

AGIP Bulletin



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AGIP Introduces Single POA Service



Abu-Ghazaleh Intellectual Property (AGIP) is introducing an enhanced and comprehensive single power of attorney service that will provide clients with an outstanding opportunity to cover the MENA Region in one form.

By this newly launched service, clients will authorize AGIP through one legalized power of attorney (regardless of the number of countries

to be covered) at the client's end allowing AGIP to issue separate forms on behalf of the applicant in the countries of interest.

While the legalization formalities may take weeks to accomplish in certain countries, our newly proposed service will save time, efforts and cost at a very competitive rate.

Region	Countries
MENA	Bahrain, Egypt, Erbil, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Sudan, Syria, UAE
Levant	Jordan, Lebanon, Syria and West Bank
GCC	Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE

For more information, please contact us at: proposals@agip.com

Qatar Accepts Trademark Applications under Classes 43, 44 and 45 of Nice Classification

DOHA - The Trademark Office at the Ministry of Economy and Commerce announced that Qatar will adopt the international classes 43, 44 and 45 of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification).

The Qatari Trademark Office will start accepting trademark applications for services that fall under classes 43, 44 and 45 as of February 12, 2017.

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New VAT Rate Applied in Algeria



ALGIERS – Pursuant to a ministerial decision amending the article No. 21 of the charges law, a new VAT charges are now applied in Algeria.

The new VAT charges amount is 19% instead of the 17%.

Accordingly, AGIP will amend its VAT rate and post it at the website: www.agip.com

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UAE Approve New Anti-Commercial Fraud Law



ABU DHABI - A new Federal Law has been approved recently by the UAE President, H.H

Sheikh Khalifa bin Zayed Al Nahyan, for combating commercial fraud. The new Law No. (19) of 2016 has been published in the Official Gazette on December 15, 2016, and has come into force the following day replacing Law No. 4 of 1979.

The law brought many positive developments and features, as it meant to step up efforts to fight fraud and trade in fake goods, with unscrupulous inland and free zone traders. It has also provided more precise definitions of the

term (Goods) as it categorizes goods into merely Goods, Adulterated Goods, Spoilt Goods, and Counterfeit Goods.

The law provides a broader definition for counterfeit goods stating that counterfeit goods are “The goods that, without permission, bear a trademark that is identical or similar to the legally-registered trademark.” Under this definition, not only identical trademarks fall under the scope of the violation of the law, but similar trademarks are included as well.

However, the anti-fraud law leaves no certainty on how the trademark shall be determined whether it is sufficiently similar with a registered trademark or not, as this shall be determined upon the decision of the Higher Committee for Combating Commercial Fraud, which will be established under the provisions of this law to be affiliated to the Ministry of Economy and which will be responsible of reviewing reports related to counterfeit goods cases.

Furthermore, the law also grants the Higher Committee the right to hire consultants and experts as it deems appropriate, which means that the Higher Committee may hire a trademark expert who shall determine whether the confiscated goods bear a similar trademark or not. Nevertheless, the law states in Article 5 that the opinion of the expert is considered as supplementary, and the final decision shall be issued by the Higher Committee.

Meanwhile, it is not clear yet whether the hired expert will examine only the similarity degree between the imitated trademark and the registered trademark, or he shall also investigate the public’s confusion further.

A main development in this new law is the heavy stipulated penalties, where it imposes an imprisonment up to two years and fines that would reach 250,000 Dirham (\$68, 500) or both, in addition to the destruction of the

counterfeit goods. The new law further provides for a higher fine that reaches up to 1 million Dirhams (\$274,000) if the counterfeit products are in the nature of or related to human foods, animal foods, medical drugs, agricultural crops or organic foodstuffs.

Another major development according to Article 4, is that the law provides the authorities with the right to request all information, documents and invoices related to the counterfeit goods, and traders are obliged to comply with such requests.

Pursuant to Article 6, a Sub-Committee shall be set in each Emirate who shall study reports on fraud cases referred to it by the specialized authorities and take the appropriate measures. In addition, the Law grants the concerned persons the right to appeal the verdict of the Sub-Committee to the Higher Committee in order to challenge the resolutions of closure. However, the right of appeal according to Article 7 is limited to the closure of the violating facilities.

Moreover, the new law regulates settlements with respect to breaches of the law. In this regard, a request for settlement must be made by the offender to the Sub-Committee, and the amount payable in settlement shall not be less than double the minimum fine set forth in this Law. In case the offender rejects a settlement, the Sub-Committee shall transfer the matter to the Public Prosecutor for further prosecution. The Executive Regulations and Resolutions are yet to be published which shall provide further specifications on how the law shall be implemented.

Conclusion

The new law is defiantly a positive step towards IP enforcement framework in the UAE, and is expected to boost the effectiveness protection mechanisms which reflects the country’s commitment to provide businesses and brand owners with a competitive environment.

By Laith Abu-Qauod/ Legal Counsel at TAG-Legal Dubai

Turkey Issues New Industrial Property Law



ANKARA – The new Industrial Property Law No. 6769 which was adopted by the Grand National Assembly of Turkey on December 22, 2016, entered into force as from its publication date at the official gazette on January 10, 2017.

The new law covers all industrial property matters (trademarks, patents, industrial designs and geographical indications) which were previously protected by individual decrees.

The most important changes in the protection of industrial property rights are summarized as follows:

TRADEMARKS:

- The co-existence of trademarks is now available by way of submission of co-existence agreement or letter of consent. An existing co-existence agreement or letter of consent may be submitted along with filing application or at the time of filing an appeal against the rejection decision.
- During an opposition proceeding, the owner of the published mark will have right to request the demurrer to submit evidence of intensive use or valid/justified reasons for non-use, where the opposition basis trademark is registered for more than five years.
- The opposition term is two months, which used to be three months as per the trademark decree.
- The well-known status of a mark, even if not

recorded in Turkey, is available as a relative opposition ground.

- The cancellation actions based on non-use for five years, deceiving the public, generic name and use of guarantee and collective trademarks in violation of the technical regulation will be filed before the Turkish Patent and Trademark Office. The related article will enter into force as from 2023.
- The bad intention is accepted as a relative opposition ground.
- The definition of trademark is expanded, which enables the registration of sounds, scents and color marks. Thus, the scope of distinctiveness criteria is complying with EU legislation.
- A trademark that contains geographical indications cannot be registered.

PATENTS AND UTILITY MODELS:

- Non-examined patents are not available anymore. As per the patent decree, it was possible to obtain non-examined patents of seven years.
- There is six months period for filing an opposition against a patent after the publication of grant.
- Criminal measures are no longer applicable for infringement of patents, while legal measures still exist.
- Inventions achieved during the projects supported by the public institutions are to be reported to the related institutions within a prescribed period. In case the inventor does not claim ownership the concerning invention will be the institution's property.
- It is not applicable to protect chemical and biological substances or products obtained from these chemical and biological substances; pharmaceutical preparations and products obtained pharmaceutical preparations; biotechnical inventions and methods or products obtained from these inventions and methods as utility models.

INDUSTRIAL DESIGNS:

- Novelty search becomes a part of the formal examination. Hence, the office may reject an application based on the related ground.
- The opposition period is three months which used to be six months.
- Non-registered designs will be subject to protection for three years from the first date of disclosure to public.

- A complex product's parts are not registrable if not apparent/observable.

It is worth mentioning that trademarks, designs and patents applications which were filed before the enforcement date of this new law will be examined as per the related former decrees. Also, some of the articles' enforcement date of the current law has been postponed.

Turkey Sets New Official IP Fees



ANKARA – The Turkish Patent Institute announced that IP official fees have been increased in Turkey as from January 1, 2017.

The increase in official fees affect the following services:

- The official fees of trademark and design renewals, patent and utility model annuities, EP Validation and search / examination fees have been dramatically increased.

- Change of name / legal structure / address can be filed without official fees. The system does not require separate applications for each IP matter and each file, as one request is reflected to all the records (trademark, patent and design).

In the meantime, the Decree for trademark, patent and design has been adopted as Law.

Accordingly, AGIP will amend its schedule of charges and posts it at the website: www.agip.com

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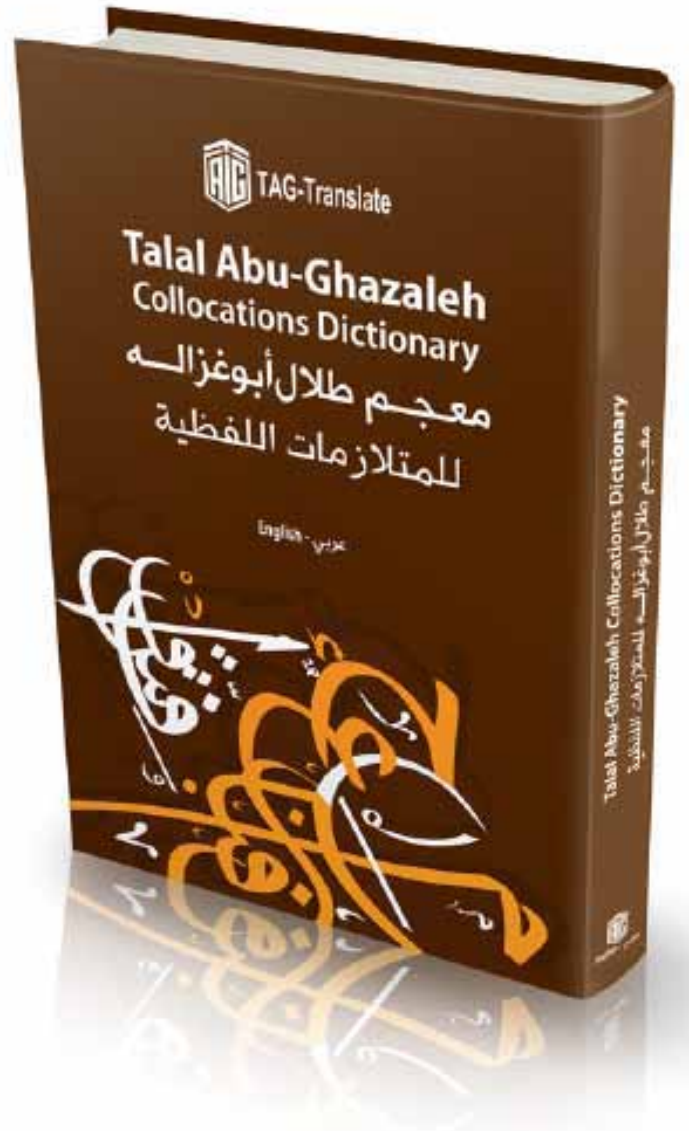
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Mrs. Iman Salameh

TAG-Org Launches Talal Abu-Ghazaleh Collocations Dictionary



Talal Abu-Ghazaleh Organization (TAG-Org) has issued the Collocations Dictionary, the sixth in a series of dictionaries launched and published by the group.

The book is prefaced by a word from TAG-Org's Chairman, HE Dr. Talal Abu-Ghazaleh, who said the dictionary has come to "unveil the richness of our vivid language, Arabic."

He gave examples of some Arabic collocations that raise the curious question of why such combinations of words insist on coming together to give new meanings.

He said: "Collocations are indeed commonly used words so interlinked that they convey together an accurate and beautiful meaning. Learning collocations will give the users immediate powers of expressions in Arabic and will further attach his ties with his native tongue as part of "linguistic empowerment".

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