

Kuwait – Industrial design applications being processed

by Tarek Abu Mariam - t.abumariam@tamimi.com - Kuwait City

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The Kuwaiti Law number 4 in respect of Patents and Industrial Drawing & Designs and Integrated Circuits issued on 15 April 1962 provided the procedures for the application for registration of patents and designs, including in respect of examination and publication.

Unfortunately these procedures have not been available to prospective applications during the past years for many reasons, including the lack of the necessary competencies to carry out the examinations.

In the past, the Patent Office would accept applications and provide filing receipts, but no further action was taken in respect of such applications. The result was that prospective applicants started excluding Kuwait from their protection strategies and more importantly business models related to key inventions. The risks associate with the infringement of key patents in Kuwait resulting from the absence of adequate protection for patents and the ability to prevent such infringement became a critical risk factor for assessment in deciding whether to enter the Kuwaiti market for certain business.

This situation has changed to some extent and the good news is that the Kuwaiti Patent Office has started examining industrial design applications and publishing them for opposition purposes. Once the period of opposition expires, the Patent Office will issue a registration certificate in compliance with the above mentioned law.

It is hoped that this is a possible first step for the Kuwaiti Patent Office to begin the examination of patents and complete the registration process for the grant of patent protection in the state of Kuwait. Many countries have cooperated well with the European Patent Office (EPO), United States Patent & Trademark Office (USPTO) and The World Intellectual Property Organization (WIPO) in respect of the functioning of their patent systems and collaboration with these offices may also be valuable to the Kuwaiti Government to ensure that Kuwait's patent system becomes fully functional.

The next important question for design right owners is going to be how effective the enforcement of design rights will be in Kuwait.