

## ***How to Obtain Legal Protection for Your Trademark in GCC Markets By Kuwaiti Attorney Abdulrahman Alhouti***

*Trademarks are among the most important elements of intellectual property that align with most local legislations of member states in international agreements aimed at protecting creativity, innovation, and enhancing economic competitiveness. The most significant of these are the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Paris Convention for the Protection of Industrial Property. The TRIPS agreement deals with trade-related aspects of intellectual property rights and is binding for all World Trade Organization members, while the Paris Convention applies to industrial property in its broadest sense, including patents, trademarks, industrial designs, service marks, trade names, geographical indications including source indicators and appellations of origin, as well as the prevention of unfair competition.*

*In addition to Kuwait's membership in these two agreements and its commitment to their provisions, its legislative framework governing trademarks is fully aligned with the GCC Trademark Law, which establishes clear legal guidelines for organizing trademark rights and ensuring their protection in accordance with international standards.*

*Kuwait began its regulatory procedures for trademarks in its commercial market after the enactment of Law 13/2015, starting with opening priority right claims, reaching 200,000 registered trademarks in 2021 according to Ministry of Commerce and Industry statistics.*

*Despite Kuwait's regulatory steps spanning nearly a decade and the documentation of this large number of trademarks, it is surprising that*

*over 25% of trademarks operating in the Kuwaiti market remain unregistered. This highlights the importance of raising awareness among commercial companies and business owners about trademarks as an essential part of the modern trading system, as trademarks give products and services provided by companies an identity that helps build trust with customers or consumers.*

*Our legal duty here is to warn about the legal risks faced by companies operating without registered trademarks, including:*

- Potential exploitation of their commercial identity by others without legal restrictions*
- Difficulty in claiming compensation in disputes due to lack of ownership proof*
- Loss of exclusive rights with increased likelihood of registration by other parties, forcing the original trademark owner to eventually surrender it*

*When registered, a trademark owner enjoys legal protection in Kuwait for 10 years, renewable for similar periods. During this period, the law prohibits any party from using or imitating the trademark without the owner's permission.*

*We advise companies and business owners in the Kuwaiti market, or foreign companies wishing to enter it, to immediately register their trademarks to avoid future disputes and regularly review registered marks to ensure continued protection. We also call on relevant authorities in the Ministry of Commerce to launch awareness*

*campaigns about the importance of trademark registration as part of companies' business strategy.*

*Closely related to trademarks is the matter of patents, which in Kuwait is regulated by Law No. 71 of 2013 concerning the GCC Patent Law. This is one of the common laws among GCC countries aimed at unifying patent registration procedures in Gulf states.*

*Patents are granted for a non-renewable period of 20 years after the registration application undergoes technical and legal examination to ensure the invention meets the conditions of novelty, innovation, and applicability. Once issued, the patent certificate provides legal protection for the product or invention content in all GCC countries from the date of patent grant. The holder has the right to manufacture, sell, import, or use the product or invention throughout the patent period, which expires after twenty years from the date of filing the patent application.*

*Finally, I believe that the laws governing trademarks and patents in Kuwait, which stem from the unified GCC system, provide business owners in the Kuwaiti commercial market with effective protection that guarantees the rights of companies and inventors while creating a stable environment for investment and innovation. From my perspective, the only thing lacking is the adoption by relevant authorities of an awareness plan to increase understanding of intellectual property in general and the development of necessary mechanisms to combat infringement.*

***Author's Biography:*** *Abdul Rahman Ibrahim Saad Alhouti is a distinguished lawyer and managing partner at one of Kuwait's leading law firms.*

*With extensive experience litigating before all Kuwaiti courts, he is also a certified arbitrator by the Ministry of Justice and several prestigious arbitration centers, including the Arbitration Center of the Kuwait Lawyers Association and the Commercial Arbitration Center for the Gulf Cooperation Council States.*

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