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Kuwait Amends the Agency Law

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KUWAIT CITY- Kuwait recently issued Law No. 13 of 2016 (the Agency Law) on the regulation of commercial agencies in Kuwait, overturning the former agency law in a move to encourage competition among the local markets according to the Kuwaiti Chamber of Commerce.

The Agency Law mainly introduces changes to the principal/agent relationship while many of its articles remained unchanged.

According to Article (2) of the newly issued law, a local agent can no longer be an exclusive distributor or provider of merchandises or goods in Kuwait which is expected to hugely impact future agreements as well as the relation between the franchisor and the franchisee considering the country's relatively small geographical area and market capacity.

Another major development stipulated under this law is that registration of

agency, distribution and franchise agreements is now required before the Ministry of Commerce and Industry to grant certain protection rights for the local party, otherwise; any related claims will be dismissed by the local courts which used to provide compensation rights under the previous regulations even if the agreements were not registered.

Furthermore, if the merchant dealt with more than one agent in the country, the law requires an official publication of the registered agency in the Official Gazette and two public newspapers in order to be able to register the new agency.

It is worth mentioning that the new law does not differentiate between an agent, a franchisee or a distributor, in which all are considered as the same, especially when it comes to recording before the Ministry of Commerce and Industry.

Source: TAG-Legal News





Assembly Approves Draft Law on Copyright – Forgery Alleged

By Abubakar A. Ibrahim

KUWAIT CITY- The National Assembly unanimously approved a draft law on copyright and related rights in the first and second deliberations on May 10, 2016. Information Minister and State Minister for Youth Affairs Sheikh Salman Al-Sabah thanked the Parliament for adopting the law, considering its importance in the culture of Kuwait.

According to the report of the Educational, Cultural and Guidance Affairs Committee, Kuwait joined several regional and international conventions on Intellectual Property Rights because of the need to protect copyright and related rights.

The law consists of 45 Articles in three chapters. Article One defines ‘written work’ as every innovative literary, artistic or scientific work or a way of expression with significance or purpose. The same article defines ‘related rights’ as the rights inherent in the author’s copyright and anything similar in some respects (right of public performance, the right of producers of phonograms or right of broadcasting institutions).

Article Two states that protection accorded to copyright and related rights covers natural and legal persons — Kuwaitis, foreigners who are permanent residents in the State of Kuwait and foreigners from any of the member-States in the Berne Convention for the protection of literary and artistic works or in the World Trade Organization and others.

Article Four enumerates cases where protection is not applied as per the law.

Article Five states that national folklore is owned by the public so the National Council for Culture, Arts and Literature must fully support such works.

Article Six stipulates that the moral rights of the author and his general successor over his written books are permanent and cannot be waived or confiscated.

Article Eight gives authority to the National Council for Culture, Arts and Literature to exercise the moral rights provided for in Article Six if the author dies without an heir, as well as the works of unknown authors.

Article 37 grants the customs authorities the right to order non-customs clearance for goods if any of the protected rights is violated. Article 38 mandates the Kuwait National Library to establish a register for depositing works, sound recordings, radio shows and performances, while the executive regulations should determine procedures and rules in this regard.

Article 39 stipulates the right of the concerned persons to lodge a complaint against decisions on refusal to register and deposit works.

Article 40 states that the Public Prosecution has the sole authority to investigate, act and prosecute in all crimes arising from the application of the law within the jurisdiction of the Criminal Division in the High Court to look into criminal proceedings stipulated in this law and allows submission of an appeal regarding its ruling.

Meanwhile, the Parliament approved the report of the Public Funds Protection Committee on the irregularities that the State Audit Bureau mentioned in its report about the automated information system contracts and the recommendations therein.

The Parliament agreed to amend one of the recommendations by adding an item on determining the period for the government to submit its report about the actions it has taken regarding the observations of the bureau.

The amended version also states the formation of a neutral State committee consisting of advisers from the Fatwa

and Legislative Department, auditors and information system experts to conduct investigations and hold perpetrators accountable. It mandates the government to submit a report on its final decision and actions taken to protect public money to the Parliament.

Furthermore, the Parliament instructed the Public Funds Protection Committee to investigate the alleged forgery of 18 commercial licenses to obtain agricultural plots. On another issue, the Parliament postponed voting on the recommendations about the scattered gravel on roads due to lack of quorum.

The recommendations included using a new asphalt mixture in cooperation with the British laboratory and stopping the use of previous mixtures in order to prevent the recurrence of the problem, taking into consideration the success of the experimental application of the new mixture.

Source: Arabtimesonline.com





Ministerial Development Council Discusses Economic Regulations Topics

Abu Dhabi- The UAE's Ministerial Development Council, presided over by HH Sheikh Mansour bin Zayed Al Nahyan, Deputy Prime Minister and Minister of Presidential Affairs, has discussed the establishment of the International Centre for Registration of Patents, reflecting the UAE government emphasis on innovation and competitiveness at various levels in accordance with the UAE National Innovation Strategy launched by His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai.

The Centre will enhance the UAE's position as a regional and international destination for Intellectual Property, making it one of the world's best centers by 2021. It will also encourage citizens to enter the Intellectual Property sector as experts in the field based on international best standards.

The Council has also reviewed the executive regulations for small and medium enterprises, developed in coordination with federal and local entities in the SME sector. The regulations are aimed at enhancing the potential of the sector and supporting entrepreneurs in the country in line with the UAE Vision 2021.

The new regulations offer a series of incentives for entrepreneurs in the SME sector, which will lead to further growth in the business sector and encourage research and innovation by UAE citizens.

The Council in its meeting also discussed a unified definition for small and medium enterprises under three main sectors: trade, manufacturing and services. The unified definition will help increase the

competitiveness in the SME sector and facilitate funding from banks based on standard definition of each sector, enabling the Central Bank to implement policies and regulations for banks to provide loans to enterprises in the sector. It will also enable federal ministries and authorities concerned to provide appropriate incentives for UAE citizens to enter the sector.

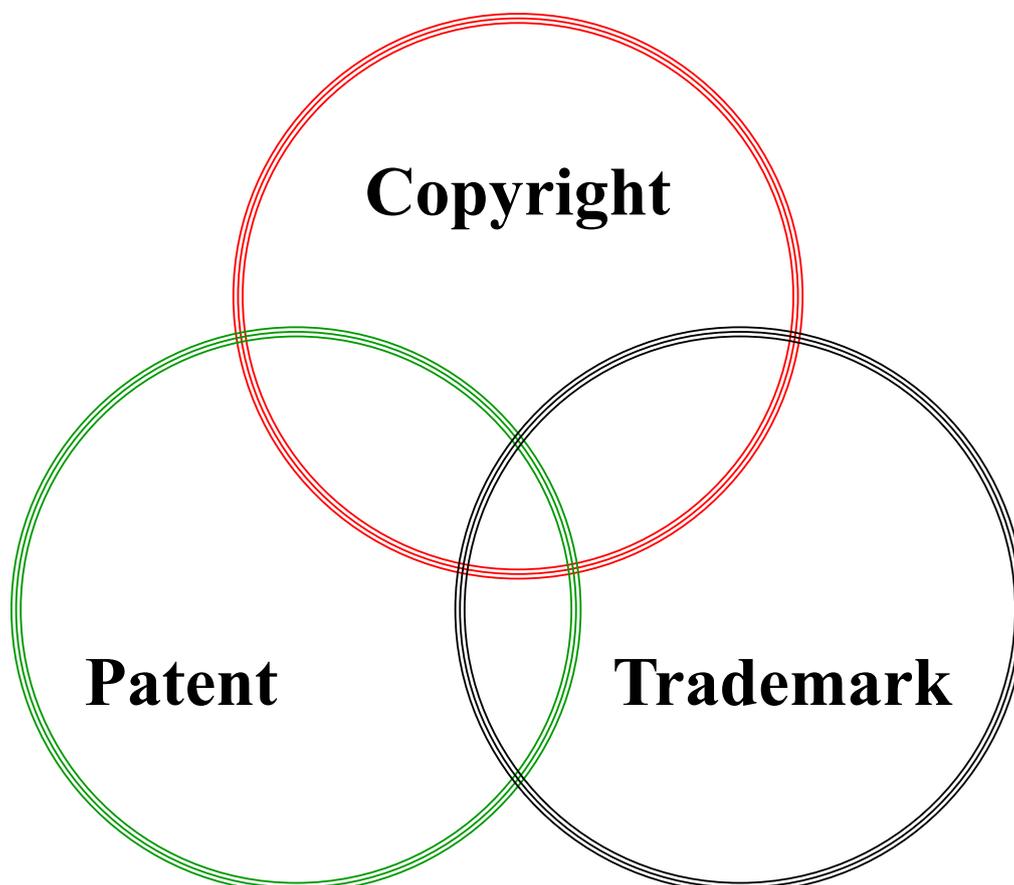
The Council also reviewed a memorandum for issuing the federal law on Anti-Dumping and Compensatory and Preventive Measures, which would ensure independence in decision making on anti-dumping complaints raised by national factories to protect them against illegal practices during imports to the national market.

A study prepared by the Federal Authority of Government Human Resources was presented to the Council which measured the productivity of federal government during 2014 and 2015. The study was built on two major factors, cost and efficiency, looking at them from two main angles: the service support sector, which is a key area for federal organizations, and health and education sectors, which are the most significant core sectors.

The Council reviewed the final audited reports of the financial statements and budget of Zayed University for the financial year ending December 31, 2015, as well as those of the Emirates Integrated Telecommunications Company (du) for the financial year ending December 31, 2014.

WAM/tfaham

Source: Emirates News Agency (WAM)





Arab Society for Intellectual Property

Member of TAG-Foundation

Abu-Ghazaleh Inaugurates Collective Management & Copyrights Workshop

AMMAN - Under the patronage of HE Dr. Talal Abu-Ghazaleh, the Arab Society for Intellectual Property (ASIP), and in cooperation with the National Library of Jordan, Talal Abu-Ghazaleh Intellectual Property, and the Licensing Executives Society–Arab countries, organized a workshop entitled “Collective Management and Copyrights,” at Talal Abu-Ghazaleh University.

The event was held in celebration of the World Intellectual Property Day and in the presence of Mr. Mohammed Al-Abbadi, general manager of the National Library of Jordan, and attended by Mr. Michael Haealy, International Relations Executive Director of Copyright Clearance Center (CCC), and Ms. Anita Huss-Ekerhult, consultant at WIPO, as well as other association representatives and stakeholders concerned with creativity and innovation.

Dr. Abu-Ghazaleh stressed on the importance of having a specialized entity in protecting the rights of innovators, and in guaranteeing their rights. This led

to the unanimous decision of electing a team consisting of a member from each the National Library of Jordan and Talal Abu-Ghazaleh Organization (TAG-Org) to create a draft law entitled, “Collective Management and Copyrights for Innovators” which will be presented to all associations concerned in innovation, and then presented to the government.

Dr. Abu-Ghazaleh said, “The affiliation with the Society is optional, for both Jordanian and non-Jordanian innovators residing in the Hashemite Kingdom of Jordan.”

Dr. Abu-Ghazaleh indicated, “The management of Intellectual Property Rights”, particularly collective management of copyrights in the comprehensive sense for all intellectual innovation has become an urgent necessity with the need to develop related legislation, and spread awareness to all sectors that will benefit from it.

Mr. Al-Abbadi expressed his thanks to Dr. Abu-Ghazaleh for his work and in holding

this workshop indicating that one of the key factors for encouraging and promoting the development of Intellectual Property in the Hashemite Kingdom of Jordan was the abolishment of the Jordan Media censorship on publications – as part of the reform measures led by His Majesty King Abdullah II that had positive effects in encouraging Arab authors in publishing their work in Jordan.

Ms. Hasiba Shaban, manager of ASIP, said that the workshop celebrates World Intellectual Property Day, innovation and creativity stating that the organization constantly works on developing Intellectual Property Rights based on the vision of its Chairman, Dr. Abu-Ghazaleh.

Ms. Huss-Ekerhult stressed on the importance of World Intellectual Day, celebrated every year on April 26th, with this year's topic entitled "Digital Creativity: Culture Reimagined". She indicated that there must be a balance between author, distributor and user, "With digital creativity and economic

opportunity through Internet across the world, it is time to discuss the importance of Collective Management in Jordan."

Mr. Haealy said, "The CCC, a not-for-profit organization, practices Collective Management in granting licenses, monitoring use of content, and collecting and distributing royalties to rights holders; as well as other cultural, social, educational and enforcement functions."

Dr. Mohammed Abu-Alhijaa, Dean of the Faculty of Law at the Middle East University, presented an action plan based on the national system and legal framework for copyrights of authors, for awareness in classifying types of copyrights, and other related rights, including the duration of those rights.

During the two-day workshop, various topics were tackled including the importance and role of copyrights and collective management in being the link between rights holders and users, in addition to promoting literature, music, arts, innovation, and economic development.

Source: Ag-ip-news.com





Abu-Ghazaleh Intellectual Property (AGIP)



TAG-Legal

Talal Abu-Ghazaleh Legal

AGIP and TAG-Legal Participates in the INTA's 138th Annual Meeting

Amman- Abu-Ghazaleh Intellectual Property (AGIP) and Talal Abu-Ghazaleh Legal (TAG-Legal) has participated in the International Trademark Association (INTA) 138th Annual Meeting in Orlando, May

The following AGIP members has attended the event:

1. Luay T. Abu-Ghazaleh (Regional Office)
2. Charles Shaban (Regional Office)
3. Dima Naber (Regional Office)
4. Nabil Salame (Canada Liaison Office)
5. Motasem Abu-Ghazaleh (GCC, KSA, Yemen)
6. Amjad Hussein (UAE, Bahrain)
7. Khaled Battash (Algeria, Morocco, Tunisia)
8. Sami Younis (Qatar)
9. Amro Hattab (Jordan, Palestine, Iraq, Lebanon)
10. Ali Hijazi (Special Clients Department)
11. Tarek Al-Khatib (Egypt, Sudan, Libya)
12. Noor Shangwei (China, Hong Kong)
13. Georgina Busku (Hungary Liaison Office)
14. Meliha Ozat (Turkey Office)
15. Sergei Kambalov (Russia)
16. Aamir Khan (Pakistan Office)

And from TAG-Legal (the litigation arm of AGIP):

1. Deema Abu-Zuleikha (Regional Office)
2. Laith Damer (TAG-Legal Arab Countries)

Source: Agip.com



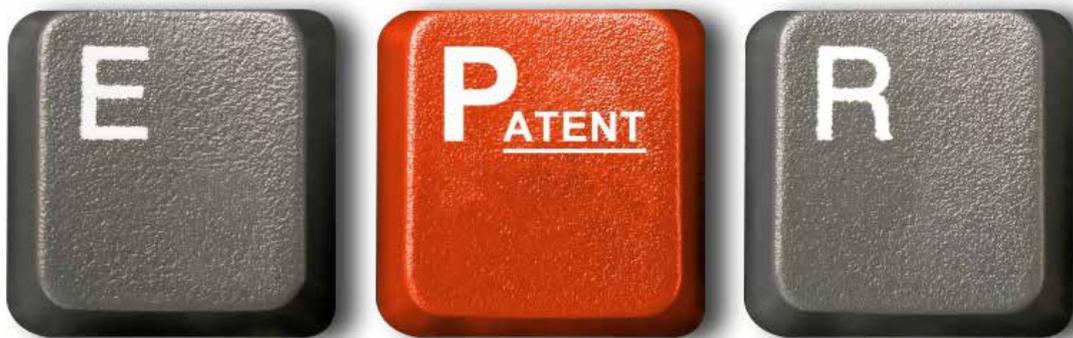


Kuwait to Join the Patent Cooperation Treaty

KUWAIT – Kuwait’s Council of Ministers published the new Law No. 11/2016, which represents a step in the country’s accession to the Patent Cooperation Treaty (PCT).

Joining the PCT enables Kuwait to register international patents through any of the national offices of the state members. The PCT system is considered more cost effective than filing separate national or regional applications. However, the published law will be effective only after signing the agreement and publishing its implementing regulations.

Source: Agip.com





Ministry Issued 1,351 Commercial Registrations in Qatar

DOHA: The Ministry of Economy and Commerce issued 1,351 new commercial registrations in April this year.

They included 987 main registrations representing 73 percent of the total commercial registrations issued during the month and 364 branch registrations accounting 27 percent of the total.

Data released by the Commercial Registration and Licenses Department at the ministry showed that sole proprietorship companies topped the list of commercial registrations issued in April, with 494 new main commercial registrations. Limited liability companies ranked second with 379 main commercial registrations accounting for 41 percent.

Partnership companies have had 56 main commercial registrations representing six percent of the total in April.

Contracting companies were most active, topping the list and accounting for 27 percent of the total number of (main and branch) commercial registrations issued in April and were followed by construction material trading companies at 12 percent.

Among municipalities, Al Rayan topped by 50 percent of the new commercial registrations in April, followed by Doha municipality

by 38 percent, Al Wakrah and Umm Salal accounting 5 and 4 percent respectively.

Regarding the most active commercial licenses contracting companies were topped by 50 percent, media and media production companies ranked second by 25 percent. Construction material companies, cleaning companies and wedding preparation companies accounted 11 percent, 8 percent and 6 percent respectively.

Meanwhile the Department of Intellectual Property at the Ministry registered a total of 2688 trade marks in April.

The department also received in April 57 new applications for patent and the department renewed 109 patent applications in the same month. The department also registered six author's right certificates and relevant rights.

Source: Thepeninsulaqatar.com



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