



Coming Together

With economic growth in the Persian Gulf, issues relating to intellectual property are drawing more attention. **Amanda Shuai** explores the Gulf Cooperation Council's unified patent law and trademark laws as part of *Asia IP's* first-time focus on the Middle East.

Along the Persian Gulf shore, the first law of human civilization – Hammurabi's Code – was born. The region is abundant with rich culture and natural resources, especially oil and gas, which have attracted the world's eye.

Abundant natural resources, along with its fast growing economy, have made this place a desired destination for business around the world. In 1981, six countries – Bahrain, Kuwait, Oman, Qatar, the United Arab Emirates and Saudi Arabia – joined together and formed the Cooperation Council for the Arab States of the Gulf, also known as the Gulf Cooperation Council (GCC) for better economic development and cooperation. But while economic development remains at the forefront, issues relating to IP are attracting more and more attention.

"Historically, some of the main GCC states have been associated with valuable natural resources, but there is a clear desire to move towards more knowledge-based economies," says Raza Rizvi, a solicitor at Simmons & Simmons Middle East in Dubai. IP creation, effective protection and commercial exploitation have been recognized as keys to this, he says.

"Both domestic and international companies have begun to work diligently to protect their brands as consumer growth is driving brand expansion in the Middle East," says Yassin Ghanim, country manager at Saba & Co. IP in Beirut, Lebanon.

IP Awareness in GCC Countries

As more companies direct their business to the region, public awareness of IP is growing among the member states of the GCC, although it might start at a relatively low level.

"The attention given to IP in the GCC countries and the awareness of the subject in general is very low," says Majed Garoub, chairman of The Law Firm of Majed M Garoub in Jeddah, Saudi Arabia. "Awareness considerably lacks in both business situations and academia. The situation is no different among various governmental bodies, including the judiciary."

"However, there are actually a good number of special programmes that aim at increasing IP awareness in the community and fostering a more positive attitude towards IP rights," he says. By giving priorities to IP in real life practices, Garoub says, GCC member states can expect to see a new attitude develop towards legal and business practices within the GCC countries.

Sayed Zineldin, an associate at Taylor Wessing in Dubai, says that the awareness of the IP in the Gulf region has increased considerably during the two previous decades. Governments have played a great role not only in creating and implementing IP legislation, but also in promoting the importance of intellectual property via periodical information bulletins to the public.

Take Oman as an example. "IP is an upcoming field and is gaining rapid awareness in Oman," says Reetika Walia, an associate and IP attorney at Al Busaidy Mansoor Jamal & Co in Muscat, Oman. To encourage people to protect their IP rights, the Omani Ministry of Commerce and Industry is constantly improving systems within its IP department, while organizing seminars in conjunction with the World Intellectual Property Organization, she says.

Urwa Owais, a legal consultant at Galadari in Dubai, says that GCC member states entering WTO and WIPO has created a high

level of local IP awareness and the need to prevent IP abuse across all business sectors. “Legislators and governmental bodies have paid special attention and effort to IP by formulating and preparing appropriate legal protection methods.”

The increasing awareness of IP “can be attributed to the

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An increasingly youthful and tech-savvy population in the Middle East is creating a generation of entrepreneurs that are beginning to understand the value of protecting their intellectual assets.

- Dino Wilkinson, partner,

Norton Rose Fulbright (Middle East), Abu Dhabi

strong government support and a shift in consumers’ sentiments towards IP infringement, particularly regarding fake products,” says Rawan Sunna, senior manager and IP legal consultant at the Dubai office of Al Shaali & Co. “It would be safe to say that people who deal with or buy fake items are in majority aware of the fact that not only these products are illegal but that it is dangerous to be using or dealing with [them].”

“There’s a growing sentiment on the importance of IP in the GCC area, especially as the demand for quality goods and reliable services are growing among consumers,” says Aziz Alawneh, a senior IP consultant at Zeina IP in Muscat.

Emile Saadi, a solicitor at Bird & Bird in Abu Dhabi, says that the awareness of IP rights in the GCC is growing in momentum, but that the level of awareness cannot yet meet that of a more developed jurisdiction, such as the European Union. He suggested the reason is that, generally, businesses in the GCC do not necessarily see a developed IP portfolio as a material asset.

“As such, they are often less inclined to invest in the same,” he says.

The business situation is changing as the awareness grows. “An increasingly youthful and tech-savvy population in the Middle East is creating a generation of entrepreneurs that are beginning to understand the value of protecting their intellectual assets,” says Dino Wilkinson, a partner at Norton Rose Fulbright (Middle East) in Abu Dhabi. “The awareness is low compared to more developed jurisdictions

as the laws are still relatively young in many GCC countries. However, the awareness of the importance and value of IP is increasing.”

Paul Allen, a partner and head of IP and technology, and Katie Withers, a senior legal consultant, at DLA Piper in Dubai, say that the reason for the growing awareness is “largely due to the fact that IP-conscious global corporations view the GCC as an increasingly attractive place to set up and expand their businesses.”

The business community in the GCC understands that patents, trademarks and other IP should be protected, says Shahram Safai, partner at Afridi & Angell in Dubai. “However, there is very little understanding of the protection available, such as how to register for protection, and, in particular, where to register as well as the international effects of registration.”

Local brand owners have recently developed a better understanding of the potential value attached to their IP, says Allen. “They are continually seeking ways to protect these important assets which, when managed properly, can hold tremendous commercial value.”

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While the general IP awareness is increasing among the countries, Omar Obeidat, a partner and regional head of IP at Al Tamimi & Co in Dubai, says that awareness is not harmonized, as it varies from country to country. “In relatively more experienced IP countries such as the UAE, the public awareness is higher

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Penalties imposed by the judiciary and enforcement agencies against offenders of the IP laws do not serve as a deterrence. This has resulted in a surge of counterfeit trade, particularly in respect of brands whose owners have not been aggressive in enforcing their trademarks in the region.

- Omar Obeidat, partner,

Al Tamimi & Co, Dubai

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than it is in other countries. However, even within the same country, people still have different awareness levels because of the different IP regimes applied in different geographical areas.”

When compared to the UAE, where IP awareness is relatively

high, “the public in Qatar has a wrong perception that IP is only for the trademark registration,” says Sami Younis, executive director at Abu-Ghazaleh Intellectual Property in Doha, Qatar. “Most of

the lack of comprehensive frameworks to do so, Wilkinson says. “One client very recently complained to me, in relation to counterfeit products and infringement of licensed rights, that the authorities seem to have little interest in assisting right holders by enforcing criminal or other sanctions that are, in theory, available under the law.”

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The public’s disbelief in IP laws and the fact that they are considered to be an unfair monopoly of sorts by society, along with the noticeably weak legal culture in the GCC countries, has contributed negatively to the establishment of healthy practices and application of IP laws.

- Majed Garoub, chairman,

The Law Firm of Majed M Garoub, Jeddah, Saudi Arabia

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the public is not aware of other IP matters. Limited people know about patent and copyright in Qatar as there is no implementing regulation in respect of patent and copyright in the country.”

IP Problems in GCC Countries

“Like many other areas of law in the GCC, IP is still a developing area. In our view, the most significant problems in the region relate to the time and bureaucracy associated with trademark filings, and a lack of effective enforcement mechanisms or a strong IP enforcement culture,” says Safai.

The time involved in protecting IP is a common issue, says Sunna. “In some countries, sometimes it takes up to two years to have a trademark registered, resulting in the delay of its protection and enforcement,” says Sunna.

Besides registration delays, Rima Mrad, a partner at Bin Shabib & Associates in Dubai, says that the absence of proactive and comprehensive government departments to supervise and enforce IP laws is the major problem hindering the effective implementation of IP rights in the GCC countries.

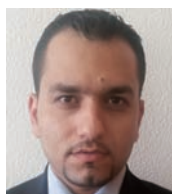
“Regulations are perceived to be lax, and countries throughout the region tend not to enforce intellectual property laws adequately. Consequently both enforcement procedures and remedies are weak,” says Arti Sangar, a partner at Diaz, Reus & Targ in Dubai. “As a result, trading of infringed goods is continuing to take place in stunning amounts.”

One of the key problems is the ability to enforce rights and

penalties imposed by the judiciary and enforcement agencies against offenders of the IP laws do not rise to this purpose,” says Obeidat. “This has resulted in a surge of counterfeit trade, particularly in respect of brands whose owners have not been aggressive in enforcing their trademarks in the region.”

The enforcement power is insufficient not only within the territory, but also at customs level. Elagab says that border

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Very little information is made publicly available by either the GCC or the national patent offices, which makes it virtually impossible to obtain an overview of the patent landscape in a particular area of interest.

- Tarek Jairwdeh, head of IP,

Meyer-Reumann & Partners, Dubai

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control is among the key problems in the region. “Efficient border measures would prevent the importation of counterfeited and parallel imported products.”

“The public’s disbelief in IP laws and the fact that they are considered to be an unfair monopoly of sorts by society, along

with the noticeably weak legal culture in the GCC countries, has contributed negatively to the establishment of healthy practices and application of IP laws," Garoub says.

On the right holders' side, Garoub says that the budgets

multinational companies allocate to IP protection in the region is contributing to the state of affairs, despite their large volumes of sales and business activities in the region.

"Some of the GCC states have among the highest official fees in the world for trademark prosecution," says Obeidat. "Naturally, the cost of enforcement does not come cheap, with multiple IP regimes throughout the region and vast number of ports, it becomes necessary to engage with many enforcement agencies to ensure solid protection for one's rights is in place."

"In a region with impressive growth rates and a high consumer spend, right holders should step up and understand the importance of ensuring a proper adoption of an enforcement campaign to protect their rights," says Obeidat. "Luxury and famous brands are always sought after, while some traders are taking this opportunity to bring in counterfeits. Dubai and Riyadh remain holding the lion's share in terms of client spending on enforcing their IP rights, yet for specific industries, other locations such as Sharjah, Qatar and Kuwait are equally relevant."

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Applicants must carefully consider which GCC markets are important for them. They will need to determine whether it is more advantageous to first file for a UAE national patent and claim priority under the PCT or to file for a GCC patent and not have the opportunity to claim earlier priority under the PCT.

- James Bowden, associate,
Afridi & Angell, Dubai

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GCC Patent Law Advantages

The unified GCC Patent Law was first introduced in 1987, with implementing regulations published in 1996. Patent applications are filed through the GCC Patent Office (GCCPO), which was established in Riyadh in 1998. Once granted, patents are

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A unified trademark law necessarily requires consensus between the GCC member states. As each member state has varying legal systems and approaches to the protection of intellectual property, reaching such consensus takes some time to achieve.

- Abdus Samad, associate,
Afridi & Angell, Dubai

protected in all six member states. However, the unified patent law is limited to the filing and prosecution of patents; enforcement responsibility lies within each country, says Ghanim.

“There is no doubt that the GCC Patent Law will improve patent protection administration as the process of patent registration on state level is still underdeveloped and challenging,” says Mrad.

If the law is firmly imposed on patent violations through deterrence actions and severe penalties, it can be utilized to protect patent rights, prohibit pirating operations and to encourage more innovation and invention, says Zineldin.

“Patent protection extends to all GCC member states via one centralized filing in Riyadh. This definitely saves time, effort and money,” says Owais.

“The GCC patent system provides a convenient way to secure patent rights in each member states,” says Sasha Parker, an IP consultant at Alsafar & Partners in Dubai. “It is a valuable tool for applicants as it facilitates the protection of patent in multiple jurisdictions.”

Rasha Belbaisi, a legal consultant at Zu’bi & Partners in Manama, Bahrain, sees the advantages from a business perspective. “We believe that the unified patent law among the GCC countries has encouraged local and foreign investors and inventors to invest in the region, through the unification of laws, procedures and granted privileges.”

“Whilst the patent systems in some states such as the UAE and Saudi Arabia are fairly well established, it is fair to say that others are very much in their infancy,” says Sangar. “The Omani Patent Office, for example, has only very recently started formal examination of all pending applications, and the Qatari Patent Office has only recently started accepting local applications. Since both Oman and Qatar are already part of the GCC, it may be more desirable to seek protection via a GCC application in these countries rather than a national patent.”

“In fact, since until this date, patents in both Qatar and Kuwait are not examined or granted. The only way to obtain real patent protection in these two countries is by filing through the GCCPO,” says Ghanim. “It is true that both countries’ offices accept patent applications, but these applications are merely assigned a filing date and filing number with no further action taken.”

Disadvantages of the Patent Law

While lawyers appreciate the advantages brought by the GCC Patent Law, some also see the other side of the coin.

Similar to the general IP problems the region faces, Ghanim says that “the major complaint has been the sluggishness of the prosecution. The rate of decision on patent applications is considered rather slow compared to neighbouring or foreign patent offices.”

“We expect that the numbers of applications will be huge and

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Although the GCC Supreme Council convenes to discuss GCC wide issues, the law-making function remains firmly at state level. There will need to be increased appetite for member states to move towards greater legislative harmonization before the GCC Trademark Law becomes effective.

- Raza Rizvi, solicitor,
Simmons & Simmons Middle East, Dubai

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that it may take a longer time to accept an application because of the data that need to be examined,” says Karim El Gebaily, legal counsel and manager at Talal Abu-Ghazaleh Legal in Dubai.

Besides the long wait to register patents, the application for protection is open to attack by central filing, says James Bowden, an associate at Afridi & Angell in Dubai. "In the event that an

same time."

"Reality tells us that the GCC patent law has no real impact on the economy other than functioning as a window for issuing patent certificates to international invention holders," says Garoub. "This modest situation is due to the fact that national courts in GCC countries do not issue satisfactory compensation awards in patent infringement cases."

"In the GCC countries, patent disputes are heard by traditional civil courts in the Arabic language. The traditional civil courts often lack the specialist patent experience of the dedicated courts and judges," says Saadi. "The result of this is that the GCC is not often a preferred jurisdiction for patent enforcement. The GCC also has very limited availability for injunctions, which would be a primary recourse in other jurisdictions."

In the meantime, the experience of examiners is also an issue. "The substantive examination is outsourced to a foreign patent office. Currently, patent applications filed with the GCCPO are examined by the Chinese State Intellectual Property Office," says Ghanim. This outsourcing increases the time and costs associated with a patent application.

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- Yassin Ghanim, country manager,
Saba & Co IP, Beirut, Lebanon

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opposition to a patent application is successful, it means that the applicant loses protection in all six GCC member states at the

Intellectual Property Office, increases the time and costs associated with a patent application.

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"It is quite essential to consider providing specialist training to the GCC government departments that deal with all types of intellectual properties, and to increase technological awareness in the region," Belbaisi says.

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The unified trademark law will be particularly beneficial to businesses taking part in corporate transactions which cover several jurisdictions in the GCC. The same law will apply in each country which will diminish the need for local trademark advice in each jurisdiction, hence lightening the cost for legal advice.

*- Paul Allen, head of intellectual property and technology,
DLA Piper Middle East, Dubai*

"A further issue is the lack of publicly accessible patent-related information or resources in the region," says Tarek Jairwdeh, head of the intellectual property section at Meyer-Reumann & Partners in Dubai. "Very little information is made publicly available by either the GCC or the national patent offices, which makes it virtually impossible to obtain an overview of the patent landscape in a particular area of interest."

Belbaisi agrees that the lack of published and reported IP cases keeps the enforcement capabilities of those decisions in their infancy. "However, Saudi Arabia tends to experience more patent litigations than others in the region, possibly because it is the seat of the GCC Patent Office," Belbaisi says.

On top of the disadvantages of the patent law, the nature of the GCC also brings obstacles for patent registration. "The GCC patent system operates outside the Patent Cooperation Treaty (PCT), hence the filings are accepted in accordance with a 12-month priority period provided under the GCC Patent Law,"

Trademark Applications Surge

A study released in late 2012 by Thomson CompuMark, the Middle East saw a 600% increase in trademark applications between 1990 and 2011.

Over the last 22 years there have been 133,963 trademarks registered in the UAE and 118,380 in Saudi Arabia. Classes covering pharmaceuticals, electrical and scientific apparatus, advertising and business, cosmetics, and staple foods received the most trademark registrations.

says Sunna. "The concern is that in this case it might be more favourable to file direct patent applications with each country separately rather than using the GCC patent system."

"This is important because it means that applicants must carefully consider which GCC markets are important for them. They will need to determine whether it is more advantageous to first file for a UAE national patent and claim priority under the PCT or to file for a GCC patent and not have the opportunity to claim earlier priority under the PCT," says Bowden.

"With a more favourable priority period being available through the PCT, and with a question mark over the enforcement of GCC patents, it is expected that right owners will look increasingly towards filing patent applications in separate GCC states directly, rather than using the GCC patent system," Jairwdeh says.

GCC Trademark Law Not Yet in Force

Unlike the patent law, the GCC Trademark Law is not yet in force. The trademark law was initially submitted by the GCC General Secretariat and approved by the GCC Trade Cooperation Committee in 1987. By the end of 2005, the GCC Trade Cooperation Committee

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approved amendments to certain articles of the unified law and recommended the submission of the amendments to the GCC Supreme Council for endorsement. The law was then ratified by the Supreme Council in 2006.

The purpose of the GCC Trademark Law is to replace the local trademark laws of each of the GCC member states, thereby creating unified implementing regulations for trademark protection in all states, according to data compiled by the International Trademark Association. However, the GCC Trademark Law is not expected to offer a unified filing system. Trademark applications will continue to be filed separately in each GCC member state. Qatar, the UAE and Saudi Arabia have published their approval in national gazettes.

"The delay in enacting a unified GCC trademark law is because the GCC Commercial Cooperation Committee has reportedly not yet sanctioned its implementing regulations," says Sangar. "Also, given the number of member states involved, administrative hurdles and delays are generally a common occurrence."

"A unified trademark law necessarily requires consensus between the GCC member states. As each member state has varying legal systems and approaches to the protection of intellectual property, reaching such consensus takes some time to achieve," says Abdus Samad, an associate at Afridi & Angell in Dubai.

"Bahrain and Oman signed free trade agreements with the US in 2006 and 2009, respectively," says Obeidat. "Under the agreements, any change to the IP laws will need to be coherent and consistent with the agreement. As such, this may have triggered a delay in the two countries' adoption of the law."

Although the GCC Supreme Council convenes to discuss GCC wide issues, the law-making function remains firmly at state level, says Rizvi. "There will need to be increased appetite for member states to move towards greater legislative harmonization before

the GCC Trademark Law becomes effective. There must also be harmonized thoughts on the executive and administrative infrastructure required to ensure the trademark law is practically effective."

Owais says that the delay in enforcing the unified law could also be associated with political and economic obstacles, not with legal or administrative ones only.

"The GCC trademark law is a model law that has been awaiting adoption by any member state for a long time now. The GCC trademark model law is not a unique case," says Garoub. "It is a common phenomenon in GCC countries that GCC model laws do not attract governments' attention and hence do not get recognized and included in the national legislations of these countries."

Zineldin says that despite certain reasons pertaining alleged technical and financial problems, he thinks it is necessary to expedite activating the unified trademark law in light of the current discussion to establish a federation between the GCC countries.

Advantages of the GCC Trademark Law

"If [brought into] force, the trademark law will unify and harmonize trademark prosecution and protection throughout the GCC member states," says Elagab.

"The main advantage of the unified GCC Trademark Law is the creation of a unified regulatory structure for trademarks. It will allow a better alignment of trademark protection in the GCC region," Mrad says.

"The definition of a trademark has been broadened to include sound and smell marks. The law shall recognize famous trademarks that are well-known in the GCC member states and ensures protection thereof even if the marks are not registered," Ghanim says. "The unified GCC Trademark Law is a step in the right direction in solving counterfeiting issues by imposing stronger punishable measures. It allows for a better alignment of trademark protection in the GCC region."

The law is a promising milestone towards encouraging right holders to exploit their trademarks in Oman, says Walia. "The implementation of the GCC Trademark Law will provide clarification on the status of unrecorded license agreements. It will also provide adequate resolutions to ambiguous issues in the Sultanate's trademark regime with regard to trademarks that are subjects of a license.

Sangar says that having a unified GCC trademark law will remove barriers to IP rights enforcement in the region. "It will indeed resolve ambiguities and safeguard the rights in a wider region. Furthermore companies would also benefit by having a bigger stick to wield over possible infringers," says Sangar.

Obeidat says that having the GCC trademark law harmonizes trademark examinations in these countries. "Although the filing system remains different from country to country, rules such as cancellation and opposition process as well as the acceptance standard of a certain trademark would be unified." He says that once a trademark is registered in one country, it is more likely, at least compared with the current status, that the trademark will be accepted in another GCC country. "The analysis and decisions applied by one trademark office can be guidance for another."

"The unified GCC Trademark Law will be particularly beneficial to businesses taking part in corporate transactions which cover several jurisdictions in the GCC. The same law will apply in each country which will diminish the need for local trademark advice in each jurisdiction, hence lightening the cost for legal advice," says Allen. "Instead of obtaining separate advice from local lawyers in each GCC country, lawyers in Dubai or Kuwait, for example, will be able to provide advice which will be pertinent across the GCC."

Obstacles to the Trademark Law Once in Force

Although the trademark law is not yet in force, lawyers still see potential obstacles for this prospective legislation.

"A full registration status will not be achieved until a trademark is registered in all countries," says Alawneh. "Considering the differences in legislation and practice in each country, [a unified law] could lead to an arduous and long registration process." Alawneh adds that implementing a unified law places a burden on existing local trademark laws, which could lead to a longer time for local trademark practitioners to fully adapt to the new unified law.

Unlike the GCC Patent Law, the unified trademark law will not introduce a multi-class filing system. Trademark owners will have to continue to file separate applications in different countries. "The mono-class system makes the filing process more time consuming and more costly for trademark owners," says Withers. Moreover, "a unified trademark law is not enough to give significant comfort to brand owners, as trademark infringements are often

Facing the Music

Sachin Kerur, a partner and head of Gulf Region at Pinsent Masons in Dubai, takes the music industry as an example to illustrate copyright issues in the UAE.

The UAE Copyright Law protects authors' rights and also contains some "fair dealing" provisions to enable limited fair use of copyright works, Kerur says. "However, there appears to be a level of acceptance of not paying for the use of copyright works. This is particularly evident in the sphere of music rights where, commonly, radio and television broadcasters do not clear music rights for broadcast. While the UAE Copyright Law protects all rights within a music recording, there has been no collecting society approved by the Ministry of Economy to

administer collective licensing of those rights. Therefore, there is no centralized system for licensing rights in a music recording."

The difficulties in clearing music rights in the UAE, together with little expectation of enforcement of infringement penalties, can result in some broadcasters not paying for the music they use, he says.

"This is particularly problematic in respect of traditional local music, where it is difficult to identify and locate various contributors. In order for a music industry to grow, there should be reinvestment of royalty payments in the creation of new works," he says. "A unified copyright law could be an important step in taking forward the issues such as music rights, as it would enable collaboration in licensing and enforcement of music rights across the region."

multijurisdictional,” Withers says. “Businesses across the Middle East require more effective and harmonized enforcement process across the GCC, so that separate proceedings are not required in each jurisdiction.”

Adding to the increase of time and cost, Ghanim says that there are discrepancies across the GCC markets with the use of the editions of the Nice classification system, which can make regional applications more complex.

Although one of the prominent features of the GCC Trademark Law is a broadened definition of a trademark to include sound and smell, Walia does not see any specific advantages for IP right creators in Oman because such marks are already eligible for protection in the country under Royal Decree 67/2008.

Garoub worries that “the real problem is that no one expects the GCC Trademark Law to be enforced, at least not in the foreseeable future. The common belief is that the chances of this happening are very slim.”

How About a Unified GCC Copyright Law?

Despite the fact that all GCC countries except Kuwait are members of the Berne Convention for the Protection of Literary and Artistic Works, copyright is among the weakest of the IP rights in terms of public awareness and implementation in the region.

“The level of copyright awareness is still not satisfactory. The registration process of copyrights in the GCC countries is not clear and can turn out to be disappointing. Public awareness of trademarks and patents is considerably higher when compared to copyrights,” Mrad says.

She says that the Berne Convention determines the minimum copyright protection to be granted in the member states. Membership in the Berne Convention helped significantly in litigation claims, and it has positively affected the process and outcome of various Court decisions.

“The social awareness of the copyright law is becoming more comprehensive as seminars, workshops and training sessions are being carried out in the region,” says Parker. “However, more campaigns are needed in order to fully educate the public in relation to copyright laws in the region.”

“It is important to keep the jurisdiction in mind when taking stock of copyrights in GCC countries. For instance, the IP laws which apply in the UAE are not the same as in many other GCC countries,” says Sangar. She says that there has been some discussion of legal reform, but statutes relating to copyrights have not yet been updated. “Having a unified copyright law will certainly be useful in terms of creating a more predictable legal environment.”

“Awareness of copyright in Oman is relatively low and because of such, right holders tend not to register their works with the copyright office,” says Walia. “Having a unified copyright law in the region would definitely be advantageous for right holders, to the extent if their works could simultaneously be protected in all the GCC States.”

While Walia thinks a unified copyright law would benefit Oman, Obeidat says that it may be useful but not necessary at this moment to have a common copyright law. “As opposed to trademarks, which is a rather busy field in terms of filing, litigation, prosecution and enforcement, copyright does not attract same level of involvement justifying a need for harmonization within GCC states, particularly as copyright protection is afforded regardless whether or not registered,” Obeidat says.

Parker adds that “before administering a unified copyright law, each state should reform its copyright laws, raise awareness of

the copyright procedures, and train enforcement officers so that they have full knowledge of the technical aspects regarding the law application.”

“The law enforcement on copyright is done through the economic departments, police or courts,” says Iman A Salameh, senior editor at Abu-Ghazaleh Intellectual Property in Amman, Jordan. “We do not believe that unified copyright law is very important since registration of copyright is not necessary for the protection.”

“We would see a unified copyright law as a marginal improvement for the region and not necessarily a priority,” says Bowden. “The benefits of unification relate more to the practical efficiencies of a single-point registration in the GCC. Copyrights are rarely registered, so it is unlikely that a unified GCC copyright law would offer any substantial procedural benefits,” he says.

The Future of Unified IP Laws

“Unifying the IP laws in the GCC region shall find the true single market that is attracting investors to a new growing economy, rewarding creative and inventive efforts, and allowing cultural diversity to thrive by offering additional outlets for content in an open and competitive market,” says Ma’an Alkhen, executive director at Abu-Ghazaleh Intellectual Property in Riyadh.

Legislative reform would certainly benefit IP protection and enforcement in the GCC, says Saadi, but a wider reform of both practice and procedure is perhaps more pressingly required, such as the development of specialist IP courts and court processes and wider availability of injunctive relief.

“I genuinely do not believe that a unified IP law would help the culture of IP rights to progress in the GCC region,” says Garoub. “Moreover, I believe that a unified IP law would be unable to change the way IP rights is looked at by businesses or even by the wider society, due to the negative way IP is seen in that part of the world.”

It is not only that additional funds need to be spent, but also the way in which multinational companies goes about seeking protection of their IP rights, says Garoub, who adds that there should be better cooperation with the governments and better response from the society. The current lacklustre situation will not change until the public is shown that the IP laws are working and contributing positively to their lives and economy.

The benefits of the unification of IP laws in the GCC relate more to the efficiency of registration. Obtaining protection from a single point would save time and cost, and avoid bureaucracy associated with multiple registrations. Laws unified in a manner similar to those in the European Union, would avoid multiple registrations in the same region, simplify the procedures and help IP rights protection on larger scale.

“It will be important to achieve more and more uniformity across the GCC in all areas of business law as the GCC moves towards creating an economic zone modelled on the EU,” says Safai. “We see this as a long term goal, and such unification has the potential to offer excellent efficiency through the GCC in the IP field, but we would not consider unification of IP laws to be a necessity at this stage.”

“Improvements have been made on all fronts on IP in the last five to seven years. There is a new political will and there are tangible changes in attitudes by government and, to some extent, by consumers,” says Jairwdeh. “Now we are in a new phase, which in the next years will focus on enforcement and implementation. Having unified IP laws could foster scientific and technical progress, facilitate the transfer of technology, and boost economic growth in the region.” 