

# International Update continued

Moreover, the Iraqi Trademark Office is expected to discontinue the practice of listing classification headings alphabetically, thereby simplifying the organization of classifications in accordance with global standards. Although official confirmation on this change remains pending, this development signals a further step towards harmonization with international norms and improved clarity in Iraq's trademark application process.

## LEBANON

### Zeina Salameh, Saba IP

The Lebanon Intellectual Property Office currently faces substantial operational challenges, largely attributed to the country's ongoing socio-economic crisis. The IPO has reported frequent employee absenteeism and persistent technical issues with its online portal, both of which have disrupted regular trade mark operations. Consequently, the IPO has implemented a blanket extension of all deadlines, thereby granting temporary relief to applicants and agents. This extension applies to all trade mark-related deadlines set to expire on or after 23 September 2024, and will remain in effect until further notice.

While no formal written directive has been issued, this extension has been verbally confirmed by the head of the IPO, ensuring that applicants are not disadvantaged by the office's operational difficulties. Trade mark owners and legal practitioners should be mindful of these procedural delays and maintain close communication with local agents to stay informed on further developments. It is advisable for applicants to keep detailed records of any submissions and correspondences during this period, as the situation remains fluid.

## SAUDI ARABIA

### CWB

The new Saudi trade name law was published on 4 October 2024 and will take effect 180 days after publication. The law establishes clearer rules for the registration and protection of trade names, which are critical for distinguishing businesses in the marketplace.

The law permits businesses to register their trade names and prohibits others from using a registered trade name without permission, while it grants the registered owner the right to seek compensation for unauthorized use. The law prohibits the registration of trade names that conflict with famous trade marks or existing trade names, or that may cause confusion, thus enhancing IP rights protection.

Trade names can be composed of the business owner's name, a distinctive name, or a combination of both. They may

include Arabic or Arabic transliterated words, letters, and numbers, and even names in foreign languages, provided they comply with the rules outlined by the Saudi Ministry of Commerce. However, names that mislead the public or contradict public order, morality, or existing legal provisions are prohibited.

## TURKEY

### Dicle Doğan & Ayşenur Çitak Bozdağ, GUN + PARTNERS

The World Health Organization (WHO) gives pharmaceutical substances international non-proprietary names (INNs) so that each substance can be identified by a distinct name. However, pharmaceutical trade marks cannot be composed entirely of INNs.

The rulings of the Court of Cassation (the CoC) indicate that while pharmaceutical trade marks can be derived from INNs, they cannot consist solely of these names.

For instance, an action was filed claiming that the defendant's trade marks which include the terms CEFITEN and SEFITEN, should be invalidated because they are not unique and directly descriptive for the INN, and the plaintiff invented the CEFDITOREN molecule, which is recognized by the WHO as an INN. The IP Court dismissed the action, ruling that trade marks derived from INNs can be registered even if they lack distinctiveness. The IP Court's decision was upheld by the CoC in a decision dated 15 December 2015.

The CoC determines that trade marks are not confusingly similar if their only shared elements are drawn from active ingredients because it is seen that the CoC has similar approaches to INNs when the trade marks share an element of active ingredients.

In a case where the Trademark Office found the pharmaceutical trade marks CEFIREX and CEFROX to be similar, the plaintiff sought to cancel the decision, arguing that there was no likelihood of confusion since both trade marks were derived from the active ingredient CEFUROXIME. They contended that these trade marks should be considered low distinctiveness or weak marks. The IP Court and the Regional Court of Appeal determined that there is no likelihood of confusion between the trade marks since they only include the beginning CEF- of the active ingredient while all other elements are different. The cancellation decision was upheld by the CoC in a decision dated 7 September 2023.

In another case decided on 27 March, 2024 the CoC upheld the decision given by the first instance court regarding the case where the application PROGESTERONE STEROP was contested based on the plaintiff's trade marks

PROGESTAN and PROGYNEX. Although the court decided that there would be no likelihood of confusion between these trade marks, as the wording PROGESTERONE is considered an INN that cannot be monopolized by the defendant, it has been decided that in terms of the goods covered by the trade mark PROGESTERONE STEROP, the goods in 5.1 and the goods in class 5.2, which are in close relationship and connection with the goods in class 5.1 should be rejected on the grounds of absolute refusal. Decision N°. 2024/2519 <https://karararama.yargitay.gov.tr/index>

In summary, the CoC's decisions shed light on the complex relationship between INNs and pharmaceutical trade marks. Although the court recognizes that trade marks may contain components drawn from INNs, it clarifies that to prevent confusion in the marketplace, these trade marks must be different. The cases discussed demonstrate a consistent judicial approach that permits the registration of trade marks derived from INNs, provided they do not solely consist of these names. Furthermore, the court's hesitance to find likelihood of confusion between trade marks that share only active ingredient elements reflects a nuanced understanding of the unique challenges within the pharmaceutical industry. This body of case law emphasizes the need for pharmaceutical companies to carefully manage the use of established INNs while creating trade marks that are distinctive and memorable in a competitive landscape.

## YEMEN

### Zeina Salameh, Saba IP

Yemen has introduced meaningful updates to its trade mark filing procedures and classification system, effective as of October 2024. Trade mark applicants are now permitted to include up to ten goods or services within a single application, a significant increase from the prior limit of four. This amendment aims to reduce administrative burdens and filing costs, thereby streamlining the process for brand owners and aligning with best practices observed internationally.

Additionally, Yemen has adopted the 12th edition of the Nice Classification, further aligning its classification standards with international norms. Notably, specific restrictions remain in place: for example, goods in Class 33 (alcoholic beverages), certain alcoholic goods within Class 32, and pork products within Class 29 continue to be ineligible for registration. These restrictions reflect Yemen's adherence to local cultural and regulatory standards while integrating global classification updates. Brand owners seeking to register in these categories should be cognizant of these longstanding restrictions and adjust their filing strategies accordingly.