



## AGIP Is the First IP Firm to Receive Letters Patent in UAE

**D**UBAI - The Patent Office in the United Arab Emirates (UAE) officially started on March 1, 2006 granting Letters Patent for pending applications after being examined and published.

Abu-Ghazaleh Intellectual Property (AGIP) is the first intellectual property firm to receive Letters Patent for their accepted applications in the UAE.

The Office started receiving patent applications in early 1994, but without conducting any examination for such applications. In 2002, the Office started examining pending patent applications on chronological basis (first -filed, first-examined), in coordination with the Austrian Patent Office.

The applicable procedure is to publish the accepted patent applications in the Patent Journal and to give a 60-day period for any third party during which he can oppose the patent application. In the absence of opposition, a Letters Patent is issued.

According to Article (4) of the UAE Patent Law, a Letters Patent shall be awarded to any new invention resulting from an innovative idea or inventive step in all fields of technology, provided that such an idea or inventive step has a scientific basis and is capable of industrial application.

## AGIP Holds IP Training Courses in Jordan

AMMAN - As stipulated by the Memorandum of Understanding (MoU) signed between Abu-Ghazaleh Intellectual Property (AGIP) and Jordan Institution for Standards and Metrology (JISM), two training courses on the Protection of Intellectual Property were organized by AGIP during the month of March.

Economic Zone Authority (ASEZA) Customs, and the Aqaba Development Company (ADC) tackled the practical measures which can be applied to enforce Intellectual Property Rights (IPRs) and mechanisms of detecting counterfeited products, writing reports, investigating and referring cases to the concerned courts.

Participants also discussed some of the Jordanian laws related to IP and their association with the Customs Department and JISM work.

The MoU, which was signed last November, aimed at enhancing and developing methods and mechanisms formulated to protect consumers and prevent commercial fraud in the Jordanian market.



JISM's employees during the training course

Held in Amman and Aqaba, the courses which were attended by JISM's employees, Aqaba Special

### In This Issue

P2 — WIPO Revises Trademark Law Treaty

P2 — China Launches New IPRs Plan

P3 — Abu-Ghazaleh Legal News

P5 — Internet News

### UAE Ministry of Economy Oversees IP Activities

ABU DHABI - The Ministry of Economy in the United Arab Emirates (UAE) shall be the competent authority that oversees intellectual property activities and matters, as per a decision adopted by the UAE Council of Ministers in its meeting on March 20, 2006 in Abu-Dhabi.

Accordingly, all jurisdictions and powers assigned to the Ministry of Finance and Industry and Ministry of Information and Culture in the UAE in relation to intellectual property issues shall be transferred to the Ministry of Economy.

According to the Dubai-based *Al-Bayan Newspaper*, the afore-mentioned decision shall be submitted to President Sheikh Khalifa bin Zayed Al Nahyan to be finally endorsed.



AGIP  
Jordan Office  
Regional Office  
International Office

[www.agip.com](http://www.agip.com)

Member of Talal Abu-Ghazaleh Organization  
The Arab Organization for Global Professional Services



## WIPO Revises Trademark Law Treaty

**G**ENEVA - A new international treaty on trademarks, to be known as the Singapore Treaty on the Law of Trademarks, was adopted on March 28 by member states of the World Intellectual Property Organization (WIPO).

According to a press release by WIPO, this treaty is the successful outcome of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, which was held March 13-28, in Singapore.

The new treaty concludes efforts by WIPO's member states to update the 1994 Trademark Law Treaty (TLT) and bring it in line with the technological developments of the past decade.

The last Trademark Law Treaty (TLT) was concluded in 1994 with a view to streamlining and simplifying, on a worldwide basis, administrative procedures relating to national and regional trademark applications and the maintenance of trademark registrations.

"The Singapore Treaty, as the first international treaty in the field of intellectual property in the new century, reaffirms the importance of trademarks, one of the major forms of intellectual property, in promoting domestic and international trade and in enhancing enterprise development and consumer

confidence," WIPO Director General Dr. Kamil Idris noted.

"The revised Trademark Law Treaty will contribute to enhancing legal security for intangible assets as member states commit to adopting simplified and internationally harmonized administrative rules for trademark protection," he added.

Member states will benefit from the Singapore Treaty, as it will improve the international environment for trade and investment. It will enable national and regional trademark administration authorities to benefit from simplified procedures, including electronic means of communication. This will contribute to reducing procedural transaction costs and enhance confidence in the trademark system as well as to provide additional incentives for business to further invest and expand.

Registration formalities on the representation of all types of marks, including visible signs (and certain forms of visible signs, such as hologram marks, color marks, position marks or motion marks) as well as non-visible signs, provisions on the recording of trademark licenses, relief measures when certain time limits have been missed, and the establishment of an assembly of the contracting parties are further new elements of the new treaty.

## China Launches New IPRs Plan

BEIJING - The Chinese government has formulated a plan aimed at intensifying the nation's efforts to protect Intellectual Property Rights (IPRs) in 2006, *Xinhua News Agency* reported.

The new initiative, entitled: "China's Action Plan on IPRs Protection," was released on March 8 from Beijing.

According to the Chinese Ministry of Commerce, the plan was formulated by the National Protecting IPRs Working Group in cooperation with other departments.

The Ministry describes the scheme as "a comprehensive, scientific and

highly workable action plan with priorities that plays an important role in guiding China's IPRs protection endeavor."

The plan covers four major areas including, trademarks, copyrights, patents and the import and export sectors. It also involves IPRs protection arrangements of 11 departments, including the Ministry of Public Security, Ministry of Information Industry, as well as the General Administration of Customs, Copyright Bureau and other departments.

The plan for 2006 will tackle the following areas: legislation, law

enforcement, mechanism building, propaganda, training and education, international communication and cooperation, promoting business self discipline, services to right holders and research.

According to the plan, China will draft, formulate and revise 17 laws and regulations relating to trademarks, copyrights, patents and customs in 2006.

Other parts of the IPRs Action Plan for 2006 include establishing a center for the reporting and complaints of IPRs violations, and publicizing enforcement data law.



## New Industrial Property Law in Morocco

**R**ABAT - A new Industrial Property law was approved by the Moroccan Parliament on December 14, 2005, and published in the Official Gazette No. 5397 on February 20, 2006.

The new Law No. 31-05 amends and supplements Law No. 17-97 on the Protection of Industrial Property which took effect on December 18, 2004 in Morocco.

The law protects patents for invention, layout-designs (topographies) of integrated circuits, industrial designs and models, trademarks and service marks, trade names, indications of source and appellations of origin and the repression of unfair competition.

The new law introduces the trademark electronic application system. This system permits national applicants or their agents to file their trademark applications online.

The law also introduces the opposition system of trademarks in Morocco, where a period of two months from the publication date of the trademark application will be given during which a third party can oppose the trademark application. Such opposition should be submitted in writing to the Registrar of Trademarks.

The Moroccan Trademark Office will decide upon the opposition petition within six months after having considered the demands (claims) of every party. This time-frame can be extended to another six months. In case one of the concerned parties objected to the decision of the Moroccan Trademark Office, the decision is liable to appeal before the Appeal Commercial Court of Casablanca.

With the aim of streamlining trademark filing procedures in Morocco, the law allows the owner or his agent to submit a petition containing all original missing documents to the Trademark Office within two months as of the expiry date of the initial prescribed deadline of three months to complete filing procedures (late filing of documents).

To achieve better enforcement of Intellectual Property Rights (IPRs) and prevent any infringement on such rights, border measures were strengthened and stiffened. According to the law, the Administration of Customs and Duties shall have full authority to seize any goods found to bear similar or identical trademark(s) to the original ones. The seizure can be

upon the request of the owner of a registered trademark, or its local agent.

It is worth noting that the new law recognizes for the first time the registrability of sound and smell marks.

Requirements for filing sound and smell marks are as follows:

- A Power of Attorney simply signed and stamped by the applicant.
- The name, address and nationality of the applicant and the nature of its business.
- The list of the goods to be covered by the application.
- Fifteen prints of the trademark (not exceeding 8 x 8 cm) and printing block, which may be obtained locally.
- The musical composition (notes) for sound marks and explanatory legend regarding the essence for smell marks.
- A certified copy of the basic registration if convention priority is to be claimed. This must be submitted within 3 months of filing.

## New Regulation on IPRs Protection for Exhibits in China

**BEIJING** - A new regulation on the protection of Intellectual Property Rights (IPRs) for exhibits came into effect on March 1, 2006 in China, *Xinhua News Agency* reported.

The regulation was jointly issued by the Chinese Ministry of Commerce, the State Administration for Industry of Commerce of China, the National Copyright Administration of China and the State Intellectual Property Office.

According to the regulation, exhibition organizers have to strengthen the protection and auditing of IPRs protection of exhibits.

The regulation also requires corresponding departments to accept and hear cases involving IPRs infringement, including those for patents, trademarks and copyrights.



# Internet News

## AGIP Participates in an Internet Forum in Kuwait

**K**UWAIT - "International treaties for the protection of copyright are widely ratified. However, the present challenge is in the implementation and enforcement of these treaties," Abu-Ghazaleh Intellectual Property (AGIP) Regional Office Executive Director, Mr. Charles Sha'ban said during "Regulating the Use of Internet and E-Publications" forum in Kuwait.

In his presentation on Intellectual Property on the Internet, Mr. Sha'ban discussed several vital points including Intellectual Property Rights (IPRs), IPRs and domain names (including IDNs), IPRs and website contents, international organizations and treaties in the IP and Internet fields as well as Internet Governance.

"Among the treaties that provide adequate legal protection for copyrighted materials and effective remedies for copyright holders are the Berne Convention for the Protection of Literary and Artistic Works, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, as well as the two Internet treaties of WIPO, which are the WIPO Copyright Treaty (WCT), and the WIPO Performances and Phonograms Treaty (WPPT)," Mr. Sha'ban added.

Tackling in details IPRs and domain names issues, Mr. Sha'ban pointed out that phishing/spoofing, cyber squatting and typo squatting in addition to cyber smearing are among several challenges that face trademark owners especially with the introduction of the IDNs.

New concerns for trademark owners related to the protection of their trademarks and trade names including the use of trademarks in search engines and Internet advertising, the incorporation of famous trademarks into the Meta tags of the websites were also tackled.

Participants also discussed several topics from technical, legislative, media, educational and awareness aspects, in addition to issues related to confidentiality, data security, privacy, consumer rights and internet content.

The forum, which was held March 25-27 under the patronage of the Kuwaiti Minister of Information Dr. Anas Al-Rushaid, aimed at formalizing a national policy for the use of the Internet in Kuwait.

## China Creates Its Own Domain Names

BEIJING - China's Ministry of Information Industry (MII) established a set of new top-level and second-level domain names which took effect on March 1, 2006, according to *People's Daily Newspaper*.

The MII has temporarily set up Chinese versions of three existing top-level domain names: ".cn," ".com" and ".net." China's top-level domain established through the Internet Corporation for Assigned Names and Numbers (ICANN) is ".cn" in Roman characters. The MII also added two kinds of second-level domain names to the Romanized ".cn" top-level domain.

One set of second-level domains will cover categories of institutions: ".ac" for research entities, ".edu" for educational institutions, ".gov" for government departments and ".mil" for defense departments.

The other set of second-level domain names will be for China's provinces, autonomous regions, municipalities directly under the central government, and special administrative regions. In most cases, domain names will be derived from Romanized spellings of the localities, such as ".bj" for Beijing and ".sh" for Shanghai.

## ICANN to Test Internationalized Domain Names



MARINA DEL REY, CA - The Internet Corporation for Assigned Names and Numbers (ICANN), the body that oversees the Internet addressing system, announced on March 14 that it will be testing Arabic, Chinese and other non-Roman characters in domain names, according to *combined news agencies*.

The Internet currently runs on an ASCII system with 26 letters of the alphabet, 10 numerals and a hyphen. However, people in Asian and Arab countries, whose languages can contain thousands of characters, are applying pressure on ICANN to include their native scripts in web addresses.

The new domains will be tested in the latter half of 2006 to ensure if they go live that they do not interfere with the current operation of the Internet, which was not built to accommodate non-Latin languages.