scientific research forward and emphasizing the role of

scientific and technical institutions in disseminating knowledge, as well as motivating individuals to take part in adding valuable innovative information to the encyclopedia.

In this regard, Dr. Saleh Hashem, the secretary-general of the Association commended the Organization’s effort in establishing such a project saying, “The objective of the project lies in the belief of both parties in the significance of providing credible certified information in all aspects of knowledge, believing in the fact that knowledge is the most prominent tool for cultural, moral and scientific development of societies.”

On the other hand, Mr. Talal Abu-Ghazaleh, Chairman and CEO of TAGorg, expressed his consent towards the achievements accomplished and said, “Our group is proud of the cooperation with the Association of Arab Universities, due to the fact that both institutions are highly concerned with bringing knowledge and culture towards a better and more accessible level, which gives us the chance to contribute to the development of science and information technology that has transformed the world into a small village.”

“Through our expertise and qualifications at TAGorg along with the Association of Arab Universities, we are working relentlessly on bringing TAGIPEDIA into light for its indispensable role in giving support to Arab universities for the honorable goal of raising generations that are capable of serving and developing the nation,” he added.

Another agreement was signed with the Emirates Internet Group to enrich TAGIPEDIA’s content with a whole set of innovative information and ensuring the achievement of the encyclopedia’s goals. The Emirates Internet Group will



also be responsible for building bridges of collaboration to accomplish the project's objectives in all of the GCC countries, Yemen and Iraq, as well as following up with potential sponsors to provide financial support as to the awards and incentives related to the project.

In this respect, the Director of the Board of the Emirates Internet Group, Mr. Khaled Bin Thani said, "This initiative comes as a result of the lack of significant Arabic contributions on the Internet, which emphasizes the importance of creating an Arab academic and scientific online reference that provides credible information."

TAGorg will provide the essential technical support; take the responsibility of assuring constant development of quality information, in addition to establishing the project in MENA countries.

Consequently, a website was created to give the opportunity to those who are qualified and willing to contribute to the content of TAGIPEDIA.

*To register, please log in to*  
<http://register.tagipedia.com>

## TAGLegal Attends The International Islamic Leadership Summit in Istanbul

STANBUL - Talal Abu-Ghazaleh Legal (TAGLegal) took part in "The International Islamic Leadership Summit" held May 26-29, 2008, in Ciragan Kempinski Hotel, Istanbul.

The International Quality & Productivity Center (IOPC), a global provider of tailored industry-driven conferences, organized the summit in collaboration with an elite international advisory board that includes senior representatives from the European Union Commission to the Turkish Parliament, Dow Jones, Al Salam Bank, Credit Suisse, Heritage Fiduciary Services, GMD Global Advisors and HSBC Amanah.

The venue provided a platform for discussing crucial issues in the world of finance and business like global expansion and its implications on a geo-political level, the means of exploring potentials and funding new development products, as well as pushing Islamic finance forward in the international market.

The event aimed at emphasizing the role of Islamic banking system, which started in Turkey only too recently.

It also provided real evidences of Islamic banking system's efficiency in the countries that use it.

Ms. Ozlem Meric, TAGLegal office manager in Turkey attended the event and underscored the importance of Islamic banking system in the global market saying, "Islamic Finance covers merely 10% of the Muslim people banking worldwide, and though it is meant to help poor Muslims, it unfortunately needs a lot of hard work and more meetings like this to make it worldly known."



Furthermore, the event shed light on the problems related to the Islamic banking system in Turkey, where using Islamic law (Shariaa) is prohibited.

"More amendments and developments are needed in the Turkish law, in order to enable Turkey of taking the full advantage of such a sophisticated and just system like the Islamic banking system," added Ms. Meric.

It is worth mentioning that it is Turkey's first time to host an event on such a significant issue like Islamic finance and banking system.



## Abu-Ghazaleh Discusses Developmental Programs with UNDP Representative in Syria



**D**AMASCUS - As part of the global development strategies and within his plans to come into close contact with the United Nations Development Program (UNDP) offices in the region, Mr. Talal Abu-Ghazaleh, Vice-Chair of the UN Global Compact, visited the UNDP headquarters in Damascus on June 1, 2008.

A meeting was convened with Mr. Ismail Ahmad, the UNDP representative in Syria, during which an action plan and numerous developmental programs were agreed upon.

This included supporting the center of creativity and business development affiliated with the Deir Al-Zour Chamber of Industry and Commerce, in order to develop the capabilities of small enterprises. Related to this, it was decided to create a center similar to that of Deir Al-Zour at the University of Damascus.

One of the other major topics on the agenda was the coordination between the Arab Quality Assurance and Accreditation Network for Education (ARQAANE) and the University of Damascus to support the level of education in Syria.

It is worth noting that ARQAANE was established under the honorary presidency of Amr Mousa, Secretary-General of the League of Arab States, with the executive leadership

of Mr. Abu-Ghazaleh and Dr. Saleh Hashem, Secretary-General of the Association of Arab Universities.

Additionally, Mr. Abu-Ghazaleh and Mr. Ahmad had both settled on creating a center for accrediting the "ISO" quality assurance certificate with the Syrian Ministry of Economy.

The two parties had also decided to establish another joint center between the Talal Abu-Ghazaleh Organization (TAGorg) and the UNDP to modernize and refurbish used computers within the framework of the UN Secretary-General's program to distribute half a million computers for developing nations' schools before the year 2012.

They concluded by approving to hold a meeting next July, with the purpose of launching a Global Compact center in Damascus, in collaboration with the Global Compact center in New York and the UNDP. The meeting will include the participation of pioneering companies in Syria that are committed to the service of society.

A memorandum of understanding was signed to execute these programs and form a follow-up committee.

### Lebanon Destroys 100,000 Pirated CD

May 30, 2008 (BNA) - Lebanese authorities destroyed over 100,000 pirated CD and DVDs valued at \$5 million as part of a nationwide campaign to crack down on copyright violations. Under the watchful eyes of officials from the Business Software Alliance (BSA) and the Economy Ministry, steamrollers smashed piles of CD.



## TAGLegal at the Business and Financial Forum - Bahrain



**M**ANAMA - Talal Abu-Ghazaleh Legal's (TAGLegal) office in Bahrain took part in the "The Business and Financial Forum", held by Confex International SAL and Magnum Events & Exhibitions (MEEM) at Gulf Hotel Manama, June 3-4, 2008.

Approximately 200 participants attended the sessions of the two-day forum from the public and private sectors; participants emphasized on the need to develop banking and financial sectors, as investments

in various sectors are growing. Mr. Rabih Choueiri and Mr. Akram Hage, TAGLegal's representatives at the venue commended the effort taken to organize such an event, as well as the positive prospective outcomes it would bring.

"This event successfully managed to group participants from both private and public sectors under one roof, to discuss cooperation and investment in various economic sectors, mainly banking, finance, property, telecommunications, tourism, industry and commerce," said Mr. Hage.

The event included three sessions; the "Banks Financing Partners in Achievements" session, which highlighted the role of banks and financial institutions in supporting and financing of the mega real estate and tourism projects.

The second session was titled the "Arab Telecom Companies - Towards Regional Governance and Global Expansion", which dealt with Arab telecom companies positioning in the international marketplace, future expectations and next generation technologies.

The third and last session was titled "Legal Reforms in the Economical and Financial Fields and their Effects on the Banking and Investment Sectors", which stressed on improving the development of the banking and financial sectors, as investments in various services are growing.

Towards the end of day two, a legal interactive reform workshop was performed which tackled upon the economical and financial factors that impact banking and investment in general.

## Jordan Drops Piracy by 1 Percentage Point

**A**MMAN - Piracy of software on personal computers (PCs) in Jordan fell 1% from 61% in 2006 to 60% in 2007 amid a global trend in which piracy rates dropped in most countries.

Software industry losses have increased by \$1 Million to \$20 Million in 2007, which is partly a result of the growing PC penetration in the Kingdom of Jordan.

These are among the findings of the Fifth Annual Global PC Software Piracy Study released on May 17, 2008, by the Business Software Alliance (BSA), an international association representing the global software industry. The study covered 108 countries and was conducted independently by the IDC,

one of the information technology (IT) industry's leading global market research and forecasting firm.

The study revealed that 108 countries were subjected to this analysis, and that software piracy dropped in 64 countries, and increased in only 11. However, because of the worldwide PC market fast growth, global piracy rate increased from 35% to 38% in 2007.

BSA Spokesperson in the Eastern Mediterranean region, Mr. Aly Harakeh, declared that Jordan is making slow but steady progress in reducing piracy.

"BSA is cooperating with the Jordanian authorities and the private sector to

accelerate the development of a safe and legal ICT ecosystem in Jordan," he said.

"In Jordan an additional 10-point reduction in PC software piracy would deliver 436 new job opportunities, \$14 million in tax revenues and \$47 million in economic growth in Jordan over the next five years," Mr. Harakeh added. Due to the fact that most of the benefits mount up to services and channel firms, lowered piracy rates are usually acknowledged solely within the country, which subsequently brings substantial economic benefits locally. In an economical size such as Jordan's economy, even a small increment of IT-related employment would have an impact. *Source: Zawya*

## “Worst Spam Offenders” Notified by ICANN

**M**ARINA DEL REY, CA - The Internet Corporation for Assigned Names and Numbers (ICANN) announced in a press release on May 23, 2008, that it has sent enforcement notices and notices of concern to certain registrars, including those reported last week as being the registrars for the majority of websites advertised in spam emails.

Weeks earlier, an investigation by KnujOn, widely reported online, publicly identified 10 registrars as being the companies used to register the majority of domain names that have since appeared in spam email messages. More than half of those registrars named had already been contacted by ICANN prior to publication of KnujOn’s report, and the remainder have since been notified following an analysis of other sources of data, including ICANN’s internal database.

With tens of millions of domain names in existence, and tens of thousands changing hands each day, ICANN relies upon the wider Internet community to report and review what it believes to be inaccurate registration data for individual domains. To this end, a dedicated online system called the Whois Data Problem Report System (WDPRS) was developed in 2002 to receive and track such complaints. (For more information on the WDPRS system, please review the April edition of the ICANN’s Contractual Compliance Newsletter, available at: <http://www.icann.org/compliance/archive/compliance-newsletter-200805.html>.)

“ICANN sends, on average, over 75 enforcement notices per month following complaints from the community. We also conduct compliance audits to determine whether accredited registrars and registries are adhering to their contractual obligations,” explained Director of Compliance at ICANN Stacy Burnette. (Figures on notices sent out by ICANN are updated monthly and are available online and in a newsletter than anyone can subscribe to (subscribe to this and other newsletters at: <http://www.icann.org/newsletter>.)

“Infringing domain names are locked and websites removed every week through this system.” Although the majority of registrars offer excellent services and contribute to the highly competitive market for domains, ICANN’s compliance department has developed an escalation process to protect registrants and give registrars

an opportunity to cure cited violations before ICANN commences the breach process.

However, while registrars are responsible for investigating claims of Whois inaccuracy, it is not fair to assume a registrar that sponsors spam-generating domain names is affiliated with the spam activity. A distinction must be made between registrars and an end user who chooses to use a particular domain name for illegitimate purposes.

“But if those registrars, including those publicly cited, do not investigate and correct alleged inaccuracies reported to ICANN, our escalation procedure can ultimately result in ICANN terminating their accreditation and preventing them from registering domain names,” Burnette said.

ICANN is responsible for the global coordination of the Internet’s system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet’s operation, so ICANN’s global stakeholders meet regularly to develop policies that ensure the Internet’s ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. *Source: Ag-IP News*

### Jury Hands US First Guilty Verdict for Web Music Piracy

May 27, 2008 (BNA) - For the first time ever, the US federal government has successfully won a jury verdict against someone accused of illegally downloading music, according to a statement from the US Department of Justice. A jury in Alexandria, Va, found Barry Gitarts, 25, allegedly a member of Internet music piracy group, Apocalypse Production Crew (APC), guilty of conspiracy to commit criminal copyright infringement. He now faces up to five years in prison, a fine of \$250,000, and must make full restitution.



## Japan Cracks Down on Virus with Copyright Law



**T**OKYO - A student who allegedly spread a computer virus was convicted on May 21, 2008 of copyright infringement in a case that has highlighted the lack of laws in

Japan to police cyberspace. Masato Nakatsuji, 24, a graduate student at Osaka Electro-Communication University, was charged with maliciously spreading a virus by embedding it in an image from a Japanese animation film he illegally copied and distributed.

The virus he used, named the "Harada virus," is one of Japan's worst viruses; Nakatsuji's arrest back in January is the first of its kind in Japan involving the making or spreading of viruses.

Nakatsuji was found guilty in Kyoto

District Court earlier in May, and received a suspended sentence of three years. Police considered other charges, including damage to property and obstructing business, before deciding that copyright violation charges would hold up best in court.

Nakatsuji did not contest the charge, police said. His lawyers argued for a fine instead of jail time, saying it was unfair to penalize Nakatsuji more heavily because a virus was involved in the copyright violation, Japanese daily newspaper Mainichi reported.

*Source: Zawya*

## China Says Will Benefit from Tough IPRs Laws

**B**EIJING - China's point man on United States (US) trade ties said on June 15, 2008, that China stands to gain economically by improving Intellectual Property protection and that its efforts were already having an impact.

Vice Premier Wang Qishan said in an opinion piece in the Asian Wall Street Journal that patents are proliferating, more people are shunning fakes and Chinese are developing their own brands.

"More and more people have begun to say no to counterfeit products and pirated software," Wang wrote. "Applications for trademarks and patents have multiplied."

The comments coincided with the start

of the two-day US-China Strategic Economic Dialogue in the US state of Maryland.

Wang, former Beijing mayor and now a key economic policy maker, is leading the Chinese delegation to the talks, which in the past have centered on US concerns over China's enforcement of Intellectual Property Rights.

"China's new strategy, released ahead of the US talks, lays out how the country hopes to improve Intellectual Property protection to attract more foreign investment," Wang said.

The strategy calls for revising laws to give greater incentives to Intellectual Property creators, toughening enforcement and making penalties more severe.

"The implementation of this strategy -- a milestone in the institution of China's (Intellectual Property regime) -- will boost innovation at home and turn China's abundant human resources into intellectual resources," Wang said.

The US filed a case in April last year at the World Trade Organization over widespread copyright piracy in China, a practice that US companies say deprives them of billions of dollars each year.

China says it prosecuted 4,322 people last year, handing them fines or sentences of up to seven years in jail.

*Source: Zawya*



## Fundamental Elements and Legal Aspects of a Franchise Agreement

By Advocate Nayef Abu-Alim©

It is well observed amongst lawyers and practitioners involved in this field of practice that each franchise agreement would share little similarities with any other franchise agreement. All franchise agreements include sections and sub-sections that oversee the terms, conditions, rules, restrictions, covenants and other requisite provisions, regulating the relationship between the parties to the franchise system.

Nevertheless, there are some commonly agreed upon, or basic provisions found in every franchise agreement; for instance, the grant of the franchise, the term, franchise or royalty payments, franchisor's obligations, franchisee's obligations, territory, site selection, training, insurance, accounting records, transfer of the franchise, non-competition, termination and consequences of termination.

The following paragraphs, set out below, will briefly illustrate some of the provisions, as an example, which may be found in a standard form franchise agreement.

**Parties:** the parties are the franchisor and the franchisee. The franchisor would, in most cases, be a limited liability company. The franchisee could be a natural person, a partnership or a limited liability company. This would mostly be influenced by the requirements of the franchisor and the perspective of the franchisee regarding doing business without limited liability.

**Grant of Franchise:** the grant of the franchise right is the starting assertion made in a franchise agreement, which defines the general terms of the franchise concept and the commitments that the franchisee would have to abide by. In general, the franchisor grants the franchisee either an exclusive or non-exclusive right to: (1) operate the franchised business (2) use the trade names, trademarks (3) use the franchisor's operations manual, know-how,



Fundamental Elements and Legal Aspects of a Franchise Agreement

By Advocate Nayef Abu-Alim

Advocate Nayef Abu-Alim holds an LL.M in IP Law & Commercial Arbitration from the University of Aberdeen, UK. He is Legal Consultant, Contract Draftsman, and is currently in charge of the Contracts Department at Talal Abu Ghazaleh Legal (TAGLegal).

knowledge (4) benefit from the franchisor's experience in accounting and marketing.

**Term:** the term of the agreement is a specific number of years from the date of signing. Many franchise agreements take consideration of an initial term of five years, however, a huge number grant a ten-year term.

**Franchise Fees:** a franchise agreement must clearly provide for provisions stipulating the fees due to the franchisor at different phases of the franchise and once it is in operation. Generally, it is common to find the franchisor requiring an initial franchise fee, a continuous franchise fee and an advertisement fee.

**Franchisor's Initial Obligations:** the franchisor must assist the franchisee in providing guidance, materials and training; for instance, assist in providing advice on what's the more favorable location for the premises; advising on the alterations to and fixtures and fittings in the premises; guidance on how to set up the franchise and such equipment, stock, fixtures and fittings; providing the



operations manual; an initial training program for the franchisee.

**Training:** the franchisor undertakes the initial training of the franchisee. The initial training is commonly provided without charge, however, additional training during the term of the agreement is subject to the standard charges that the franchisor requires for that purpose.

**Franchisor's Continuing Obligations:** the franchisor undertakes to provide the franchisee with know-how, guidance on managing the franchised business; supply products to the franchisee; deliver stationery when necessary; training the franchisee's personnel upon cost.

**Franchisee's Obligations:** the franchisee undertakes to refurbish and equip the premises in accordance with the franchisor required standards; use stationery, invoices and products which are provided by no one but the franchisor himself; operate the franchise based on the stipulations of the operations manual; use only the signs and packaging in the operation of the franchise which the franchisor approves; maintain the premises in compliance with the standards set by the franchisor and not apply any modifications without the franchisor's approval; use his best efforts to promote and expand the franchise; operate the franchise during hours set out by the franchisor; comply with the standards of staff dressed, cleanliness

and behavior; employ as a manager only a person who has successfully completed the franchisor's training program and is accepted by the franchisor; provide other, or potential franchisees with guidance or assistance as the franchisor may request.

**Accounting Records:** the franchisee undertakes to: maintain records of gross turnover and submit a statement of gross turnover; maintain all records needed to verify the gross turnover for a number of years as determined by the franchisor; permit representatives of the franchisor to enter the premises to inspect the franchisee's records; provide the franchisor with copies of all VAT returns.

**Advertising:** the franchisee is responsible for a minimum amount of expenditure per year on advertising in the franchisee's territory. All advertising must be in accordance with the instructions of, and approved by, the franchisor. The franchisor must spend a certain amount, also, each year on national advertising.

**Territorial Rights:** the agreement defines the geographical area within which the rights of the franchisee are protected; the franchisor will not offer other franchises within this territory.

**Site Selection:** the site selection task is highly burdensome. It involves determining the best location for setting the franchise business. The franchisor may have preferable locations previously thought of to position the unit in an area of extensive consumer exposure.

**Site Development:** when the franchise agreement provides for developing the site location, the franchisee should follow the franchisor's building specifications.

**Insurance:** the franchisee must have the franchise business covered by an insurance coverage with an insurance company according to the franchisor's instructions. The franchisee must guarantee that the franchisor, his affiliates or as he may designate, is named as additional insured in such policies and provide to the

franchisor evidence of such coverage and of payment of premiums.

**Sale of Business:** the franchisee is not allowed to transfer the franchise without the franchisor's prior approval. The franchisor may approve the transfer on grounds of: the procurer meets the franchisor's minimum standards; payment of the expenses of investigation and training are made; there are no breaches of the existing agreement; the franchisor has the choice to match any proposition for the franchise which is made to the franchisee.

**Non-Competition:** the franchisee must not, throughout the duration of the agreement: undertake any other business; attract employees from the franchisor or other franchisees; utilize or disclose confidential information for any reason other than a reason approved by the franchisor as provided for in the agreement.

**Termination:** the franchisor may terminate the agreement in the event the franchisee: does not succeed in commencing operation within the time set by the franchisor of execution of the agreement; violates any of the provisions of the agreement; consistently fails to make payment of any amounts due to the franchisor; goes into liquidation/bankruptcy or is insolvent.

Consequences of Termination: once the agreement terminates, the franchisee should discontinue to exploit the franchisor's trade name and trademarks and should not subsequently hold itself out as being a franchisee of the franchisor; should pay to the franchisor all amounts payable to the franchisor whether or not then due; should give back to the franchisor all the manuals, materials, invoices or anything which bears the trade name/trademark of, or shows any connection to, the franchisor; should supply the franchisor with a list of all customers; should not utilize or disclose any confidential information relating to the franchise; utilize not compete with the franchisor.

Finally, although franchise relationships are mostly governed and regulated via the agreement itself, there are legislative rules in many countries which regulate several aspects of franchising or the relationship between franchisor and franchisee, specially in cases where the agreement is silent on essential issues, or the local legislator requires certain conditions to be fulfilled when franchising in the territory in question. It is worth noting that, in the Arab countries, very few of which have legislation for the regulation of franchise relationships. It is recommended that specific laws are promulgated, in the Arab region, to tackle the regulation of this vital method of business expansion. However, legislative intervention must be to the extent of protecting the rights of the parties when the agreement is incomplete in any aspect, without tampering with the essence and anatomy of the franchise agreement.

#### **Google Says Viacom's Youtube Suit Threatens Freedom**

May 27, 2008 (BNA) - YouTube owner Google says a \$1 billion copyright infringement lawsuit challenging YouTube's ability to keep copyrighted material off its popular video-sharing site threatens how hundreds of millions of people exchange all kinds of information on the Internet. Google's lawyers made the claim in papers filed in US District Court in Manhattan as the company responded to Viacom's latest lawsuit alleging that the Internet has led to "an explosion of copyright infringement" by YouTube and others.



## Meet Our Staff

### Dr. Christiane Bou Khater

**D**r Christian Bou Khater is a PhD holder, book author, Legal Consultant and writer who enhanced her academic path at the USEK (School of Law) in Lebanon, where she attained her LLB in Lebanese Comparative Law. Later in the year 1999, Dr. Bou Khater decided to continue her studies in the legal field, and went for LLM degree in Judicial Computer science and law of data processing in Sagesse University - Beirut, where she later worked as a professor post attaining PhD degree with honor from the University of Nantes - France.

During her work as a professor, Dr. Bou Khater dedicated a large share of her time to writing articles in her field of study, which were later published in several French

speaking websites. She wrote a book titled “protection des noms de domaine “ back in the year 2005, that tackled upon the latest means of protecting domain names.

Dr. Bou Khater also helped in translating the Protection of Domain Names draft law, (Ministry of Economy and Trade, Lebanon - Ecomleb (European Union funded project), 2005.

After gaining a rich experience in legal consulting and IP, Dr. Bou Khater joined TAGorg in the year 2006 establishing a Copyright Department, and she is now the Regional Executive Manager of TAGLegal.



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