

Country Law Circular

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1. Disclaimer

THIS DOCUMENT HAS BEEN PREPARED WITH DUE CARE; HOWEVER, ALL INFORMATION IS PROVIDED NON-BINDINGLY ON AN “AS IS” BASIS WITH NO WARRANTY AS TO COMPLETENESS, ACCURACY, APPLICABILITY TO, OR FITNESS FOR A PARTICULAR PURPOSE. WE DISCLAIM ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS DOCUMENT ONLY PROVIDES GENERAL INFORMATION, DOES NOT PROVIDE A SUBSTITUTE FOR ENGAGING LEGAL COUNSEL, AND DOES NOT CONSTITUTE LEGAL ADVICE. IT IS YOUR SOLE RESPONSIBILITY IF AND HOW TO USE IT. FURTHERMORE, THIS DOCUMENT, WHICH IS THE PROPERTY OF DENNEMEYER, IS SUBMITTED TO YOU IN CONFIDENCE AND ANY PART OF THIS DOCUMENT MAY THEREFORE NOT BE DISCLOSED TO ANY THIRD PARTY WITHOUT THE EXPRESS WRITTEN CONSENT OF DENNEMEYER.

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2. Country Law Information

2.1. *Afghanistan (AF)*

On 29-Jul-2016, Afghanistan became the 164th Member State of the World Trade Organization (WTO).

Even though Afghanistan is neither a party to the Paris Convention nor a member State of the PCT, priority of an earlier application filed in Afghanistan can now be claimed in an international application since, according to PCT Rule 4.10(a), it is possible to claim in an international application the priority of one or more earlier applications filed in, or for, any country party to the Paris Convention or in, or for, any Member of the WTO that is not party to that Convention.

2.2. *Argentina (AR)*

The Intellectual Property official fees were highly increased with effect as of 19-Aug-2016. Please be advised that a second increase in the official fees is scheduled for October 2016.

2.3. *Australia (AU)*

The Australian IP Office has recently revised its official fees structure. The new changes are proposed to take effect as of 10-Oct-2016. Furthermore, the changes brought to the application and renewal fees regarding the international trademark applications designating Australia are scheduled to apply from 28-Oct-2016.

More information can be found here:

<https://www.ipaustralia.gov.au/about-us/news-and-community/official-notice/fee-changes-ip-australia-fee-review-update>

2.4. Cook Islands (CK)

On 27-Jul-2016, the Government of the Cook Islands had deposited its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO Convention), thus making it the 189th Member State.

The WIPO Convention will enter into force, with respect to the Cook Islands on 27-Oct-2016.

2.5. India (IN)

The Office of the Controller General Patents, Designs and Trademarks has announced that, as of 1-Aug-2016 the registration certificates will be generated through an automated system in accordance with the relevant provisions of the Trade Marks Act and Rules and made available to the applicants concerned or their authorized agents on record, in respect of all trademark applications:

- which have been published in the Trade Marks Journal Number 1720 dated 23-Nov-2015 and thereafter,
- where no request for amendment filed on behalf of the applicant is pending for disposal,
- where the copy of the original application for registration is available in the Trade Marks Registry's electronic database,
- where no requirement (like fee, Power of Attorney, etc.) is pending for compliance on part of the applicant, and
- which have not been specifically prohibited for registration by the order of any court, Intellectual Property Appellate Board or any competent authority.

The Registration certificate so generated will be transmitted to the applicant concerned or his authorized agent on record by email and shall also be made available on the official website along with the status of the application concerned.

Cases which are left out by the automated registration process due to aforesaid reasons will be processed as per law by the Registration wing of the Examination Publication and Registration Section of the TMR Mumbai through the present Trade Marks System on case to case basis.

2.6. Liberia (LR)

On 14-Jul-2016, Liberia became the 163rd Member State of the World Trade Organization. Liberia is already party to the Paris Convention for the Protection of Industrial Property and a member State of the PCT.

2.7. Montenegro (ME)

New changes were brought to the laws on trademarks and industrial designs, in order to bring Montenegro's IP legal framework in line with the European Union's legislation and relevant treaties.

The amendments to the Trademark Law came into effect on 8-Jul-2016 and refer to the following aspects:

- In case of a provisional refusal of an international trademark registration, a local representative can be appointed within a four months term, which is now calculated from the date WIPO issued the notification, instead of the date the notification was received;

- Provisions related to the market watch requirements and market inspectorate activities are now included in the Trademark Law;
- The new amendments set the legal framework regarding the effects of an EU trademark in Montenegro, after this country accedes to the EU.

The changes brought to the Law on Industrial Designs have entered into force on 19-Jul-2016:

- The law now includes provisions regarding the legal effects of a Community Design in Montenegro (after the country accedes to the EU);
- The cancellation of a design on absolute or relative grounds can be filed anytime before the design expires, but also after the expiration date or the renunciation of a design right.

2.8. Norway (NO)

Changes to the Regulation on fees payable to the Norwegian Industrial Property Office and the Norwegian Board of Appeal for Industrial Property Rights have entered into force on 1-Aug-2016.

Among the changes, which aim to simplify and clarify the Regulations, are the following:

- the additional late fee regarding payment of the annual fees for patents after due date will no longer be 20% of the annual fee, but a fixed amount of NOK 700;
- excess funds less than NOK 300 will no longer be automatically transferred to the customer's account unless the customer requests this;
- postponement of deadlines ending on Christmas (24th December) and New Year's Eve until the next working day.

2.9. Portugal (PT)

A new schedule of fees has entered into force as of 1-Jul-2016. Please be advised that fees were slightly increased by approximately 0.5%.

2.10. Saudi Arabia (SA)

On 1-Jul-2016 the new GCC Trademark Law and its Implementing Regulations were published in the Saudi Arabian Official Gazette. The law is expected to enter into force in Saudi Arabia on 27-Sep-2016.

The main features of the GCC Trademark Law are set out below:

- The definition of the trademark is extended to include color marks, sound marks and olfactory marks;
- It will be possible to file Multi-class trademark applications;
- Under the new law, it is possible to claim priority, based on an earlier-filed foreign application;
- Accepted trademark applications shall be published for opposition purposes; oppositions must be filed within 60 days from the date of publication;
- Trademarks shall be registered for 10 years counted from the application date and renewed for further 10 year periods; the law also provides for a grace period of 6 months for late renewals;
- A trademark can be cancelled if it has not been used for a period of five consecutive years counted from the registration date.

2.11. Syria (SY)

Effective 1-Jul-2016, the official fees for examination of patent applications filed by foreign applicants were increased.

2.12. World Intellectual Property Organization (WIPO/WO)

The last required instrument of acceptance of termination of the London Act of the Hague Agreement Concerning the International Deposit of Industrial Designs was deposited on 18-Jul-2016 by the Government of the Arab Republic of Egypt.

Therefore, the termination of the London Act of the Hague Agreement Concerning the International Deposit of Industrial Designs of 6-Nov-1925, as revised at London on 2-Jun-1934, and of the Additional Act of Monaco of 18-Nov-1961, to the said Agreement, will become effective, on 18-Oct-2016, that is, three months after the deposit of the last required instrument of acceptance of termination.

The application of the London Act was frozen as of 1-Jan-2010. Therefore, as of this date, it was no longer possible to file international deposits under the London Act, or to make designations governed by that Act. However, the renewal of designations made under the London Act before 1-Jan- 2010, and the recording of any changes affecting such designations continues to be possible in the International Register up to the maximum duration of protection, which is 15 years.