



Gulf Research Centre Cambridge
Knowledge for All

Workshop 5

Intellectual Property in the New Era in the GCC States: Enforcement and Opportunity

Workshop Directors:

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Abstract

One of the GCC objectives is “to deepen and strengthen relations, links and areas of cooperation now prevailing between their peoples in various fields [and] to formulate similar regulations in various fields.” Intellectual property (IP) is an important area of commercial and trade activity that the GCC needs to handle as a union. The GCC needs to review its current regulations and laws to ensure harmony with member states’ laws as well as to meet its objectives and aspirations in respect of Gulf IP. It also needs to formulate new laws and regulations in respect of fields of IP that are still unprotected in the Gulf region, such as regional and member state geographical indications and traditional knowledge and cultural heritage.

The World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of 1995 recognizes a number of key areas of IP rights, namely, copyright and related rights, trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits, undisclosed information and control of anti-competitive practices. Four of those areas are of particular concern

and interest to the Gulf States and the workshop proposes to focus on them, namely patents, trademarks, copyright in the digital environment, and geographical indications. These fields are of key importance for the economic and cultural development of the Arab states.

First, in respect of patents and inventions, the GCC has established a regional Patents Office that receives and examines patents applications and eventually grants protection in all GCC member states when an application matches the listed requirements of originality, novelty, and inventive step. However, the process of examining the invention and granting approval may take at least a year and often much longer, an inordinately long time. Some inventions need to be in the market immediately. As a result, GCC citizens commonly ignore filing and sell their inventions to big companies, generally to their disadvantage. The inventors see their goals as manufacturing their inventions and earning money; wasting time on applications is not an option many inventors like to take. This results in the inventor and the invention being left unprotected against patent trolls and infringers.

Second, in respect of trademarks and international business transactions, the GCC has enacted a Unified Trademark Law and a Commercial Transactions Regulation. Unfortunately, the GCC trademark law does not provide for a unified filing procedure; accordingly, citizens are forced to file separately in all of the six GCC member states in order to obtain protection for their trademarks. Therefore, the GCC needs to create an office with which citizens can file a one-time registration and get protection for their trademarks in all the member states. This would have a positive impact on the business and trade with other countries – particularly when the GCC citizen exports his product.

Third, in respect of copyright in the digital environment, the GCC recently enacted a Unified Cybercrime Law. Yet, this law needs to be approved and adopted by the member states. The articles of this law list illegal acts and sanctions but it does not provide protection for the right holder. It does not protect copyright in the digital context, it only covers criminal actions that took place in the Internet, forgetting that protecting copyright goes beyond that. The law needs to be examined and discussed in a context such as the GRM.

Lastly, the GCC is not giving adequate attention to an important area of IP that has a great impact on international commerce, and on the local industry in a member state, namely cultural heritage and the geographical indications (GIs) that can develop from such heritage. It is well known that the Gulf States have rich GIs but they are not protected locally or regionally. Having the GCC enact a law that protects GIs in the

region can contribute to enhancing export of local products to the world, protecting the Gulf's history and resources and preserving the traditional knowledge of the region.

Description and Rationale

Objectives of the Workshop

The objectives and scope of the workshop include the following:

- Raise awareness of IP rights generally, and especially within the four key areas detailed in Section 1, and strengthen their enforcement in the Arabian Gulf region
- Discuss and make recommendations on current GCC laws concerning IP that the workshop considers would benefit from modification
- Suggest laws and regulations that have an impact on inventions, technology, and sciences.
- Focus on trademarks and patents as key tools in international commerce
- Highlight importance of geographical indications protection for the protection of local and regional cultural heritage industries and products.
- Propose ideas and recommendations for the unification of IP laws and policies in the GCC member states.

Forums such as the GRM could serve as a forum to examine proposals for enacting unified laws in regard to IP in the context of international business and technology. The workshop will highlight the challenges the GCC states face in becoming a real union with one set of laws and regulations. Finally, the workshop will provide applicable solutions to eliminate issues relating to the protection and enforcement of IP in all the member states.

Contribution to the Expansion of Gulf Studies

The workshop will contribute to the expansion of Gulf Studies by providing a forum for discussion and analysis of the current GCC and member state laws and regulations in regard to IP protection and its enforcement. The workshop will examine whether both GCC laws and regulations and the local laws of the member states need to be revised,

especially since some of these laws are now somewhat outdated and out of step with current international standards.

Provision of adequate standards of protection in all IP fields will have an enormous impact on regional and local economies, technology and its transfer, and creativity and inventions. The key factor is to enforce IP laws in each GCC country.

Furthermore, the GCC states must start working as one country in regard to international commerce. Strengthening laws and creating offices in the GCC can shrink the gap between local businesses and international businesses. The workshop will give recommendations and suggestions to expand and protect IP in the region.

Anticipated Participants

The topic would generally be IP protection and enforcement standards in the GCC and the individual GCC member states. However, the workshop directors would welcome papers relating to both Yemen and Jordan IP issues as these countries are potential members of the GCC. Proposed papers would have a number of key areas of focus, namely:

- Gulf intellectual property as an export industry – GCC regional initiatives
- Development, management, and exploitation of Gulf IP rights for the benefits of GCC member states – particularly copyright in the digital context, trademarks, domestically derived patents, and geographical indications
- Protection of Gulf traditional knowledge and cultural heritage systems, either within or in addition to the proposed EU-GCC FTA and other trade agreements
- The proposed EU-GCC free trade agreement, and its intellectual property provisions – are the interests of the Gulf States adequately protected
- Investor-state dispute settlement (ISDS) provisions – do they belong in a Gulf trade agreement?
- Other papers that encompass ideas within the scope of the objectives of the workshop detailed previously.
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Workshop Director Profiles

Alhanoof Al Debasi is an Intellectual Property Law lecturer at Princess Nourah Bint Abdulrahman University (PNU), College of Business and Administration in Riyadh, Saudi Arabia. When Ms. Al Debasi earned her LLB in 2009, she became one of the first

Saudi women in Saudi Arabia to hold a law degree. She worked with Al-Assaf Law Firm in association with Norton Rose and with the Legal Department of King Saud University. In 2013, she graduated with an LLM from the University of Pittsburgh Law School, USA. Ms. Al Debasi previously held positions at PNU, such as the Vice Head of the Department of Business Administration, and Head of the Scheduling Unit. Currently, she is working on developing an IP law program, which focuses on IPR in GCC states, in the Department of Law at PNU. She is also an IP consultant for the University. Ms. Al Debasi has been an active speaker on topics such as empowering Saudi women and women's rights. Besides, she is a member of the Saudi Arabian Women's Advocacy Association and the Muslim Lawyer Association at the University of Pittsburgh.

Prof. David Price is Associate Professor in Law at Charles Darwin University, Darwin, Australia. He holds degrees in international relations, industrial history, Chinese, and law, and has been awarded professional fellowships in management and business. His major areas of academic research and teaching are intellectual property law, public international law, and international trade law. He has published widely on intellectual property protection regimes in the Middle East and other developing regions, and the impact of bilateral and regional trade agreements on domestic intellectual property protection. He has worked, consulted, and researched in institutions in Australia, UK, Europe, and the Middle East. During 1998-2001 he was principal of Sohar College for Applied Sciences (now Sohar University), Sultanate of Oman.

Professor Price's seminal work on intellectual property protection in the Arabian Gulf states of the Middle East, based on his doctoral research, was published by Routledge Cavendish (Taylor and Francis Group) in 2009 and is currently being updated. The second edition of his text on Intellectual Property Laws in Australia, published by LexisNexis Butterworths, is due for release in late 2015. Professor Price is a member of the International Bar Association and of LAWASIA. He is also a member of the Board of the Northern Territory (Australia) Council of Law Reporting and an editor of the *Northern Territory Law Journal*. He holds a Visiting Professorship in the Faculty of Law, Universitas Gajah Mada, Indonesia.

Selected Readings

- Price, David. *Infidels at the Gates: Development of Intellectual Property Regimes in the Arabian Gulf States*. Cavendish UK: Routledge, 2009.
- Ramady, Mohamed (ed.). *The GCC Economies*. New York: Springer, 2012.