

Saudi Arabia - Enforcement of Power of Attorney Requirements for Applications from 2012

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The Saudi Arabia Department of Official Gazette and Trademark Offices have announced that there will be stricter enforcement of regulatory guidelines regarding the filing of Power of Attorneys as follows:-

The Trademark Office will require all new trademark applications filed from 1 January 2012 on behalf of foreign companies be accompanied by (a) an original Power of Attorney or (b) a copy of a Power of Attorney where the original Power of Attorney must be presented for sighting by the Trademark Office.

The Power of Attorney must bear a date less than 10 years from the date of execution thereof.

Practical Considerations

Currently, a mere copy of a Power of Attorney is sufficient. This means that foreign applicants may file trademark applications using a faxed or scanned copy of a duly legalized Power of Attorney. In 2012, foreign applicants would need to ensure that they have an original duly legalized Power of Attorney in place with their trademark attorneys in Saudi Arabia to lodge a trademark application.

Foreign applicants wishing to file trademark applications in Saudi Arabia in 2012 must ensure that their Power of Attorney documents authorizing their trademark attorneys in Saudi Arabia are less than 10 years old.

As these Power of Attorney documents must be legalized, which can be a time consuming process, foreign applicants are well advised to make sure that they have an updated Power of Attorney in preparation for compliance with these new rules in 2012.

There is no provision for late filing of the Power of Attorney. Hence, for applicants wishing to claim Convention priority, it is imperative that they have an updated Power of Attorney in hand for timely filing of trademark applications in 2012.