

Saudi Vision 2030 and Its Role in the Advancement of the IPR Regime

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HH Crown Prince Mohammed bin Salman Al Saud introduced Vision 2030 in April 2016 to achieve HM King Salman Ibn Abdulaziz Al Saud's directives, with the aim of formulating strategies that express the country's goals and reflect its capabilities, while diversifying and expanding the economy's competitiveness and transforming Saudi Arabia into a global financial marketplace. IP is an important component in a country's economic development.

IP as a Legal Underpinning and Pillar of the National Transformation Program - Vision 2030:

The Council of Ministers' decision approving the regulatory arrangements of the Saudi Authority for Intellectual Property (SAIP) has been welcomed by citizens and IP owners alike. As a matter of paramount importance for HM King Salman bin Abdulaziz, such decisions drive the development process, bring laws and regulations in line with international conventions signed by Saudi Arabia, enhance the level of legal protection, and position SAIP as a one-stop shop for all matters relating to IP rights in Saudi Arabia.

SAIP is committed to reviewing its message and strategic goals to devise a national strategy on intellectual property, develop IP regulations, provide products and services of the highest professional and quality standards, increase awareness of IP rights, oversee the IPR regime in Saudi Arabia, provide information related to this field, and promote cooperation with IP enforcement agencies and relevant organizations.

SAIP offers a number of relevant laws including the Copyright Law, the Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs, and the Trademarks Law.

SAIP's Bylaw:

SAIP aims to regulate, support, develop, nurture, respect, enforce, and promote intellectual property in Saudi Arabia in accordance with international best practices. Indeed, there will be no investment in creativity and innovation if rights are not protected. Hence, SAIP's role and vision to improve national economic competitiveness, oversee the IP regime in Saudi Arabia, and establish itself as a key IP hub in the MENA region.

Innovation and creativity, and an IP regime that provides the incentives to encourage such human endeavour, lie at the heart of human progress. IP is a significant factor for the future evolution of Saudi Arabia's economy. Saudi Vision 2030, a reform program that seeks to diversify the national economy and reduce its dependence on oil, sets out a number of objectives, some of which are directly enabled by IP.

Recognizing the strategic importance of IP in enabling the country to fulfil its ambitions, and the central role that IP rights play in stimulating business growth, competitiveness and national economic performance, the Government of Saudi Arabia recently established the Saudi Authority for Intellectual Property (SAIP) as the sole competent IP authority in Saudi Arabia.

This important move is fuelling progress in building an innovation culture in Saudi Arabia. Efforts by SAIP and other government authorities to create a more diversified and competitive national economy are boosting IP awareness and fostering business growth.

SAIP's Mandate:

SAIP aims to regulate, support, develop, nurture, respect, enforce and promote intellectual property in Saudi Arabia in accordance with international best practices.

It has the following tasks and competencies:

1. Preparing the national strategy for intellectual property, following up on its implementation, after its adoption, and developing work plans and timelines in coordination and cooperation with the relevant authorities.
2. Proposing rules and regulations relating to IP rights.
3. Registration of intellectual property rights, granting and enforcement of protection documents.
4. Providing information on intellectual property rights and making it available to the public.
5. Raising awareness of the importance of intellectual property and the protection of IP rights.
6. Representing Saudi Arabia in international and regional IP-related organizations and defending its interests.
7. Providing an opinion on international IP-related agreements.
8. Following up the implementation of obligations resulting from Saudi Arabia's accession to international IP-related conventions.
9. Promoting the use of intellectual property to build an advanced economy based on knowledge.
10. Establishing databases related to SAIP's field of work and exchanging information with local, regional and international bodies.

SAIP and the Business Sector:

Dr. Abdulaziz bin Mohammed Al-Suwailem, CEO of SAIP, underscored the importance of collaboration between SAIP and the Saudi business sector and SAIP's commitment to delivering high-quality services that meet the demands of the sector and are aligned to its commercial interests, in order to stimulate the national economy and protect trademarks, industries and patents at the national level. SAIP has held several meetings with various Saudi private sector actors to consult on IP issues and the challenges facing the sector in the relevant fields and explore the prospects for cooperation between the two sides in developing an integrated IP protection regime that supports commercial and economic growth and enhances the Kingdom's profile and leading role in this vital area.

The meetings discussed the IP field which includes patents, industrial designs, trademarks, copyright and related rights and plant varieties, as well as SAIP's future direction and timeline, notably the formation of an international advisory board, cooperation with international offices and organizations, ratification of treaties as a matter of priority, and contributing to the establishment of specialized IPR courts.

Extensive discussions are underway between business owners and SAIP officials, focusing on the prospects and areas of cooperation between the two sides and their aspirations for SAIP's role in protecting trademarks and industrial property, promoting IP awareness and education, and consulting the private sector in its activities.

Vision 2030 Target Areas:

SAIP identified the target areas as “the technology target areas of Vision 2030, notably environmentally friendly technologies, products that help diagnose and treat chronic diseases, technologies that address pandemics and the spread of infectious diseases, and competing products of economic value in the Kingdom, in addition to technologies related to Hajj and Umrah.”

IP Infringement:

A number of different forms of IPR infringement have emerged, depending on the nature and type of the rights being targeted. Copyright over artistic and literary works is susceptible to attack and theft through sale, rental, or publication that has not been licensed by the owner of the work. Rights relating to trademarks, industrial designs, and inventions, on the other hand, are susceptible to attack through counterfeiting or piracy.

All such forms of infringement produce economic damages, with serious consequences, and adversely affect IP owners and societies and countries in general. Examples of such damages include:

- **Damage Affecting Owners of Creative Works:** Owners experience weak financial returns as their creative works are exploited without paying money. With dwindling financial returns on R&D investment, the backbone of innovation, owners are ultimately unable to cover this investment cost due to acts of unfair competition involving infringement of intellectual property
- **Damage Affecting Countries:** refers to reduced tax revenue. Since most IP crime is perpetrated outside the realm of legitimate business, without paying any state taxes against such illicit activities, investment shrinks and with it, opportunities for development and growth.

Legal Means of Protection of Private Property:

Defensive Protection:

Defensive protection can be achieved by any of the following means:

- Preventing the publication, manufacture, or reproduction of the counterfeit product.
- Seizure of the counterfeit product.
- Proving an act of infringement of the protected right.
- Accounting for the revenue derived from the exploitation of the work and, in all cases, placing it under attachment.

Remedial Protection:

Such protection entails the punishment to which the infringing party is liable under law and is structured around two key areas:

- **Criminal Penalties:** a fine or imprisonment or both, where an act punishable by law is committed.
- **Civil Penalties:** compensation ordered against a party engaged in copyright infringement or an act constituting an offence under law.

SAIP's Plans In Line With Vision 2030:

In the coming months and years, SAIP will continue to invest in building IP awareness and greater respect for IP rights. Plans are afoot to establish an IP National Committee to coordinate all IP enforcement across government. Chaired by SAIP and comprising representatives from a range of government enforcement

agencies, the Committee will ensure broad compliance with IP laws and regulations across the Kingdom.

A number of initiatives are also in the pipeline. These include the appointment and deployment of IP Respect Officers within government agencies. These officers will be at the forefront of efforts to protect and promote IP rights across those agencies. The officers will be trained by SAIP to become the “go-to” person within their respective agencies for all matters relating to IP.

Saudi Arabia recognizes the importance of protecting IP rights to enable innovators, creators and innovative businesses, small and large, to leverage the economic value of their intangible assets. By fostering innovation, creativity and business growth in this way, the broader population will benefit from access to a constant flow of new technologies and creative products as well as the advantages of a thriving economy. The recent evolution of Saudi Arabia’s IP landscape promises to yield significant benefits and is an important step towards achieving the objectives set out in the Saudi Vision 2030.

Lastly, the aforementioned steps that have been taken on the IP front in line with Vision 2030 are the tip of the iceberg. The Kingdom of Saudi Arabia is already well along the path of progress and prosperity as it continues to reach key milestones, nationwide, in various economic, educational, health, social, transport, communications, industrial, electricity, water and agriculture sectors. Together, these milestones encapsulate the Kingdom’s comprehensive and integrated approach to nation building and development and elevates Saudi Arabia’s position even further amongst the most advanced nations of the world.

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