

AGIP *Bulletin*

January 2016



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New PCT Annuities Regulations in Saudi Arabia



RIYADH – The Patent office has implemented a new calculation of PCT National Phase annuity years as from January 1, 2016. The new calculation stipulates that

the annuity year starts from the international filing date of the corresponding PCT application.

According to the Patent Office, all pending annuities are due for payment during the period from January 1st till March 31st, 2016.

The patent term of the Saudi Patents through PCT applications is 20 years calculated from the international filing date.

Increase in Trademarks Official Fees in Kuwait



KUWAIT – Following the approval of the New GCC Trademark Law & Implementing Regulations by Kuwait, the Kuwaiti Ministry of Commerce and Industry issued the Ministerial Decree No.1268 dated December 27, 2015 which increased the official fees for all trademarks transactions.

The decree was published at the Kuwaiti official gazette and will be effective as from January 3, 2016.

The dramatic increase will affect all trademark

applications filed after the aforementioned date as well as retroactively for pending applications.

In light of this increase, AGIP will amend its schedule of charges related to IP services offered in Kuwait, and its newly modified fees will be posted at AGIP website: <http://goo.gl/Oa7QMt>

To view the new GCC Trademark Law, please visit AGIP website at the link: <http://goo.gl/XI7K8o>. And the link: <http://goo.gl/jdGvkH> for the GCC Implementing Regulations

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ASIP and LES-AC Organize Innovation and Entrepreneurship Conference



DUBAI - The Arab Society for Intellectual Property (ASIP) & The Licensing Executives Society – Arab Countries (LES) are organizing

“Innovation and Entrepreneurship” conference which will be held in Dubai- United Arab Emirates from 26-27 April 2016 to celebrate the World Intellectual Property Day under the patronage of HE Dr. Talal Abu-Ghazaleh.

The conference entitled “Innovation and Entrepreneurship” aims at marking the World Intellectual Property Day through seeding the concept of intellectual property in the Arab region, as it spots the lights on supporting innovation and addresses the importance of protecting innovation and creativity in the Arab world as one of the most important society fundamentals, the conference will cover the

below topics:

- IP and the market for inventions
- Innovation and entrepreneurship
- Intellectual Property (IP) rights and public policy
- The role of Incubators on the Entrepreneurship
- Experiences of successful entrepreneurs
- The impact of Entrepreneurship on the Economic Development
- Financing Innovation and Entrepreneurship
- Innovation and Patents
- International Innovation
- Technology Standards and incentives to innovate
- Technology Standards and economic efficiency
- Patent Licensing and technology transfers

Changes to the Community Trade Mark System



EU - The European Parliament, Council and Commission agreed to changes to the Community Trademark Regulation, which will be brought into force on March 23, 2016.

As per the new changes, the

“Community Trade Marks” will be changed to “European Union Trade Marks” and the “Community Trade Mark Courts” will therefore be renamed as the “European Union Trade Mark Courts”. The name of the “Office

for Harmonization in the Internal Market (OHIM)”, will become the “European Union Intellectual Property Office”.

The changes will affect the fee structure at the newly called European Union Intellectual Property Office (EUIPO). Whilst filing fees for an application in three or more classes will increase slightly, there will be a significant reduction in renewal fees for all registrations.

Apart from the change of name from CTM to EU trade mark, one of the most noticeable changes will be to the filing and renewal fees.

Talal Abu-Ghazaleh Organization Opens its New Office in Zurich



ZURICH - Talal Abu-Ghazaleh Organization (TAG-Org) inaugurated its new office in the Swiss city of Zurich to provide professional services related to Intellectual Property protection, consulting services, auditing, and training.

HE Dr. Talal Abu-Ghazaleh,

chairman of TAG-Org, assured that the Organization strives to deliver distinguished services to benefit clients all around the world.

“This comes as part of our continuous global expansion to provide our services to businesses everywhere around

the globe,” he said.

TAG-Org was founded in 1972. It operates through its 80 offices and 150 representative offices worldwide. TAG-Org is the largest global group of professional services firms in the fields of Accounting, Audit, Corporate Governance, Taxation, Economic and Strategic Studies and Consultation, Professional and Technical Training, Human Resources and Recruitment Services, Intellectual Property News Agency, IP Business and Asset Valuation and Branding Services, IP Registration and Protection, Intellectual Property Renewals, IPR Protection and Management, Legal Services, and many other professional services.

Trademark’s Identity

By Amr Hattab / Jordan Office Manager - AGIP



During the last couple of years I have been receiving too many questions on the elements of the mark that should be included within the trademark registration, and as many knows, the trademark consists on either letters, numbers, devices, logos, and colors, and these elements could be also presented in a stylized format, logo, label or as a trade dress. So what would be the best practice to adopt

when considering registering your brand?

Unfortunately there is no such best practice, as it all depends on several elements that have to be considered before filing the mark at the respective trademark office(s). Such elements are usually examined and determined by different departments, Marketing Department, Brand

Management, the Legal department, and in some cases the procurement or financial Departments. These elements are based on a strategic long term vision rather than short term plans. So the main question, should the mark be filed in word format or in other versions. Before answering this question let us summarize the advantages of such practices:

Word mark: It does not make a difference whether the mark filed in block letters or not, as long as the mark is simply filed in undistinguished manner, simply word letters without any stylization. This provides the applicant/owner of the mark to use the mark in different shapes but without any kind of exclusivity to other elements used within the mark.

1. ZARA
2. SONY
3. Gillette

Logo/device marks: This refers to a mark with special elements, and it helps brand owners in protecting their marks as whole, the word part as well as the drawing parts. This could be a registration in black in white colors (grey scale) or in set of colors.



2.



3.



4.



Colors vs. B&W: Black and white marks give the applicant/owner the flexibility in using the mark in any color they deem appropriate but without exclusivity to any color in specific. While for colored marks the brand owner will be only using the mark in that combination of colors.

1.



So before filing the mark a set of questions should be asked as listed below:

How the mark is being actually used, or to be used?
Is the mark being used in one format or in different shapes covering diverse product lines?

Do the colors included within the mark represents the corporate identity or the applicant/owner? Does the mark include generic terms that are being frequently used in this industry?

Are you a service provider or a product manufacturer?

Are your selling to businesses or to consumers (B2B) vs. (B2C)?

If the mark is being used in different shapes then filing the mark in word would be the most feasible option, while in the contrary if the mark is strictly being used in one format, where filing a logo mark will be recommended.

On the other hand, some brand owners they reflect their corporate of product's identity on their marks, for example the owner is known for their products in red color and that color is being reflected on all aspects of the company, in their advertisements, promotional campaigns, and even on the interior designs of the firm. This is where color is of essential to be claimed within the registration, in fact it is even more important to file the mark with claiming colors rather than a simple word mark or even a black and white logo mark.

Additionally, the product's nature (service vs product) is also an element to be examined since public confusion is relatively more likely to take place among products rather

than services, in addition to the fact that products are easily transferred and movable from one place to another.

As for the fact that the mark is being strictly used between business owners rather than regular customers or consumers, this limits public confusion and the entry of infringing items will be more difficult to penetrate such network. So the need for distinguished mark is less of importance in the early days of launching the associated products.

Some may argue that the best practice is to go for the maximum and broadest protection by filing

the mark in all available shapes, as in word mark, logo mark in black and white as well as the logo mark in colors. This might be true but it will be a costly option especially for newly established firms. Accordingly, the recommendation would be to identify the most appropriate mark out of the above that meets the owner's vision and goals, and then start further filing gradually in the future.

In some countries, where untraditional marks are acceptable, the option of considering filing a series mark might be an appropriate solution for cost cutting, and same goes with 3-D marks, where

product's shape is included within the protection. But as this is not the case in many countries with the MENA region, I would go for the option of starting the initial registration for the most appropriate mark that complies and meets the applicant's needs.

In summary, choosing the right mark for the registration is not a choice of one person or department, it is a choice of a company that might be very crucial to the future success of the trademark and helps in better defending against any unauthorized use or infringement. The right formula will result in well defended and secured trademark.

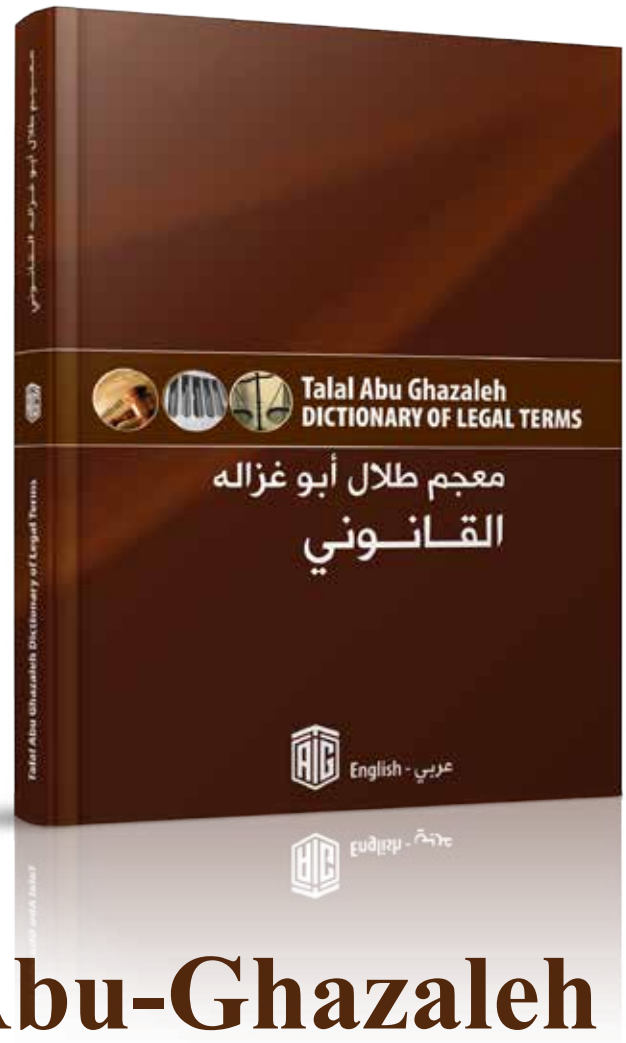
This Bulletin is published by
the Editorial Department of Abu-Ghazaleh Intellectual Property (AGIP)

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Mrs. Iman Salameh



TAG-Org Releases Talal Abu-Ghazaleh Dictionary of Legal Terms

Talal Abu-Ghazaleh Organization (TAG-Org) announced the launch of Talal Abu-Ghazaleh Dictionary of Legal Terms, the sixth dictionary in a series of professional and specialized publications.

The Dictionary is considered a rich lexicon for the use of judges, lawyers, professors and college students and an insightful resource for researchers and students.

This publication serves business people, companies and keeps abreast of contemporary world legal terminology in the fields of corruption, money laundering and monopoly in addition to legal strategies for companies and world trade, merging and acquisition.

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