

Local Protection in the Kurdish Region of Iraq: Black, White and Shades of Gray ...

By Zeina Salameh, Saba & Co. IP – Head Office, Lebanon

The Trademark Office (TMO) of the Kurdish region of Iraq adopted the currently applicable schedule of fees of the TMO of Baghdad by virtue of Ministerial Resolution no 3306 dated April 1, 2013. This decision became effective as of June 1, 2013.

As a matter of fact, there are two TMOs currently operating in Iraq: the TMO of Baghdad and another one established only recently in Erbil for the Kurdish region. In principle, the scope of the registration at the TMO of Baghdad covers the whole country including the Kurdish region. Nevertheless, with a TMO for the Kurdish region, trademark owners now have the option of seeking additional local protection in this territory. Owners may either choose to file new applications or to validate the registrations that they already have in Baghdad before the Kurdish TMO. One fundamental premise of having trademarks protected in the Kurdish region (other than providing a central registry in this territory) is that the Kurdish TMO may start placing the marks on watch at the Customs, allowing for an ex-officio border system.

The question of which route to consider in the Kurdish region (validation or a new application) mainly depends on the particulars of the trademark portfolio in Iraq. Needless to say, if the marks at the TMO of Baghdad are already registered, it would be logical to assume that validation at the TMO of the Kurdish region is the better option. This process would entail the submission of a certified copy of the Iraqi registration as documentary evidence. However, seeing that more than one step would be involved in the process and both the TMO of Baghdad and the TMO of the Kurdish region are engaged in the implementation, delays are expected. Therefore, in some instances, even if the marks are already registered at the TMO of Baghdad, choosing to file directly at the TMO of the Kurdish region can have its advantages.

The bottom line is that seeking local protection in the Kurdish region of Iraq cannot be assessed in black-and-white terms. There are no clear-cut answers to the questions of whether or not protection is necessary, or even the question of which route to pursue. This will all depend on the circumstances involved and on the level of risk that the business is willing to take. In short, protection in the Kurdish region may be advisable in certain situations noting that the more solid the portfolio is, the better the position of the trademark owners will be in bringing an infringement claim in the future. Trademark owners of course should seek sound advice before they decide on the best route to pursue.

For more information, please contact:



Zeina Salameh
Assistant Manager – Key Accounts
Saba & Co. IP - Head Office
zsalameh@sabaip.com
www.sabaip.com

Zeina Salameh has been with Saba & Co. IP for 14 years. Her main responsibility is the management of the firm's relations with key clients. She works on tailored regional protection strategies and portfolio management studies to help achieve quality and efficiency, decision support, client attention, improved planning and innovative development of opportunities.