

The Gulf Cooperation Council (GCC) patent office

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Abstract

The origins and scope of the Gulf Cooperation Council (GCC) patent office are described, along with information on filing, search, examination, grant, Internet website and the Gazette. The GCC patent office is a regional patent office having the six member states of the Arab States of the Gulf in its membership; Bahrain (BH), Kuwait (KW), Oman (OM), Qatar (QA), Saudi Arabia (SA) and United Arab Emirates (AE). The office grants a regional community patent, one patent valid in the six member states, which is published in Arabic and English.

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1. Origins and initial actions of the Gulf Cooperation Council (GCC) patent office

Their Majesties and Highnesses the leaders of the GCC States approved the statute of patents for the GCC during the 13th session of the Supreme Council held in Abu Dhabi (United Arab Emirates) on December 21–23, 1992. In its 58th session held at the Secretariat General (Riyadh, Saudi Arabia) on March 16–17, 1996, the Ministerial Council approved the implementing bylaws of patents for the GCC. The GCC patent office commenced receiving applications for patents on Saturday, October 3, 1998.

Since then, no patent application was granted until 2002 because the management of the GCC patent office realized that the GCC patent law had to be amended to comply with TRIPS agreement. While continuing to receive applications for patents, the patent office worked on improving its capabilities and amending the existing Patent Law and implementing bylaws.

The Supreme Council for the Arab States of the Gulf in its 20th session held in November 1999 approved the

amendment on the patent law and the Ministerial Council in its 74th session held on April 8–9, 2000 approved the amendment of the implementing bylaws of the GCC patent law. In July 2000 the amended patent law and amended implementing bylaws were applied.

The first GCC patent law and its implementing bylaw were drafted in cooperation with the Saudi patent office. Modeled, mostly, on the Saudi patent law and its implementing bylaw, both of 1990. The GCC patent office, at that time, used the Saudi patent forms available with minor changes according to their law that was a little bit different due to its nature as a regional patent office. Thus the amended GCC patent law and its implementing bylaws were just amendments on the previously existing law, to comply with TRIPS agreement.

Before the existence of the GCC patent law, and office, there were only two patent offices functioning in the region, the patent offices of Saudi Arabia and United Arab Emirates (UAE). The Saudi patent law was created in 1990 and amended in 2004, while UAE applies the patent law of 1992. Both offices accept patent applications and grant patents. Kuwait has a patent law that was created in 1962 and amended in 1999 but we have not seen any granted Kuwaiti patents so far. Nowadays,

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Qatar and Bahrain are working on patent laws of their own while Oman applies its own patent law of 2000 but, also, did not grant any patents yet.

According to the former GCC patent law of 1992 it was not allowed to obtain a national and a regional patent for the same invention, but under the new GCC patent law of 1999 it is allowed.

2. Filing

Since the GCC patent office has no branches, all patent applications must be filed in the office located in the Secretariat General for the Arab States of the Gulf in Riyadh, Saudi Arabia. Residents of any GCC member state can apply directly to the patent office, if they wish to, while non-residents should apply using a local agent. There is no definition for a patent agent in the GCC patent office and such profession does not exist in the area, so any lawyer, attorney, entity or person having power of attorney can act as a patent agent before the GCC patent office.

One year priority is recognized when filing in the GCC patent office, but the GCC priority is not recognized elsewhere in the world because the office is not a Paris Convention member yet. Arabic and English specifications, in both hard and soft copies, are required for filing together with other legal documents (certified priority copy, assignment and power of attorney), if applicable. Minimum requirements for filing are filing forms, complete specification in either Arabic or English and filing fees; remaining documents can be submitted to the office no later than three months from the filing date.

The GCC patent office has created helpful software to allow easy drafting and filing of the patent application. The software is distributed free and available on their web page on the internet to download [1]. This software generates information to be saved on a floppy disk that should accompany the application while filing, the information stored in the floppy disk is the information in the official filing forms. This diskette reduces the time required to enter the data into the GCC patent office database and speeds up the filing process.

If the patent application passes the formality check successfully, a report will be sent to the applicant or his/her agent asking him/her to pay the search and substantive examination fees (one fee for both) and submit some other documents like the Search Report(s), issued application(s) and information about granted patent(s), if any.

3. Search and substantive examination

Since its establishment, the GCC patent office realized the lack of trained local examiners in different fields

of technology for examining patent applications substantively. The first General Director of the office, Mr. Mohammed Al-Raseed, signed agreements with some patent offices to train patent examiners in their respective offices. The newly hired patent examiners are having on-job training in the Australian, Austrian, Japanese and Swedish patent offices. Mr. Al-Rasheed also signed agreements with the Australian, Austrian and Swedish patent offices to do the search and the substantive examination on behalf of the GCC patent office, if requested.

Due to the diversity of technological fields for patent applications and the lack of trained patent examiners for such technological fields, some applications are initially searched and substantively examined in the GCC patent office while the remaining, according to the technological field, are sent to the Australian, Austrian or Swedish patent office for further search and examination. Although applicant must submit soft and hard copies of the application in Arabic and English when filing, still the GCC patent office asks for a soft English copy of the application before the substantive examination to send it to the chosen foreign patent office for further search and examination.

The examination report relies heavily on the published search report of any searching authority. If the application is amended, a second examination report will be generated or a decision for grant or rejection made. Usually, amending the patent application according to the foreign granted patent, if available, should grant a GCC patent for the application.

4. Search facilities

The search conducted in the GCC patent office depends on the available free databases on the internet like the USPTO, esp@cenet[®] and JPO website databases. Thus, if no significant information is obtained through the office initial search, the application is sent for further search in one of the selected patent offices that they can send applications to, for further search and examination. Unfortunately, the GCC patent office is not subscribing to any commercial patent or technical databases.

The office has its own database for filed patent applications that is not for public use. It is used, mainly, for search before examination to avoid conflicting applications.

5. Public sources of patent information from the GCC patent office

The public cannot fully search databases of granted GCC patents, any other related information or view any statistics because there is no publicly available

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