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All Aboard: Adopting the Eleventh Edition of the Nice Classification

Saudi Arabia adopted the 11th Edition of the Nice Classification, thus replacing the outgoing 10th Edition.

The adoption of the 11th Edition will not affect trademarks already filed and registered. Upon next renewal, the Saudi Authority for Intellectual Property (SAIP) will reclassify goods and services affected by this change in formalities.

A major change to the trademark registration process is that SAIP no longer allows claims for class headings in combination with all the items in the class. Accordingly, applicants should either itemize the specification of goods or services of their interest in the application from a preapproved list or claim the entire class heading.

This news follows Saudi Arabia's accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) earlier this year.

Cooperation for Innovation: SAIP Signs Agreement with INPI

The Saudi Authority for Intellectual Property (SAIP) recently signed a memorandum of understanding (MOU) with the French Institute of Industrial Property (INPI). The MOU aims to facilitate the bilateral cooperation in intellectual property between the two countries through exchange of information and practices, as well as experience and capacity building in intellectual property in general and geographical indications in particular.

It is worth noting that SAIP has regularly been highlighting its efforts as a self-funded agency with consolidated enforcement power and streamlined procedures. SAIP has been very active since its inception in late 2017, and has signed several agreements with the United States Patent and Trademark Office, the Japan Patent Office, and the Korean Intellectual Property Office.

Saudi Arabia shows its commitment to develop and establish a competent IP system and demonstrates its awareness of the strategic importance of IP on the country's economic development.

Fraudsters Beware: Implementing Regulations of Anti-Commercial Fraud Law Issued in Kuwait

In light of its revived efforts to crackdown on intellectual property infringement and malicious business practices, Kuwait published the Implementing Regulations of the unified GCC Anti-Commercial Fraud Law No. 20 of 2019.

The new regulations were published on May 31, 2021 in order to assist the authorities concerned in their ongoing efforts to enforce the Law and eliminate shady business practices in the country.

By way of background, the Law states that the definition of a commercial fraud crime has been expanded to include the act of selling and/or producing infringing or fraudulent products, or raw materials used to produce said products, that are harmful to health and safety.

Such developments in Kuwait display that the country is nurturing the right environment for the protection and enforcement of intellectual property rights.

New Customs Procedure in Egypt

The Egyptian Customs Authority launched a new electronic system for the pre-registration of all shipment information, aptly named the Advanced Cargo Information (ACI). Registration on the ACI will be mandatory for all shipments arriving at Egyptian seaports from July 1, 2021. Air and land ports will follow suite in the next phase of implementation and will require registration for all inbound cargo on the ACI.

Exporters who plan to deliver goods to Egypt by sea must register in advance once with CargoX, the blockchain service provider for immutably registering and transferring the shipping documents. Consequently, importers must enter all relevant data using a proforma invoice via Nafeza, the National Single Window for Egyptian Trade electronic platform. The system will then issue an Advanced Cargo Information Declaration (ACID) number within 48 hours. All documents such as invoices, certificates of origin, and shipping documents must list the aforementioned ACID number. All deliveries arriving with shipping documents that have no ACID number will be rejected.

It is worth noting that the regulations stipulated by the General Organization for Export and Import Control (GOEIC) to authorize the import of certain goods are still enacted despite the updated Customs procedure. By way of background, trademark owners are required to record the name of the manufacturer, as well as the corresponding trademark registration of the imported products at the GOEIC. For more information on the requirements for the recordal and a comprehensive list of products that require registration with the GOEIC, [click here](#).

We expect this update to streamline and speed up Customs procedures for exports to Egypt through the online system.

Innovators Rejoice, a New Law Is Coming to the UAE

In an effort to facilitate and promote innovation in the country, the United Arab Emirates (UAE) issued and published the new Law on Industrial Property, Law No. 11 of 2021 in the Federal Gazette No. 706. Implementation of the law awaits publication of the related implementing regulations, which are expected to be drafted by the authorities concerned before the end of 2021.

The Law provisions for the regulation and protection of patents, utility models, industrial designs and trade secrets. The following provisions introduce major changes to the current Law:

- Inventors have the right to file a patent within 12 months from disclosure of their invention, thus shifting the system from one of absolute novelty to one

of relative novelty. While this practice is common in a number of countries, such as the United States, this is new for the UAE;

- Applicants may request accelerated examination and the authority will accept a number of such cases per year. Specifics on this practice and whether the UAE intends to enter into PPH agreements remains to be seen.
- Methods of treatment and diagnosis remain non-patentable subject matter; however, the law does not specify the patentability status of products used in such methods. It may be assumed that since product claims are allowed, then by default, purpose-limited product claims, i.e. Compound X for use in the treatment of Disease Y, may be considered patentable. The implementing regulations may provide guidance on this topic.
- Applications must be submitted in both English and Arabic, as is the case now. This is expected to remain since all indications are that the Emirati Patent Office will continue to outsource the substantive examination that is currently through an agreement with the Korean Intellectual Property Office (KIPO).

With the implementation of this new law, many of the practices currently being done in the UAE will have a legal basis and provide applicants and patent owners with clear rights and basis for protecting and enforcing their IP rights.

Increase in Official Fees in Sudan

The official fees for all intellectual property related matters increased significantly across the board in comparison with their previous level in Sudan. The new rates were published in the Official Gazette on August 5 and implemented on August 8, 2021, and apply to all new and pending applications.

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