

Middle East Intellectual Property Newsletter Vol. 72
Special Newsletter on International Cooperation in the Field of Intellectual Property in UAE

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1. Introduction and establishment and operation of an IP agency

UAE is no doubt emerging as the international hub, involving large-scale trade, a vast dimension of imports and exports, and a busy market for all business entities. Hence such a country requires a strict framework, regulations, laws, forces, administrative authorities and procedures for smooth functioning, without encumbrances and serious issues. The UAE is doing its best to ensure better IP practices, laws and regulations in the country in order to maintain an attractive business environment for all entities/individuals in the countries. The country leaves no stone unturned in order to make sure that the IP rights of all parties in this country are well protected.

Ministry of Economy of the UAE: The regulator of Intellectual Property Rights in the UAE

The intellectual property sector in the United Arab Emirates is monitored and regulated by the Ministry of Economy of the UAE. The Ministry of Economy is the competent authority to register and protect intellectual property in the UAE, hence this Ministry is primarily the most foremost Authority to regulate and protect the IP rights of all parties in this country.

Apart from the Ministry of Economy, other respected bodies such as the Courts, administrative bodies such as the Department of Economic Development, the Customs, etc. also play their own crucial role in protecting the IP rights of parties in the country, for matters that come under their purview.

We are listing below, some of the items of Support and Cooperation from the country, through its responsible framework and regulatory bodies.

2. Preparation of IP policy and IP strategy

The Ministry of Economy does not clearly state the current IP policy nor the IP strategy, however, the Ministry of Economy's Strategic Objectives for 2017-2021¹ was to enhance the UAE's competitiveness in intellectual property rights and create a stimulating environment for research, development and innovation.

3. Support for legal system creation

Introduction of Law No. 36 for the year 2021 concerning the Trademarks²

One of the recent landmark changes in the Intellectual Property sector was brought about by the introduction of the new law No. 36 concerning trademarks which was put forth in the year 2021, which is another stepping stone for building an advanced trademark registration and protection system in the Country.

It is important to note, that apart from the fresh outlook of the new system, the new law has brought about some very important changes in the system, which were previously not allowed under the old law. We are

¹ [Strategic Objectives | Ministry of Economy - UAE \(moec.gov.ae\)](#)

² [WIPO Lex](#)

listing some changes below, in order to summarize the changes:

- The new law has introduced a new provision related to the registration of geographical indications and holograms. The new law now allows parties to acquire registration for geographical indications and holograms, which was previously not provided by the old law.
- The new law also provides for the registration of three-dimensional marks, contrary to the absence of the same in the old Law.
- Although it has not started in practice, but the new Law allows Multiple class filing for trademarks.
- The new Law also enables one to register similar marks in the same class as long as the goods or services are different from one another.
- The new Law also indicates the possibility of registering a group of marks that are identical in their essential elements as one application.
- One important aspect covered by the new Law is the possibility of canceling an infringing/challenged trademark registered in bad faith at **any time**, in contrast to the old Law, which provided a deadline of 5 years from the date of registration.
- The new Law enables the customs authorities to seize counterfeit goods of a party, for a period of 20 days
- The New law indicates more penalties and fines for trademark infringement crimes and more judicial periods that allow the trademark owner to file a lawsuit

Some notable points:

- For the applications which were filed with a simply signed POA, the legalized POA could be filed within 90 days (not in 30 days as before), otherwise the application will be rejected. This is contrary to the practice as per the old law, wherein an original legalized POA was mandatory at the time of filing the trademark application.

- No trade license is required for the individual applicants if their address in the application is in UAE. Only a copy of his/her UAE ID should suffice. However, the trade license is still required for local UAE entities.

Introduction of the New Anti-Commercial Fraud Law³

The Federal Law No (19) for the year 2016 in respect of Combating Commercial Fraud (New Law) was issued by the UAE Federal Government on 12 December 2016. This Law replaces the Commercial Fraud Law (Federal Law No. (4) of 1979).

The new Law it imposes significantly severe penalties as compared to the superseded Commercial Fraud Law of 1979. This means that the new law is very much a deterrent as compared to the Old Law.

³ [Jareed 674 .indd \(moec.gov.ae\)](#)

The below table gives you an insight into the difference/severity of the penalty between the two Laws:

	New Law		Old Law	
	Imprisonment	Fine (AED)	Imprisonment	Fine (AED)
Committing commercial fraud	2 years	50,000- 200,000	2 years	500- 10,000
Attempt to Committing commercial fraud	1 year	10,000- 100,000	2 years	500- 10,000
Committing or attempt to commercial fraud in case the subject of the crime is human or animal food or medical drugs or agricultural crops or organic agricultural products	2 years	250,000- 1 million	2 years	500- 10,000

The enactment as well as implementation of the Anti-Commercial Law as well as the bylaws of 2020, throw light on the UAE's vision to combat the circulation of fraud/corruption and counterfeit goods in the UAE market. It is no exaggeration to mention that this Law will be one of the milestones for the UAE to achieve the desired result, of robustly combatting the menace of Illegal competition and counterfeit regulation.

The new Commercial Agency Law⁴

On 15 December 2022, UAE issued the new Federal Law No.3 of 2022 regulating commercial agencies.

The most prominent provisions of the new law are as follows:

- A new mechanism for settling disputes between the principal and the agent by resorting to arbitration whenever they agree to do so.
- Introducing specific cases for the termination of the commercial agency contract through controls and requirements for the notification period and exit mechanisms.
- Allowing international companies to carry out the business of commercial agencies for their own products in accordance with specific conditions and a decision of the Council of Ministers.
- The new law permits public shareholding companies incorporated in the country, in which the shareholding of state citizens is not less than 51% of its capital, to practice commercial agency business while limiting the practice of commercial agency business to citizens only in the various forms of agencies, which contributes to creating an option for Family companies that own commercial agencies and support their transformation into public joint stock companies.

The law also authorized the Council of Ministers to allow any of the international companies to carry out the business of commercial agencies for their own products, according to specific conditions, the most important of which is that this commercial agency should not have a commercial agent inside the country.

⁴ [bfbfb008-caea-deba-3c81-cd1b99da1817 \(moec.gov.ae\)](https://www.moec.gov.ae/bfbfb008-caea-deba-3c81-cd1b99da1817)

The law affirmed that it is not permissible to practice commercial agency business in the country except for those who are registered in the commercial agencies registered at the Ministry of Economy, and any commercial agency that is not registered in this register is not considered.

The law specified explicit and specific cases for the termination of the commercial agency contract, providing the best services and prices to consumers through fair competition between agents, whether current or potential entry into the market from national companies and encouraging agents to improve their performance to ensure the continuity of the relationship.

The law also regulated the procedures and provisions for the termination of the commercial agency with mandatory controls, provisions, and periods regarding notices (one year or half of the remaining contract period, whichever is less, unless otherwise agreed), while regulating the transfer of assets to the new agent at fair value, according to clear and specific conditions.

The new law addresses the phenomenon of interruption of services and goods when there is a dispute between the principal and the agent so that the law guarantees the continuity of the flow of goods and services during the period of the dispute, and the ministry is responsible for determining exclusive sources to enter them for a temporary period, provided that the principal is responsible for any compensation awarded in favor of the agent by a final judicial decision.

The law introduced a new mechanism for settling disputes between the parties by resorting to arbitration, whenever the agency parties agree to that, and after the committee's decision is issued within the prescribed appeal period.

In addition, the Commercial Agencies Law targets business owners, national companies and entrepreneurs, local and international commercial agencies that wish to transfer their activities to the UAE, and local and foreign investors.

The law will enter into force six months after its issuance, specifically on June 16, 2023. As for the provisions for the termination of the agency contract, they will be applied as follows:

After two years of valid commercial agency contracts.

After the lapse of 10 years for commercial agencies whose registration of the same agent has passed for more than 10 years or commercial agencies in which the volume of the agent's investment exceeded 100 million dirhams, the law thus protects the stable conditions and national investments in this vital sector.

The regulations of the new trade agency law are still awaited to be issued.

Executive Regulation of the New Industrial Property Law⁵

With the publication of the Executive Regulation of the New Industrial Property Law, there were major beneficial changes brought about in the process of filing and protecting Industrial property, which we are listing below:

Notarization of Documents: The Executive Regulation stipulated in Article 19 (6) that the documents shall be duly certified in accordance with the Ministry's instructions. The Ministry confirmed that only notarization is required. Accordingly, the legalization of the documents (such as Power of Attorney, Deed of Assignments, etc.) from the UAE consulates in the Applicant's country is no longer required. The elimination of the legalization process required by the Former Law and practice will ease the process for Applicants which used to consume time, costs and effort.

Accelerated Examination: Article 14 of the Law and 38 of the Executive Regulation provides that the Ministry may expedite examining an urgent or utility certificate application prior to others, regardless of the filing dates or the date of examination request, upon the request of the applicants or from its own initiative.

Application Conversion: Article 6 of the Law and Article 29 (2) of the Executive Regulation provides that an applicant for a utility certificate may convert the application into a patent application and vice versa, within the scope of the original application, while the application is being examined by the Ministry. The original application will be considered withdrawn at the time of transfer. This possibility is introduced recently by the new law and the Executive Regulation.

Executive Regulation of the New Copyright and Neighboring Rights Law⁶

The Cabinet of Ministers Resolution No. (47) of 2022 regarding the Executive Regulations of Federal Law No. (38) of 2021 concerning Copyright and Neighboring Rights was published on May 13, 2022, Gazette no. 727/52 and came into force on May 14, 2022. there were major beneficial changes brought about, which we are listing below:

Future Intellectual Production: The disposal of future rights which, under the Former Law was limited to five works is increased to ten works as per Article 18 of the Executive Regulation.

⁵ [New Executive Regulation of Industrial Property Law complements UAE's legislative patent system | Ministry of Economy - UAE \(moec.gov.ae\)](#)

⁶ [Ministry of Economy reviews executive regulation of Federal Decree- Law Concerning Copyright and Neighbouring Rights | Ministry of Economy - UAE \(moec.gov.ae\)](#)

4. Practical Support and Capacity Building

Cooperation agreement with the Korean Intellectual Property Office (KIPO)⁷

Under the terms of the agreement back in 2014, highly qualified technical experts and patent examination experts from Korea were assigned to the International Center for Patent Registration to consolidate and reinforce the IP infrastructure and provide consultation and training services to further update the legislative and regulatory frameworks of the patent system.

UAE also signed an MOU with Korea to import its patent automation system to conduct their patent and design administration online, and to improve the global IP system for the post-oil era for the Middle East region.⁸

The most recent cooperation was discussed last year, MOU was signed on enhanced cooperation to implement collaborative activities in a wider range of areas, such as the utilization of patent information for the identification and development of national strategic technologies.⁹

INTERPOL holds training on Detecting Fraudulent Identity Documents¹⁰

The largest international law enforcement agency, the INTERPOL held a 3-day training session on Detecting Fraudulent Identity Documents in collaboration with the Ministry of Interior in Abu Dhabi as well as ID now (which is also a specialist in detecting identity fraud). In the said training, the instructors from INTERPOL's Counterfeit Currency and Security Documents (CCSD) unit and its partner ID carried out training of around 20 border control and immigration officers from Abu Dhabi. The training bolstered security document examination techniques which would help enhance border security checks.

In the pursuit to curb the menace of intranational fraud, the participants were trained on the latest security features planted in official government identity documents. The training also included practical lessons for identifying fraudulent documents including forged documents, counterfeits, and documents obtained fraudulently. The training included the use of artificial intelligence and machine learning to improve the detection of fake documents through training.

Dubai Police Organize a Virtual Workshop on “Copyright and Creative Industries” in Cooperation with WIPO¹¹

The workshop was held in December 2022, to enhance the employees' awareness of the importance of intellectual property. The concept of “A balanced approach to the unleashing creative ecosystem in the field of copyright and creative rights” were highlighted. By providing requirements such as the establishment of

⁷ [Korean Intellectual Property Office Public Relations > News \(kipo.go.kr\)](https://kipo.go.kr)

⁸ [Korean Intellectual Property Office Public Relations > News \(kipo.go.kr\)](https://kipo.go.kr)

⁹ <https://wam.ae/en/details/1395303118985>

¹⁰ <https://www.interpol.int/en/News-and-Events/News/2022/Detecting-fraudulent-identity-documents-focus-of-INTERPOL-training>

¹¹ <https://m.facebook.com/dubaipolicehq/photos/a.179855485406259/5924928324232251/?type=3>

a unified IP system to keep pace with legislative development and law enforcement as well as the importance of including IP in the study programs to create a better environment for protecting copyrights.

5. IT and System Development

The UAE is one of the top countries for future readiness with a forward-thinking approach to enabling IT system development for intellectual property.

Ministry of Economy's eServices¹² enables various access to trademarks, patents, industrial designs, and many more services. The steps and procedures, relevant terms and conditions, requirements, and fees can be checked through this portal. For foreign applicants, it is necessary to appoint a representative, a locally registered UAE IP agent.

6. Conclusion of Treaties, Agreements, MOCs and MOUs

Apart from developing laws and regulations, the leadership of this country believes that achieving the desired result would be not possible, if they do not support this field, with subsidiary backing of training, creating awareness, and taking the right steps in evaluating and handling the situation in practicality.

For this purpose, UAE has witnessed the establishment of a number of organizations, the signing of memorandums with a number of countries, and the organizing of workshops for creating awareness, among others. We are listing some of the recent developments in the country as follows:

[ERRA signs cooperation agreement with CADRA to ensure protection of reprographic rights¹³](#)

CADRA is an NGO that collectively protects and manages copyrights of authors, and Argentine and foreign publishing houses, and provides users with legal access to texts in Argentina.

By the end of the year 2022, the Emirates Reprographic Rights Association (ERRA) signed a cooperation agreement with The Centre for Reprographic Rights Administration of Argentina (CADRA), to defend the reprographic rights of authors and publishers, along with protecting and promoting creativity and intellectuality.

The agreement is to ease the regulation and processing of procedures such as granting a license to use the rights of member authors and publishers, which will lead to cultural exchange between the UAE and Argentina and it promises to provide the UAE libraries with works of Argentine authors while introducing Emirati publishers and authors to Argentine culture. Hence, a large exchange of cultural ideas is expected to take place with the aid of such an agreement.

¹² [eServices | Ministry of Economy - UAE \(moec.gov.ae\)](#)

¹³ <https://wam.ae/en/details/1395303115148>

MOU signed between Ministry of Economy and International Federation of the Phonographic Industry (IFPI)¹⁴

The Ministry of Economy has signed a Memorandum of Understanding with the International Federation of the Phonographic Industry (IFPI), with an aim to identify new ways to promote the system that protects the rights of authors and inventors in creative industries, especially in the artistic and musical sectors in the UAE.

The MOU will enable the forming of a joint management group, consisting of teams from the Ministry of Economy and IFPI, which will look into the following main objectives:

- maintaining the broadcasting and performance rights in the country,
- launch awareness campaigns for musical records,
- guarantee non-infringement of copyrights for companies working in the creative industries,
- establishing a joint work committee between the Ministry of Economy and the IFPI to set work foundations and procedures which protect the rights of authors in creative audio, musical, and artistic activities.

Such a memorandum only ensures the continuous development of the music industry in the country.

Extension of the Memorandum of Understanding between Dubai Police and WIPO¹⁵

In its role for protection and enforcement of Intellectual Property rights of parties in the city, the Dubai Police have extended the Memorandum of Understanding (MOU) with the WIPO, with an aim to promote intellectual property rights and the protection of the same as a joint effort, as per the international regulations and agreements.

The MOU intends to achieve the objectives of the Dubai Police, to accelerate and promote communication within institutions, bodies and government and private organizations within and outside the country, with an intention to promote the wide exchange of knowledge, information and experiences in various fields.

In its efforts, the Dubai police organized annual workshops in coalition with WIPO, with an aim to educate and create awareness among its employees on the relevance, and importance of the concept of IP.

International Partnerships

¹⁴ <https://wam.ae/en/details/1395303053743>

¹⁵ <https://m.facebook.com/dubaipolicehq/photos/a.179855485406259/5839637462761338/?type=3>

World Trade Organization (WTO)¹⁶

The UAE joined the WTO in 1996. The accession to the organization offers low tariffs on UAE exports and protection of local markets from product dumping. The UAE was required to update local legislation and laws in many fields including intellectual property rights to meet the highest international product standards and facilitate national companies to take a major role in international trade.

The Ministry of Economy offers various e-services explicitly designed to meet the needs and requirements of individual and corporate customers and government entities to protect their intellectual property rights.¹⁷

Free Trade Agreements (FTA)¹⁸

FTAs are when two or groups of states sign an international agreement for the purpose of completing or at least partially removing restrictions into their markets in all fields including intellectual property rights. Under these agreements, all acquired benefits are solely restricted to their signatory states. Each party retains the right to organize its trade arrangements such as tariffs, customs duties, and other arrangements with non-signatory parties.

Recent regional trade agreements are going beyond the elimination of tariffs, and a wide range of topics such as the protection of intellectual property rights from infringements resulting from the increased leakage of counterfeit products into markets.

List of countries the UAE has signed GCC FTAs within the GCC framework	
FTAs signed by the GCC States	Singapore European Free Trade Association (EFTA) New Zealand
Countries and economic blocks that the GCC States are currently negotiating FTAs	The European Union The Mercosur (Argentina, Brazil, Paraguay and Uruguay) Australia China Turkey Korea Japan India Pakistan
Countries concluded FTAs with the GCC States	Hong Kong Chile

¹⁶ [World Trade Organization \(WTO\) | Ministry of Economy - UAE \(moec.gov.ae\)](#)

¹⁷ [eServices | Ministry of Economy - UAE \(moec.gov.ae\)](#)

¹⁸ [Free+Trade+Agreements+Booklet+en.pdf \(moec.gov.ae\)](#)

	Malaysia
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Comprehensive Economic Partnership Agreement (CEPA) ¹⁹		
Country	Signed year	Agreements related to intellectual property rights
UAE-India ²⁰²¹²²	February 2022	<ul style="list-style-type: none"> • Strengthens the protection and enforcement of intellectual property rights to promote technological innovation and to transfer and disseminate technology. • Ensures the provisions are balanced with existing UAE laws, regulations, and international commitments. • Aligns commitments with the WTO on TRIPS and Public Health, affirming the rights of countries to take measures to promote public health.
UAE - Israel ²³	September 2020	The agreement includes regulation and standardization, customs, trade in services, government procurement, digital trade, and the preservation of intellectual property rights. ²⁴
UAE - Indonesia ²⁵	July 2022	The agreement includes eliminating tariffs and boosting investment and involves chapters on tourism, intellectual property rights, and mutual recognition of each country's halal certification.
Ongoing CEPA negotiations		
UAE - Cambodia ²⁶	October 2022	The negotiations on the liberalization of goods and services, investment promotion, e-commerce, trade technical barriers, sanitation and phytosanitation, intellectual property rights, economic and SME cooperation, etc. to be the supply base for the Middle East and ASEAN regions.

¹⁹ [Comprehensive Economic Partnership Agreements | Ministry of Economy - UAE \(moec.gov.ae\)](#)

²⁰ [UAE-India Comprehensive Economic Partnership Agreement | Ministry of Economy - UAE \(moec.gov.ae\)](#)

²¹ [Final+Agreement_UAE+India+CEPA.pdf \(moec.gov.ae\)](#)

²² https://www.moec.gov.ae/documents/20121/1347101/EN_Ministry+of+Economy+Handbook_FINAL.pdf

²³ [UAE and Israel sign Comprehensive Economic Partnership Agreement to advance bilateral trade beyond USD 10 billion in 5 years | Ministry of Economy - UAE \(moec.gov.ae\)](#)

²⁴ [UAE CEPA \(embassies.gov.il\)](#)

²⁵ [UAE-Indonesia CEPA to launch new era of strategic cooperation: Ministers, officials \(mofaic.gov.ae\)](#)

²⁶ <https://www.cpp.org.kh/en/details/330144>

[French National Institute of Industrial Property \(INPI\) to collaborate on intellectual property rights²⁷](#)

The Ministry of Economy and INPI have signed-off on a business plan for 2019-2020 on enhancing intellectual property rights awareness and applications.

The business plan includes raising awareness on the importance of registering intellectual property rights of small and medium-sized enterprises as well as the training of staff at the Ministry's International Centre for Patent Registration (ICPR), engaging with school and university students on intellectual property through workshops.

7. Conducting forums and meetings

Country	Content of the forums and meetings
Ireland ²⁸	This meeting included granting 100% foreign ownership, issuing legislation protecting intellectual property, and launching an ambitious national strategy to attract talent and creative minds in all sectors.
Italy ²⁹	Dubai Customs discusses furthering trade cooperation as well as the role of the Intellectual Property Department in protecting IP rights, recycling counterfeit products, resolving IP disputes and registering trademarks.
USA ³⁰	UAE-USA 9th Economic Policy Dialogue (EPD) September 2022 The joint statement include; <ul style="list-style-type: none"> • the progress made on appointing the United Arab Emirates' first Intellectual Property Attaché • increased engagement on data privacy • participation in the Global Cross Border Privacy Rules (GCBPR) Forum • cooperation on combating illicit finance
Jordan ³¹	The Ministry of Industry and Advanced Technology (MoIAT) and Jordan Standards and Metrology Organization agreed to exchange information on special training programs, the protection of intellectual property rights, and expertise in the fields of standards as well as to cooperate in the field of certificates and hallmarks for items made of precious metals.
France	UAE-France 14th Strategic Dialogue June 2022 ³² The 10-year bilateral roadmap of the partnership (2020-2030) includes bilateral cooperation, such as economy, trade and investment, oil and gas,

²⁷ [Emirates News Agency - Ministry of Economy, French INPI to collaborate further on intellectual property rights \(wam.ae\)](#)

²⁸ <https://wam.ae/en/details/1395303124103>

²⁹ <https://wam.ae/en/details/1395303088816>

³⁰ <https://wam.ae/en/details/1395303088619>

³¹ <https://wam.ae/en/details/1395303085783>

³² <https://wam.ae/en/details/1395303054098>

	<p>decarbonized hydrogen, nuclear and renewable energy, climate change, education, culture, health, artificial intelligence, food security, fintech, intellectual property rights, anti-money laundering and combating the financing of terrorism, space, and cybersecurity.</p> <p>The visit of President His Highness Sheikh Mohamed bin Zayed Al Nahyan to France on July 2022 made a positive impact on their partnership, advancing it to an unprecedented strategic level.</p> <p>It uncovers new prospects for economic and trade cooperation and increases mutual investments in various sectors, including trade, investment, oil and gas, hydrogen, renewable nuclear energy, climate action, artificial intelligence, food security, fintech, intellectual property rights, space, and cybersecurity.³³</p>
Germany ³⁴	<p>Cooperation in new technologies such as joint investments in hydrogen projects, and sharing intellectual property to open up new revenue streams for both countries and achieve the net-zero targets.</p> <p>More than 1000 German companies operate in the UAE, mostly in machinery, machine tools, equipment, and vehicles, however, investments in knowledge-driven, sustainable businesses will be a new trend.</p>

8. Conclusion

The summary of the above information is that the United Arab Emirates has been taking all the necessary steps in its pursuit of making this country an advanced nation, with the advancement in the field of information technology, intellectual property, its protection, its regulation and providing a framework of the best system that would only help this nation to proceed to the top of its quest of all objectives. Since every day is a new day and the growth of a country is a never-ending process, the effective leadership of this country is taking the necessary measure to make sure that the long goal objective is met.

³³ <https://wam.ae/en/details/1395303067516>

³⁴ <https://wam.ae/en/details/1395303056904>

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