

## Libya - Trademark Office Resumes Work

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According to informed sources at the Libyan Ministry of Economy and Trade, the Trademark Office is expected to re-open nearly two years after its services were interrupted as a result of the latest civil unrest in the country. The Office is now ready to accept search requests and will begin admitting new trademark applications starting May 2013.

The most important change which has taken place in the country following the recent events is related to the Libya-Switzerland relations. Specifically, Switzerland has recently established formal diplomatic relations with the Libyan government after a three-year breakdown in relations between the two countries. The implication of this development is that it will now be possible for Swiss applicants to file new applications.

Here is a timeline on the major IP events that took place in the country over the past three years that are worthwhile mentioning:

### → 2009:

The list of goods and services was revised. The item "veterinary apparatus and instruments" was added to class 10 and the item "decorations for Christmas trees and related products" was removed from class 28. Also, during the same year, a Trademark Appeal Board was expected to be established with the main responsibility of hearing and deciding on appeals against any rejection decision issued by examiners in connection with trademark applications. This plan was interrupted following the recent events.

### → 2010:

A new Trademark Law was published in the Local Gazette and became effective in the country. This law replaces Law no. 40 of 1956. According to the new law, the definition of a trademark has been broadened to include trade names, sound marks, and color marks. The new law recognizes famous trademarks that are well-known in Libya and ensures protection even if the marks are not registered. The law also gives the right to trademark owners to initiate civil and criminal actions against any infringing party. Penalties include a maximum of two-year imprisonment and payment of fines of up to US \$ 7,500. The implementing regulations of the new law have not been issued.

### → 2011:

(1) The certified copy of the corresponding home registration certificate that was usually required in support of a trademark application was dropped.

(2) The Patent Office resumed its operations after a 9-month closure period as a result of the civil unrest in the country.

(3) The country's official name changed from "Great Socialist People's Libyan Arab Jamahiriya" to the more commonly known name (now official) "Libya". The country's international code remains the same (LY).

<b>FREQUENTLY ASKED QUESTIONS</b>	
How is the registration process in Libya?	<p>The registration process in Libya entails several steps prior to a trademark receiving its Certificate of Registration. A summary of these steps is outlined below:</p> <ol style="list-style-type: none"> <li>1. An application is filed to register the trademark.</li> <li>2. The application is placed for examination.</li> <li>3. Following a period of 10 to 12 months, the application is reviewed by an examiner to make sure that it complies with all requirements in order to be available for registration.</li> <li>4. After the examination of the mark has concluded with no issues to be addressed or an applicant has responded adequately to an office action, the application will be published for opposition.</li> <li>5. In the absence of an opposition or in case an opposition is decided in the applicant's favor, the trademark will be registered.</li> </ol>
What are the trademark filing requirements?	<ol style="list-style-type: none"> <li>1. Power of attorney, legalized. A general power may be used for subsequent filings.</li> <li>2. Certificate of incorporation or extract from the commercial register, legalized, with sworn Arabic translation.</li> <li>3. Copy of priority document, if priority is claimed, certified</li> <li>4. 10 prints of the mark for each application. Items 1, 2 and 4 must be submitted at the time of filing. Document 3 may be submitted within 3 months from filing date.</li> </ol>
Is trademark use a registration requirement?	Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation if there has been no effective use of the mark for a period of 5 consecutive years.
How are trademarks classified?	The eighth edition of the International Classification of Goods and Services is followed. However, class 33, alcoholic goods in class 32, as well as Christmas trees and related products in class 28 cannot be registered. A separate application is required for each class.
How long is the opposition period?	Trademark applications accepted by the Registrar are published in the Official Gazette before registration. Oppositions may be filed within 3 months from publication date.
How long is the protection period?	Trademark registrations are valid for 10 years from filing date and are renewable for like periods. There is a grace period of 6 months for late renewals with payment of a surcharge.

***For more information, please contact:***

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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.