

**Commissioned by JPO**

**Report on UAE's Intellectual Property System  
and Enforcement Project**

**July 2024**

**Japan External Trade Organization  
Dubai Office  
Intellectual Property Department**

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**The content of this report is based on the available information as of February 2024.**

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## 1. EXECUTIVE SUMMARY

As one of the vibrant business hubs in the Arab Region, the United Arab Emirates (UAE) government ensures that businesses get the best services, from the establishment to having their activities protected by law.

Amongst the sectors that the UAE government strives to put under the spotlight is intellectual property, as it is an engine for creativity, innovation, and distinctiveness. To meet global business standards, significant investments have been made by the UAE government in promoting and enforcement of intellectual property within its borders. The IP laws enacted by the government, regulations relating thereto, and procedures of their enforceability have been implemented to protect intellectual property rights and conform to international business standards.

This report gives a comprehensive overview of the Intellectual Property system in the UAE as well as how it is enforced. We aim to provide some insights into prosecution mechanisms, legal frameworks, and enforcement of IPRs for businesses.

Please note that this guidebook is for information purposes only and is based on the laws and practices until the day of drafting the guide. It is highly recommended that businesses make use of the robust intellectual property system in place in UAE to preserve their creative works and innovations.

## 2. OVERVIEW OF THE IPR SYSTEM IN UAE

Before discussing the IPR system in UAE, it is important to understand the legal structure of the country as the enforcement procedures of IPRs differ from one Emirate to another.

The United Arab Emirates (UAE) was declared an independent, sovereign, and federal state on December 2nd, 1971. The UAE consists of 7 Emirates namely Abu Dhabi, Dubai, Sharjah, Ras Al Khaimah, Ajman Umm al Quwain, and Fujairah. The federal capital is Abu Dhabi. The UAE federal authorities include the UAE Supreme Council, the UAE President, Vice-President, Prime Minister, the National Federal Council, and the Federal Judiciary.

The UAE legal structure runs in two systems: the Federal Judiciary System headed by the Federal Supreme Court as the highest judicial authority in the UAE and the local judicial departments at the local emirates level. The Federal Law supersedes the Emirate's laws. All Emirates follow the Federal general laws such as but not limited to commercial laws, civil laws, intellectual property laws, etc.

The UAE Judicial system is based on Civil Law and Sharia (Islamic Law). Common law is applied only in two courts in UAE namely the court of Dubai Financial Centre and the court of Abu Dhabi Global Market.

The protection of intellectual property in the United Arab Emirates (UAE) dates back to the formation of the union in 1971<sup>1</sup>. The UAE Federal Constitution preserves intellectual property rights in general and identifies their importance through Article 21<sup>2</sup> which states that private property is protected *"Private property shall be protected. Conditions relating thereto shall be prescribed by law. No person shall be deprived of his personal property except in circumstances dictated by the public interest in accordance with the provisions of the law, and on payment of fair compensation"*. Furthermore, Article 121<sup>3</sup> of the Constitution delegates the Union to draft the country's intellectual property law. Article 121: *Without prejudice to the provision of the previous article, the Federation shall solely be in charge of enacting laws on the following matters: Work relation and social securities, real estate ownership and expropriation for public interest; handover of criminals; banking; insurance of all kinds; protection of fauna & flora;*

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<sup>1</sup> <https://wam.ae/ar/details/1395242169580>

<sup>2</sup> <https://u.ae/en/about-the-uae/the-constitution-of-the-uae#:~:text=Article%2021%20states%20that%20private,national%20economy%20is%20social%20justice.&text=Article%2025%20provides%20that%20all,religious%20belief%20or%20social%20status>

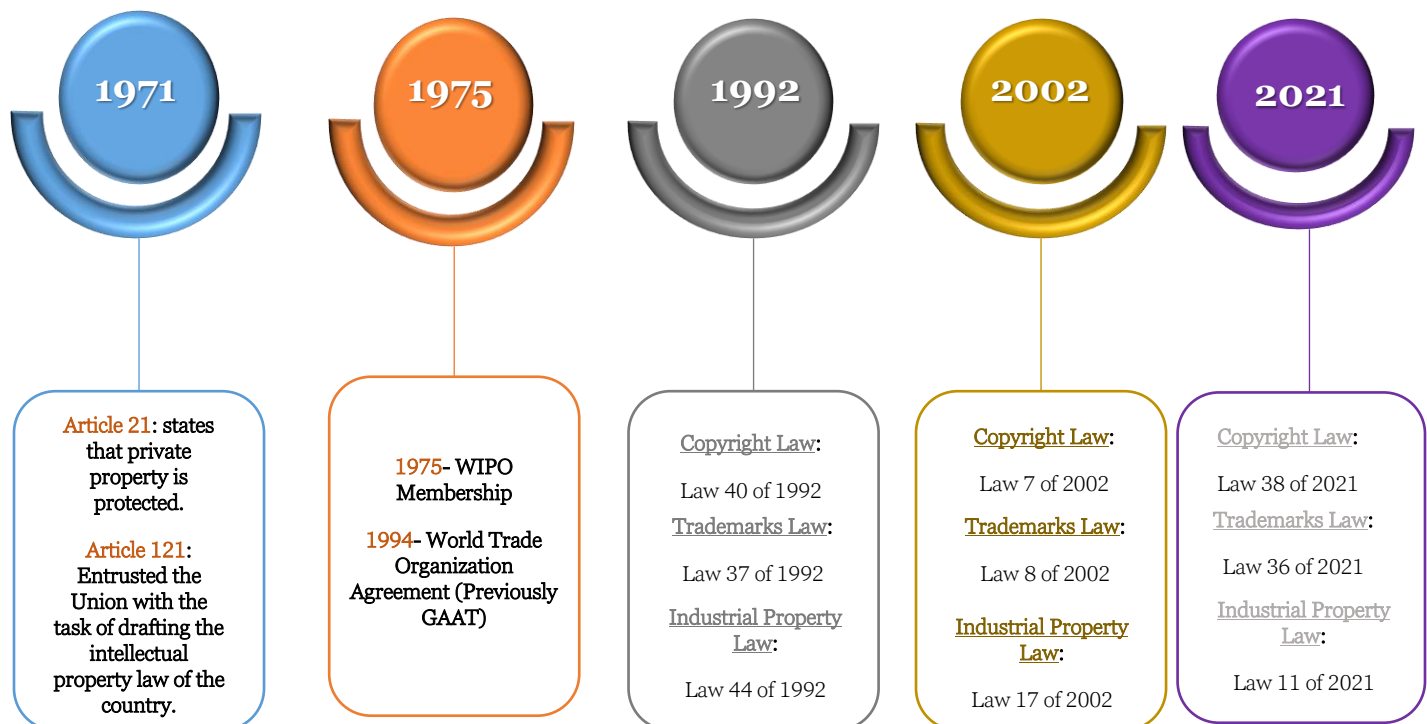
<sup>3</sup> [https://www.difccourts.ae/application/files/3115/9465/4789/United\\_Arab\\_Emirates\\_2004.pdf](https://www.difccourts.ae/application/files/3115/9465/4789/United_Arab_Emirates_2004.pdf)

major legislations related to Penal Code, Civil & Commercial Transactions Code, Companies Law, Code of Procedures before the civil and penal courts; protection of moral, technical and industrial property rights; copyrights, printings and publication rights; import of weapons and ammunitions unless the same was for the use of the Armed Forces or Security Forces of any Emirate - other aviation affairs which are not within the Federation executive competencies; determination of territorial waters and organization of navigation overseas; organization and method of establishing financial free zones and scope of excluding the same from the implementation of the Federal Legislations provisions. The main federal constitution specifies that the Union is responsible for promulgating the protection of literary, artistic, and industrial property, as well as the rights of authors, publications, and publishing. In addition, moral rights are defined as those referring to intangible aspects of intellectual property<sup>4</sup>Article 111 of the Civil Transactions Law of the UAE:

1. Moral rights are those exercised over intangible things.
2. Copyrights, rights of inventors, artists, trademarks and all other moral rights are subject to special laws.

The provisions of special laws are followed for the rights of authors, inventors, artists, trademarks, and other moral rights.

#### Evolution of IP Laws in UAEs



### 2.1. Overview of IP Office

The Ministry of Economy (MOE) is the federal competent authority managing the registration and maintenance of IPRs in UAE. The organizational structure of the Ministry of Economy contains 6 main sectors: the International Trade Sector, the Economic Policies and Studies Sector, the Intellectual Property Sector, the Entrepreneurship and Economic Affairs Sector, the Commercial Control and Governance Sector, and the Support Services Sector. In addition to the departments that report directly to the Minister and the Undersecretary, the organizational structure includes 25 departments<sup>5</sup>.

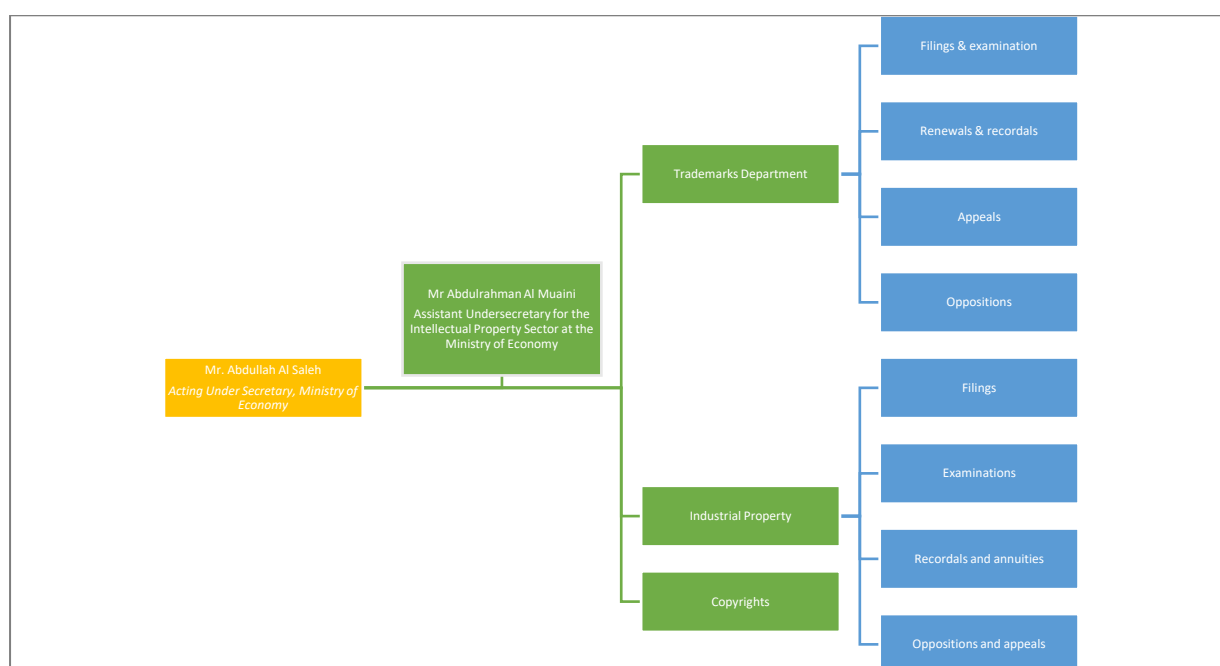
<sup>4</sup> [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-En/00\\_CIVIL%20TRANSACTIONS%20AND%20PROCEDURES/UAE-LC-En\\_1985-12-15\\_00005\\_Kait.html?val=EL1](https://elaws.moj.gov.ae/UAE-MOJ_LC-En/00_CIVIL%20TRANSACTIONS%20AND%20PROCEDURES/UAE-LC-En_1985-12-15_00005_Kait.html?val=EL1)

<sup>5</sup> <https://www.moec.gov.ae/en/organizational-chart>

Filing a single application before the Ministry of Economy protects the IPR titles in the 7 Emirates. The MOE has special departments for intellectual property rights protection namely Trademarks Department, Copyrights and Related Rights Department, and Innovation Development and Industrial Rights Department. The head of the department manages each department, and all are reporting to the deputy of the Minister of Economy.

As outlined above, the UAE is a federal country. Intellectual property law is considered Federal Law, and the registration of rights is done before the Federal authority, namely the Ministry of Economy. However, the enforcement measures are carried out in each emirate independently depending on the infringer's location by different authorities.

## 2.2. Organizational Structure of IPR Department



## 2.3. Number of Staffs and Examiners

Since 2014, the Korean Patent Office with the Innovation Development and Industrial Property Dept (Patent office) deployed 14 Korean Patent examiners to the UAE Ministry of Economy<sup>6</sup>. Five of the examiners joined recently, as per a communique dated 31.01.2024<sup>7</sup>. Currently, 5 examiners are deployed with the Industrial Property Department.

## 2.4. Existence of Formal and Substantive Examination

Currently, trademarks and patents undergo both formal and substantive examinations. The examiners follow the national rules as well as the treaties requirements to conduct the examinations as to be aligned with the international standards.

<sup>6</sup> <https://m.theinvestor.co.kr/view.php?ud=20231129000647>

<sup>7</sup> [https://www.kipo.go.kr/en/engBultnDetail.do?c=1003&board\\_id=kiponews&catmenu=ek06\\_01\\_01&seq=1755](https://www.kipo.go.kr/en/engBultnDetail.do?c=1003&board_id=kiponews&catmenu=ek06_01_01&seq=1755)



In addition, the UAE Industrial Property Department and the Korean Patent Office KIPO signed an agreement in 2014 to start the collaboration in terms of patents substantive examination<sup>8</sup>.

Designs are undergoing formality examination only. However, the Industrial Property Department is raising examination reports on the same lately. Substantive examination fees for designs are not fully applicable yet.

Copyrights are examined as well by the concerned department. However, the examination process is basic. For software applications, the same are examined on a formality basis only and the certificate is issued as long as the application is complete in terms of required documents.

## 2.5. Obtaining information from the Official Gazette

Only trademarks and industrial property procedures are published in the official gazette issued by the respective offices. The trademarks publications are issued twice a month and the same are available to the public on the Ministry website <https://www.moec.gov.ae/en/publications1>. The Trademarks Department published all the procedures namely acceptances of both national and international applications designating UAE, records/amendments, renewals and cancellation decisions. The industrial property department also provides a periodic publication and the same is accessible by the public online via the department's portal. Due to the current changes, applicants are invited to visit the ministry of economy portal for updates on the availability of the library. <https://www.moec.gov.ae/en/services>

In addition to the official gazettes, the Industrial Property Department provides an online digital library for the industrial property gazettes which contains information on granted titles ONLY. The data is open to public on the portal. Due to the current changes, applicants are invited to visit the ministry of economy portal for updates on the availability of the library. <https://www.moec.gov.ae/en/services>

## 2.6. Budget

The UAE Ministry of Economy budget is set and managed by the UAE Ministry of Finance. The UAE government approved the federal budget 2024-2026 roadmap, with a total value reaching AED192 billion. The public sector budget was allocated around 25.2 billion dirhams namely 39% of the total general budget. Infrastructure and economic resources were allocated 4% of the total general budget<sup>9</sup>. The Ministry of Economy was allocated 296,309,000 (12,148,669,000 JPY) Dirhams as 2024 budget<sup>10</sup>. The exact budget for the Intellectual Property Sector is not publicly available.

## 2.7. National IP Laws and Regulations

UAE joined the World Intellectual Property Organization in 1974. The government is devoted to update the enacted laws to be aligned with the latest worldwide IP practices. In 2021, the UAE had the largest legislative reform in the country's history. With over 40 laws amendments ranging from investment, trade and industry, as well as a commercial company, regulation and protection of industrial property, copyright, trademarks, commercial register, electronic transactions, trust services, factoring, and residency, in addition to laws related to society and personal security including as the Crime and Punishment Law, the Online Security Law, and a laws regulating the production, sale and use of narcotics and psychotropic substances<sup>11</sup> (UAE cabinet, 2021)

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<sup>8</sup><https://forum.rtarabic.com/world/1534303-%D9%83%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D8%AC%D9%86%D9%88%D8%A8%D9%8A%D8%A9-%D8%AA%D8%B1%D8%B3%D9%84-%D8%AE%D8%A8%D8%B1%D8%A7%D8%A1-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D8%A5%D9%85%D8%A7%D8%B1%D8%A7%D8%AA-%D9%84%D9%81%D8%AD%D8%B5-%D8%A8%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D8%AE%D8%AA%D8%B1%D8%A7%D8%B9/>

<sup>9</sup> <https://wam.ae/article/3um58p-federal-general-budget-2024-approved-estimated>

<sup>10</sup> [https://mof.gov.ae/wp-content/uploads/2024/02/AR007\\_8م2024-المالية-عن-السنة-المالية-2024م.pdf](https://mof.gov.ae/wp-content/uploads/2024/02/AR007_8م2024-المالية-عن-السنة-المالية-2024م.pdf)

<sup>11</sup> <https://uaecabinet.ae/en/details/news/uae-adopts-largest-legislative-reform-in-its-history>

After the latest reforms, the UAE is currently adopting the below IP laws and their implementing regulations<sup>12</sup>.

<b>Trademarks</b>	Federal Law 36 of 2021 <sup>13</sup>
	Bylaws- Ministerial decision 57 of 2022 <sup>14</sup>
<b>Industrial Property Law</b>	Federal Law No. 11 of 2021 <sup>15</sup>
	Bylaws- Ministerial decision 6 of 2022 <sup>16</sup>
	Bylaws- Ministerial decision 112 of 2023
<b>Copyright Law</b>	Federal Law 38 of 2021 <sup>17</sup>
	Bylaws- Ministerial 47 of 2022 <sup>18</sup>

In addition to the UAE Trademarks Law, counterfeiting is also penalized under the Anti-commercial Fraud Law. Federal Law No (19) of 2016 on Combating Commercial Fraud<sup>19</sup> defines the import, export, re-export, manufacturing, sale, display, or acquisition for sale, storage, lease, marketing or trading, the fake, corrupt or counterfeit commodities (Article 2). It's important to note that the law not only identifies violators but also outlines specific actions against them. Article 12 of the law stipulates that whoever commits the crime of commercial fraud shall be punished by imprisonment for a period not exceeding two years and a fine of not less than fifty thousand dirhams and not exceeding two hundred fifty thousand dirhams or either of the two punishments.

In addition to the previous laws, UAE has other legislation that may offer alternatives for the enforcement against infringers namely Federal Law No. 5 of 1985 concerning the Civil Transactions Law and its amendments<sup>20</sup>, Federal Law No. 3 of 1987 concerning the Penal Code<sup>21</sup> and its amendments, and the Gulf Cooperation Council (GCC) Common Customs Law<sup>22</sup>.

## 2.8. Is IP law based on common law, civil law, or a mixture of both?

The laws and regulations related to intellectual property (IP) in the United Arab Emirates (UAE) are primarily based on civil law principles. The legal system in the UAE is largely influenced by Islamic law (Sharia) and is rooted in civil law traditions, particularly the legal systems of France and Egypt<sup>23</sup>.

While civil law principles form the foundation of IP regulation in the UAE, it's worth noting that the UAE legal system also incorporates elements of common law and international treaties and conventions. For instance, the UAE is a signatory to several international agreements related to intellectual property, such as the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works. These international treaties influence the development and interpretation of IP laws in the UAE.

<sup>12</sup> <https://u.ae/en/information-and-services/business/intellectual-property>

<sup>13</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>14</sup> [https://www.moec.gov.ae/documents/20121/0/CabinetDecision\\_57\\_2022\\_pdf.pdf/d7d18751-7071-dfd3-711d-b8b3d58174f2?t=1656667571429](https://www.moec.gov.ae/documents/20121/0/CabinetDecision_57_2022_pdf.pdf/d7d18751-7071-dfd3-711d-b8b3d58174f2?t=1656667571429)

<sup>15</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>16</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>17</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>18</sup> [https://www.moec.gov.ae/documents/20121/0/CabinetDecision\\_47\\_2022\\_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?t=1656667925081](https://www.moec.gov.ae/documents/20121/0/CabinetDecision_47_2022_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?t=1656667925081)

<sup>19</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/ae/ae040en.pdf>

<sup>20</sup> [https://elaws.moj.gov.ae/UAE-MOJ\\_LC-En/00\\_CIVIL%20TRANSACTIONS%20AND%20PROCEDURES/UAE-LC-En\\_1985-12-15\\_00005\\_Kait.html?val=EL1](https://elaws.moj.gov.ae/UAE-MOJ_LC-En/00_CIVIL%20TRANSACTIONS%20AND%20PROCEDURES/UAE-LC-En_1985-12-15_00005_Kait.html?val=EL1)

<sup>21</sup> <https://uaelegislation.gov.ae/en/legislations/1529>

<sup>22</sup> [https://rakcustoms.rak.ae/PublicationDocuments/RAK\\_Common\\_Customs\\_Law.pdf](https://rakcustoms.rak.ae/PublicationDocuments/RAK_Common_Customs_Law.pdf)

<sup>23</sup> [https://www.nyulawglobal.org/globalex/United\\_Arab\\_Emirates.html#legalsystem](https://www.nyulawglobal.org/globalex/United_Arab_Emirates.html#legalsystem)

## 2.9. History, origin and model countries of the legislation

The laws and regulations related to intellectual property (IP) in the United Arab Emirates (UAE) have evolved over time, drawing inspiration from various legal systems and international best practices. Here's an overview of the history, origin, and model countries that have influenced IP laws and regulations in the UAE:

The development of IP laws in the UAE can be traced back to the country's establishment in 1971. Initially, the UAE relied on a combination of local regulations and international agreements to address IP issues. Over time, the UAE has enacted specific federal laws and regulations to strengthen IP protection and align with international standards. The origin of IP laws in the UAE can be attributed to various legal traditions, including civil law, Islamic law (Sharia), and international treaties. Civil law principles, influenced by the legal systems of France and Egypt, have played a significant role in shaping the legal framework for IP protection in the UAE<sup>24</sup> (khlegal, p. 2022). Additionally, Islamic law principles have influenced certain aspects of IP regulation, particularly regarding moral rights and cultural considerations.

The UAE has looked to several model countries for inspiration and guidance in developing the local IP laws and regulations. Some of the key model countries that have influenced the UAE's IP framework include<sup>25</sup> (khlegal, 2022):

**a. France:** As a civil law jurisdiction and a pioneer in IP law, France has served as a model for many aspects of the UAE's IP regulations, particularly in the areas of patents, trademarks, and copyrights. The French legal system's emphasis on codified laws and comprehensive IP protection has influenced the development of similar provisions in the UAE.

**b. United States:** While the UAE primarily follows civil law principles, it has also drawn inspiration from common law jurisdictions like the United States, especially in areas such as enforcement mechanisms, anti-counterfeiting measures, and intellectual property rights management. The U.S. legal framework for IP protection, including its robust enforcement mechanisms and extensive case law, has informed certain aspects of the UAE's IP regulations.

**c. United Kingdom:** The United Kingdom has also played a role in shaping the UAE's IP laws, particularly in the context of copyright and related rights. The UK's legal framework for copyright protection, including provisions on authorship, duration of protection, and infringement remedies, has influenced the development of similar provisions in the UAE.

**d. International Treaties and Organizations:** In addition to individual countries, the UAE has been influenced by international treaties and organizations that promote harmonization and standardization of IP laws. The UAE's accession to international agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and membership in organizations like the World Intellectual Property Organization (WIPO) have contributed to the alignment of its IP regulations with global standards.

Overall, the development of IP laws and regulations in the UAE reflects a combination of civil law principles, Islamic law considerations, and influences from model countries and international treaties. By drawing on various legal traditions and international best practices, the UAE aims to create a robust legal framework that promotes innovation, creativity, and economic development while ensuring effective protection of intellectual property rights.

## 2.10. Examination Guidelines

There are no guidelines published by the UAE intellectual property departments regarding the examination procedures related to trademarks, industrial property, and copyrights. However, the examination guidelines are outlined in particular articles in the implementing regulations of the respective laws namely the Ministerial Decision

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<sup>24</sup> <https://www.khairallahlegal.com/uae-law/civil-law-vs-common-law/>

<sup>25</sup> <https://www.khairallahlegal.com/uae-law/civil-law-vs-common-law/>

57 of 2022<sup>26</sup> for trademarks, Ministerial decision 6 of 2022<sup>27</sup> for industrial property and Ministerial decision 47 of 2022<sup>28</sup> for copyrights.

For trademarks and patents, the examiners conduct both formality and substantive examinations. For Designs, the applications are now examined, and decision reports are received. As per copyrights, namely software applications, only a formality examination is conducted.

The UAE Trademark Department examines the trademarks based on relative<sup>29</sup> (previous existing trademarks) and absolute grounds (criteria set by the law to qualify the trademark for registration).

Relative Grounds Examination: The examiner will search the local trademark database to detect similar and/or identical trademarks. The search is conducted on national and international trademarks. The trademarks are also examined based on the phonetical similarities. In addition, the examiners will check for an existing translation/transliteration of the trademark. As per the absolute grounds, the examiners will check compliance with the local rules and conditions set in articles 2 and 3 of the UAE trademark law<sup>30</sup>. There is no published guide for trademark examination. Trademark examination is explained in Article 5 of the trademark's implementing regulations.<sup>31</sup>

For patents and utility models undergo both formality and substantive examination. Submitted applications will undergo substantive examination by DIEPD to ensure all requirements are met under Federal Law No. (31) for the year 2006 and its executive regulations.

There are no written guidelines for industrial property examination.

## 2.11. International Treaties that UAE joins

The United Arab Emirates government is committed to aligning with global intellectual property (IP) standards and practices. As such, the country actively participates in several international treaties in this field<sup>32</sup>.

Treaty	Accession	In Force
Beijing Treaty on Audiovisual Performances	October 15, 2014	April 28, 2020
Berne Convention	April 14, 2004	July 14, 2004
Budapest Treaty	February 17, 2021	May 17, 2021
Madrid Protocol	September 28, 2021	December 28, 2021
Marrakesh VIP Treaty	October 15, 2014	September 30, 2016
Nice Agreement	January 18, 2022	April 18, 2022
Paris Convention	June 19, 1996	September 19, 1996
Patent Cooperation Treaty	December 10, 1998	March 10, 1999
Rome Convention	October 14, 2004	January 14, 2005
Strasbourg Agreement	February 17, 2021	February 17, 2022
WIPO Convention	June 24, 1974	September 24, 1974
WIPO Copyright Treaty	April 14, 2004	July 14, 2004
WIPO Performances and Phonograms Treaty	March 9, 2005	June 9, 2005
TRIPS Agreement	1996	

<sup>26</sup> [www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

<sup>27</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>28</sup> [https://www.moec.gov.ae/documents/20121/0/CabinetDecision\\_47\\_2022\\_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?t=1656667925081](https://www.moec.gov.ae/documents/20121/0/CabinetDecision_47_2022_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?t=1656667925081)

<sup>29</sup> <https://www.moec.gov.ae/en/trademark-registration>

<sup>30</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>31</sup> <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

<sup>32</sup> <https://www.wipo.int/wipolex/en/members/profile/AE>

### 3. Recent Updates in IP

#### 3.1. UAE New IP Ecosystem

In 2021-2022, the UAE government introduced significant reforms to its intellectual property laws. Since then, it has been working on developing new intellectual property programs and strategies. The Ministry of Economy sets the goal of achieving leadership and competitiveness in innovation and intellectual property rights among its strategic objectives for the years 2023-2026<sup>33</sup>.

To follow the objectives, the Ministry of Economy is elaborating programs and strategies. In February 2024, the UAE Ministry of Economy launched a program to promote the importance of intellectual property and simplify related procedures in the country. The new strategy was called IP Ecosystem and was announced by the Minister of Economy, Mr. Abdullah Bin Touq. He claimed that it would not only help inventors and innovators protect their creations but would also become a pillar of economic growth by attracting more foreign direct investment. He added that the initiative aims to boost innovation and creativity in the country, creating a competitive and conducive environment that empowers talented nationals to leverage intellectual property applications effectively<sup>34</sup>.

The Minister stated in his speech that “the new system is based on four main themes, promoting the comprehensive protection offered to intellectual property rights; reducing violations faced by patentees and innovators; resolving disputes; and developing the services provided by the Ministry to individuals and institutions wishing to register patents. It will be based on AI technology, allowing enablers and facilities to support the growth of R&D-based projects, exploit the fruits of intellectual property protection and market them as national exports to foreign markets.”<sup>35</sup>

The new IP system includes 11 initiatives<sup>36</sup>:

1. Innovation Hub is an online incubator platform for UAE creators that provides technical guidance and assistance in registering patents, in partnership with the Emirates Association for Talented.
2. The Patent Hive the purpose of the initiative is to boost patent grants and encourage innovators to submit patent applications in the UAE. It targets 6,000 new patent registrations by 2026 in partnership with research and academic institutions.
3. The 'Fahes' (examiner) initiative by MoEc, in collaboration with Nafis, aims to improve Emirati talents' skills and competitiveness in intellectual property through training and awareness programs, creating job opportunities and promoting private sector involvement in innovation and creativity fields.
4. InnovLAB initiative, in collaboration with the Minister of State for Government Development and the Future, aims to enhance innovation incubators' capabilities, boost their competitiveness, and evaluate their performance in local federal and educational institutions.
5. InstaBlock initiative: The Ministry, in partnership with the Telecommunications and Digital Government Regulatory Authority, provides an immediate service called InstaBlock to handle complaints about copyright violations during livestreams, with a main goal of quickly upholding intellectual property rights.
6. MoEc, in partnership with General Authority of Sports, will introduce the IP SPORT initiative to boost the number of registered trademarks in the sports sector of the UAE. The goal is to promote knowledge of intellectual property rights in sports and hold awareness drives in the UAE Innovation Month.
7. The One Day TM Initiative is a joint project by the Ministry of Economy and the Ministry of Finance to speed up the process of obtaining a trademark registration certificate in just one business day, with the goal of boosting trademark registration rates in the UAE and generating extra income.
8. The IP Platform initiative aims to create a unified digital platform in the next phase to link and merge data from different government departments in charge of enforcing intellectual property rights. This project will

<sup>33</sup> <https://www.moec.gov.ae/en/strategy-and-policies>

<sup>34</sup> <https://www.thenationalnews.com/business/economy/2024/02/07/uae-introduces-programme-to-bolster-intellectual-property/#:~:text=IP%20Ecosystem%20programme%20will%20help,foreign%20direct%20investment%20to%20country&text=The%20Ministry%20of%20Economy%20has,trademark%20registrations%20in%20the%20UAE.>

<sup>35</sup> <https://wam.ae/en/article/b1jm8a0-ministry-economy-launches-its-new-intellectual>

<sup>36</sup> <https://wam.ae/en/article/b1jm8a0-ministry-economy-launches-its-new-intellectual>

utilize the newest technology in the field, with MoEc leading the implementation alongside other government bodies.

9. The Ministry of Economy intends to launch the 'Hayyakom' initiative during the INTA Annual Meeting in Dubai 2026 to improve the country's attractiveness to international companies and strengthen its brand reputation.
10. The IP School initiative aims to create a variety of training programs in intellectual property endorsed by WIPO, as well as developing curricula for students in partnership with the Brand Owners Protection Group and the Dhahi Khalfan Intellectual Property Center.
11. Virtual persona 'Aisha': An online identity designed to promote understanding of intellectual property rights, interact with the audience, and respond to their questions, through either event involvement or social media channels.

### 3.2. The Major Law Amendments

#### Trademarks

The major changes and amendments brought by the New Trademark Law 36 of 2022 and the previous one law 37 of 2002<sup>37</sup>

Trademarks Law
<p>Article 2:</p> <p>The new law expanded the definition of the trademark and clarified it more precisely to include colors, signs, three-dimensional signs and holograms, as well as considering the smell as a trademark.</p>
<p>Article 3:</p> <p>In Paragraph 9, It is clarified to prohibit the registration of trademarks that contain a trade name owned by others (and thus, the controversy in the judicial precedents that recurred on the separation between trademarks and trade names has been resolved).</p> <p>Paragraph 11: included the text of Article 10 of the previous law, regarding the inadmissibility of registering marks that are identical or similar to marks previously filed for the same or related goods and services.</p> <p>Paragraphs 13 and 14: Expand and expressly stipulate the protection imposed on well-known marks.</p> <p>Paragraph 16: Controlled the examination and registration of three-dimensional marks by prohibiting the registration of the forms of goods specified in the registration application and stipulating for their acceptance the presence of subjective elements distinct from others.</p>
<p>Article 4:</p> <p>In order to define well-known marks, the law accompanied the guiding factors stipulated in the joint recommendation on the protection of well-known marks adopted by the General Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (WIPO), as well as frequent judgments in case law. By taking into account the extent to which it is known to the public as a result of its promotion, the period of its registration, its use, the number of countries in which it has been registered or its popularity, its value or its influence.</p>
<p>Article 6:</p> <p>It provided the opportunity for any natural or legal person to register his trademark, in contrast to the previous law that restricted trademark registration.</p>

<sup>37</sup> <https://www.wipo.int/wipolex/en/text/209292>

<p>Article 8:</p> <p>Paragraph 1: A trademark may be registered in several categories with one application.</p> <p>Paragraph 2: Adopting the principle of similarity of the goods or services mentioned in the classifications, regardless of the number of the class listed under it, by not considering them similar as they are included in the same class or different because they are included in different classes.</p>
<p>Article 12:</p> <p>Introducing the Ministry's authorities in the controls for placing restrictions and amendments to the trademark registration application, and the application is considered waived in the event of no response within 30 days, and the Ministry was obligated to decide on the application within 90 days.</p>
<p>Article 13:</p> <p>Paragraph 3: The right to appeal against the Ministry's rejection decision before the court is forfeited in the event if no grievance against the rejection decision was submitted before the Ministry.</p>
<p>Article 14:</p> <p>Paragraph 1: Amended the form of the appeals Committee to be headed by one of the specialized judges and the membership of two specialists.</p>
<p>Article 16:</p> <p>The period of appeal against the opposition decision was amended to 30 days from the date of notification instead of 15 days as in the previous law.</p> <p>In addition, the appeal before the trademark department or the court does not result in stopping the registration procedures unless the competent court decides to stop the registration, meaning that in the event the opposition is rejected, the registration of the mark will be initiated even the appeal was filed, and the only way to stop the registration is by a court decision suspending the registration.</p> <p><b><u>(In other words, we can submit requests to continue the registration of all the trademarks suspended due to appeal against the decision the rejection of opposition)</u></b></p>
<p>Article 18:</p> <p>Paragraph 1: registration in bad faith is a reason to dispute the ownership of the mark even after 5 years of registration.</p> <p>Paragraph 2: the priority of use is a reason for the ownership of the trademark, and the dispute case is not heard after the lapse of 5 years from the date of registration.</p>
<p>Article 23:</p> <p>Introduced temporary protection for unregistered marks during the period of their presentation in international exhibitions in the country.</p>
<p>Article 24:</p> <p>Paragraph 2: granted the owner of the well-known mark the right to cancel similar marks within 5 years from the date of registration.</p>
<p>Article 28:</p> <p>Clarified the methods of transferring the ownership of the trademark with or without consideration, by inheritance, will, gift, or any other legal form.</p>
<p>Article: 31:</p>

It's not required to record the licensing agreement in the register, it stipulated that it should be in writing and notarized.
<p>Articles 35, 36 and 37:</p> <p>Organized the registration of collective trademarks and marks for the purposes of monitoring and examination, in addition to marks for non-commercial purposes.</p>
<p>Articles 38 to 44:</p> <p>Introduced the protection and regulated the registration of geographical indications.</p>
<p>Article 45:</p> <p>Introduced customs release and the powers granted to customs to seize goods for a maximum period of 20 days</p>
<p>Article 46:</p> <p>It clarified that the provisions of Article 45 do not include small, non-commercial quantities within personal belongings or parcels and goods that were offered for circulation in the markets of the exporter's country by the owner of the right.</p>
<p>Article 47:</p> <p>explained in detail the powers of the Urgent Matters Judge of the Civil Court in cases of infringement of marks with regard to precautionary measures.</p> <p>(However, it did not specify the powers of the civil court in this regard, and Article 48 only mentioned the claim for compensation)</p>
<p>Article 49:</p> <p>Has tightened the penalty for forgery and counterfeiting of the trademark and its use for commercial purposes and possession of forgery tools, <b>in addition to importing and exporting goods bearing a forged or counterfeit mark</b> by aggravating the penalty to imprisonment and/or a fine not less than one hundred thousand and not more than one million dirhams.</p>
<p>Article 50:</p> <p>Limited the penalty for whoever sells, displays and possesses for the purpose of selling, to fifty thousand and not more than two hundred thousand dirhams.</p>
<p>Article 51:</p> <p>It clarified that in the event of recurrence, the penalty shall be doubled by no more than twice the maximum penalty.</p>
<p>Article 53:</p> <p>The provisions of this law shall apply to requests submitted prior to the date of its enforcement that have not yet been decided upon</p>
<p>Article 55:</p> <p>The Ministry of Economy and Commerce was granted the powers to supervise and control the implementation of this law and the enforcement over crimes and violations.</p>



## Industrial Property Law

The major changes and amendments brought by the new patent law and the previous one law 31 of 2006<sup>38</sup>

PATENT NEW LAW MAJOR HIGHLIGHTS		
Procedures	Previously	Now
Annuities	Within 3 months from the due date without penalty.	Within 3 months from the due date without penalty.
	Grace period: 3 months with penalty	Grace period: 6 months with penalty
Supporting Documents authentication	Duly legalized up to UAE consulate	Notarization is sufficient
POA	Duly legalized up to UAE consulate if issued abroad.  Duly notarized if issued from UAE.	Signed by All Applicants  Notarized in the UAE or any foreign country by a notary public.  Stamp of the UAE public entity (e.g., government organization, national universities) is regarded equivalent as notarization.
Deed of assignment	Duly legalized up to UAE consulate if issued abroad.  Duly notarized if issued from UAE.	For company: signed by <b>all inventors</b> .  UAE company may submit the <b>certificate of employment or copy of employment contract</b> as an alternative of DOA, if the <b>inventor is the employee</b> of that company since the invention of an employee is automatically transferred to the employer under UAE IP law.  DOA or employment contract shall be notarized in the UAE or any foreign country by a notary public.  Stamp of the UAE public entity (e.g., government organization, national universities) is regarded equivalent as notarization.
Articles of incorporation or certificate of incorporation (COI)	Duly legalized up to UAE consulate if issued abroad.  Duly notarized/certified copy if issued from UAE.	COI shall be notarized in the UAE or any foreign country by a notary public.  Stamp of the UAE public entity (eg. government organization, national universities) is regarded equivalent as notarization.  If the COI is issued by an UAE government entity (eg. trade license by DED), notarization is no required.
Express Examination	Not applicable	- Applicable

<sup>38</sup> <https://wipo.lex-res.wipo.int/edocs/lexdocs/laws/en/ae/ae014en.pdf>

Patents/Utility Models		Express examination fees: AED 2,000.00 (82,000 JPY/545 USD) <ul style="list-style-type: none"> <li>- – to be announced officially</li> <li>- First examination within 6 months</li> <li>- Express examination is applicable on conditions.</li> </ul>
Claims Drafting	No restrictions	<ul style="list-style-type: none"> <li>- Device or Method.</li> <li>- “Use” is <b>not allowed</b>.</li> <li>- <b>Claims number</b>: Max.50 for patent, Max. 10 for Utility model</li> <li>- <b>Alternative Reference</b>: Must refer to multiple claims in an alternative way.</li> <li>- <b>Complex Reference</b>: Extensive complexity of referring</li> </ul>
Examination Report	No rules were applicable	<ul style="list-style-type: none"> <li>- Examiners may reject the application as a disposal after the 2<sup>nd</sup> re-examination if he considers that the applicant has been given enough chances</li> <li>- Final Rejection After 2nd Reexamination</li> </ul>
Re-examination after grant	N/A	Re-examination after grant is a mandatory for invalidation/opposition purposes.
Disclosure	Complete non-disclosure was requested	Grace period of 12 months before filing patent/utility model/industrial design
Inventive Step	N/A	Detailed definition: if it is not "obvious" for an ordinary person in the same relevant business field based on state of the art.
Calculation of periods	N/A	Clearly mentioned in article 2 of the implementing regulations
Designs Examination	N/A	Introduced by the provisions of the new law. Yet to become applicable as of 19.02.2024
Divisional applications patents/utility models	N/A	Introduction of divisional applications – article 16 of the law.
Designs protection term	10 years from filing date	20 years from filing date
Grievance committee	Matters to be filed before court	Establishment of a committee within the Industrial Property Department headed by a judge to handle the objections matters.
PCT	UAE PCT applications were filed through international Bureau	UAE Industrial Property Department is a receiving office
Exclusion of subject matters	Law was silent about the software patentability.	Software was explicitly mentioned in the excluded patentable matters.
Publication	Applications were published in OG only after the grant.	Introduction of the 18 months publication.

Penalties	AED 5,000 (205,000 JPY/USD 1,362) up to a maximum of AED 100,000 (4,100,000 JPY/27,229 USD)	AED 100,000 (4,100,000 JPY/27,229 USD) up to AED 1,000,000 (41,000,000 JPY/272,294 USD) as well as potential jail sentence.
Cabinet Resolution No. (112) of 2023 - Amendment of the official fees related to industrial property services		
Official Filing Fees	AED 2,000.00 (82,000 JPY/545 USD) – Company AED 1,000.00 (41,000 JPY/273 USD) – Individual	For companies and institutions: AED 2,000.00 (82,000 JPY/545 USD) For individual, Small and Midsize Enterprises ( <b>SMEs</b> ) and academic entities: AED 1,000.00 (41,000 JPY/273 USD)
Examination fees based on Claims	AED 7,000 (287,000 JPY/1906 USD) regardless the number of claims	<b><u>Please refer to patent fees</u></b>
Annuities	N/A	<b><u>Please refer to patent fees</u></b>

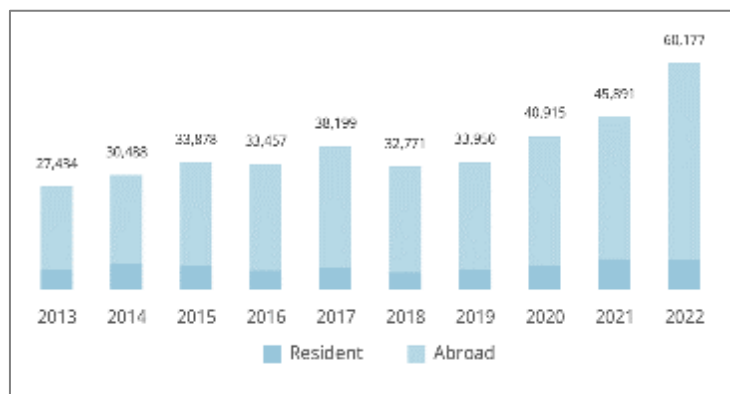
### Copyrights Law<sup>39</sup>

The major new updates on the copyright law are as follows:

- Introduction of work to hire doctrine.
- Software, smart applications, computer programs and applications, and database protection are clearly stated under copyright law.
- Definition of ownership for architectural works.
- Introduction of Fair-use conditions.
- Increase of penalties

## 3.3. Statistics of IP Rights in UAE

### 3.3.1. Trademarks<sup>40</sup>



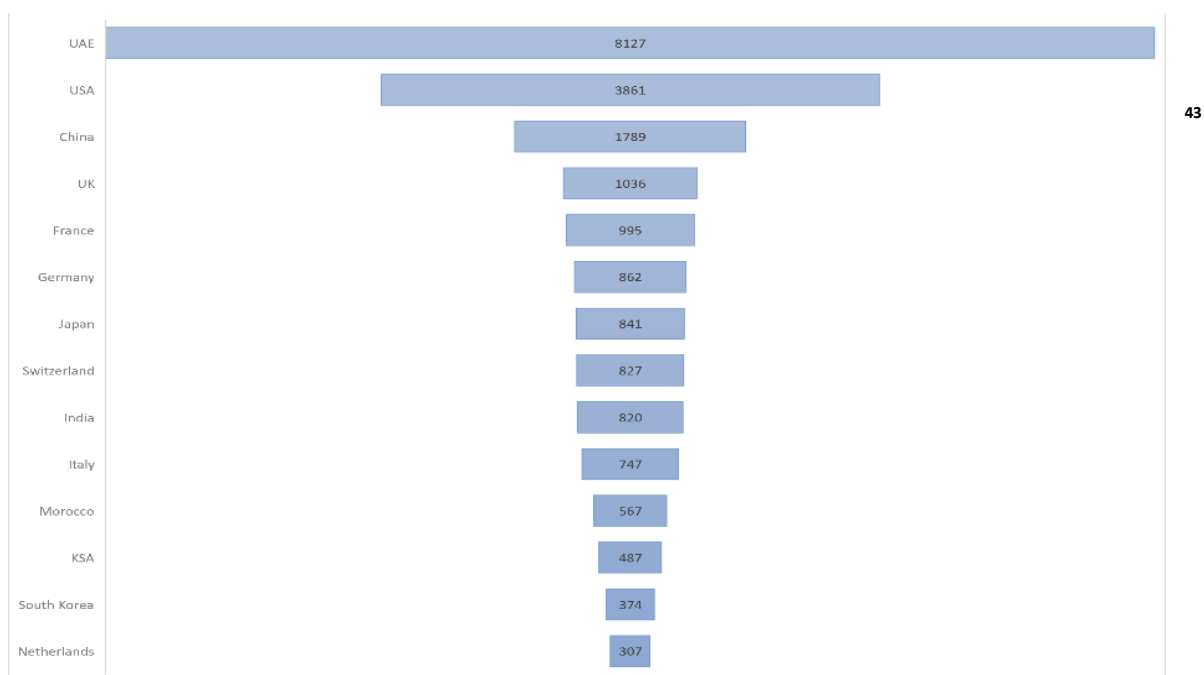
<sup>39</sup> <https://www.legal500.com/developments/thought-leadership/intellectual-property-rights-in-the-uae-copyrights-trademarks-patents/#:~:text=Copyrights%20in%20the%20UAE&text=38%2F2021%2C%20which%20grants%20protection,authority%20responsible%20for%20copyright%20registration.>

<sup>40</sup> <https://www.wipo.int/edocs/statistics-country-profile/en/ae.pdf>

### Trademarks Filings<sup>41</sup>

Items	Number of Applications - 2022
Trademark filings	60,117
Residents filing	8,159
Foreign Applicants	52,018
Madrid international applications from UAE	115
Madrid international applications designating UAE	9,183

### Trademarks Registration Applications By country of origin<sup>42</sup>



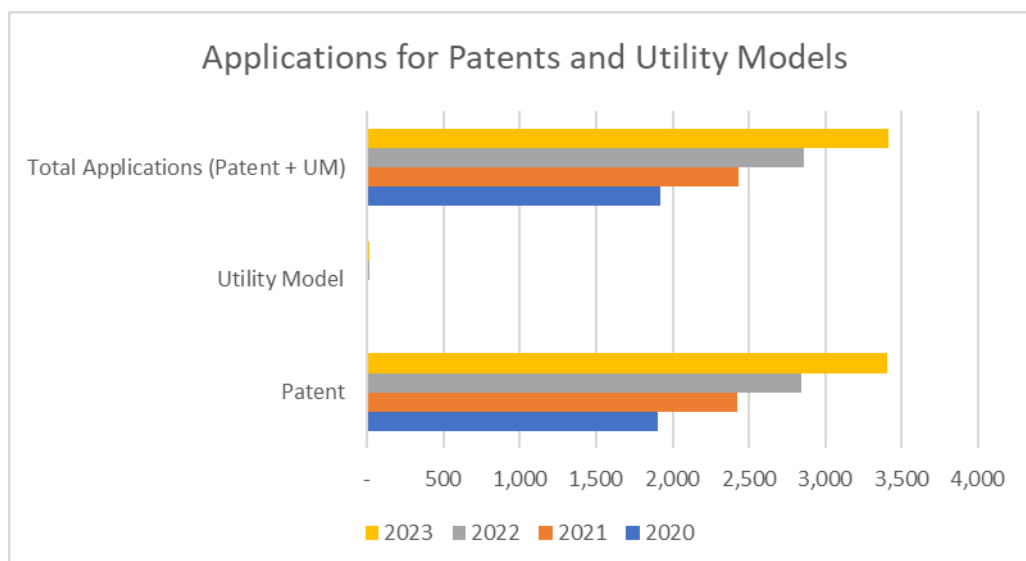
<sup>41</sup> <https://www.wipo.int/edocs/statistics-country-profile/en/ae.pdf>

<sup>42</sup> <https://www.moec.gov.ae/en/moe-opendata?q=trademarks>

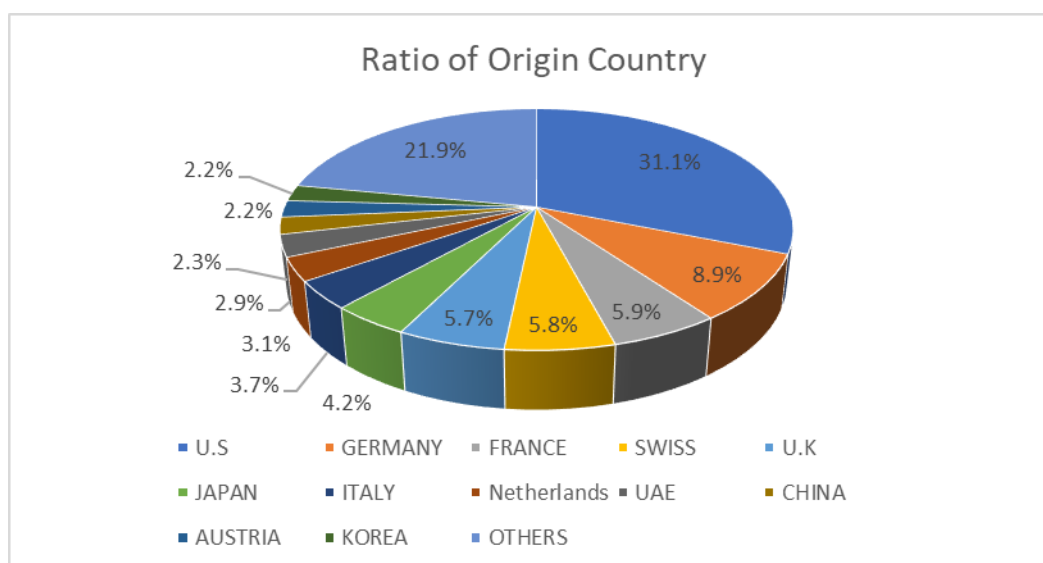
<sup>43</sup> <https://www.moec.gov.ae/en/moe-opendata?q=patent>

### 3.3.2. Patents

#### Applications filed for Patents and Utility Models<sup>44</sup>

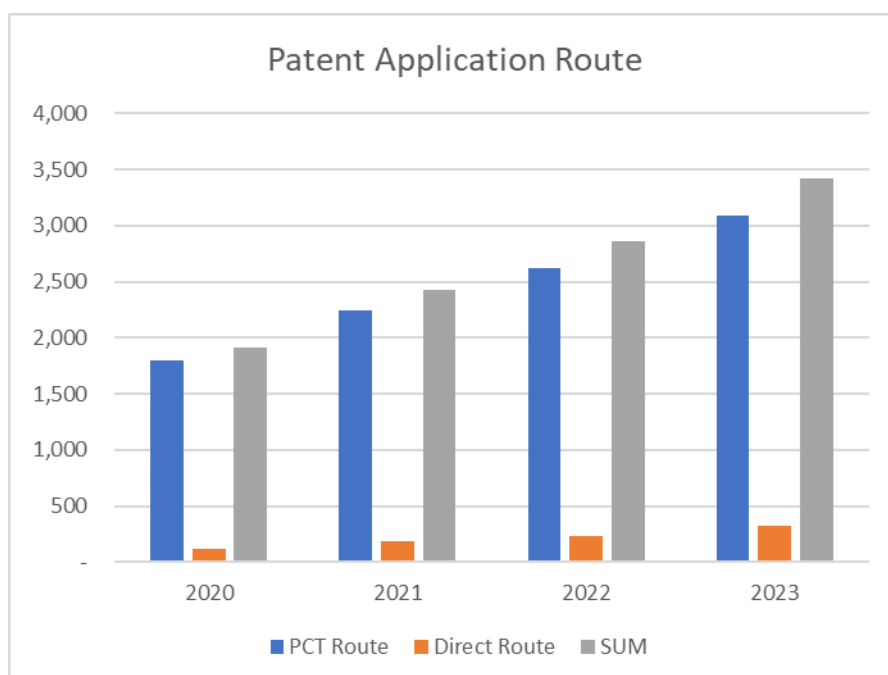


#### Patent filing in UAE per country of origin

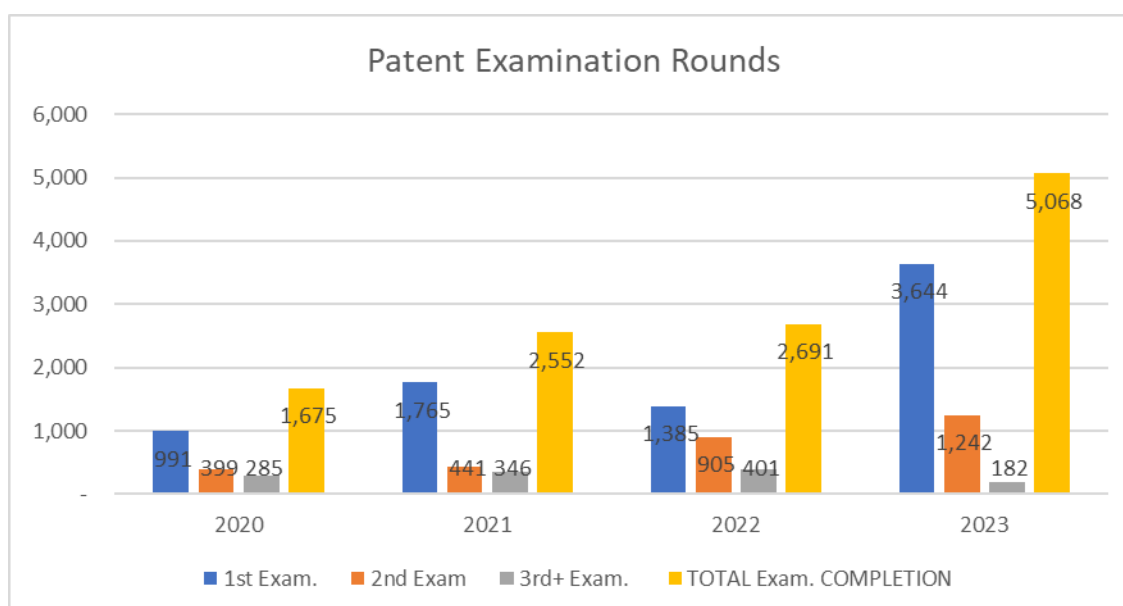


<sup>44</sup> <https://www.moec.gov.ae/en/moe-opendata?q=patent>

### Patent Application Route<sup>45</sup>

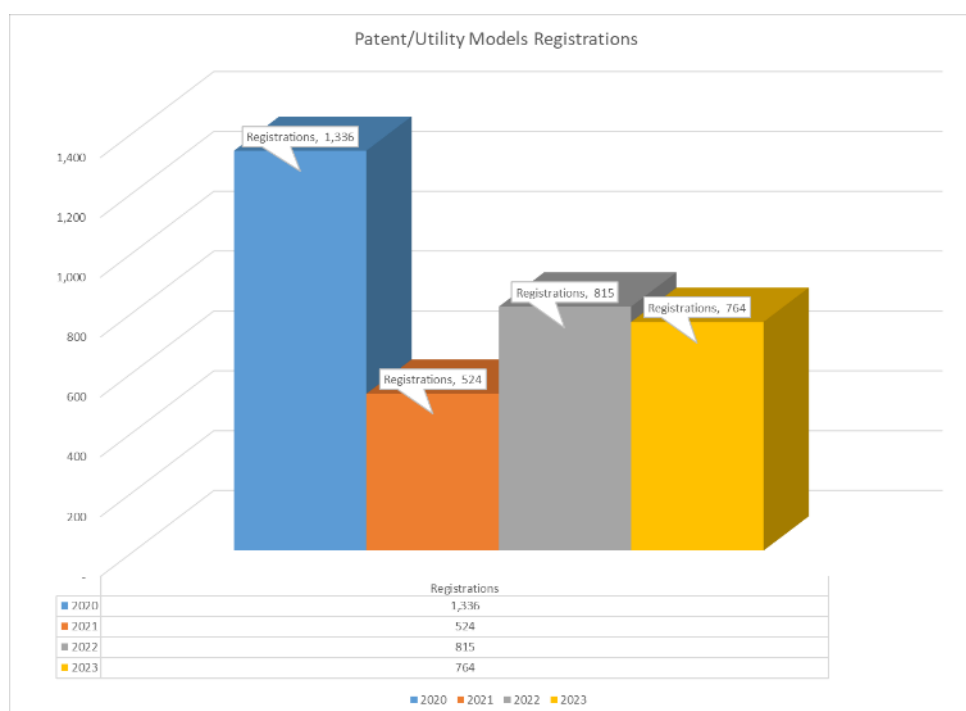


### Patent Examination Rounds<sup>45</sup>



<sup>45</sup> <https://www.moec.gov.ae/en/moe-opendata?q=patent>

### Patent/Utility Models Registrations<sup>45</sup>

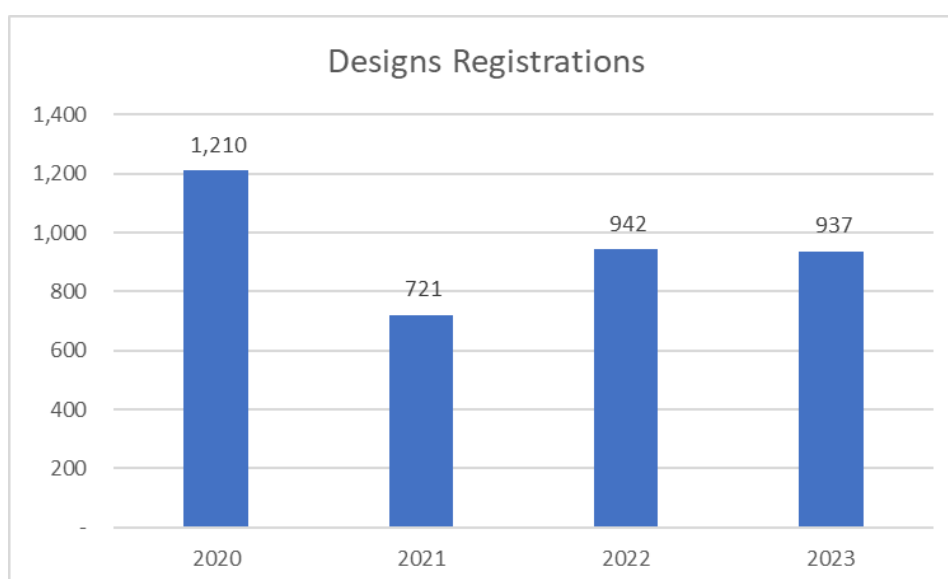


### 3.3.3. Designs<sup>46</sup>

The number of applications filed

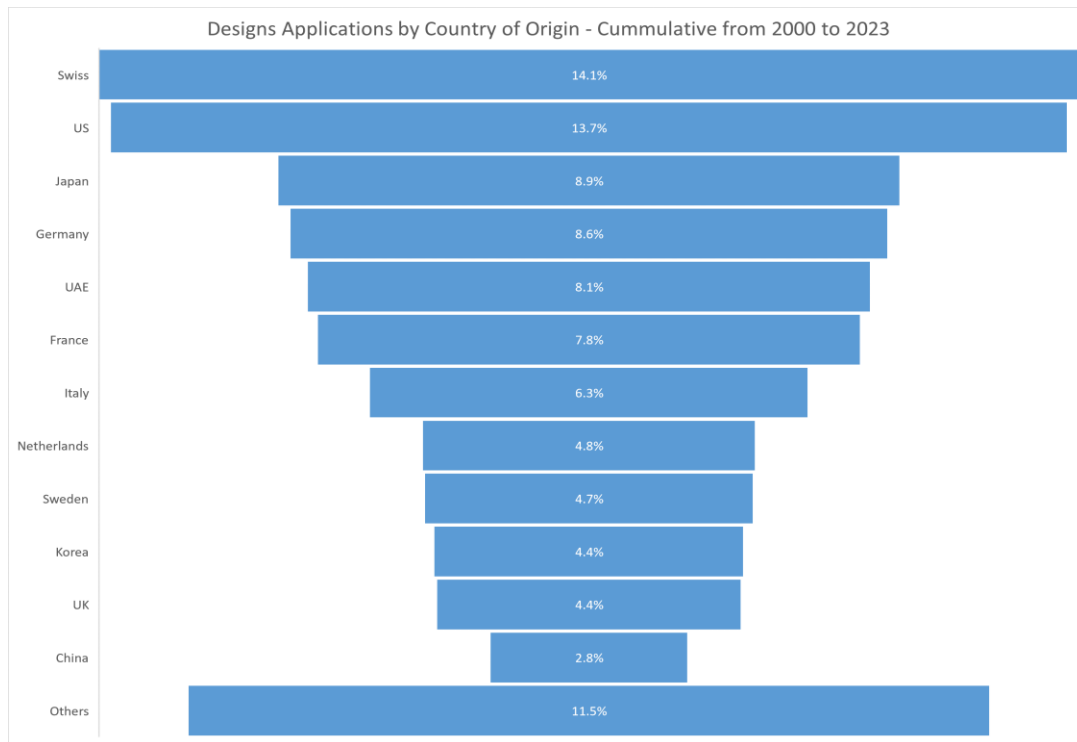
	2019	2020	2021	2022
Designs Applications	923	689	983	902

### Designs Registrations



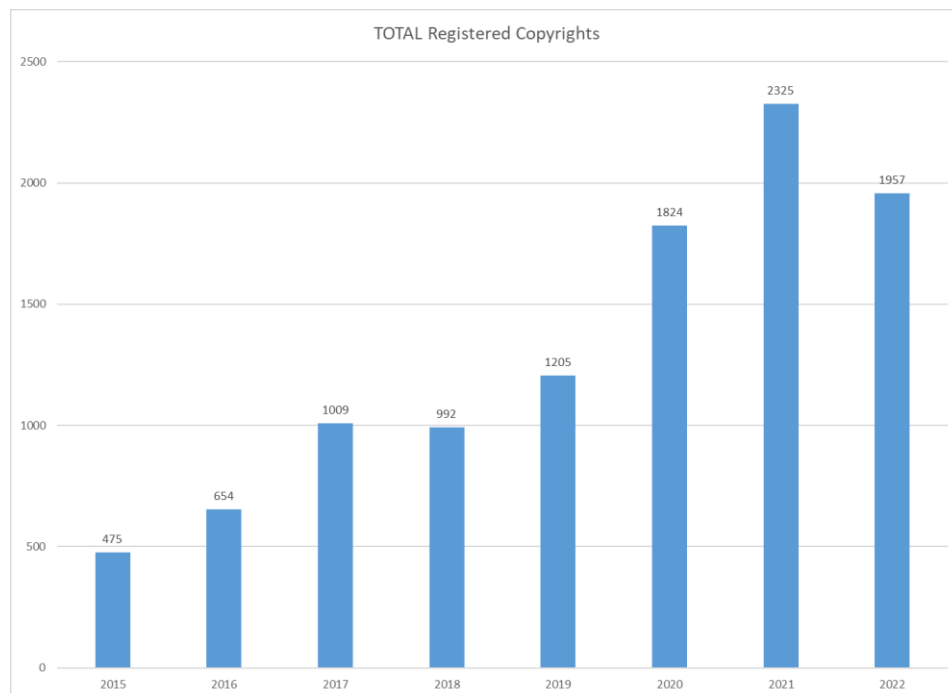
<sup>46</sup> <https://www.moec.gov.ae/en/moe-opendata?q=%D8%AA%D8%B5%D8%A7%D9%85%D9%8A%D9%85>

### Designs Applications by Country of Origin<sup>46</sup>



### 3.3.4. Copyrights<sup>47</sup>

#### Copyright Registrations



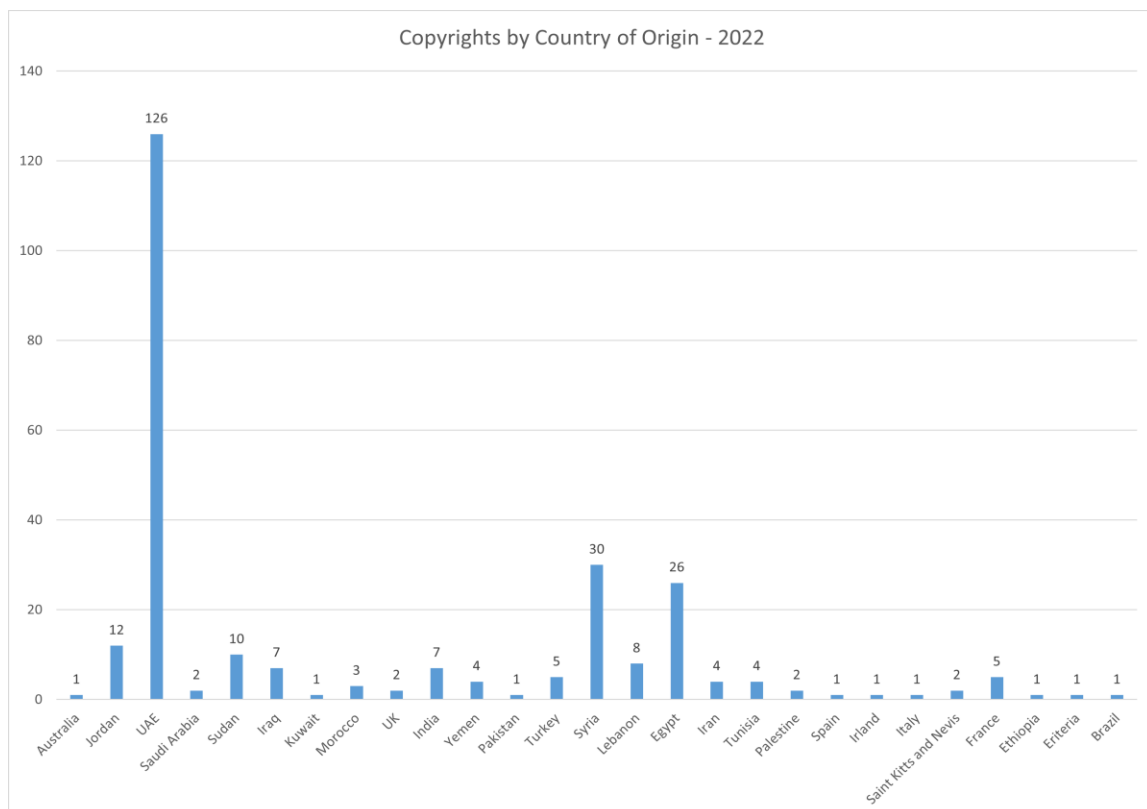
<sup>47</sup> <https://www.moec.gov.ae/en/moe-opendata?q=%D8%A7%D9%84%D9%85%D8%B5%D9%86%D9%81%D8%A7%D8%AA>



## Copyright Applications By Type in 2022<sup>47</sup>

TYPE OF COPYRIGHT	Applications
<b>Written Works</b>	<b>1148</b>
Software's & apps	269
Audio-Visual Works	142
Works of drawing	112
Audio Works	71
Works of applied and plastic arts	69
Engineering drawings and plans	34
Architectural Works	29
Works of photography	18
Visual Works	16
Artistic Works	14
Geographical Maps	12
Music Works- With words	11
Musical Works - Without Words	9

## Copyrights By Country of Origin in 2022



## **4. Definition of IP Rights and Requirements for Qualified Applications**

### **4.1. Patents**

The UAE national law regulating patents, utility models, industrial designs, and electric circuits is the UAE Federal Law (11) of 2021<sup>48</sup> regarding the Regulation and Protection of Industrial Property Rights and the Cabinet of Ministers Resolution No. (6) of 2022<sup>48</sup>, the implementing regulations. The new law came with major reforms and clarifications for the procedures. The design's protection term was extended to 20 years instead of 10 years under the previous law. The new law also implemented the after-grant re-examination of patents as well as the opposition before the Industrial Property Department. In addition, the new law introduced the expedited examination of patents which should be finalized within 6 months from the payment of the examination fees and the extra fees for expedited examination. The new law also introduced the restoration of lapsed applications within 9 months from the lapse date, extra fees apply to this service.

MoE (Ministry of Economy) Development of Innovation in the Economy and Patents Department (DIEPD) is the department handling the industrial property is under the Ministry of Economy.

#### **4.1.1. Definition**

The UAE law defines patents as a new Invention resulting from an innovative idea or innovative improvement is industrially applicable (article 5)<sup>48</sup>. The “World Intellectual Property Organization” (WIPO) describes a patent as “an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem”<sup>49</sup>

#### **4.1.2. Requirements For Granting a Patent**

Article 5 of the UAE Industrial Law 11 of 2021<sup>50</sup> states that patents shall be granted for any innovation resulting from new ideas or new developments, which involve new steps of manufacture and are technologically easy to implement.

Below are the conditions and eligibility:

2. Patent shall be granted independently for any novel application, modification, improvement, or addition related to a previously patented invention if it meets the conditions provided for in this Law.
3. An invention shall be considered new if it is not preceded by any earlier technology previously disclosed to the public in writing or orally, through use, or by any other means which have made such invention known before the date of filing the patent application or of the legally claiming priority.
5. Invention shall be considered to involve inventive steps if, according to an ordinary person versed in the relevant profession, it is not an intuitive procedure as a result of earlier technology related to the patent application.
6. An invention is considered to have an industrial application if it can be manufactured or used in any field.

#### **Patent Disclosure**

The UAE law does not contemplate disclosure of an invention by an inventor or a third party if it is disclosed within the last 12 months before the date of filing of the patent as per the provisions of article 5 of the industrial property law.

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<sup>48</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>49</sup> <https://www.wipo.int/patents/en/#>

<sup>50</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

#### 4.1.3. Term of Protection

Article 18<sup>50</sup> of the industrial property law sets the terms of protection as follows:

TITLE	Term of protection
Patents	20 years from the filing's date. The UAE is using the normal Gregorian calendar

#### What is not eligible for Patent and Utility Models in UAE

The provisions of Article 7<sup>51</sup> of the UAE law outline the subject matters that cannot be filed as Patents or Utility Models:

- a. Plant and animal research and species or biological methods of plant and animal breeding, with the exception of microbiological methods and their products in accordance with the Executive Regulations of this Law.
- b. Diagnostic methods, medications, and surgical operations related to the treatment of humans and animals.
- c. Scientific principles, discoveries and theories and mathematical methods.
- d. Plans, rules, software, methods of carrying out commercial activity, performing pure mental activity, or playing games.
- e. Natural materials even if purified or separated from natural resources, with the exception of methods of purifying or separation of such natural materials from their natural resources.
- f. Inventions the use of which would violate public order or public morals or inventions that are harmful to the life, environment, or public health.

If the Ministry discovers upon reviewing the patent application that the relevant invention relates to security or defense industry, the procedures stipulated in the Executive Regulations of this Law shall be applicable.

#### 4.1.4. Application/Registration Procedure

##### Place of Application

A National application for a patent can be filed through the MOEC's online portal. For locally domiciliated applicants can submit their applications directly after creating an account online. It is mandatory for foreign companies to appoint local legal representatives. A patent can be filed via direct national application or through PCT designating UAE.

The Industrial Property Department launched its new portal on 27 February 2024. The new portal caters the new changes of the Law (11) of 2021<sup>52</sup> regarding the Regulation and Protection of Industrial Property Rights and the new fees scheme decision 112 of 2023. This is to highlight that the new portal features are launched by stages. There are several meetings with professionals about the new portal and hence the same is not yet final until the date of drafting this report. On 12 March 2024, the Industrial Property Department conducted a meeting to discuss the new available features namely Patent, designs, utility models filings and annuity payments. Until the said date, not all the features are active. Among the non-active service, until meeting's date, appointing/dismissing agent, records of change of name, address, assignment, licensing and merger in addition to the digital library for the industrial property publications. It was announced during the meeting that until the completion launching all platform features, applicants are invited to visit the website Apply for Patent | Ministry of Economy - UAE (moec.gov.ae) for more details about the new portal guidelines<sup>53</sup>

The required documents vary according to the type of the applicant namely UAE based applicant and a foreign applicant registering a patent in UAE as well as SMEs and academic institutions as per the last decision 112 of 2023.

The locally based applicant/legal representative shall login the UAE MOEC website, <https://services.economy.ae/m/Pages/CategoryServices.aspx?CategoryID=14&lang=en-US>, click on Patents and industrial design services, and select the service Register patent.

<sup>51</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>52</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>53</sup> <https://www.moec.gov.ae/en/w/renew-registration-of-industrial-property-agent-2>

[www.moec.gov.ae/documents/20121/58361/MoEc+Patent+-+User+Manual+for+Applicants+-+English.pdf](http://www.moec.gov.ae/documents/20121/58361/MoEc+Patent+-+User+Manual+for+Applicants+-+English.pdf)

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The applicant is required to fill the forms ONLINE with the necessary information. It is mandatory at the filing time to have the following information:

English	Arabic
Abstract	
Title of the patent	
Applicant(s)'s name, nationality & Address	
Inventor(s)'s name, nationality & Address	
For PCT form RO	
Full description, claims, and drawings	Can be filed within 90 days from the filing date

### Eligibility

Applicants both individuals and companies can apply for patent registration in UAE.

- For UAE based applicants/legal representatives: the filing can be done directly through the online portal <https://services.economy.ae/m/Pages/CategoryServices.aspx?CategoryID=14&lang=en-US>.

- Foreign applicants: it is mandatory to appoint a local agent/legal representative to apply for the application.

The legal representative can also be appointed by UAE based applicants if they would like to apply for applications indirectly.

### Dates and Deadlines

The UAE Industrial Property Department follows the Gregorian calendar. Hence, the dates in the certificates and deadlines are all as per the Gregorian calendar. The UAE government adopted the new weekend scheme Saturdays and Sundays as of 1 January 2022<sup>54</sup>. The Hijri calendar is not used by the respective office.

The UAE industrial Law implementing regulations, article 2<sup>55</sup> explains the calculation method of deadlines followed by the Industrial Property Department:

1. If the period is stated in days, the first day of the period shall not be counted.
2. If the last day of the period which is related to industrial property procedures falls on an official holiday, the said period shall expire on the first working day following this holiday.
3. If the last day of the period of protection of the industrial property right falls on an official holiday, the period ends on that day.

<sup>54</sup> <https://www.khaleejtimes.com/life-and-living/uae-weekend-change-how-1-year-of-saturday-sunday-off-impacted-residents-businesses>

<sup>55</sup> [https://www.ietro.go.jp/newsletter/dubai/2022/AcrobatDocument\(1\).pdf](https://www.ietro.go.jp/newsletter/dubai/2022/AcrobatDocument(1).pdf)

## Requirements of Filing

### LOCAL APPLICATION (UNDER PARIS CONVENTION)

1. Power of Attorney, duly Notarized up to the Notary public if the application is filed by a local legal representative.
2. Deed of Assignment from inventor (s) duly Notarized.
3. Certified Extract from the Commercial Register or Articles of Incorporation, or any equivalent document duly Notarized.
4. Certified copy of the priority document, in case of claiming priority.
5. Filing Particulars of Applicants/inventors, their Addresses & Nationalities.
6. Specification, claims, abstract in Word format in addition to formal drawings, if any, in English and Arabic languages

### NATIONAL PHASE APPLICATION (UNDER PCT SCHEME)

1. Power of Attorney, duly Notarized up to the Notary public if the application is filed by a local legal representative.
2. Deed of Assignment from inventor (s) duly Notarized.
3. Certified Extract from the Commercial Register or Articles of Incorporation, or any equivalent document duly Notarized.
4. Copy of the PCT documents – if the patent is not published.
5. Form RO 101/ Request.
6. Filing Particulars of Applicants/inventors, their Addresses & Nationalities.
7. Specification, claims, abstract in Word format, and formal drawings, if any, in English and Arabic languages. If the PCT is not in English, the English or Arabic are mandatory the filing time.

<b>Late filing of documents</b>	Documents 1, 2, and 3 can be filed within 90 days from the application's date. Late filing fees shall apply. If any document is deemed required by examiner, a notice will be sent and fees for late filing shall apply.
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## Application Conditions

Article 19 of decision 6 on 2022<sup>56</sup> Regarding the Executive Regulations of Federal Law No. 11 of 2021 on the Regulation and Protection of Industrial Property Rights

1- An application for a patent or utility certificate must include the following information:

- A. Title of the invention.
- B. Name and address of the applicant.
- C. Name and address of the inventor.
- D. The legal representative and his address, if any.
- E. A summary of the invention shall not exceed (500) five hundred words and the summary shall be used only for technical information as part of the bibliographic information of the application.
- F. The number of the international application and the date of the international filing in the event that the application is in the national filing stage in the country in accordance with the Patent Cooperation Treaty.
- G. The number of the original application and the date of its submission if the application was a division or transfer of the application previously submitted in the country.
- H. The number and date of the priority application and the office that received the priority application in the event that the applicant claims priority on the basis of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the "Paris Convention").

2. The applicant must provide a description of the invention in a sufficient way to identify the subject matter of the invention on the date of filing, and the description may include the following information:

- A. Explanation of the technical field to which the invention relates.

<sup>56</sup> <https://www.wipo.int/wipolex/en/text/587663>

- B. Prior industrial techniques that are useful for understanding the invention and of which the applicant is aware.
- C. An explanation of the invention so that a skilled person in the relevant industrial art can clearly and completely understand the invention.
- D. Preferred methods of practicing the invention which the applicant considers useful. This can be done by way of presentation or examples with reference to drawings if any.
- E. Details of the industrial application of the invention, including its manufacture, use and results achieved by the invention.
- F. Brief description of drawings, if any.

3. The applicant may submit drawings and a representative drawing, and he may not submit or modify the drawings in a way that he submits a new feature that was not submitted on the filing date, and the Ministry may choose a representative drawing if necessary.

4. The applicant shall specify the claim(s), the subject matter of protection, and the protection claims shall be clear, concise, and based entirely on the description.

5. The applicant shall submit the following documents, according to the case:

- a. Copy of the commercial register extract or an official extract of the partnership contract or establishment deed, according to the case, if the applicant is not a natural person.
- b. The document that proves the applicant's entitlement to the invention if he is not the inventor.
- c. Legal power of attorney if the application is submitted by a person other than the applicant.
- d. A copy of the Emirates ID card if the applicant or his representative is residing in the country.

6. The documents stipulated in Paragraphs (A), (B), and (C) of Clause (5) of this Article shall be approved in accordance with the Ministry's instructions.

7. The Ministry shall not request any approval for the document provided for in Paragraph (b) of Clause (5) if it is recognized by the World Intellectual Property Office during the international application procedures under the Patent Cooperation Treaty.

8. The documents stipulated in clauses (2), (3), (4) shall be submitted in both Arabic and English.

9. If the application is in the national filing stage in the country of an international application under the Patent Cooperation Treaty, the documents submitted in accordance with Clauses (2), (3), (4) shall be within the scope of the description, protection claims and drawings contained in the international application submitted in international filing date.

10. It is not permissible to submit a utility certificate application for anything other than a device of a tangible form or structure.

#### Deadlines for Filing

<b>Filing deadlines</b> <b>no extension allowed</b>	PCT	30 months from the international filing date
	Paris Convention	12 months from the national date

#### Disclosure Requirements

The UAE law does not contemplate disclosure of an invention by an inventor or a third party if it is disclosed within the last 12 months before the date of filing of the patent – article 17 of industrial property law implementing regulations<sup>57</sup>

1. *In the event that the invention is disclosed to the public by the inventor or others who became acquainted with the invention with or without the permission of the inventor, the applicant may request the Ministry to exclude this disclosed invention from previous industrial techniques, and the applicant must submit a copy of this*

<sup>57</sup> [https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument\(1\).pdf](https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument(1).pdf)

*disclosed invention with evidence that the invention has been disclosed within (12) twelve months prior to the filing date.*

2. *The applicant cannot submit the application in accordance with Clause (1) of this Article if the invention has been disclosed in the Industrial Property gazette, any regional foreign patent authority, or the World Intellectual Property Organization.*

### **Examination**

Patents undergo both formality and substantive examinations. The Innovation Development and Industrial Property Department (Patent department) is collaborating with the Korean Patent department since 2014 for the examination of patents. There are currently 5 Korean Patent examiners from the Korean Patent Office with the UAE Industrial Property Department. 14 examiners were deployed since the beginning of the partnership with the Korean Patent Office as of 2014 <sup>58</sup>.

### **Formality Examination**

Once the application form is submitted and the fees are paid, the application will undergo formality examination. The Industrial Property Department will review the documents and the submitted application to ensure the same complies with the provisions of the local law.

As per the UAE requirements, the patent application must fulfill the above-mentioned conditions namely the application's mandatory information at the filing time, the claims and abstract conditions.

The applicant must submit, as a minimum, a description of the invention in accordance with Clause (2) of Article (19)<sup>59</sup> of the executive regulations on the filing date, either in English or Arabic. If the requirement is not met, the Industrial Property Department will reject the application without allowing the applicant to submit the missing documents or amend the application.

In case the applicant has submitted all the documents at the filing time, a statement can be filed before the Industrial Property Department to expedite the examination.

### **Claims Drafting**

The executive regulations of the industrial law provide a detailed outline of the conditions necessary for drafting claims, as stipulated in Article 22<sup>60</sup>. Claims must pertain to a product or method and be proportional to the nature of the invention. The new law has limited the number of claims to 50 for patents and 10 for utility models. Claims are categorized into independent and dependent claims, with the former capable of having additional subsidiary claims to identify further or reduce them. The same applies to subsidiary claims.

If a claim refers to another protection requirement, it must state the number of the referred claim, which must precede the claims it refers to. Claims that refer to more than one protection requirement must be expressed reciprocally. Each protection requirement should be listed on a new line, with serial numbers provided in order of entries.

Moreover, a claim cannot refer to two or more claims if it refers to more than one other claim. Similarly, a claim referred to cannot refer to two or more claims if it refers to one claim which, in turn, refers to more than one claim.

### **Drawings**

Article 23<sup>61</sup> of the executive regulations sets the conditions for the drawings.

1. The drawings must take into account the following:

- A. Drawings must be drawn clearly enough to reflect the artistic feature in the best possible way and can be supported in color if possible.

- B. The letters and numbers used to indicate parts of the drawing must be clearly written, the same characters and numbers must be used in all drawings, and if these characters and numbers are written outside the drawing, they must be linked to the parts it refers to in fine lines.

- C. If more than one drawing is displayed in one sheet, enough space must be placed between each drawing, and each drawing is numbered by a serial number.

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<sup>58</sup> [https://www.kipo.go.kr/en/engBulnDetail.do?c=1003&board\\_id=kiponews&catmenu=ek06\\_01\\_01&seq=1755](https://www.kipo.go.kr/en/engBulnDetail.do?c=1003&board_id=kiponews&catmenu=ek06_01_01&seq=1755)

<sup>59</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>60</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>61</sup> <https://www.wipo.int/wipolex/en/text/587663>



2. The patent or utility certificate may not be revoked by re-examination after the grants or revoked due to the failure to meet the drawings requirements provided for in section (1) of this article.

### **Priority Claim**

As applicant can claim priority within 12 months from the national filing based on Paris Convention applications and 30 months for PCT national phase applications. Article 24<sup>62</sup> of the industrial law executive regulations sets the following conditions for claiming priority:

1. The applicant may request, add or modify the priority claim before the application is published or patented, or within (16) sixteen months of, whichever is earlier, and the applicant can only cancel all or part of the priority claims after this period has expired:
  - a. the date the application was submitted to the Ministry.
  - b. The date of filing the original application if the application was a division or transfer of the original application.
  - c. The date of the international application if the application is a national filing in the country for an international application under the PCT.
  - d. The earliest acceptable priority date for the application if the application is accompanied by a priority claim under the Paris Convention.
2. If the application is a national filing of an international PCT application, the applicant cannot claim priority other than the one accepted by the International Patent Treaty Office.
3. The Ministry may request the applicant to submit a copy of the priority application within the period specified by at least (60) sixty days.
4. The Ministry may request the applicant to submit a translation of the priority application within the period specified by at least (60) sixty days if the priority application is not written in English or Arabic and the translation is necessary for substantive examination.
5. The claim for priority is invalid when the applicant is unable to meet the requirements mentioned in above.

### **Formality Examination Reports**

Formality reports are usually issued within two weeks from the filing date. The reports are received by email by the applicant/representative. A response should be filed within 90 days from notification’.

If the applicant fails to respond within the set deadline, the application is considered lapsed and can be restored within 9 months from the lapse date. Extra restoration fees shall apply.

If the applicant fulfils all requirements, the request to pay examination fees is then issued within approximately 1 month.

### **Responding to Formality Report**

Applicant must meet the requirement and file any missing documents mentioned in official notification received from Industrial Property Department within 90 days.

### **Substantive Examination Phase**

Once the application passes the formality examination, a notification is issued by the Industrial Property Department to settle the examination fees within 90 days. After paying the substantive examination fees, the applicant can request an express examination, but extra charges will apply. The Industrial Property Department will then process the examination within 6 months but has the right to set its priorities and accept express examination requests.

The examiner will review the specifications, claims, and drawings to verify the novelty and industrial applicability conditions. The submitted specifications, drawings, and claims should follow the outlined conditions.

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<sup>62</sup> <https://www.wipo.int/wipolex/en/text/587663>

After the examination report is issued by the Industrial Property Department, the applicant will receive a report to make the necessary amendments requested by the examiner. They will then have 90 days to file a response and pay the re-examination fees. If the applicant fails to comply with the examiner's requirements during the second examination round, the examiner will issue a third examination report, and the applicant must attend within the same deadline period and pay the re-examination fees. The third examination report is final, and if the applicant is not satisfied with the decision, they can appeal.

If the applicant fails to respond, they can file a restoration request within 9 months from the lapse date after paying the related fees. Otherwise, the application will be considered lapsed.

The examination time frame is not standard and depends on the workload of the Industrial Property Department. The approximate time frame is 2 to 3 years, but it can be subject to increase.

#### Period of Entire Registration Process

Action	Approximate Time frame
Issuance formal Examination	Two weeks from application filing date
Formality Examination Report	one month/less from the date all supporting documents filed.
Issuance 1 <sup>st</sup> substantive examination report	24 – 72 months from payment substantive examination fee
Issuance 2 <sup>nd</sup> substantive examination report	12-15 months from payment re-examination fee
Issuance publication notification	6-8 months from filing response to the 2 <sup>nd</sup> examination report
Issuance patent certificate	4-6 months from payment of publication fee
<b>The above time frames are approximate only and are subject to change as per patent department process.</b>	

#### Publication of Patent Application

As per the provisions of the new law Article 32 of the implementing regulations<sup>63</sup>, the UAE shall opt for the 18-month publication. The same is not yet applicable, as to the date of this report.

1. The Ministry may publish the patent application and related information in whole or in part to disclose the application to the public after (18) eighteen months, or at the request of the applicant, even before the expiry of this period.
2. The eighteen (18) months stipulated in Clause (1) shall be calculated from the date specified in any of the following items, as the case may be:
  - A. The date the application was submitted to the Ministry.
  - B. The date of filing the original application if the application was a division or transfer of the original application.
  - C. The date of the international application if the application is a national filing in the country for an international application under the PCT.
  - D. The earliest acceptable priority date for the application if the application is accompanied by a priority claim under the Paris Convention.

Security and military industries-related applications are excluded from the 18-month publications.

The applicant may send, after the publication, a written warning to any party using the invention in commerce. The court may order the party who received the cautioning, to pay compensation equivalent to an amount normally paid under a contractual license to the patent owner for the period in question from the date of the written notice to the date of the patent registration, and such compensation shall not be claimed until the issuance of the grant letter.

#### Division and Conversion

An applicant for a patent or utility model can transfer and divide the application into two or more applications within the scope of the original application while the original application is under examination. It is worth mentioning that the amendment cannot include any new advantage outside the scope of disclosure provided to the Industrial Property Department at the date of submission and for national phase PCT, the modification shall be within the boundaries of the international application submitted on the date of the international filing.

<sup>63</sup> <https://www.wipo.int/wipolex/en/text/587663>

The original application is considered withdrawn at the time of transfer. A division or transfer of the original application shall be deemed to have been made at the time the original application was submitted.

### **Restoration**

One of the main changes made by the new Industrial law is the introduction of lapsed application restoration procedure. An application can be restored whenever the applicant fails to meet the deadline. The application can be reinstated within 9 months from the date the application is declared void. A granted patent/utility model cannot be restored once granted.

### **Withdrawal**

The applicant or his or her legal representative may, by written application, request that his or her application be withdrawn at any time while the application is being considered by the Ministry. If the application is jointly owned, the application will be withdrawn by mutual agreement, and a written withdrawal agreement must be submitted.

### **Amendments before Grant<sup>64</sup>**

The applicant may request amendments any time before the acceptance of the application.

Article 26 of the implementing regulations draws the scope of amendment as follows:

1. The applicant may correct any literary or arithmetical errors in the application and its annexes.
2. The amendment cannot include any new advantage outside the scope of disclosure provided to the Ministry at the date of submission.
3. If the application is a national filing for an international PCT application, the applicant may modify the application and its annexes within the description, claims and drawings of the international application submitted on the date of the international filing.
4. If the application is a fragmentation or transfer of an earlier application, the applicant may modify the application and its attachments within the description, claims and drawings of the original application submitted on the original filing date.
5. If the applicant amends the substantive issues of the application, the applicant must provide an explanation of the amendment by referring to the amended elements and make it clear that the amendment does not contain any new matters outside the scope of clauses (2), (3) and (4) of this article. If an explanation of the amendment is not provided or if the Ministry finds that the interpretation is insufficient, the Ministry may ask the applicant to provide an explanation of the amendment within a period of at least (60) sixty days.
6. If the amendment includes a substantial amendment to a new feature beyond the scope provided for in clauses (2), (3) and (4) of this article, the Ministry rejects the amendment, and the amendment shall be considered void.
7. If the applicant is unable to provide an explanation of the amendment in accordance with section (5) of this article, and this failure causes a problem in conducting the subjective examination, the Ministry may reject the amendment, and amendment shall be considered void.
8. Correction or suspension will only be acknowledged after the relevant fees have been paid.

### **GCC Patents in UAE**

Prior to January 2021, patent rights could be secured in the UAE by submitting a UAE patent application to the local Industrial Property Department, using the Patent Cooperation Treaty, or applying to the GCC Patent Office in Riyadh. However, as of early January 2021, the GCC Patent Office ceased accepting new applications due to ongoing legislative changes in the regional system<sup>65</sup>. The GCC resumed the filing as of beginning 2023, however, the filing procedures changed. The GCC Patent Office handles the patents of the requesting countries ONLY. Along with Kuwait and Bahrain, which have been confirmed since the beginning of 2023, Qatar has also announced that it will be sending its national applications to the GCC Patent Office as of July 1, 2023. The GCC Patent Office will handle receiving applications, formality checks, and substantive examination.

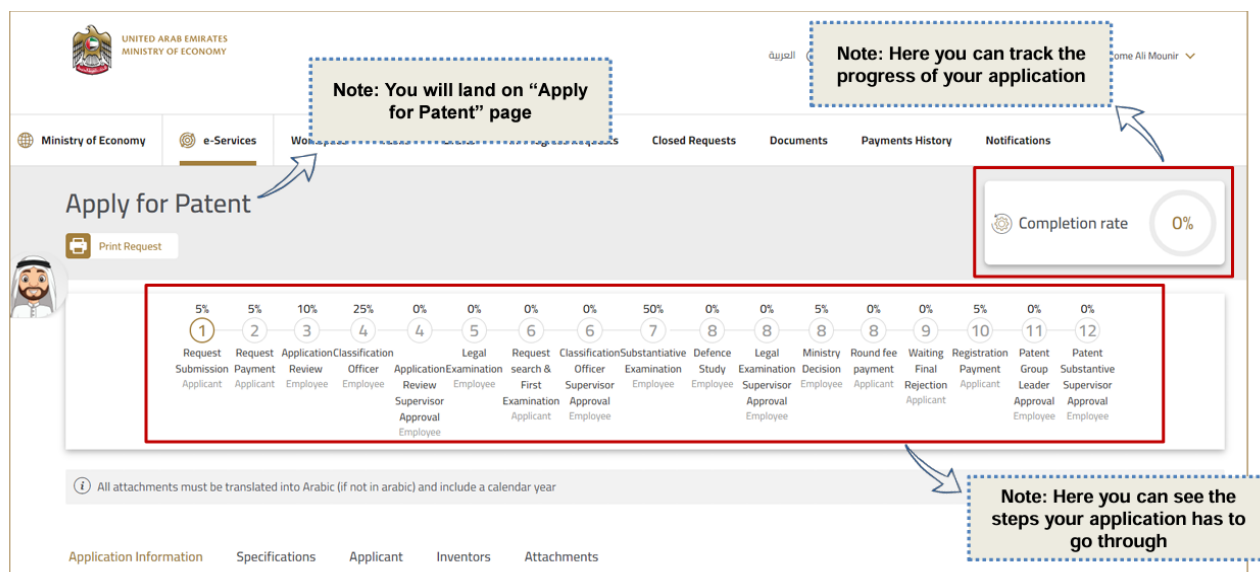
Before the suspension of the GCC patents system, GCC patents were enforced in UAE under the same rights granted to national applications and following the same path as the national applications namely enforcement via civil proceedings before the Federal Court of Abu Dhabi or the Emirates courts Dubai, Ras Al Khaimah and Abu Dhabi.

<sup>64</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>65</sup> <https://www.state.gov/reports/2023-investment-climate-statements/uae/>

However, after the suspension of the GCC system, the GCC patents that are still valid and for which the annuities are paid shall remain valid while for the enforcement of the same the situation is still unclear.

## Process Flow Chart



### 4.1.5. Post-Registration

#### Publication and Grant

After the issuance of the acceptance decision, the publication and grant fees shall be settled within 60 days from the notification's date. The application is then published in the official gazette for 90 days for the opposition period. The current publication of granted patents only publishes the bibliographic data and the abstract along with the abstract's drawing, if any. However, the Industrial Property Department is still debating the new publication form which will be a full patent/utility model publication.

The applicant is requested to settle the pending annual fees before or with the registration fee. The applicant may recover the application by paying the restoration fees and extra late fees within (9) nine months from the date the application is deemed void.

If the opposition is successfully achieved, the patent/utility model is granted, and a registration certificate is issued. The UAE Industrial Property Department issues electronic documents ONLY. The registration certificate lists the application number, application national filing date, The number and date of the ministerial decision to grant the registration for the patent., patent registration number, applicant's name and address, the inventor's name unless the latter declares in writing that they do not wish to be named, the title of the invention, the original application number and the original submission date if the application is a divisional/conversion from the original request, the international application number and date of international application if the application is based on a PCT application.

On the other hand, any 3<sup>rd</sup> party shall file the opposition before the Industrial Property Department within the set deadline and the same is not extendable.

#### Registration Fees

The UAE government amended the fees scheme for industrial property services after the issuance of the Ministerial Decision 112 of 2023. The new patent registration fees are as follows:

Service	Official Fees AED	Official Fees JPY	Official Fees USD
<b>FILING FEES</b>			
1) For companies and institutions	2,000.00	82,000.00	545
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	1,000.00	41,000.00	272
Late filing for documents (per action) For companies and institutions	400.00	16,400.00	109
Late filing for documents (per action) For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54
<b>EXAMINATION FEES</b>			
1) For individual and companies			
Number of claims 1-10	7000.00	287,000.00	1,906
Number of claims 11-30	8000.00	328,000.00	2,178
Number of claims 31-50	9000.00	369,000.00	2,451
2) For Small and Midsize Enterprises (SMEs) and academic entities			
Number of claims 1-10	3500.00	143,500.00	953
Number of claims 11-30	4000.00	164,000.00	1,089
Number of claims 31-50	4500.00	184,500.00	1,225
<b>RE EXAMINATION FEES</b>			
1) For individual and companies	5000.00	205,000.00	1,361
2) For Small and Midsize Enterprises (SMEs) and academic entities	2500.00	102,500.00	681
<b>Publication and Grant Fees</b>			
1) For companies and institutions	800.00	32,800.00	218
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	400.00	16,400.00	109
<b>Express examination fees</b>			
1) For companies and individual	2000.00	82,000.00	545
2) For Small and Midsize Enterprises (SMEs) and academic entities	1000.00	41,000.00	272
<b>0.714% Online payment commission will be added to all official fees</b>			

### Annuities

Annuity fees are due at the anniversary of the application. For national applications, annuities are due from the UAE national filing date while for PCT, annuities are due as of the international filing date. While for divisional application, the annuity is due from the original application's date Article (45) of the implementing regulations.

The annuities can be paid in total or per year until the term of the protection period. The annuities are paid online via the Industrial Property Department e-services portal.

The applicant is granted a grace period of 3 months from the due date to settle the due annuity without any extra charges. Then after, the applicant may pay the annual unpaid fees with the late fee up to the date of registration of the application.

Cumulative late annuities on pending applications cannot be paid until the issuance of the substantive examination request.

Annual fees must be paid for a registered patent or utility certificate. If the annual fee is not paid within the specified time after registration, the owner of the registered patent or utility certificate may pay the annual fee within (3) an additional three months without a late fee. A further nine months are allowed as a grace period for the payment of annual fees with late fees. When the owner of the patent or registered utility certificate does not pay an annual fee, the registration of the registered patent or utility certificate expires the following day after the nine-month grace period granted. The registered patent or utility certificate cannot be restored.

The Ministry publishes the expiry of the patent registration or the registered utility certificate in the Industrial Property Gazette, the Digital Library of Industrial Property or the Ministry's website. Any delay in publication or non-publication does not affect the expiry of patent registration or utility certificate.

## Annuitities Fees

	Official Fees AED	Official Fees JPY	Official Fees USD
<b>For companies</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	200.00	8,200.00	54.00
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	1,000.00	41,000.00	272.00
Payment of the 11 <sup>th</sup> to 15 <sup>th</sup> year annuity (per year)	2,500.00	102,500.00	681.00
Payment of the 16 <sup>th</sup> to 20 <sup>th</sup> year annuity (per year)	4,000.00	164,000.00	1,089.00
<b>For individual, Small and Midsize Enterprises (SMEs) and academic entities</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	100.00	4,100.00	27.00
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	500.00	205,00.00	136.00
Payment of the 11 <sup>th</sup> to 15 <sup>th</sup> year annuity (per year)	1,250.00	51,250.00	340.00
Payment of the 16 <sup>th</sup> to 20 <sup>th</sup> year annuity (per year)	2,000.00	82,000.00	545.00
<b>Late Payment fees - PER MONTH</b>			
For companies and institutions	400.00	16,400.00	109.00
For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54.00
<b>0.714% Online payment commission will be added to all official fees</b>			

## Rights of the Right Holder

Article 19 of the Industrial Property Law stipulates<sup>66</sup> that a patent or utility certificate shall confer on its holder the following:

1. The right to utilize the invention. Any of the following shall be deemed as utilization of the invention:
  - a. If the subject matter of the patent or utility certificate is a product, the holder of the patent or utility certificate shall have the right to manufacture, use, offer for sale, sell and import it for such purposes. The holder of the patent or utility certificate shall moreover have the right to prevent third parties from manufacturing, using, offering for sale, selling, or importing the product for such purposes without obtaining his prior consent to do so.
  - b. If the invention involves an industrial process or a manufacturing method of a certain product, the patent holder shall have the same right with respect to the direct product of such process or method. In addition, the holder shall have the right to exploit such process or method and prevent third party without obtaining his prior consent from the actual exploitation of the method or from using, offering for sale, selling, importing of the direct product of such method for such purposes.
2. The right to use the method and conduct any activities prescribed in (a) (1) above with respect to any product directly derived through such method if the patent or utility certificate is granted for a method or a novel application of a known industrial method or process.
3. The rights prescribed in (1) above shall be limited to activities conducted for industrial or commercial purposes only and shall not cover activities related to the product after its sale.

## Licensing

The holder of the protection deed may grant a license to any natural or corporate person to use or exploit the right subject of protection, provided that the license period does not exceed the duration of protection of the title as per the provisions of the law. The contractual license must be in writing and signed by the parties.

<sup>66</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

### Contractual License Relation to Third Party

The contractual license shall not prevent the holder of the protection deed from exploiting or using the subject matter of the protection by himself or granting further licenses to third parties unless the licensing contract stipulates otherwise (Article 51 of Industrial Property Law)<sup>67</sup>.

### Rights of Licensee

Article 52 of the Industrial Property Law states that the person or entity who is granted a license has the right to use and exploit the licensed subject matter in all territories of the State, including free zones, during the entire duration of legal protection, in all fields and by all means, unless the licensing contract states otherwise. The licensee also has the right to exercise the same rights granted to the holder of the protection deed, to prevent any infringement, threat, or harm to the subject matter of protection. Both the licensor and licensee can take legal measures and actions to protect their respective rights<sup>68</sup>.

### Assignment of Contractual License

It is not permissible for the licensee, other than in the case of assigning the establishment or transferring its ownership in whole or in part, to assign the license or grant sub-licenses to third parties, unless the contractual license stipulates otherwise (article 53 of industrial property law).

### Renewal of Registration

The term of protection is 20 years not renewable.

### Fees Related to Successful Registration

Publication and Grant Fees	Official Fees AED	Official Fees JPY	Official Fees USD
1) For companies and institutions	800	32,800	218
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	400	16,400	109

### Post Grant Amendments<sup>69</sup>

As per Article 43 of the implementing regulations, a patent or utility model owner has the option to request amendments after the grant of the invention under certain conditions.

1. Correct any literary or computational errors in the description, claims, and drawings. This can be done after registration, provided that the due fees have been paid. The correction cannot involve any changes in description, claims, and drawings.
2. Modify the claims by eliminating one or more claims or reducing the scope of claims as a whole. This requires the payment of the due fees. The amendment must not alter or extend the scope of protection of the claims as a whole.

The modification applications, once filed and the fees are settled, are examined by a group of examiners to ensure they meet the requirements 1 and 2. If the examiner group refuses to correct or amend, the correction or amendment submitted shall be void. The decision of the examiner group is recorded in the registry by the Ministry.

Once the amendments were approved, the Ministry published the amended claims in the Industrial Property Gazette.

### Request of Re-examination After Grant

Any interested party can request a re-examination of a patent or utility model after it has been granted. The application is filed online through the e-services portal within 90 days of the registration's publication after the payment of the requisite fees.

To request a re-examination, the opposing party must demonstrate a fundamental interest, and the applicant must show that they have a substantial interest in the patent/utility model. If these requirements are not met, the Ministry will reject the application without further review after the grant. Once the Industrial Property Department registers the request for re-examination, it will inform the relevant authorities of the process and provide a copy of the

<sup>67</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>68</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>69</sup> <https://www.wipo.int/wipolex/en/text/587663>

necessary documents. The post-grant examination will then be re-examined by a group of at least three examiners with sufficient experience to confirm the validity of the registration. The issuance of the registration certificate will be suspended until the group of examiners decides, upon completion of the re-examination after the grant, that the registration is valid.

If the opposition committee issues a decision, it can be appealed before the grievance committee within 60 days from the date of the decision. The committee's decision can be appealed before the Federal court within thirty days from the date of receiving the decision.

<b>is the opposition filed with the Industrial Property Department or court?</b>	<ol style="list-style-type: none"> <li><b>Route 1: Post-Grant reexamination --&gt; Appeal to Committee on the result of post-grant reexamination.</b></li> <li><b>Route 2:</b> Invalidation challenge to Abu Dhabi Appeal Court.</li> </ol>
<b>Are hearing sessions before Industrial Property Department online or face to face?</b>	There is no hearing in post-Grant reexamination. The Appeal Committee will decide the mode of hearing if necessary.
<b>How many hearing sessions Industrial Property Department can be required?</b>	The committee will decide on the hearing of the appeal.
<b>Official fees hearing session</b>	The committee will decide.
<b>Official fees for filing oppositions</b>	Post-Grant Reexamination: AED 5,000.00 (205,000.00 JPY/1361 USD) Appeal to Committee on Post-Grant Reexamination decision: <ul style="list-style-type: none"> <li>- AED 1,000 (41,000.00 JPY/272 USD) (legal entity)</li> <li>- AED 500 (20,500.00 JPY/136 USD) (individual)</li> </ul>
<b>Official fees for filing arguments</b>	No, it is included in the reexamination fee.
<b>Official fees for filing extra documents/statements</b>	If submitted separately <ul style="list-style-type: none"> <li>- AED 400 (16,400 JPY/109 USD) (legal entity)</li> <li>- AED 200 (8,200 JPY/55 USD) (individual)</li> </ul>
<b>0.714% Online payment commission will be added to all official fees</b>	

#### 4.1.6. Enforcement of Rights

##### Enforcement Agency

Article 35<sup>70</sup> stipulates that any interested party may file an action before the UAE Federal Court in Abu Dhabi to invalidate the issuance of a patent/utility model registration certificate, certificate of compulsory license if it is issued without complying with the conditions of the grant.

The holder of patent, utility certificate or compulsory license, the Ministry, and everyone who has a right to any of the same shall be notified of the judgment. The judgement shall be published in the Industrial Property Bulletin.

The invalidation request may be total or partial. In case of partial invalidation, the issued judgement shall be deemed as a restriction of the rights conferred upon their holder. This is to highlight that the awarded party shall not be obligated to refund any royalties obtained in exchange for the exploitation of the invention or the mandatory license.

<sup>70</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>



The enforcement of patents in the Emirates of Dubai, Abu Dhabi, and Ras Al Khaimah necessitates presenting the case before the independent federal courts of each city. For cases in Sharjah, Umm Al Quwain, Fujairah, and Ajman, the best option is to bring them before the UAE Federal court, which has jurisdiction over all the emirates.

It is worth noting that no specialized courts exist for handling industrial property infringement cases. However, magistrates with expertise in IP can appoint registered IP experts from the court's register to prepare a technical report for the case. The judge will provide the expert with the essential points required, and the expert will provide the report within the designated time frame.

Upon payment of the expert's fees by the plaintiff, the expert will contact both parties to arrange meetings and request statements. The expert will then prepare the report and share it with the parties for their comments. Once the final report is ready, it is shared with the court and the parties.

The expert may request an extension to submit the report, but it is up to the court to accept or reject the request. If the expert fails to comply with the deadlines, the court may impose fines.

It is worth emphasizing that local judges consider the expert's report when making their judgments.

### **Judicial System and Courts regarding IP Protection<sup>71</sup>**

The legal structure in the UAE runs in two systems: the Federal Judiciary presided by the Federal Supreme Court as the highest judicial authority in the UAE and the local judicial departments at the local government level. The intellectual property matters are processed by the civil courts of different levels as there are no specialized intellectual property courts.

At the federal level, Ministry of Justice oversees courts and prosecution departments across the UAE. It appoints judges and licenses lawyers, experts, and legal translators.

Articles 94 to 109 of the UAE Constitution outline the basic principles of these systems and defer specifics to local courts. Each of the seven emirates can decide to be part of the Federal Judiciary or keep their own judicial system. Sharjah, Ajman, Fujairah, and Umm Al Quwain adhere to the federal system. Nevertheless, Abu Dhabi Judicial Department in Abu Dhabi, Dubai Courts in Dubai, and RAK Courts in Ras Al Khaimah operate their own autonomous judicial departments at the local level, handling cases not under the jurisdiction of the Federal Judiciary as per the Constitution.

At the federal level, the highest judicial authority is the Federal Supreme Court, which handles matters related to the interpretation of the constitution, federal laws, and disputes between emirates or between the federal government and individual emirates.

Each emirate also has its own judicial system, headed by a Court of First Instance. Appeals from these courts are heard by a Court of Appeal, and in some emirates, there are specialized courts, such as Sharia courts for matters involving Islamic law. Overall, the UAE's judicial system is complex, with both federal and emirate-level courts handling a wide range of civil and criminal matters.

The relationship between the Federal courts and the courts of each Emirate in the United Arab Emirates (UAE) is structured in a hierarchical manner, reflecting the federal structure of the country's legal system.

### **Federal Courts<sup>72</sup>:**

1. **Federal Supreme Court:** At the apex of the federal judiciary is the Federal Supreme Court. It is the highest judicial authority in the UAE and primarily deals with constitutional matters, disputes between Emirates, and appeals on matters of federal law.
2. **Federal Courts of First Instance, appeal and cassation:** Below the Federal Supreme Court are the Federal Courts of First Instance, appeal, and cassation courts. These courts have jurisdiction over cases involving federal laws, regulations, and disputes between individuals and the federal government. They handle civil, commercial, and administrative matters at the federal level.

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<sup>71</sup> <https://u.ae/en/about-the-uae/the-uae-government/the-federal-judiciary>

<sup>72</sup> <https://uaelegislation.gov.ae/en/legislations/1581>

### Emirate Courts:

1. **Courts of First Instance:** Each Emirate has its own system of courts, with a Court of First Instance being the primary trial court. These courts have jurisdiction over a wide range of civil, criminal, and family matters that fall within the Emirate's legal jurisdiction.
2. **Courts of Appeal:** Appeals from the Courts of First Instance within each Emirate are heard by Courts of Appeal. These appellate courts review decisions made by the lower courts to ensure they were made in accordance with the law and legal procedures.
3. **Specialized Courts:** Some Emirates have specialized courts to handle specific types of cases, such as Sharia courts for matters involving Islamic law, labour courts for employment disputes, and commercial courts for business-related matters.

### Relationship<sup>73</sup>:

1. **Jurisdictional Autonomy:** While the federal judiciary oversees matters of federal law and disputes between Emirates, each Emirate maintains its own judiciary with jurisdiction over local laws and regulations.
2. **Coordination and Cooperation:** Despite the autonomy of Emirate courts, there is coordination and cooperation between federal and Emirate judicial authorities to ensure consistency in the application of laws and legal principles across the country.
3. **Appeals to Federal Courts:** Decisions made by Emirate courts can be appealed to the Federal Courts if they involve federal laws or constitutional issues. The Federal Supreme Court serves as the final arbiter on matters of federal law and the constitution.

Overall, the relationship between Federal and Emirate courts in the UAE is one of cooperation and coordination, ensuring a unified legal framework while respecting the jurisdictional autonomy of each Emirate.

The court in which an intellectual property rights (IPR) case is filed in the United Arab Emirates (UAE) can depend on the type of intellectual property involved. Different types of intellectual property, such as trademarks, patents, copyrights, and trade secrets, may be subject to specific legal frameworks and regulations, which can influence the jurisdiction of the court where the case is filed. Here's how it typically works:

1. **Trademarks and Patents:** Cases related to trademarks and patents are often heard in before the appeal's committee at the trademark department or Industrial Property Department. These offices may handle matters such as trademark oppositions, cancellations, patent oppositions/re-examination after grant, and patent validity disputes. The decisions of the appeals committees at both offices are appealed before the high federal court of Abu Dhabi.
2. **Copyrights:** Copyright disputes, including infringement claims, may be brought before the Copyright committee at the Ministry of economy, general civil courts, or the country's federal court of Abu Dhabi depending on the jurisdictional arrangements in each Emirate.
3. **Unfair Competition:** Claims related to unfair competition, including deceptive trade practices, may also be adjudicated in civil courts, particularly those with jurisdiction over commercial matters.

**Initiating Legal Proceedings:** The process typically commences with the submission of a claim or application to the relevant court, or alternatively, the administrative competent authorities may file their decision, which is then referred to the appropriate court or pursued through an appeal process.

Regarding intellectual property (IP) matters in the UAE, the legal stages vary based on the nature of the case:

**Criminal Proceedings:** After an infringement complaint is lodged with competent authorities such as the Department of Economic Development (DED), customs authorities, or the police, if infringement is established, the complaint is forwarded to the public prosecution. Subsequently, the case is transferred to the criminal district court for adjudication by the local criminal court.

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<sup>73</sup> <https://uaelegislation.gov.ae/en/legislations/1431>

**Civil Litigation:** Civil actions concerning IP infringement or unfair competition, excluding any involvement of administrative authorities like the Trademark department or Industrial Property Department, are addressed before the commercial local court.

**Federal Civil Court:** Civil actions involving matters such as unfair competition, trademark cancellations, or other civil disputes, are brought before the Federal Civil Court for resolution.

The specific court or tribunal where an IPR case is filed can vary depending on factors such as the nature of the dispute, the type of intellectual property involved, and the applicable laws and regulations. It's essential for parties involved in IPR disputes to consult with legal experts familiar with UAE's legal system to determine the appropriate venue for their case.

### **Common Law Proceedings**

There are two free zones in UAE, Dubai Financial Centre (DIFC) based in Dubai and Abu Dhabi Global Market (ADGM) based in Abu Dhabi that adopt the common laws instead of the local civil and commercial laws. However, there are some differences in the applications of the common laws in these free zones.

Although DIFC laws are derived from the common English law, yet the authority enacted its own laws and regulations. DIFC does not incorporate direct foreign laws. In other words, the English law is the last resort if a predefined matter **is not covered by the DIFC law.**

### **ADGM Courts<sup>74</sup>**

The jurisdiction of the ADGM court is restricted to civil and commercial matters concerning the ADGM entities. The ADGM Court consists of two levels. The court of First Instance has divisions namely Civil, employment and Small Claims divisions. The ADGM's court of second level is the Court of Appeal. The courts apply English law directly and uses English precedents. ADGM judicature originates solely from common law jurisdictions in England, Australia and New Zealand.

### **DIFC Courts<sup>74</sup>**

Unlike ADGM, DIFC courts do not use English precedents and the courts rely on DIFC precedents. In addition, DIFC courts can hear and decide cases between parties who agreed in writing to opt for DIFC courts in case of litigation even the parties are not DIFC based entities.

DIFC courts are of 2 levels: the court of First Instance and the Court of Appeal. The court of First Instance hosts Civil & Commercial, Technology & Construction, Arbitration, and Digital Economy divisions. The DIFC judicature is a mixture of UAE civil-trained judges and judges from common law jurisdictions, such as England & Wales, Australia, and Singapore

Patent infringement cases taking place in Dubai Financial Centre or Abu Dhabi Global Markets can be brought before the specialized courts of the authorities. For ADGM, the entities should be part of ADGM and for DIFC if the parties are part of DIFC or solely agree to appoint DIFC courts as Authority.

It is important to hire the specialized attorneys dealing with DIFC and ADGM legal matters for the cases to be treated at these courts.

The main advantage of proceeding before the DIFC and ADGM courts is that all the proceedings are in English unlike the civil courts the proceedings are all carried in Arabic.

For Japanese companies, translation will be required for all non-English and/or non-Arabic documents for both types of proceedings within the UAE.

<b>Common-Law<sup>75</sup></b>	<b>Civil Law</b>
<b>Case-based law</b>	Code-based law
<b>Based on English Law</b>	Based on Roman Law

<sup>74</sup> <https://www.supportlegal.com/post/what-s-the-difference-adgm-v-difc>

<sup>75</sup> <https://bineidlawfirmuae.com/difference-between-common-law-and-civil-law/#:~:text=The%20main%20difference%20between%20the,published%20judicial%20opinion%20holds%20importance.>

<b>Relies on Precedent</b>	Influenced by Roman Law
<b>Trial format: confrontational</b>	Trial Format: collaborative
<b>No clear distinction</b>	Private Law and Public Law distinguished
<b>Judge and Jury</b>	One or panel of Judges
<b>Trial dominated by lawyers</b>	Judge actively participates
<b>Flexible</b>	Strict
<b>Paired Expressions (binomials, trinomials)</b>	Long lists of terms
<b>Mostly verbal</b>	Mostly written

### **Claim of Damage, Preventive Measures and Penalties**

The industrial law has common law provisions for the remedies and measures related to industrial property infringement.

#### **Claiming damages**

The holder of the protection deed or his licensee, in the event of violation of any of his rights conferred upon him by the protection deed, may claim damage before the Court as a result of actions made in violation of the provisions of this Law (Article 67 of the Industrial Law)<sup>76</sup>.

#### **Enforcement proceedings fees**

The fees of the enforcement proceedings are set per case. The official fees are also per case as per court's estimation. The attorney fees start as of AED 105,000 (43,050,000 JPY/28,590 USD) to initiate the proceedings before the First instance stage. The official fees are set by the court at the filing time. The expert fees are set by the court upon appointing the expert.

#### **Remedies**

Infringement of patents rights is sanctioned under the industrial property law. With the recent amendments, the fines and sanctions increased.

Article 69 of the Industrial Property Law stipulates that without prejudice to any more severe penalty stipulated in any other law, any person provides incorrect or false documents or information to obtain patent, utility certificate, industrial design or integrated circuit layout, whoever imitates an invention or manufacturing process, or whoever knowingly infringes any rights protected by this Law, shall be punished with imprisonment and a fine no less than (100,000) AED One Hundred Thousand and no more than (1,000,000) One Million Dirhams, or one of these two penalties (article 69 of the Industrial Law)<sup>77</sup>.

In addition to monetary fines, article 70 of the industrial property law gives the authority to the Court to order the confiscation of seized items and it may order the destruction or removal of the consequences of such unlawful action in addition to the machines and tools used in forgery. In addition, and under the same article, the Court may order the publication of the judgment in the Industrial Property Bulletin or in one of the daily local newspapers at the expense of the convicted person.

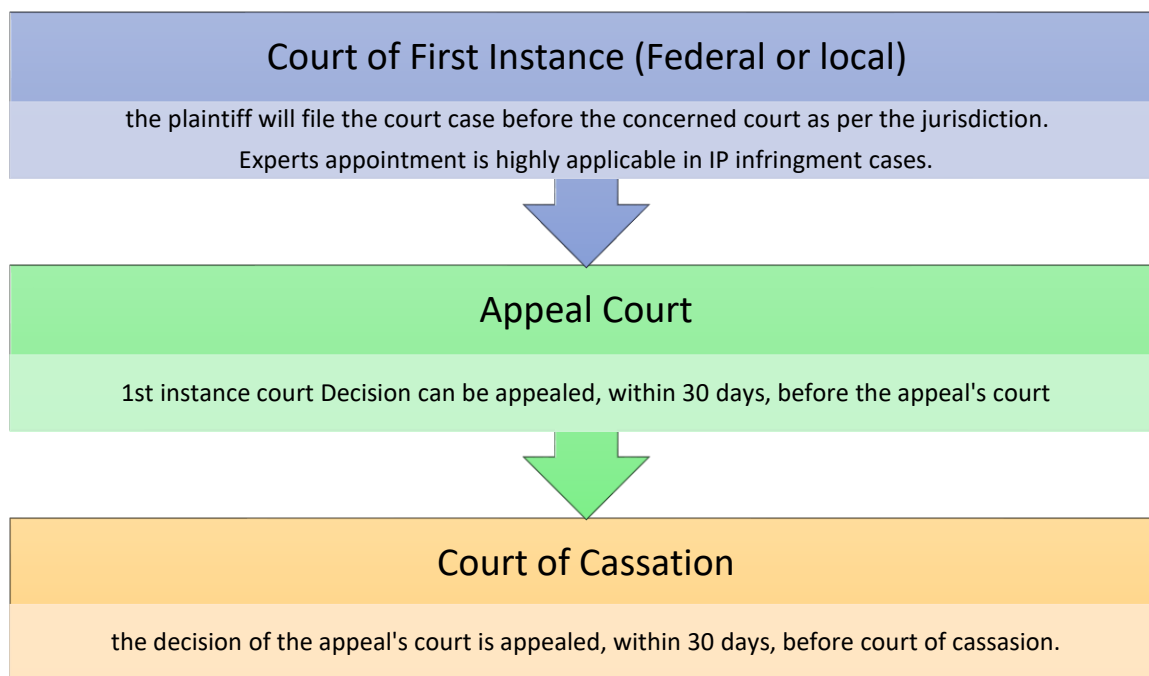
<sup>76</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>77</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

### Summary of the remedies with Comparison table

Remedies available in UAE for Patent Infringement	
<b>Injunctions</b>	Available
<b>Damages</b>	Can be claimed before the court. The plaintiff should submit a detailed report about the damages incurred due to the infringement
<b>Fines</b>	fine no less than AED 100,000 (410,000.00 JPY/27,230 USD) and no more than AED 1,000,000) (41,000,000.00 JPY /272,294 USD)
<b>Destroying of infringing goods</b>	Applicable
<b>Publication of Judgement</b>	Applicable at the expenses of the convicted party
<b>Criminal Proceedings</b>	Imprisonment can be sentenced.
<b>Border Detention</b>	Upon complaint from the plaintiff and subject to the customs approval

### Flowchart of the process of the Enforcement



## 4.2. Utility Models

### 4.2.1. Definition

Utility models are intended to protect small or incremental technical innovations, which are usually related to mechanical or electrical devices. This protection is granted through a limited exclusive right that allows the holders to prevent others from commercially exploiting the inventions without their consent<sup>78</sup>. Utility models are clearly defined and regulated under the UAE Industrial Property Law 11 of 2021. The law defines utility models as a new invention that has industrial application but has not been resulted from an inventive step that is sufficient to qualify for patent eligibility (Article 6)<sup>79</sup>.

There are several common law provisions between patents and utility certificates. They are subject to the same procedures in terms of registration, examination, publication and grant post registration proceedings and enforcement as well.

### 4.2.2. Requirements

In the UAE, utility certificates are granted for new inventions that have industrial applications but do not meet the inventive step required for patent eligibility (Article 6 of Industrial Property Law). The Industrial Property Department can convert a utility certificate to a patent application or vice versa upon the request of inventors, registration agents, or permitted assignees. This is subject to the guidelines and conditions specified in the Executive Regulations of the Industrial Property Law. (Article 6 of Industrial Property Law)

#### What is not eligible Utility Model in UAE?

The provisions of Article 7<sup>80</sup> of the UAE law outline the subject matters that cannot be filed as

Patents or Utility Models:

- a. Plant and animal research and species or biological methods of plant and animal breeding, with the exception of microbiological methods and their products in accordance with the Executive Regulations of this Law.
- b. Diagnostic methods, medications, and surgical operations related to the treatment of humans and animals.
- c. Scientific principles, discoveries and theories and mathematical methods.
- d. Plans, rules, software, methods of carrying out commercial activity, performing pure mental activity, or playing games.
- e. Natural materials even if purified or separated from natural resources, with the exception of methods of purifying or separation of such natural materials from their natural resources.
- f. Inventions the use of which would violate public order or public morals or inventions that are harmful to the life, environment, or public health.

If the Ministry discovers upon reviewing the patent application that the relevant invention relates to security or defense industry, the procedures stipulated in the Executive Regulations of this Law shall be applicable.

#### Rights Not Covered by Utility Certificate

Article 22<sup>81</sup> of industrial Property rights stipulates that patent or utility certificate rights shall not cover the activities relating to education and scientific research, if the use of the subject matter of a patent or utility certificate for transportation means being introduced to the State on temporary or irregular basis whether such a use is intended for the body structure, machines, equipment, tools or other parts of the said means, provided that their use restricted only to the needs of such means and if the subject matter combines more than one medication for the purpose of medical treatment by a licensed pharmacist.

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<sup>78</sup> [https://www.wipo.int/patents/en/topics/utility\\_models.html](https://www.wipo.int/patents/en/topics/utility_models.html)

<sup>79</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>80</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>81</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

### 4.2.3. Term of Protection

TITLE	Term of protection
Utility Models	10 years from the filing's date. The UAE is using the normal Gregorian calendar

### 4.2.4. Application/Registration Procedure

#### Place of Application

A National application for a utility model can be filed through the MOEC's online portal. For locally domiciliated applicants can submit their applications directly after creating an account online. It is mandatory for foreign companies to appoint local legal representatives.

The Industrial Property Department launched its new portal on 27 February 2024. The new portal caters the new changes of the Law (11) of 2021<sup>82</sup> regarding the Regulation and Protection of Industrial Property Rights and the new fees scheme decision 112 of 2023. This is to highlight that the new portal features are launched by stages. There are several meetings with professionals about the new portal and hence the same is not yet final until the date of drafting this report. On 12 March 2024, the Industrial Property Department conducted a meeting to discuss the new available features namely Patent, designs, utility models filings and annuity payments. Until the said date, not all the features are active. Among the non-active service, until meeting's date, appointing/dismissing agent, records of change of name, address, assignment, licensing and merger in addition to the digital library for the industrial property publications. It was announced during the meeting that until the completion launching all platform features, applicants are invited to visit the website Apply for Patent | Ministry of Economy - UAE (moec.gov.ae) for more details about the new portal guidelines<sup>83</sup>

The required documents vary according to the type of the applicant namely UAE based applicant and a foreign applicant registering a utility model in UAE as well as SMEs and academic institutions as per the last decision 112 of 2023.

The locally based applicant/legal representative shall login the UAE MOEC website, <https://www.moec.gov.ae/en/services>, click on New Patents and industrial design services, and select the service Register apply for utility certificate.

The utility models' procedures detailed guide is available for the users:  
<https://www.moec.gov.ae/documents/20121/58361/MoEc+Patent+-+User+Manual+for+Applicants+-+English.pdf>

The screenshot shows the 'Application Information' tab of the MOEC online portal. The form includes the following fields:

- Domain Type\***: A dropdown menu with 'Patent' selected.
- Requester Type\***: A dropdown menu with 'Select Requester Type' selected.
- Application Type\***: A dropdown menu with 'Select Application Type' selected.
- Title (English)\***: A text input field.
- Title (Arabic)\***: A text input field.
- Abstract (English)\***: A text input field.
- Abstract (Arabic)\***: A text input field.

There is also a small profile picture icon on the left side of the form.

<sup>82</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>83</sup> <https://www.moec.gov.ae/en/w/renew-registration-of-industrial-property-agent-2>

The applicant is required to fill the forms ONLINE with the necessary information. It is mandatory at the filing time to have the following information:

English	Arabic
Abstract	
Title of the patent	
Applicant(s)'s name, nationality & Address	
Inventor(s)'s name, nationality & Address	
Full description, claims, and drawings	Can be filed within 90 days from the filing date – late filing fees apply.

### Dates and Deadlines

The UAE Industrial Property Department follows the Gregorian calendar only. Hence, the dates in the certificates and deadlines are all as per the Gregorian calendar. The UAE government adopted the new weekend scheme Saturdays and Sundays as of 1 January 2022<sup>84</sup>. Hijri calendar is not followed.

The UAE Industrial Property Law implementing regulations, Article 2<sup>85</sup> explains the calculation method of deadlines followed by the Industrial Property Department:

1. If the period is stated in days, the first day of the period shall not be counted.
2. If the last day of the period which is related to industrial property procedures falls on an official holiday, the said period shall expire on the first working day following this holiday.
3. If the last day of the period of protection of the industrial property right falls on an official holiday, the period ends on that day.

### Eligibility

In the UAE, utility certificates are granted for new inventions that have industrial applications but do not meet the inventive step required for patent eligibility (article 6 of industrial property law)<sup>86</sup>.

<sup>84</sup> <https://www.khaleejtimes.com/life-and-living/uae-weekend-change-how-1-year-of-saturday-sunday-off-impacted-residents-businesses>

<sup>85</sup> [https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument\(1\).pdf](https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument(1).pdf)

<sup>86</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506?keyword=PATENT>



## Requirements

### Application Conditions

Article 19 of decision 6 on 2022<sup>87</sup> Regarding the Executive Regulations of Federal Law No. 11 of 2021 on the Regulation and Protection of Industrial Property Rights

1. An application for a utility certificate must include the following information:

- A. Title of the invention.
- B. Name and address of the applicant.
- C. Name and address of the inventor.
- D. The legal representative and his address, if any.
- E. A summary of the invention shall not exceed (500) five hundred words and the summary shall be used only for technical information as part of the bibliographic information of the application.
- F. The number of the international application and the date of the international filing in the event that the application is in the national filing stage in the country in accordance with the Patent Cooperation Treaty.
- G. The number of the original application and the date of its submission if the application was a division or transfer of the application previously submitted in the country.
- H. The number and date of the priority application and the office that received the priority application in the event that the applicant claims priority on the basis of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the "Paris Convention").

2. The applicant must provide a description of the invention in a sufficient way to identify the subject matter of the invention on the date of filing, and the description may include the following information:

- A. Explanation of the technical field to which the invention relates.
- B. Prior industrial techniques that are useful for understanding the invention and of which the applicant is aware.
- C. An explanation of the invention so that a skilled person in the relevant industrial art can clearly and completely understand the invention.
- D. Preferred methods of practicing the invention which the applicant considers useful. This can be done by way of presentation or examples with reference to drawings if any.
- E. Details of the industrial application of the invention, including its manufacture, use and results achieved by the invention.
- F. Brief description of drawings, if any.

3. The applicant may submit drawings and a representative drawing, and he may not submit or modify the drawings in a way that he submits a new feature that was not submitted on the filing date, and the Ministry may choose a representative drawing if necessary.

4. The applicant shall specify the claim(s), the subject matter of protection, and the protection claims shall be clear, concise, and based entirely on the description.

5. The applicant shall submit the following documents, according to the case:

- a. A copy of the commercial register extract or an official extract of the partnership contract or establishment deed, according to the case, if the applicant is not a natural person.
- b. The document that proves the applicant's entitlement to the invention if he is not the inventor.
- c. Legal power of attorney if the application is submitted by a person other than the applicant.
- d. A copy of the Emirates ID card if the applicant or his representative is residing in the country.

6. The documents stipulated in Paragraphs (A), (B), and (C) of Clause (5) of this Article shall be approved in accordance with the Ministry's instructions.

7. The Ministry shall not request any approval for the document provided for in Paragraph (b) of Clause (5) if it is recognized by the World Intellectual Property Office during the international application procedures under the Patent Cooperation Treaty.

8. The documents stipulated in clauses (2), (3), (4) shall be submitted in both Arabic and English.

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<sup>87</sup> <https://www.wipo.int/wipolex/en/text/587663>

9. If the application is in the national filing stage in the country of an international application under the Patent Cooperation Treaty, the documents submitted in accordance with Clauses (2), (3), (4) shall be within the scope of the description, protection claims and drawings contained in the international application submitted in international filing date.

10. It is not permissible to submit a utility certificate application for anything other than a device of a tangible form or structure.

### **Late filing of documents**

The power of attorney, assignment documents and extract of the commercial register can be filed within 90 days from the application's date. Late filing fees shall apply.

### **Filing deadlines**

PCT	30 months from the international filing date
Paris Convention	12 months from the national date

**No extensions are allowed.**

### **Examination**

Utility Models undergo both formality and substantive examinations.

#### **Formality Examination**

Once the application form is submitted and the fees are paid, the application will undergo formality examination. The Industrial Property Department will review the documents and the submitted application to ensure the same complies with the provisions of the local law.

As per the UAE requirements, the utility models applications must fulfill the above-mentioned conditions namely the application's mandatory information at the filing time, the claims and abstract conditions.

The applicant must submit, as a minimum, a description of the invention in accordance with Clause (2) of Article (19)<sup>88</sup> of the executive regulations on the filing date, either in English or Arabic. If the requirement is not met, the Industrial Property Department will reject the application without allowing the applicant to submit the missing documents or amend the application.

In case the applicant has submitted all the documents at the filing time, a statement can be filed before the Industrial Property Department to expedite the examination.

#### **Claims Drafting**

The executive regulations of the Industrial Property Law provide a detailed outline of the conditions necessary for drafting claims, as stipulated in Article 22<sup>89</sup>. Claims must pertain to a product or method and be proportional to the nature of the invention. The new law has limited the number of claims to 50 for patents and 10 for utility models. Claims are categorized into independent and dependent claims, with the former capable of having additional subsidiary claims to identify further or reduce them. The same applies to subsidiary claims.

If a claim refers to another protection requirement, it must state the number of the referred claim, which must precede the claims it refers to. Claims that refer to more than one protection requirement must be expressed reciprocally. Each protection requirement should be listed on a new line, with serial numbers provided in order of entries.

Moreover, a claim cannot refer to two or more claims if it refers to more than one other claim. Similarly, a claim referred to cannot refer to two or more claims if it refers to one claim which, in turn, refers to more than one claim.

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<sup>88</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>89</sup> <https://www.wipo.int/wipolex/en/text/587663>

## **Drawings**

Article 23<sup>90</sup> of the Executive Regulations sets the conditions for the drawings.

1. The drawings must take into account the following:
  - A. Drawings must be drawn clearly enough to reflect the artistic feature in the best possible way and can be supported in color if possible.
  - B. The letters and numbers used to indicate parts of the drawing must be clearly written, the same characters and numbers must be used in all drawings, and if these characters and numbers are written outside the drawing, they must be linked to the parts it refers to in fine lines.
  - C. If more than one drawing is displayed in one sheet, enough space must be placed between each drawing, and each drawing is numbered by a serial number.
2. The patent or utility certificate may not be revoked by re-examination after the grants or revoked due to the failure to meet the drawings requirements provided for in section (1) of this article.

## **Priority Claim**

As applicant can claim priority within 12 months from the national filing based on Paris Convention applications and 30 months for PCT national phase applications. Article 24<sup>91</sup> of the industrial law executive regulations sets the following conditions for claiming priority:

1. The applicant may request, add or modify the priority claim before the application is published or patented, or within (16) sixteen months of, whichever is earlier, and the applicant can only cancel all or part of the priority claims after this period has expired:
  - a. The date the application was submitted to the Ministry.
  - b. The date of filing the original application if the application was a division or transfer of the original application.
  - c. The date of the international application if the application is a national filing in the country for an international application under the PCT.
  - d. The earliest acceptable priority date for the application if the application is accompanied by a priority claim under the Paris Convention.
2. If the application is a national filing of an international PCT application, the applicant cannot claim priority other than the one accepted by the International Patent Treaty Office.
3. The Ministry may request the applicant to submit a copy of the priority application within the period specified by at least (60) sixty days.
4. The Ministry may request the applicant to submit a translation of the priority application within the period specified by at least (60) sixty days if the priority application is not written in English or Arabic and the translation is necessary for substantive examination.
5. The claim for priority is invalid when the applicant is unable to meet the requirements mentioned in above.

## **Formality Examination Reports**

Formality reports are usually issued within two weeks from the filing date. The reports are received by email by the applicant/representative. A response should be filed within 90 days from notification’.

If the applicant fails to respond within the set deadline, the application is considered lapsed and can be restored within 9 months from the lapse date. Extra restoration fees shall apply.

If the applicant fulfils all requirements, the request to pay examination fees is then issued within approximately 1 month.

## **Responding to Formality Report**

Applicant must meet the requirement and file any missing documents mentioned in official notification received from Industrial Property Department within 90 days.

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<sup>90</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>91</sup> <https://www.wipo.int/wipolex/en/text/587663>

### Substantive Examination Phase

Once the application passes the formality examination, a notification is, by the Industrial Property Department, to settle the examination fees within 90 days. After paying the substantive examination fees, the applicant can request an express examination, but extra charges will apply. The Industrial Property Department will then process the examination within 6 months but has the right to set its priorities and accept express examination requests.

The examiner will review the specifications, claims, and drawings to verify the novelty and industrial applicability conditions. The submitted specifications, drawings, and claims should follow the outlined conditions.

After the examination report is issued, the applicant will receive a report to make the necessary amendments requested by the examiner. They will then have 90 days to file a response and pay the re-examination fees. If the applicant fails to comply with the examiner's requirements during the second examination round, the examiner will issue a third examination report, and the applicant must attend within the same deadline period and pay the re-examination fees. The third examination report is final, and if the applicant is not satisfied with the decision, they can appeal.

If the applicant fails to respond, they can file a restoration request within 9 months from the lapse date after paying the related fees. Otherwise, the application will be considered lapsed.

The examination time frame is not standard and depends on the workload of the Industrial Property Department. The approximate time frame is 2 to 3 years, but it can be subject to increase.

### Period of Entire Registration Process

Action	Approximate Time frame
Issuance formal Examination	Two weeks from application filing date
Formality Examination Report	one month/less from the date all supporting documents filed.
Issuance 1 <sup>st</sup> substantive examination report	24 – 72 months from payment substantive examination fee
Issuance 2 <sup>nd</sup> substantive examination report	12-15 months from payment re-examination fee
Issuance publication notification	6-8 months from filing response to the 2 <sup>nd</sup> examination report
Issuance patent certificate	4-6 months from payment publication fee
<b>The above time frames are approximate only and are subject to change as per patent department process.</b>	

### Division and conversion

An applicant can transfer and divide the utility model application into two or more applications within the scope of the original application while the original application is under examination. It is worth mentioning that the amendment cannot include any new advantage outside the scope of disclosure provided to the Industrial Property Department at the date of submission and for national phase PCT, the modification shall be within the boundaries of the international application submitted on the date of the international filing.

The original application is considered withdrawn at the time of transfer. A division or transfer of the original application shall be deemed to have been made at the time the original application was submitted.

### Restoration

One of the main changes made by the new Industrial law is the introduction of lapsed application restoration procedure. An application can be restored whenever the applicant fails to meet the deadline. The application can be reinstated within 9 months from the date the application is declared void. A granted patent/utility model cannot be restored once granted.

### Withdrawal

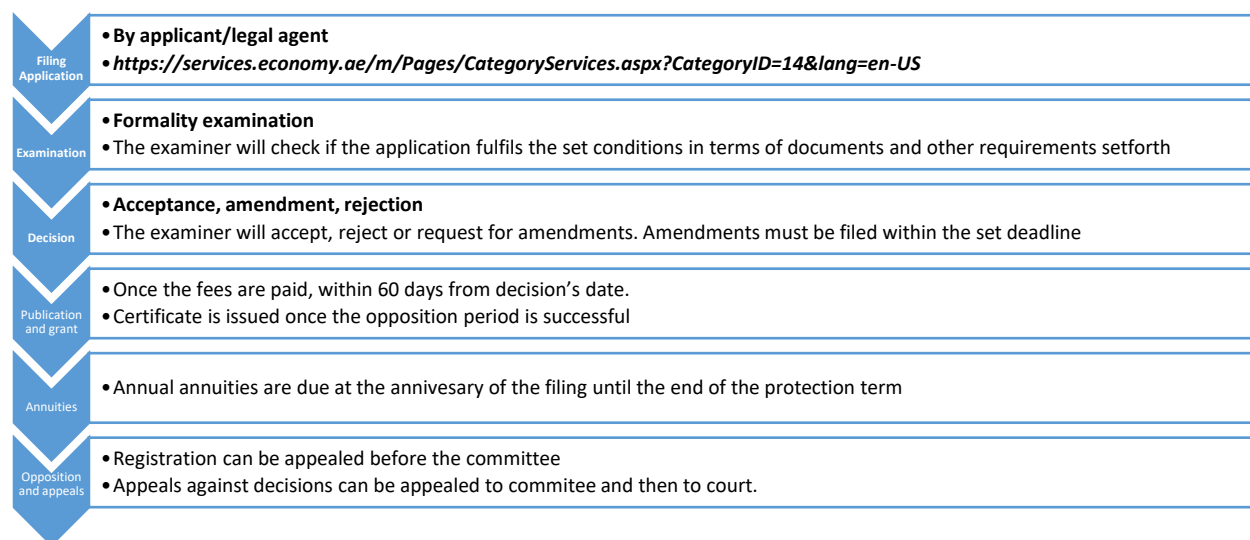
The applicant or his or her legal representative may, by written application, request that his or her application be withdrawn at any time while the application is being considered by the Ministry. If the application is jointly owned, the application will be withdrawn by mutual agreement, and a written withdrawal agreement must be submitted. The applicant may request amendments any time before the acceptance of the application.

Article 26 of the implementing regulations draws the scope of amendment as follows<sup>92</sup>:

<sup>92</sup> <https://www.wipo.int/wipolex/en/text/587663>

1. The applicant may correct any literary or arithmetical errors in the application and its annexes.
2. The amendment cannot include any new advantage outside the scope of disclosure provided to the Ministry at the date of submission.
3. If the application is a national filing for an international PCT application, the applicant may modify the application and its annexes within the description, claims and drawings of the international application submitted on the date of the international filing.
4. If the application is a fragmentation or transfer of an earlier application, the applicant may modify the application and its attachments within the description, claims and drawings of the original application submitted on the original filing date.
5. If the applicant amends the substantive issues of the application, the applicant must provide an explanation of the amendment by referring to the amended elements and make it clear that the amendment does not contain any new matters outside the scope of clauses (2), (3) and (4) of this article. If an explanation of the amendment is not provided or if the Ministry finds that the interpretation is insufficient, the Ministry may ask the applicant to provide an explanation of the amendment within a period of at least (60) sixty days.
6. If the amendment includes a substantial amendment to a new feature beyond the scope provided for in clauses (2), (3) and (4) of this article, the Ministry rejects the amendment, and the amendment shall be considered void.
7. If the applicant is unable to provide an explanation of the amendment in accordance with section (5) of this article, and this failure causes a problem in conducting the subjective examination, the Ministry may reject the amendment, and amendment shall be considered void.
8. Correction or suspension will only be acknowledged after the relevant fees have been paid.

### Process Flow Chart



### 4.2.5. Post-Registration

#### Publication and Grant

After the issuance of the acceptance decision, the publication and grant fees shall be settled within 60 days from the notification's date. The application is then published in the official gazette for 90 days for the opposition period. The current publication of granted patents only publishes the bibliographic data and the abstract along with the abstract's drawing, if any. However, the Industrial Property Department is still debating the new publication form which will be a full patent/utility model publication.

The applicant is requested to settle the pending annual fees before or with the registration fee. The applicant may recover the application by paying the restoration fees and extra late fees within (9) nine months from the date the application is deemed void.

If the opposition is successfully achieved, the patent/utility model is granted, and a registration certificate is issued. The UAE Industrial Property Department issues electronic documents ONLY. The registration certificate lists the application number, application national filing date, The number and date of the ministerial decision to grant the registration for the patent., patent registration number, applicant's name and address, the inventor's name unless the latter declares in writing that they do not wish to be named, the title of the invention, the original application number and the original submission date if the application is a divisional/conversion from the original request, the international application number and date of international application if the application is based on a PCT application.

On the other hand, any 3<sup>rd</sup> party shall file the opposition before the Industrial Property Department within the set deadline and the same is not extendable.

### Registration Fees

The UAE government amended the fees scheme for industrial property services after the issuance of the Ministerial Decision 112 of 2023. The new patent registration fees are as follows:

Service	Official Fees	Official Fees	Official Fees
	AED	JPY	USD
<b>FILING FEES</b>			
1) For companies and institutions	2,000.00	82,000.00	545.00
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	1,000.00	41,000.00	272.00
Late filing for documents (per action) For companies and institutions	400	16,400.00	109.00
Late filing for documents (per action) For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54.00
<b>EXAMINATION FEES</b>			
1) For individual and companies			
Number of claims 1-10	7,000.00	287,000.00	1,906.00
Number of claims 11-30	8,000.00	328,000.00	2,178.00
Number of claims 31-50	9,000.00	369,000.00	2,451.00
2) For Small and Midsize Enterprises (SMEs) and academic entities			
Number of claims 1-10	3,500.00	143,500.00	953.00
Number of claims 11-30	4,000.00	164,000.00	1,089.00
Number of claims 31-50	4,500.00	184,500.00	1,225.00
Number of claims 1-10	3,500.00	143,500.00	953.00
<b>RE EXAMINATION FEES</b>			
1) For individual and companies	5,000.00	205,000.00	1,361.00
2) For Small and Midsize Enterprises (SMEs) and academic entities	2,500.00	102,500.00	681.00
<b>Publication and Grant Fees</b>			
1) For companies and institutions	800.00	32,800.00	218.00
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	400.00	16,400.00	109.00
<b>Express examination fees</b>			
1) For companies and individual	2,000.00	82,000.00	545.00

2) For Small and Midsize Enterprises (SMEs) and academic entities	1,000.00	41,000.00	272.00
<b>0.714% online charges will be added to all official fees</b>			

### Annuities

Annuity fees are due at the anniversary of the application. For national applications, annuities are due from the UAE national filing date while for PCT, annuities are due as of the international filing date. While for divisional application, the annuity is due from the original application's date Article (45) of the implementing regulations.

The annuities can be paid in total or per year until the term of the protection period. The annuities are paid online via the Industrial Property Department e-services portal.

The applicant is granted a grace period of 3 months from the due date to settle the due annuity without any extra charges. Then after, the applicant may pay the annual unpaid fees with the late fee up to the date of registration of the application.

Annual fees must be paid for a registered patent or utility certificate. If the annual fee is not paid within the specified time after registration, the owner of the registered patent or utility certificate may pay the annual fee within (3) an additional three months without a late fee. A further nine months are allowed as a grace period for the payment of annual fees with late fees. When the owner of the patent or registered utility certificate does not pay an annual fee, the registration of the registered patent or utility certificate expires the following day after the nine-month grace period granted. The registered patent or utility certificate cannot be restored.

Cumulative late annuities on pending applications cannot be paid until the issuance of the substantive examination request.

The Ministry publishes the expiry of the patent registration or the registered utility certificate in the Industrial Property Gazette, the Digital Library of Industrial Property or the Ministry's website. Any delay in publication or non-publication does not affect the expiry of patent registration or utility certificate.

### Annuities Fees

	Official Fees AED	Official Fees JPY	Official Fees USD
<b>For companies</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	200.00	8,200.00	54.00
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	1,000.00	41,000.00	272.00
<b>For individual, Small and Midsize Enterprises (SMEs) and academic entities</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	100.00	4,100.00	27.00
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	500.00	205,00.00	136.00
<b>Late Payment fees - PER MONTH</b>			
For companies and institutions	400.00	16,400.00	109.00
For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54.00
<b>0.714% Online payment commission will be added to all official fees</b>			

### Rights of the Right Holder

Article 19 of the Industrial Property law stipulates<sup>93</sup> that a patent or utility certificate shall confer on its holder the following:

1. The right to utilize the invention. Any of the following shall be deemed as utilization of the invention:

- a. If the subject matter of the patent or utility certificate is a product, the holder of the patent or utility certificate shall have the right to manufacture, use, offer for sale, sell, and import it for such

<sup>93</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

purposes. The holder of the patent or utility certificate shall moreover have the right to prevent third parties from manufacturing, using, offering for sale, selling or importing the product for such purposes without obtaining his prior consent to do so.

- b. If the invention involves an industrial process or a manufacturing method of a certain product, the patent holder shall have the same right with respect to the direct product of such process or method. In addition, the holder shall have the right to exploit such process or method and prevent third party without obtaining his prior consent from the actual exploitation of the method or from using, offering for sale, selling, importing of the direct product of such method for such purposes.

2. The right to use the method and conduct any activities prescribed in (a) (1) above with respect to any product directly derived through such method if the patent or utility certificate is granted for a method or a novel application of a known industrial method or process.

3. The rights prescribed in (1) above shall be limited to activities conducted for industrial or commercial purposes only and shall not cover activities related to the product after its sale.

### **Licensing**

The holder of the protection deed may grant a license to any natural or corporate person to use or exploit the right subject of protection, provided that the license period does not exceed the duration of protection of the title as per the provisions of the law. The contractual license must be in writing and signed by the parties.

### **Contractual License Relation to Third Party**

The contractual license shall not prevent the holder of the protection deed from exploiting or using the subject matter of the protection by himself or granting further licenses to third parties unless the licensing contract stipulates otherwise (Article 51 of Industrial Property Law)<sup>94</sup>.

### **Rights of Licensee**

Article 52 of the Industrial Property Law states that the person or entity who is granted a license has the right to use and exploit the licensed subject matter in all territories of the State, including free zones, during the entire duration of legal protection, in all fields and by all means, unless the licensing contract states otherwise. The licensee also has the right to exercise the same rights granted to the holder of the protection deed, to prevent any infringement, threat, or harm to the subject matter of protection. Both the licensor and licensee can take legal measures and actions to protect their respective rights<sup>95</sup>.

### **Assignment of Contractual License**

It is not permissible for the licensee, other than in the case of assigning the establishment or transferring its ownership in whole or in part, to assign the license or grant sub-licenses to third parties, unless the contractual license stipulates otherwise (article 53 of industrial property law).

### **Renewal of Registration**

The term of protection is 20 years not renewable.

### **Fees related to Successful Registration**

<b>Publication and Grant Fees</b>	<b>Official Fees AED</b>	<b>Official Fees JPY</b>	<b>Official Fees USD</b>
1) For companies and institutions	800.00	32,800.00	218.00
2) For individual, Small and Midsize Enterprises (SMEs) and academic entities	400.00	16,400.00	109.00

<sup>94</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>95</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>



### Post Grant Amendments<sup>96</sup>

As per Article 43 of the implementing regulations, a patent or utility model owner has the option to request amendments after the grant of the invention under certain conditions.

1. Correct any literary or computational errors in the description, claims, and drawings. This can be done after registration, provided that the due fees have been paid. The correction cannot involve any changes in description, claims, and drawings.

2. Modify the claims by eliminating one or more claims or reducing the scope of claims as a whole. This requires the payment of the due fees. The amendment must not alter or extend the scope of protection of the claims as a whole.

The modification applications, once filed and the fees are settled, are examined by a group of examiners to ensure they meet the requirements 1 and 2. If the examiner group refuses to correct or amend, the correction or amendment submitted shall be void. The decision of the examiner group is recorded in the registry by the Ministry.

Once the amendments were approved, the Ministry published the amended claims in the Industrial Property Gazette.

### Request of Re-examination After Grant

Any interested party can request a re-examination of utility model after it has been granted. The application is filed online through the e-services portal within 90 days of the registration's publication after the payment of the requisite fees.

To request a re-examination, the opposing party must demonstrate a fundamental interest, and the applicant must show that they have a substantial interest in the patent/utility model. If these requirements are not met, the Ministry will reject the application without further review after the grant. Once the Industrial Property Department registers the request for re-examination, it will inform the relevant authorities of the process and provide a copy of the necessary documents. The post-grant examination will then be re-examined by a group of at least three examiners with sufficient experience to confirm the validity of the registration. The issuance of the registration certificate will be suspended until the group of examiners decides, upon completion of the re-examination after the grant, that the registration is valid.

If the opposition committee issues a decision, it can be appealed before the grievance committee within 60 days from the date of the decision. The committee's decision can be appealed before the Federal court within thirty days from the date of receiving the decision.

<b>is the opposition filed with the Industrial Property Department or court?</b>	<b>3. <u>Route 1:</u> Post-Grant reexamination --&gt; Appeal to Committee on the result of post-grant reexamination.</b> <b>4. <u>Route 2:</u> Invalidation challenge to Abu Dhabi Appeal Court.</b>
<b>Are hearing sessions before Industrial Property Department online or face to face?</b>	There is no hearing in Post-Grant reexamination. The Appeal Committee will decide the mode of hearing if necessary.
<b>How many hearing sessions before Industrial Property Department can be required?</b>	The committee will decide on the hearing of the appeal.
<b>Official fees hearing session</b>	The committee will decide.
<b>Official fees for filing oppositions</b>	Post-Grant Reexamination: AED 5,000 (205,000 JPY/1362 USD) Appeal to Committee on Post-Grant Reexamination decision: - AED 1,000(41,000 JPY/273 USD) (legal entity) - AED 500 (20,500 JPY/136 USD) (individual)
<b>Official fees for filing arguments</b>	No, it is included in the reexamination fee.
<b>Official fees for filing extra documents/statements</b>	If submitted separately

<sup>96</sup> <https://www.wipo.int/wipolex/en/text/587663>

	<ul style="list-style-type: none"> <li>- AED 400 (16,400 JPY/109 USD) (legal entity)</li> <li>- AED 200 (8,200 JPY/2233 USD) (individual)</li> </ul>
<b>0.714% Online payment commission will be added to all official fees</b>	

#### 4.2.6. Enforcement of Rights

##### Enforcement Agency

Article 35<sup>97</sup> stipulates that any interested party may file an action before the UAE Federal Court to invalidate the issuance of a patent/utility model registration certificate, certificate of compulsory license if it is issued without complying with the conditions of the grant.

The holder of patent, utility certificate or compulsory license, the Ministry, and everyone who has a right to any of the same shall be notified of the judgment. The judgement shall be published in the Industrial Property Bulletin.

The invalidation request may be total or partial. In case of partial invalidation, the issued judgement shall be deemed as a restriction of the rights conferred upon their holder. This is to highlight that the awarded party shall not be obligated to refund any royalties obtained in exchange for the exploitation of the invention or the mandatory license.

##### Judicial System and Courts regarding IP Protection

The enforcement of patents in the Emirates of Dubai, Abu Dhabi, and Ras Al Khaimah necessitates presenting the case before the independent federal courts of each city. For cases in Sharjah, Umm Al Quwain, Fujairah, and Ajman, the best option is to bring them before the UAE Federal court, which has jurisdiction over all the emirates.

It is worth noting that no specialized courts exist for handling industrial property infringement cases. However, magistrates with expertise in IP can appoint registered IP experts from the court's register to prepare a technical report for the case. The judge will provide the expert with the essential points required, and the expert will provide the report within the designated time frame.

Upon payment of the expert's fees by the plaintiff, the expert will contact both parties to arrange meetings and request statements. The expert will then prepare the report and share it with the parties for their comments. Once the final report is ready, it is shared with the court and the parties.

The expert may request an extension to submit the report, but it is up to the court to accept or reject the request. If the expert fails to comply with the deadlines, the court may impose fines.

It is worth emphasizing that local judges consider the expert's report when making their judgments.

##### Claim of Damage, Preventive Measures and Penalties

The industrial Law has common law provisions for the remedies and measures related to industrial property infringement.

##### Claiming Damages

The holder of the protection deed or his licensee, in the event of violation of any of his rights conferred upon him by the protection deed, may claim damage before the Court as a result of actions made in violation of the provisions of this Law (Article 67 of the Industrial Law)<sup>98</sup>.

##### Enforcement Proceedings Fees

The fees of the enforcement proceedings are set per case. The official fees are also per case as per court's estimation. The attorney fees start as of AED 105,000 (43,050,000 JPY/285,901 USD) to initiate the proceedings before the First instance stage. The official fees are set by the court at the filing time. The expert fees are set by the court upon appointing the expert.

<sup>97</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>98</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

## Remedies

Infringement of utility models rights is sanctioned under the industrial property law. With the recent amendments, the fines and sanctions increased.

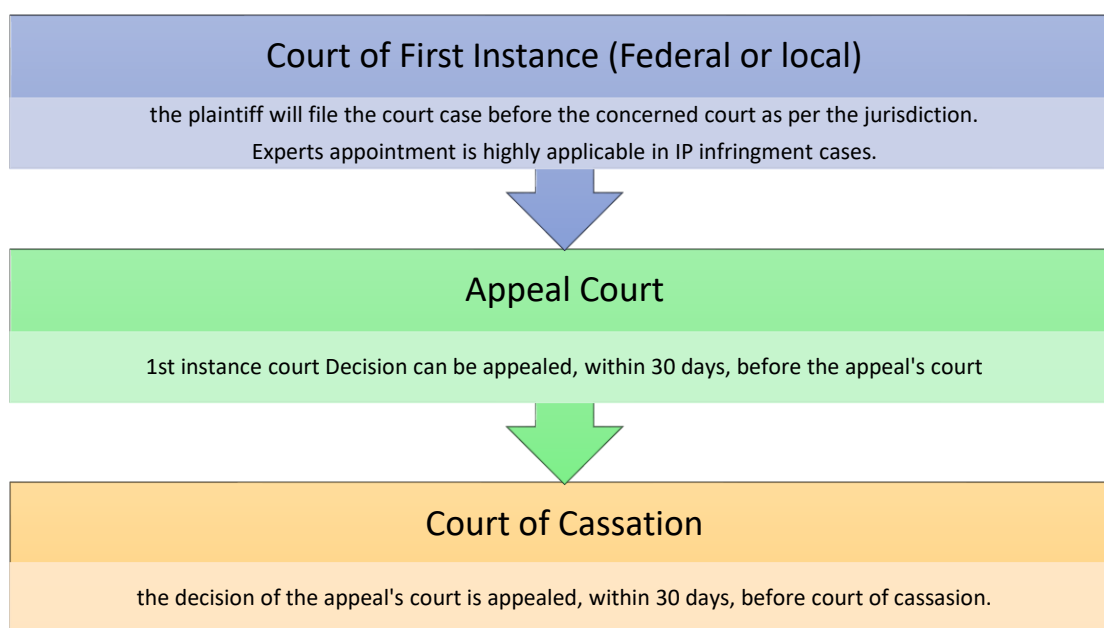
Article 69 of the Industrial Property Law stipulates that without prejudice to any more severe penalty stipulated in any other law, any person provides incorrect or false documents or information to obtain patent, utility certificate, industrial design or integrated circuit layout, whoever imitates an invention or manufacturing process, or whoever knowingly infringes any rights protected by this Law, shall be punished with imprisonment and a fine no less than AED 100,000 (4,100,000 JPY/27,230 USD) and no more than AED 1,000,000 (41,000,000 JPY/272,294 USD), or one of these two penalties (article 69 of the Industrial Law)<sup>99</sup>.

In addition to monetary fines, Article 70 of the Industrial Property Law gives the authority to the Court to order the confiscation of seized items and it may order the destruction or removal of the consequences of such unlawful action in addition to the machines and tools used in forgery. In addition, and under the same article, the Court may order the publication of the judgment in the Industrial Property Bulletin or in one of the daily local newspapers at the expense of the convicted person.

### Summary of the Remedies with Comparison Table

Remedies available in UAE for Patent Infringement	
<b>Injunctions</b>	Available
<b>Damages</b>	Can be claimed before the court. The plaintiff should submit a detailed report about the damages incurred due to the infringement
<b>Fines</b>	fine no less than AED 100,000 (410,000.00 JPY/27,230 USD) and no more than AED 1,000,000 (41,000,000.00 JPY/272,294 USD)
<b>Destroying of infringing goods</b>	Applicable
<b>Publication of Judgement</b>	Applicable at the expenses of the convicted party
<b>Criminal Proceedings</b>	Imprisonment can be sentenced.
<b>Border Detention</b>	Upon complaint from the plaintiff and subject to the customs approval
<b>Administrative Proceedings</b>	Not available

### Flowchart of the Process of the Enforcement



<sup>99</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

### **4.3. Industrial Design**

Industrial designs are protected under the provision of the UAE Industrial Property Law 11 of 2021 and its implementing regulations and ministerial decision.

#### **4.3.1. Definition**

The UAE law defines industrial designs as any two-dimensional or three-dimensional ornamental or decorative creation giving a specific design that may be utilized as an industrial or handcraft product Article 1<sup>100</sup>.

#### **4.3.2. Requirements**

For an industrial design to be accepted by the UAE registrar, it should fulfill the conditions listed in Article (43):

1. The industrial design must be novel.
2. The industrial design may not be used commercially if it violates public order or public morals.
3. An industrial design is considered novel unless it has been disclosed to the public by publication, use, or any other method prior to the date of application filing.
4. The industrial design shall not be deemed as being disclosed to the public as long as such disclosure is made within a year prior to the date of the application.

#### **Disclosure Conditions**

The UAE law does not contemplate disclosure of a design if it is disclosed within the last 12 months before the date of the application (Article 43- clause 5).

#### **4.3.3. Term of Protection**

The protection term of industrial design is twenty (20) years starting from the application's date. The rights are maintained by paying the annual fees throughout the whole applicable duration of protection.

#### **Priority**

The priority period shall be (6) six months from the date of the first filing.

#### **4.3.4. Application/Registration Procedures**

##### **Place of Application**

##### **Filing procedures**

A design application can be filed via direct national application or by claiming priority.

The required documents differ as per the type of the applicant namely UAE-based applicant and a foreign applicant registering a design in UAE.

The local based applicant/legal representative shall login the UAE MOEC website, <https://services.economy.ae/m/Pages/CategoryServices.aspx?CategoryID=14&lang=en-US>, click on Patents and industrial design services, and select the service apply for industrial design.

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<sup>100</sup> <https://www.uaegislation.gov.ae/en/legislations/1506>

Application Information
Specifications
Applicant
Designers
Attachments

Domain Type\*
Industrial Design

Requester Type\*
Select Requester Type

Application Type\*
Select Application Type

Title (English)\*

Title (Arabic)\*

Characteristic features of the design (English)\*

Characteristic features of the design (Arabic)\*

Application Information
Specifications
Applicant
Designers
Attachments

Description

Description(English)\*

Description (Arabic)\*

Application Information
Specifications
Applicant
Designers
Attachments

0 Applicants

Applicant

Applicant Type \*
Natural Person Inside UAE

Natural Person Inside UAE

Emirates Id Number \*
7B4-XXXX-XXXXXX-X

Full Name (English) \*
Full Name

Full Name (Arabic) \*
Full Name

Mobile Number \*
Mobile Number

Nationality \*
Select

Emirates \*
Select

Email \*
Email

Gender \*
Select

Person of Determination \*
Select

Save

Reset



For UAE residents (individuals and companies), the filing can be done directly via the portal by creating an account. For UAE individuals, having the UAE pass application is required for the account creation and logins.

### **Requirements**

A design application can be filed for one design or multiple designs such multiple designs must belong to the same category of the international classification<sup>103</sup>.

Each design includes black and white drawings with a sufficient number of sections in a clear and complete manner, which constitutes full visual disclosure of the claimed design.

The applicant may submit black and white photographs if photographs are the only practical means of illustrating the design. If the applicant submits both drawings and pictures, the drawings shall be considered.

A minimum of 6 views are requested by the UAE Industrial Property Department.

### **Application Requirements<sup>104</sup>**

The industrial design registration application must include a set of data, including:

- Title in Arabic and English
- Applicant's details
- Copy of the Emirates ID card if the applicant or his representative is a natural person residing in the country.
  - Inventor's details
- Priority and disclosure details (if any)
- Description of the Industrial design Arabic and English
- Classification (in accordance with the International Classification of Industrial Designs - Locarno)
- Type of the product (Products in which the mentioned industrial design is used according to Locarno classification)
- Drawings of the industrial design in JPEG format
- Determine the main representative of the design application.

### **Required documents**

- Power of attorney from applicant duly notarized from notary public if filed by legal representative.
- Deed of assignment from inventors to the applicant duly notarized by notary public.
- Certified Extract of the commercial of the applicant or articles of incorporation duly notarized form notary public
- Copy of the drawings
- Copy of the certified copy of the priority document if any
- The Ministry may request the applicant to submit any document it deems necessary within the specified period, which shall not be less than (90) ninety days.

### **Examination**

Only formality Examination is, currently, conducted by and no substantive examination is taking place for Industrial Designs.

The applicant shall satisfy all the Authority's requirements, if any, within 90 days from the date of notification, otherwise, the application will be considered abandoned, and the applicant may revive the application via payment restoration fee and penalty fee within 9 months as of the date the application is deemed void.

1. The Ministry examines the industrial design application to verify that the following have been met as per provisions of Article 63<sup>105</sup> of the implementing regulations:

- A. The application is submitted by a natural or legal person of country nationality, or by a foreign national who is entitled to submit the application in accordance with the provisions of any international convention or

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<sup>103</sup> Article 41 of the implementing regulations, Cabinet of Ministers Resolution No. (6) of 2022 regarding the Executive Regulations of Federal Law No. (11) of 2021 regarding the Regulation and Protection of Industrial Property Rights.

<sup>104</sup> Article 57 of the implementing regulations, Cabinet of Ministers Resolution No. (6) of 2022 regarding the Executive Regulations of Federal Law No. (11) of 2021 regarding the Regulation and Protection of Industrial Property Rights.

<sup>105</sup> [https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument\(1\).pdf](https://www.jetro.go.jp/newsletter/dubai/2022/AcrobatDocument(1).pdf)

convention to which the country is a party or who holds the nationality of a country that maintains the principle of reciprocity with the country in accordance with Article (3)<sup>106</sup> of the Law.

B. The application must be submitted by right holder of the design.

C. The application must be submitted jointly by all joint owners if the design right is jointly owned.

D. The documents referred to above and their translations are largely identical.

E. The design is not considered impermissible. In other words, does not violate the local public order or public morals

F. No application for the same design has been submitted to the Ministry before that or the design submitters have submitted a written agreement as stipulated in Clauses (1), (2) of Article (18) of implementing regulations.

G. The industrial design is new, innovative and decorative and can be used as an industrial or craft product.

H. The drawings are not included on any new matter outside the scope of the substantive requirement made at the time of the application.

I. The drawings are within the scope of the original application if the application was part of the original application.

J. The application includes only one design or designs belonging to one set of classes.

K. Application drawings are edited if the designs conditions are fulfilled.

2. In the event that the application does not fulfill the requirements stipulated above, the Industrial Property Department will notify the applicant of the reasons for rejecting the industrial design registration application and invite the applicant to request a re-examination with his justification and amendment if necessary.

3. The Industrial Property Department may reject the application without inviting the applicant to request a re-examination if it considers that the applicant has been given sufficient opportunity for reexamination at least once and the applicant was unable to address the reason for rejection

#### **Responding to formality/amendment report**

The applicant is given 90 days to respond to the examiner's report. The deadline is not subject to extensions.

If the deadline lapses, the application can be restored within 9 months from the lapse day. Restoration and late fees are applicable.

#### **Application Fees**

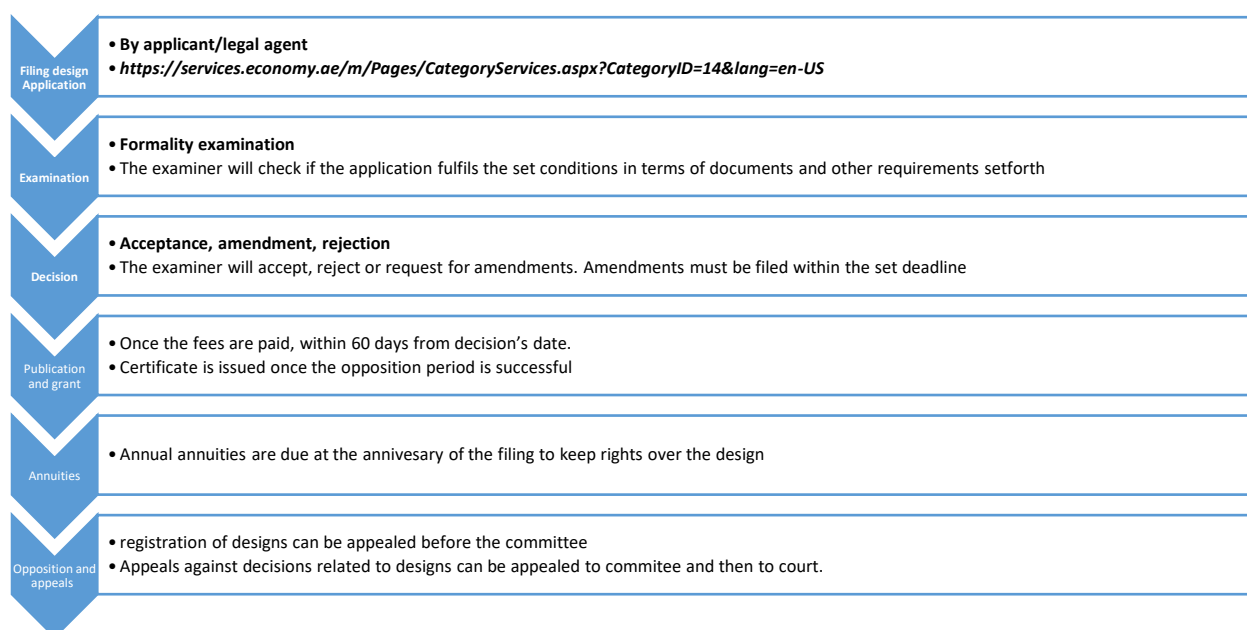
<b>Filing Fees</b>	<b>Official Fees AED</b>	<b>Official Fees JPY</b>	<b>Official Fees USD</b>
For companies and institutions	2,000.00	82,000.00	545.00
Additional design application (Multi Design) per design	-	-	
For individual, Small and Midsize Enterprises (SMEs) and academic entities	1,000.00	41,000.00	272.00
Late filing for documents ( per action) For companies and institutions	400.00	16,400.00	109.00
Late filing for documents ( per action) For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54.00
<b>0.714% Online payment commission will be added to all official fees</b>			

#### **Period of Entire Registration Process**

The registration process of industrial designs, smooth applications, 7 to 12 months

<sup>106</sup> Article 3 of the Federal Law No. (11) of 2021 regarding the Regulation and Protection of Industrial Property Rights.





#### 4.3.5. Post Registration

##### Publication and Registration

Once the design is accepted, the applicant is invited to pay the publication and grant fees within 60 days from the decision's date.

The design is published in the industrial gazette issued. Any interested party might file an opposition within 90 days from the publication's date. The opposition proceedings are similar to the patent/utility models, namely filing post-grant re-examination, appeal before the appeal's committee, which decision is challenged before the Federal Court of Appeal and then Federal courts of cassation.

Upon successful operation period, a certificate is issued.

<b>Publication &amp; Grant Fees</b>	<b>Official Fees AED</b>	<b>Official Fees JPY</b>	<b>Official Fees USD</b>
For companies and institutions	800.00	32,800.00	218.00
For individual, Small and Midsize Enterprises (SMEs) and academic entities	400.00	16,400.00	109.00
Restoration of application			
For companies and institutions	3,000.00	123,000.00	817.00.
For individual, Small and Midsize Enterprises (SMEs) and academic entities	1,500.00	61,500.00	408.00
<b>0.714% Online payment commission will be added to all official fees</b>			

##### Annuities

To keep the rights over a design, the holder must pay the annuities during the whole term of protection namely 20 years from the filing's date. The annuities are due at the anniversary of the design counted from the local filing's date.

The applicant is granted a grace period of 3 months from the due date to settle the due annuity without any extra charges. Then after, the applicant may pay the annual unpaid fees with the late fee up to the date of registration of the application.

If the annual fee is not paid within the specified time after registration, the owner of the registered patent or utility certificate may pay the annual fee within (3) an additional three months without a late fee. A further nine months are allowed as a grace period for the payment of annual fees with late fees. When the owner does not pay an annual

fee, the registration expires the following day after the nine-month grace period granted. The registered design cannot be restored.

The Ministry publishes the expiry of the design in the Industrial Property Gazette, the Digital Library of Industrial Property or the Ministry's website. Any delay in publication or non-publication does not affect the expiry of design registration.

#### **Annuity Fees (Annex 1 – Decision 112 of 2023)**

	<b>Official Fees AED</b>	<b>Official Fees JPY</b>	<b>Official Fees USD</b>
<b>For companies</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	200.00	8,200.00	54.00.
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	1,000.00	41,000.00	272.00
Payment of the 11 <sup>th</sup> to 15 <sup>th</sup> year annuity (per year)	2,500.00	102,500.00	681.00
Payment of the 16 <sup>th</sup> to 20 <sup>th</sup> year annuity (per year)	4,000.00	164,000.00	1,089.00
<b>For individual, Small and Midsize Enterprises (SMEs) and academic entities</b>			
Payment of the 2 <sup>nd</sup> to 5 <sup>th</sup> year annuity (per year)	100.00	4,100.00	27.00
Payment of the 6 <sup>th</sup> to 10 <sup>th</sup> year annuity (per year)	500.00	205,00.00	136.00
Payment of the 11 <sup>th</sup> to 15 <sup>th</sup> year annuity (per year)	1,250.00	51,250.00	340.00
Payment of the 16 <sup>th</sup> to 20 <sup>th</sup> year annuity (per year)	2,000.00	82,000.00	545.00
<b>Late Payment fees - PER MONTH</b>			
For companies and institutions	400.00	16,400.00	109.00.
For individual, Small and Midsize Enterprises (SMEs) and academic entities	200.00	8,200.00	54.00
<b>0.714% Online payment commission will be added to all official fees</b>			

#### **Designs Registration Period**

The registration process of industrial designs, smooth applications, 7 to 12 months.

#### **Restoration**

One of the main changes made by the new Industrial law is the introduction of lapsed application restoration procedure. An application can be restored whenever the applicant fails to meet the deadline. The application can be reinstated within 9 months from the date the application is declared void. A granted patent/utility model cannot be restored once granted.

#### **Withdrawal**

The applicant or his or her legal representative may, by written application, request that his or her application be withdrawn at any time while the application is being considered by the Ministry. If the application is jointly owned, the application will be withdrawn by mutual agreement, and a written withdrawal agreement must be submitted to the Service.

#### **Rights of the Right Holder – Article 46 of Industrial Property Law<sup>107</sup>**

As per the law, protection for industrial design confers the right to stop others from using the design for manufacturing, importing, or selling any product related to the design. It is not acceptable for third parties to use the design for commercial purposes. Such activities are not legitimate if they relate to a product that differs from the industrial design covered by the protection deed or if the field of their activity differs from the field of the industrial design.

#### **Rights Not Covered by Industrial Design Certificate - Article 47 of Industrial Property Law<sup>108</sup>**

Designs certificates do not provide rights on activities relating to education and scientific research and when the use of the subject matter of an industrial design certificate for transportation means being introduced to the State on a

<sup>107</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>108</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

temporary or irregular basis whether such a use is intended for the body structure, machines, equipment, tools or other parts of the said means, provided that their use restricted only to the needs of such means.

If a person, in a good faith, is using the design in the manufacturing of any product, importing and product related to the industrial design or holding it to use it for commercial purposes, offering it for sale or selling it before the date of filing the application or at the date of the legally claimed priority, such person shall have the right to continue conducting such activities without any further expansion. Such right of using shall not be transferred to third party unless along with the establishment benefiting from such right (article 22 of Industrial Property Law).

#### **Fees Related to Successful Registration<sup>109</sup>**

	<b>Official Fees AED</b>	<b>Official Fees JPY</b>	<b>Official Fees USD</b>
<b>RESTORATION OF APPLICATION</b>			
For companies and institutions	3,000.00	123,000.00	817.00
For individual, Small and Midsize Enterprises (SMEs) and academic entities	1,500.00.	61,500.00	408.00
<b>TRANSFER OF OWNERSHIP (Assignment, Merger)</b>			
For companies and institutions	1,000.00	41,000.00	272.00
For individual, Small and Midsize Enterprises (SMEs) and academic entities	500.00	20,500.00	136.00
Re-Publication fee for (granted application) for companies	800.00.	32,800.00	218.00
Re-Publication fee for (granted application) for individual, Small and Midsize Enterprises (SMEs) and academic entities	400.00	16,400.00	109.00
<b>OBTAINING CERTIFIED COPY</b>			
For companies and individual	5,000.00.	205,000.00	1,361.00
For Small and Midsize Enterprises (SMEs) and academic entities	2,500.00	102,500.00	681.00
<b>RECORDAL OF LICENSE AGREEMENT</b>			
For companies and institutions	400.00	16,400.00	109.00
For individual and SMEs	200.00	8,200.00	54.00
<b>FILING AN APPEAL</b>			
For companies and institutions	1,000.00	41,000.00	272.00
For individual	500.00	20,500.00	136.00
<b>0.714% Online payment commission will be added to all official fees</b>			

#### **Licensing**

The holders of rights can license their rights to any third party as per provisions of Article 49 of the Industrial Property Law. The law states that the holder of the protection deed may grant a license to any natural or corporate person to use or exploit the right subject of protection, provided that the license period shall not exceed the duration of protection established under the provisions of this Law. The contractual license must be in writing and signed by the parties.

#### **Renewal of registration**

The protection term is 20 years from the filing's date and after the same the design falls under the public domain. The protection term is fixed and not subject to any further extensions.

<sup>109</sup> Cabinet Resolution No. 112 of 2023 amending some provisions of Cabinet Resolution No. 20 of 2020 regarding service fees provided by the Ministry of Economy.

#### 4.3.6. Enforcement of Rights

Article 48<sup>110</sup> of the UAE industrial property law the rules of Industrial Design where Specific Provisions are not Available. The law mentions that industrial design shall be subject to the provisions of this Law regarding patent and utility certificate where no specific provisions are provided in the designs chapter namely chapter three of the Industrial Property Law.

Hence, the invalidation proceedings of industrial designs in UAE are similar to the patents proceedings whether before the Industrial Property Department or before the courts.

#### Remedies

The industrial Property law standardized the remedies and penalties for the infringements of industrial property rights.

#### Summary of the remedies with Comparison table

Remedies available in UAE for Designs Infringement	
<b>Injunctions</b>	Available
<b>Damages</b>	Can be claimed before the court. The plaintiff should submit a detailed report about the damages incurred due to the infringement
<b>Fines</b>	fine no less than AED 100,000 (4,100,000 JPY/27,229 USD) up to AED 1,000,000 (41,000,000 JPY/272, 294 USD)
<b>Destroying of infringing goods</b>	Applicable
<b>Publication of Judgement</b>	Applicable at the expenses of the convicted party
<b>Criminal Proceedings</b>	Imprisonment can be sentenced.
<b>Border Detention</b>	Upon complaint from the plaintiff and subject to the customs approval
<b>Administrative Proceedings</b>	Not available

#### Flow Chart of the Enforcement Process



#### Flow Chart of the Infringement Court Process



#### Industrial Property Search Tool

Currently, the search on industrial property titles protected in UAE can only be for granted titles via the PTO digital library. The applicant should have an account to conduct the search. On 27 February 2024, the Industrial Property Office launched new online platform. The new industrial property library is yet to be launched. By introducing the new 18 months publication, searches on filed patents will be available. The same is not yet clear until the day of the drafting of this report.

<sup>110</sup> <https://www.uaelegislation.gov.ae/en/legislations/1506>

#### 4.4. Trademarks

Trademarks are governed under the Federal Decree Law 36 of 2021<sup>111</sup> which has been implemented since February 2022 revoking the previous Law 37 of 1992. The new law brought remarkable reforms and more specific articles to regularize trademark protection procedures and enforcement. In addition, the UAE joined the Madrid Protocol on 28 December 2021. The new trademark law expanded the trademark's protection scope to include 3D trademarks, olfactive trademarks, sound marks, etc. In addition, the law protects non-protected well-known trademarks. In terms of enforcement, the new trademark law 36 of 2021, stiffened the penalties related to trademark infringements and introduced new provisional measures for trademark owners against counterfeiters.

Unlike the GCC countries namely Qatar, Kuwait, Oman and KSA, UAE does not apply the GCC (Gulf Cooperation Council Countries) Trademark Law. The GCC Trademark Act<sup>112</sup> was finally published in 2013, but it only applies to countries that have declared and published the Act (and its implementing rules) at national level. This is to mention that the GCC Trademark Law is a unified law governing the registration, enforcement, and commercialization of trademarks in all GCC Member States. The law does not apply a unitary registration system. Hence, applicants must file the trademarks in each country of the GCC countries adopting the law (Bahrain, KSA, Kuwait, Oman and Qatar) separately.

The UAE issued the new Trademark Law No 36 of 2021 and implemented the same in January 2022. Hence, until now there are no prospects of enforcing the GCC law as there is an existing national law.

This is to highlight that there are similarities between the GCC Trademark Law and the UAE Trademark Law 36 of 2021. However, there are differences as well. For example, both laws allow the registration of the trademark once the opposition decision is issued. However, in the GCC trademark Law, the opposition period is 60 days (Article 12)<sup>113</sup> while the same is 30 Days under the provisions of the UAE Trademark Law.

##### 4.4.1. Definition

As per the UAE Federal Decree by Law No. (36) of 2021 Concerning Trademarks<sup>114</sup>, Article 2, a trademark is everything that takes a distinctive shape of names, words, signatures, letters, symbols, numbers, addresses, seals, drawings, pictures, engravings, packaging, graphic elements, forms, color or colours or a combination thereof, a sign or a group of signs, including three-dimensional marks, Hologram Marks, or any other mark used or intended to be used to distinguish the goods or services of a facility from the goods or services of other facilities, or to indicate the performance of a service, or to conduct monitoring or examination of goods or services. A distinctive sound or smell may be considered as a Trademark.

##### 4.4.2. Requirements

**Article 3 of the trademark law defines all the criteria of non-registrable trademarks<sup>115</sup>.**

1. A mark having no property or distinctive character or made of data being only the name given by custom to goods and services or the familiar Drawings and ordinary Pictures of goods and services.
2. Expressions, Drawings, or marks breaching the public morals or violating the public order.
3. Public emblems, flags, military and honour emblems, national and foreign decorations, coins, banknotes, and other Symbols of the State, or other countries, or Arab or international organizations or one of their institutions, or any imitation thereof.
4. Symbols of the Red Crescent or Red Cross and such other similar logos and the marks being an imitation thereof.
5. Marks that are identical or similar to symbols having a religious nature.

<sup>111</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>112</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/gcc/gcc004en.html>

<sup>113</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/gcc/gcc004en.html>

<sup>114</sup> <https://www.wipo.int/wipolex/en/legislation/details/21302>

<sup>115</sup> <https://www.moec.gov.ae/en/intellectual-property-legislations>

6. Geographical names and data if their use would create confusion as to the origin or source of the goods or services.
7. The name, nickname, Picture or logo or surname of a third party unless he or his heirs approve its use beforehand.
8. Particulars of honorary degrees or academic degrees to which a registration applicant does not prove his legal entitlement.
9. Marks that are liable to mislead the public or contain false information as to the origin or source of the goods or services, or as to their other characteristics, as well as Trademarks that contain a trade name owned by others.
10. Marks owned by physical or juristic persons with whom dealing is prohibited in accordance with the legislation in force in the State.
11. A Trademark that is identical or similar to another Trademark previously filed or registered by a third party for the same goods or services or related goods or services if the use of the Trademark to be registered would create the impression that they are linked with the goods or services of the registered Trademark owner or leads to harming his interests.
12. Marks whose registration for some goods or services results in reducing the value of the goods or services distinguished by a previous Trademark.
13. Marks that constitute copies, imitations, translations, transliteration, or any phonetic/vocal translation of a well-known Trademark or part thereof owned by others, for use in distinguishing goods or services identical or similar to those that use a well-known Trademark to distinguish them.
14. Marks that constitute copies, imitation, translation, transliteration, or any phonetic/vocal of a well-known Trademark owned by others, or an essential part thereof, for use in distinguishing goods or services that are not identical or similar to those distinguished by the well-known Trademark, if such use indicates that there is a link between those goods or services and the well-known Trademark and if the registration of such a Trademark is likely to harm the interests of the owner of the well-known Trademark.
15. Marks that include the following terms or expressions: Concession, Concessionaire, Registered, Registered Drawing, Copyright, or other similar terms and expressions.
16. Any three-dimensional mark consisting of a shape resulting from the nature of the goods specified in the registration application or necessary to achieve a technical result; without any substantive elements that distinguish it from others.

#### **4.4.3. Terms of Protection**

When a trademark is successfully registered, the Trademarks Department issues an electronic certificate. No hard copy was provided for any event. A trademark is valid for 10 years from the date of filing. The trademark is renewable for 10 consecutive years.

#### **Non-English/Arabic Trademarks**

The UAE Trademark department accepts non-Arabic/English trademarks. The same are considered as device marks.

#### **Trademark Search**

Before registration, the applicant is recommended to run a search. The search reveals similar/identical trademarks registered/pending. The search is not mandatory. Search is conducted via the online portal against official fees. The official fees are USD 97.00 (AED 353.00).

The search can be conducted using English and Arabic Characters ONLY. The official trademarks database contains all the trademarks filed since the start of the trademark registration system in UAE namely since 1993.

In some cases, the search does not reveal the similar trademarks. In addition, due to the difference between the foreign languages and the Arabic and the pronunciation of some letters, the search might not be accurate as the Latin letters might be written and/or pronounced differently in Arabic.

The trademark database in UAE enables the search on word marks only. Device mark search is not available.

The official search report provides only details of the trademarks namely filing number, filing date, registration number and date, applicant name, and address.

The representation of trademark and the list of goods are not provided in the official search report. Hence, a complementary search must be conducted to draw a full search report. The search can be conducted via the in house databases of trademarks agents and currently via the WIPO database. However, WIPO database does not contain all the trademarks since the UAE joined Madrid only recently December 2021.

#### **Nice Classification**

The UAE follows the 12th Edition of Nice classification. Class 33 “Alcoholic beverages, except beers; alcoholic preparations for making beverages.” is not allowed and other goods/services that are against the country’s public morals or violating the public order. Class heading is acceptable under the UAE provisions.

#### **Claiming Priority<sup>116</sup>**

According to Article 11 of the UAE Trademark Law 36 of 2021 and its implementing regulations, the applicant or his successor wishes to enjoy the priority right to register the Trademark based on a previous application filed in a member state of the Paris Convention on Industrial Property or a multilateral international agreement to which the State or one of the countries of the Cooperation Council for the Arab States of the Gulf is a party, or a bilateral international agreement to which the State is a party, he shall attach to his application a copy of the previous application and an acknowledgment stating the date of the previous application, its number and the country in which it was filed, within six (6) months of the date on which he filed the registration application on account of which he claims the priority right, otherwise his right to the claim shall be forfeited.

#### **Multiclass Filing**

Multi class filing has been granted as per Article 8 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks<sup>117</sup>. However, the same is not yet applicable. Under the Madrid system, applicants can file multi class applications. The official fees, on the other hand, remain the same for each class without any reduction for extra classes.

### **4.4.4. Application/Registration Procedure**

#### **Place of Application**

The UAE government is eager to simplify procedures related to intellectual property registration in the country. Local companies and IP representatives will therefore submit all application forms online through various portals on the MOEC website. All relevant trademark services are available online at <https://www.moec.gov.ae/en/services>. For local companies, an account can be created, and the applicant can process their application directly. For foreign companies/individuals not resident, it is mandatory to appoint local representatives. The applicant/legal representative must go through the following steps:

1. Login to  
<https://services.economy.ae/m/Pages/ErrorMessage.aspx?aspxerrorpath=/m/Pages/CategoryServices.aspx>
2. Select “trademark services”
3. Register Trademark
4. Fill the required information: name and address of the applicant, type of the trademark, description of the trademark, translation of the trademark, priority details, class details.
5. It is mandatory to enter the details in Arabic as the registration certificate is issued in Arabic ONLY.

UAE trademark applications go through several stages from filing to registration as per the schedule below.

Unlike the industrial property services portal, the trademarks portal did not undergo any updates as of the date of drafting the report. The Trademarks Department has been discussing the launch of new portal to cater the changes of the new law; however, the same is not yet implemented and no date has been mentioned until the date of drafting this report. Applicants are requested to check the official website <https://www.moec.gov.ae/en/w/register-trademark%C2%A0> for future updates.

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<sup>116</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

<sup>117</sup> Article 2 of the implementing regulations- [www.ietro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.ietro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

## Registration Requester Details

**i** If you are located outside of UAE then you must apply through one of the registered agents!

Registration Requester Name \*

Registration Requester Name

Legal Nature

Individual

Activity

Commercial

Commercial

Industrial

Services

Other

Address \*

Address

City

Telephone

Telephone

Fax

Fax

Email

Email

Nationality \*

## Trademark Details

Trademark Type

Products and Services

Products and Services

Group Mark

Inspection and Monitoring

Words In Mark Name \*

Words In Mark Name

Mark Description \*

Mark Description

Trademark Name Translation \*

Trademark Name Translation

**i** You can search by NICE class number and you will see the description. You can copy that description or modify it as necessary.

**i** You can search by NICE class number and you will see the description. You can copy that description or modify it as necessary.

Nice Class Number \*

1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Select Product Details

Select

Products Details \*

Products Details

**i**



## Attachments

Need Help?



Attaching the trade license for companies and individuals inside UAE is mandatory

<b>Trademark Logo</b> <span>*</span> <div>Upload</div>	<b>Tradetelicense Copy</b> <div>Upload</div>	<b>Power Of Attorney</b> <div>Upload</div>
<b>Passport Copy</b> <div>Upload</div>	<b>Other Attachments</b> <div>Upload</div>	

## Representative Details (For IP Agents Only) i

<b>Agent Name</b> <div>Agent Name</div>	<b>Representative Address</b> <div>Representative Address</div>	<b>P.O. Box</b> <div>P.O. Box</div>
		<b>Telephone</b> <span>i</span> <div>Telephone</div>
		<b>Fax</b> <div>Fax</div>
<b>Email</b> <span>i</span> <div>Email</div>	<b>Agent Code</b> <div>Agent Code</div>	

## Priority Details

Need Help?



<b>Previous Application Number</b> <div>Previous Application Number</div>	<b>Previous Application Date</b> <div>Previous Application Date</div>	<b>Country</b> <div></div>
<div>View service terms &amp; conditions</div>		
<input type="checkbox"/> I agree to terms & conditions		
<b>Priority Document</b> <div>Upload</div>		

#### Dates and Deadlines

The UAE trademark department follows the Gregorian calendar only. Hence, the dates in the certificates and deadlines are all as per the Gregorian calendar. The UAE government adopted the new weekend scheme, Saturdays, and Sundays, as of 1 January 2022<sup>118</sup>.

#### Eligibility

Article 6 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks states that any physical or juristic person shall have the right to register his/its Trademark<sup>119</sup>. In addition, Article 2 of the Cabinet of Ministers Resolution No. (57) of 2022<sup>120</sup> regarding the Executive Regulations of Federal Law No. (36) of 2021 for Trademarks stipulates that the following applicants have the right to register their trademarks in UAE:

1. An application for Trademark Registration shall be submitted by the Trademark owner if the owner has a domicile in the country or otherwise by a registered agent recorded in the Trademark Registration Agent Register.
2. Applications submitted by entities registered in the free zones of the country shall be treated as applications submitted by those who have a domicile in the country.

#### 4.4.5. Requirements

##### Local Applicants:

- Power of Attorney duly notarized if appointing an agent. **The document can be filed within 90 days from the filing's date.**
- Copy of the trade license if the applicant is a company.

<sup>118</sup> <https://www.khaleejtimes.com/life-and-living/uae-weekend-change-how-1-year-of-saturday-sunday-off-impacted-residents-businesses>

<sup>119</sup> <https://www.moec.gov.ae/en/intellectual-property-legislations>

<sup>120</sup> [www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

### **International applicants – not based in UAE**

Power of Attorney duly legalized up to the UAE consulate. The POA will undergo further legalization before the Ministry of Foreign Affairs upon receipt of the original by the appointed agent. **The document can be filed within 90 days from the filing's date.**

- In case of claiming priority, certified copy of the priority documents is required. It is important to highlight that the UAE application must be identical to the priority claimed application.

The POA must be filed within 90 days from the filing's date. The deadline is not extendable. Other documents are required at the filing's time.

### **Examination**

The Trademark application is undergoing both formality examination as well as substantive examination. Trademarks might be rejected based on absolute and relative grounds. Under the UAE Trademark Law, the Trademark department will examine the trademark within 90 days from the date of the application's date. However, the duration may be longer depending on the workload of the facility. The Trademark department issues two decisions, acceptance, or rejection. A rejection decision may be appealed before the grievance committee of the Trademarks Department.

During the formality examination, the examiner checks the completeness of the application as well as the submitted documents. If there are any missing documents, a rejection decision is issued. The Power of Attorney should be submitted within 90 days from the filing's date and the deadline is not extendable. This is to highlight that as per Article 4 clause 1<sup>121</sup> of the implementing regulations, the power of attorney must be filed along with the application. however, currently, the trademark department is providing the possibility of late filing of the power of attorney without additional charges.

The UAE Trademark department examines the trademarks based on relative<sup>122</sup> (previous existing trademarks) and absolute grounds (criteria set by the law to qualify the trademark for registration).

Relative Grounds Examination: The examiner will search the local trademark database to detect similar and/or identical trademarks. The search is conducted on national and international trademarks. The trademarks are also examined based on the phonetical similarities. In addition, the examiners will check for an existing translation/transliteration of the trademark. As per the absolute grounds, the examiners will check compliance with the local rules and conditions set in articles 2 and 3 of the UAE trademark law<sup>123</sup>. There is no published guide for trademark examination. Trademark examination is explained in Article 5 of the trademark's implementing regulations.<sup>124</sup>

### **Appeal against trademark rejection**

Trademark applications go through two types of examinations: formality and substantive. If the application fails either of these examinations, the trademark department will reject it. If an applicant wants to challenge the Ministry's rejection decision, they must first file an appeal before the grievance Committee.

The grievance committee of the trademark department is chaired by a specialized judge nominated by the Minister of Justice, with two specialists chosen by the Minister as members. The grievance committee's decision is considered the first-instance judgment. If an applicant is not satisfied with the decision, they can appeal to the Federal Court of Appeal within 30 days of the decision's date.

To appeal before the grievance committee, the applicant must file a statement online via the portal. Once filed, the trademark department will notify the applicant about the committee meeting date when the case will be presented. The committee's decision will be shared via email with the applicant or their legal representative. During the appeal's

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<sup>121</sup> <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

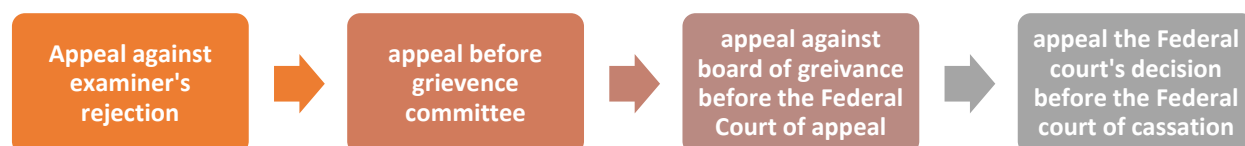
<sup>122</sup> <https://www.moec.gov.ae/en/trademark-registration>

<sup>123</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>124</sup> <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

procedure before the trademark department, there are no hearings. The committee will rely only on the statement and the documents filed.

The trademark department handles appeals based on workload, so there is no definite time frame for the appeal's procedure.



### Publication

Once the trademark is accepted, the trademark department publishes the same in the official gazette <https://www.moec.gov.ae/en/publications1>. The opposition period as per the provisions of the UAE law is 30 days from the publication's date. The UAE trademark department issues 2 publications per month. The 1st batch is published at the beginning of the month while the 2nd batch is expected on the 15th of each month. If the applicant pays the publication fees on the 14th of the month, the trademark publication is expected to be as of the 15th. If the publication fees are paid as of the 15th of the month, the publication shall be expected to be at the beginning of the following month. The publication contains the followings:

1. Name of agent	2. Name of applicant and address	3. Application number and date	4. Priority number, country and date
5. List of goods/services	6. Description of the trademark	7. Trademark representation	8. Conditions if any

### Opposition

Once published in the Official Gazette, any interested party may file an opposition against trademark registration within 30 days from the date of publication.

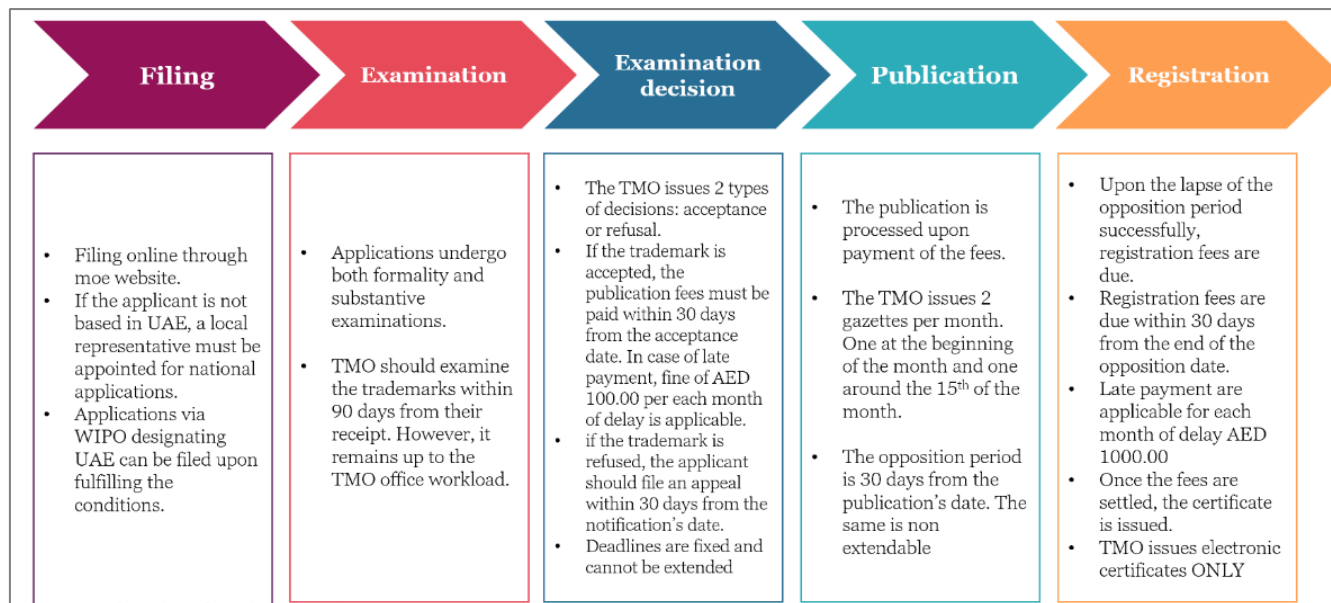
A hearing is scheduled as required by the Trademarks Department. The Trademark department is free to make a decision without a hearing if it is satisfied that the information and documents submitted by both parties are sufficient. Article 16 of the Trademark Law provides that a complaint or appeal against a decision rejecting an opposition shall not result in the suspension of trademark registration proceedings unless the competent court decides to stay a decision issued for the registration of the trademark, the subject of opposition. An opposing decision may be appealed before the Grievance Committee of the Trademark department within 30 days from the decision's date. The final decision may also be appealed to the Federal court of appeal within 30 days from decision's date. Court cases are based on an exchange of statements. The court schedules an online hearing where the parties' legal representatives can be present to exchange pleadings. Only authorized legal representatives can appear in court. The appeal's decision can be challenged before the Federal Court of Cassation within 30 days from the appeal's date.

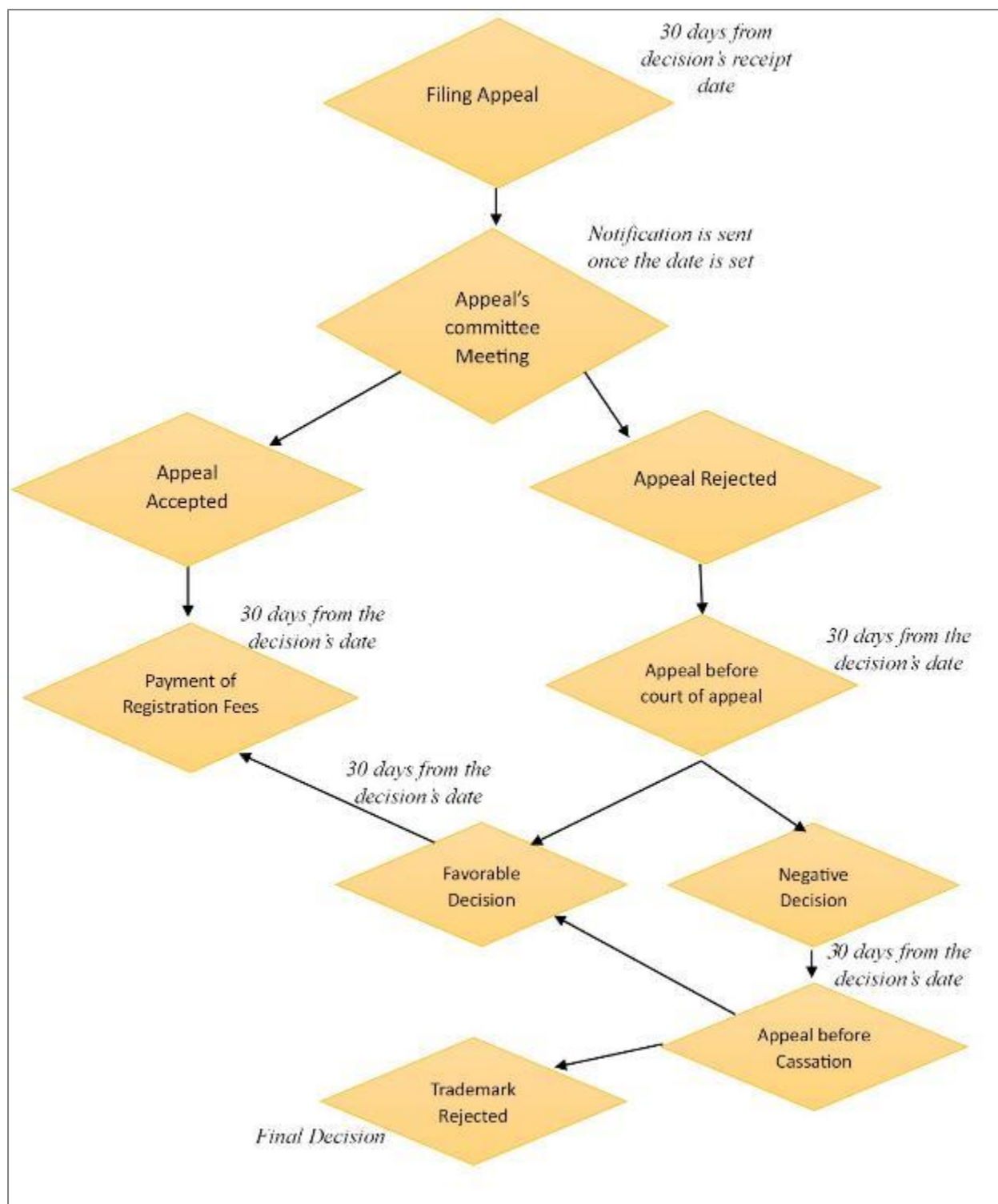
### Period of entire Registration

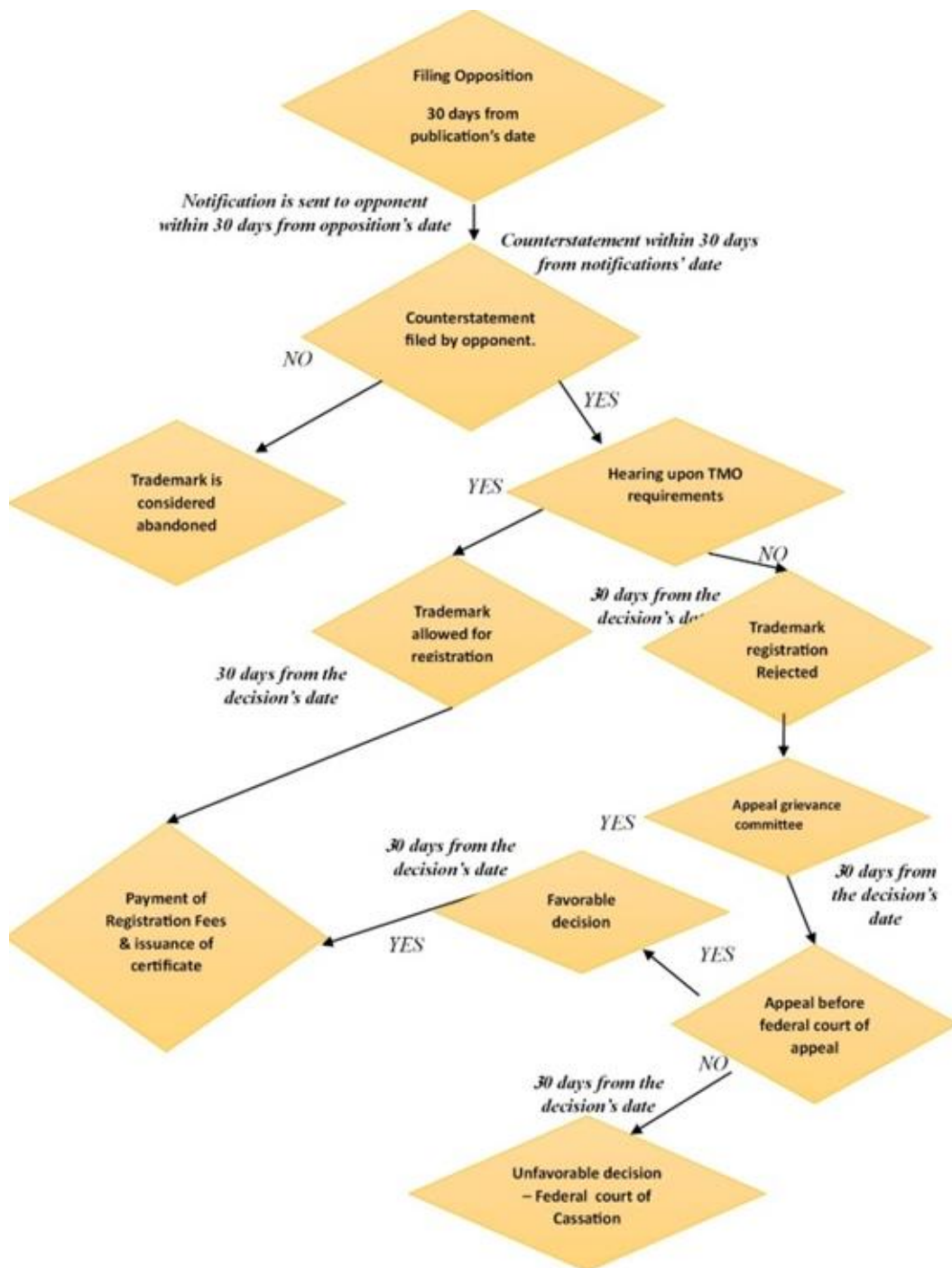
#### Time frame of registration

The time frame to complete the registration is 6 to 8 months depending on the workload of the Trademarks Department.

## Flowchart of Trademark Process of Registration







### Collective Trademarks

One of the accepted types of trademarks in UAE, is the collective trademark. The collective trademark is a mark used to distinguish the goods or services of establishments belonging to members of a specific entity enjoying a juristic personality.

To file the collective trademarks, the same must be indicated as type of the trademark to be filed at the application's filing time. In addition, other extra documents are required by the trademark department <sup>125</sup>as follows:

1. Power of attorney is the application is to be filed via a legal representative

<sup>125</sup> Article 20 of of Cabinet of Ministers Resolution No. (57) of 2022 regarding the Executive Regulations of Federal Law No. (36) of 2021 for Trademarks - [www.ietro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.ietro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

2. Copy of the Article of Association of the applicant along with its amendments, which should include the following:
    - a. The category of persons who have the right to use the Trademark and their relationship with the applicant.
    - b. A copy of the terms governing the use of the collective Trademark on goods and services.
    - c. Include a statement that the applicant is or will be applying a tight control on the use of the collective Trademark by the members affiliated to the institution or body.
    - d. Mention the eligibility criteria for that entity's membership.
  3. All documents shall be duly notarized, legalized and translated into Arabic. Legalization and super legalization are applicable if the applicant is non-UAE based entity filing through a legal representative or if the documents are provide from outside UAE. If the applicant is a UAE based company, all the documents must be notarized/certified.
- This is to highlight that collective Trademarks are subject to the same procedures for registration, publication and cancellation of Trademarks as outlined above.

### Certification Trademarks

The certification or testing Trademark registration are trademarks for monitoring or inspection purposes. The application of this category should clearly indicate it as type of the trademark at the application's filing time. In addition, other extra documents are required by the Trademarks Department<sup>126</sup> as follows:

1. Power of attorney in the application is to be filed via a legal representative
2. Copy of the Article of Association of the applicant along with its amendments that may have been affected thereto including the following:
  - a. A statement that the certification or test Trademark shall be used by a party or parties other than the applicant, that the applicant shall not practice marketing or the production of any goods or services for which the Trademark is to be used and that the applicant shall not pursue any discrimination policies that may prevent the use of the Trademark by third parties who meet the specifications laid down by the owner.
3. A statement that the collective Trademark is intended to certify the quality or advantages of goods and services and that it shall not refer to the source of goods and services.
4. Documents defining the specifications and standards applied by the applicant for the sake of controlling the use of Trademark proving that the applicant is applying a certified program for quality assessment.
5. A certificate showing the advantages of the goods or services that are certified or required to be certified.
6. All documents shall be duly notarized, legalized and translated into Arabic. Legalization and super legalization are applicable if the applicant is non-UAE based entity filing through a legal representative or if the documents are provide from outside UAE. If the applicant is a UAE based company, all the documents must be notarized/certified.

Certification or test Trademarks are subject to the same procedures for registration, publication and cancellation of Trademarks.

Service	Official Fees AED	Official Fees JPY	Official Fees USD
Filing Fees	750.00	30,750.00	204.00
Publication fees	750.00	30,750.00	204.00
Registration fees	7,500.00	307,000.00	2,042.00
Renewal Fees within last year of validity	8,250.00	338,250.00	2,246.00
<b>0.714% Online payment commission will be added to all official fees (TMO/PTO fees)</b>			

*Certification Trademarks Fees*

<sup>126</sup> Article 21 of of Cabinet of Ministers Resolution No. (57) of 2022 regarding the Executive Regulations of Federal Law No. (36) of 2021 for Trademarks - [www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)



#### 4.4.5.1. Geographical indications

The new UAE law clearly allocated special articles to regulate the protection of geographical indications chapter 6 of the UAE Federal Decree by Law No. (36) of 2021 Concerning Trademarks<sup>127</sup>. Article 38<sup>127</sup> of chapter 6 defines Geographical Indication as a sign or a group of signs in any form whatsoever such as words, including geographical or personal names, letters, numbers, holographic elements, colour or colours.

In addition, extra documents are required by the Trademarks Department<sup>128</sup> as follows:

1. An application for Geographical Indication Registration shall be submitted by one or more legal persons on the form prepared for it by the applicant or his registered agent in the Agents' Register.
2. The Geographical Indication registration application shall include the following data:
  - a. The name of the applicant (legal person), its legal form and the purpose of establishment.
  - b. The nationality and domicile of the applicant and the type of products.
  - c. Image and description of the Geographical Indication.
  - d. Data related to the geographical indication, explaining in detail the advantages and characteristics of the geographical indication and its characteristics related to the geographical area, from an accredited entity.
  - e. A duly certified and translated copy from the Geographical Indication Registration Certificate in the country of origin, if the application for a Geographical Indication is submitted from outside the country.
  - f. A duly certified and translated Power of Attorney if the application is submitted by the agent of the applicant.

The Ministry's decisions issued regarding the acceptance, rejection or amendment in the Register after registration of Geographical Indication applications are subject to the same procedures for registration, publication and cancellation of Trademarks as well as the grievance and appeal procedures.

#### 4.4.6. Post Registration

##### Registration process

Once the opposition period is passed successfully without any opposition, the registration fees must be paid within 30 days from the opposition end period. Extra fees shall apply in case of late payment.

The registration certificate is issued instantly after the settlement of the registration fees. The registration is then valid for 10 years from the UAE filing's date (Gregorian calendar).

The trademark department does not issue hard copies. Only soft documents are issued.

##### Rights of Right Holder

The owner of a registered trademark shall have an exclusive right to prevent others from using, without his consent, the registered trademark in all 7 emirates.

##### Fees Related to Successful Registration<sup>129</sup>

The fees below are for 1 TM in 1 class	Official Fees AED	Official Fees JPY	Official Fees USD
Search fees	350.00	14,350.00	95.00
Filing Fees	750.00	30,750.00	204.00
Publication fees	750.00	30,750.00	204.00
Registration fees	5000.00	205,000.00	1,361.00
Appeal against rejection	No Fees	No Fees	No Fees

<sup>127</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>128</sup> Article 32 of Cabinet of Ministers Resolution No. (57) of 2022 regarding the Executive Regulations of Federal Law No. (36) of 2021 for Trademarks - [www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

<sup>129</sup> <https://services.economy.ae/m/Pages/CategoryServices.aspx?CategoryID=4&lang=en-US>

Opposition fees	7500	307,500.00	2,042.00
Filing a response to opposition	No Fees	No Fees	No Fees
Appeal against Opposition decision before the trademark's office grievance committee	7500	307,500.00	2,042.00
Hearing session	350	14,350.00	95.00
<b>0.714% Online payment commission will be added to all official fees</b>			

### Licensing

The trademark owner can grant the right to use it to someone else by establishing terms and conditions in the contract. The trademark licensing agreement shall be made in writing and documented, and it is not required to register the agreement before the Trademark department to be enforceable against third parties (Article 30 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks)<sup>130</sup>.

Article 18<sup>131</sup> of the implementing regulations regulates the conditions for the license agreement. The license agreement may be for all, or part of the goods/services covered by the registered trademark. It is important to ensure that the contract is properly drafted as per the country's requirements.

### License Application

An application for the recordal of licensing<sup>132</sup> to use a Trademark shall be submitted by the Trademark owner or the licensee or his registered agent in the form prepared for that purpose after the payment of the fees. The application shall include the following:

- a. Trademark number
- b. Name and nationality of the Trademark owner.
- c. Name, address, domicile, and nationality of the licensee.
- d. The licensed goods and services.
- e. Dates of commencement and expiration of the license.
- f. Geographical scope (if any) of the license.
- g. The license contract duly notarized, legalized and translated.
- h. Any official documents required by the Competent Administration.

In accordance with Article 18 of the UAE decision 57 of 2022<sup>133</sup>, the trademark department shall register the license and publish the same in the official gazette after the payment of the related fees. The notice shall include the following<sup>134</sup>:

- a. Representation and description of the Trademark.
- b. Trademark number and date of registration.
- c. Name, address and nationality of the Trademark owner.
- d. Name, address, domicile, and nationality of the licensee.
- e. The products or services and the class for which the license has been granted.
- f. Dates of commencement and expiration of the license.
- g. Geographical scope (if any) of the license.
- h. Any official documents required by the Competent Administration.

### Assignment/change of legal form/Merger

The applicant, after receiving the registration certificate, can assign the rights via assignment or merger or upon a change in the legal status. According to Article 28 of the Federal Decree by Law No. (36) of 2021 Concerning

<sup>130</sup> <https://www.moec.gov.ae/en/intellectual-property-legislations>

<sup>131</sup> <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

<sup>132</sup> Article 18 of the decision 57 of 2022 regarding the Executive Regulations of Federal Law No. (36) of 2021

<sup>133</sup> <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

<sup>134</sup> Article 18 of the decision 57 of 2022 regarding the Executive Regulations of Federal Law No. (36) of 2021

Trademarks<sup>135</sup>, the trademark registration may be assigned, and the ownership of the registered Trademark may be transferred, with or without consideration. Also, the Trademark may be mortgaged or attached with the commercial shop or exploitation project in which the Trademark is used to distinguish its goods or services unless otherwise agreed upon. The law also stated that ownership rights can be transferred by inheritance, will, gift, or any other legal form. It is mandatory to proceed with the necessary recordals and register the same before the trademark department as to enforce the transferred rights by any of the means against third parties. The trademark department publishes all the recordals in the official Gazette or any additional mean in case required. Change of legal form is recorded as an assignment as per the UAE trademark department practice.

### Change of Name/Address

Any changes in the name and address of the applicant must be recorded before the Trademarks Department. In case of any procedure, the trademark department will request the name and address of the applicant in their records are identical to the details provided in the supporting documents. Any differences must be rectified and recorded before taking any action on the trademark.

### Recordals Requirements and Time Frame

Action	Time frame	Recordal Mandatory	Requirements
Assignment	3-6 months Subject to change as per the department workload	Yes*	1. Power of Attorney from the Assignee duly legalized up to the U.A.E. Consulate. 2. A Deed of Assignment, signed by both parties, duly legalized up to the U.A.E. Consulate. Consulate 3. Certificate of the U.A.E. Certificate of Registration
Mortgage	3-6 months Subject to change as per the department workload	Yes*	1. Power of Attorney from the licensee duly legalized up to the U.A.E. Consulate. 2. Mortgage document duly legalized up to the U.A.E. Consulate. 3. Certificate of the U.A.E. Certificate of Registration.
Merger	3-6 months Subject to change as per the department workload	Yes*	1. Power of Attorney, from the entity surviving the merger duly legalized up to the U.A.E. Consulate. 2. Certificate of Merger duly legalized up to the U.A.E. Consulate. 3. Certificate of the U.A.E. Certificate of Registration.
Change of legal form	3-6 months Subject to change as per the department workload	Yes*	1. Power of Attorney, from the entity surviving the merger duly legalized up to the U.A.E. Consulate. 2. Certificate of change of legal form duly legalized up to the U.A.E. Consulate. (Extracts of registers highlighting the changes are not accepted by the Trademarks Department). 3. Certificate of the U.A.E. Certificate of Registration.
Change name/address	3-6 months Subject to change as per the department workload	Yes*	Power of Attorney duly legalized up to the U.A.E. Consulate reflecting the new name or address. 2. Certificate of change of name or address duly legalized up to the U.A.E. Consulate (Extracts of registers highlighting the changes are not accepted by the Trademarks Department). 3. Certificate of the U.A.E. Certificate of Registration.
Licensing	3-6 months Subject to change as per the department workload	No	1. Power of Attorney from the licensee duly legalized up to the U.A.E. Consulate. 2. License agreement duly legalized up to the U.A.E. Consulate. 3. Certificate of the U.A.E. Certificate of Registration.

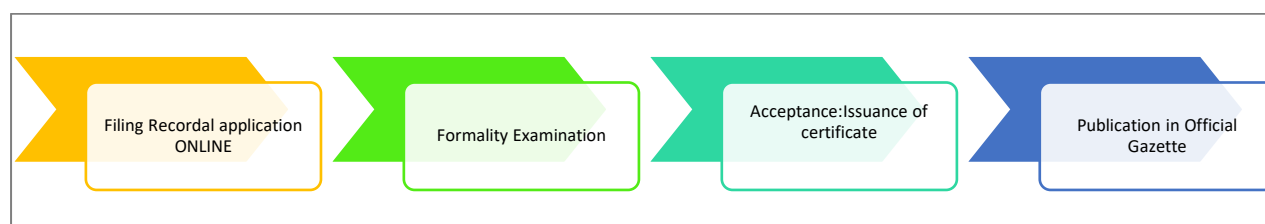
<sup>135</sup> <https://www.moec.gov.ae/en/intellectual-property-legislations>

Action	Time frame	Recordal Mandatory	Requirements
<b>The required documents must be duly legalized and super legalized upon the submission. The documents must be filed with the application. No late filing of documents is applicable to Records documents.</b>			

#### Recordals Fees

	Official fees AED	Official Fees JPY	Official Fees USD
Assignment, Merger, Mortgage and Licensing	1,250.00	51,250.00	340.00
Publication fees	750.00	30,750.00	204.00.
Change Name or Address for trademark registration	350.00	14,350.00	95.00
Publication fees	750.00	30,750.00	204.00
<b>0.714% Online payment commission will be added to all official fees</b>			

#### Flow Chart of Recordals Process



#### Amendment of Trademarks

The owner of a registered trademark can at any time after registration request the amendment of the trademark or the goods/services covered by the said trademark. The trademark amendment should be minor and should not significantly alter its overall appearance. As per the amendment of the list of goods/services, the applicant can request to cancel some goods/services ONLY. It is not allowed to add new goods/services to the trademark registration. In this case, a new application shall be filed.

Trademark amendment is subject to examination. If the application is accepted, the publication fees shall be paid, and the trademark will be published for opposition. The opposition period is 30 days from the publication's date. The appeal and opposition proceedings are similar to the registration proceedings.

#### Madrid System<sup>136</sup>

UAE signed the accession to the Madrid Protocol on 28 September 2021 and the same was enforced by 28 December 2021. Applicants from member countries can file international applications designating the UAE as a country of interest. In addition, UAE-domiciliated applicants can also extend the protection of their national applications abroad via the Madrid System. The service in the trademark's online services portal is directed to WIPO page.

#### Examination Process

Applications designating UAE undergo the same registration process as national applications. Once accepted by WIPO. The application is examined locally at the UAE trademark department. The trademark department of UAE has 18 months to issue a decision. The examination is processed as per UAE standards for example class 33 applications are rejected and the same cannot be appealed while some services such as "Quality Control" are subject to restrictions as the same fall under certification trademarks. In such a situation, the applicant has three actions:

<sup>136</sup>[https://www.wipo.int/madrid/en/news/2021/news\\_0026.html#:~:text=On%20September%2028%2C%202021%2C%20the,which%20now%20covers%20125%20countries.](https://www.wipo.int/madrid/en/news/2021/news_0026.html#:~:text=On%20September%2028%2C%202021%2C%20the,which%20now%20covers%20125%20countries.)

	Process	Documents	Deadline
1	To file an appeal, excluding quality testing from class 42. In this scenario, the application will be registered in class 42, except for quality testing.  An email is to be sent to the trademark department, within 30 days from WIPO's notification date, in Arabic, to exclude the services and proceed with the registration procedure.	Notarized POA Arabic Letter to the local trademark department The above are to be sent by email to the trademark department by a local legal representative.	30 days from the WIPO notification
2	To file an appeal with the supporting documents as per the provisions of Article 21 of the UAE trademark implementing regulations. In this case, the application will be registered in class 42 including quality service.	See below	30 days from the WIPO notification
	<p><i>Article of Association of the applicant along with its amendments that may have been affected thereto including the followings:</i></p> <p><i>a. A statement that the certification or test Trademark shall be used by a party or parties other than the applicant, that the applicant shall not practice marketing or the production of any goods or services for which the Trademark is to be used and that the applicant shall not pursue any discrimination policies that may prevent the use of the Trademark by third parties who meet the specifications laid down by the owner.</i></p> <p><i>b. A statement that the collective Trademark is intended to certify the quality or advantages of goods and services and that it shall not refer to the source of goods and services.</i></p> <p><i>c. Documents defining the specifications and standards applied by the applicant for the sake of controlling the use of Trademark proving that the applicant is applying a certified program for quality assessment.</i></p> <p><i>d. A certificate showing the advantages of the goods or services that are certified or required to be certified.</i></p> <p><i>e. All documents shall be duly notarized, legalized and translated into Arabic.</i></p> <p><i>2. Certification or test Trademarks are subject to the same procedures for registration, publication, and cancellation outlined above.</i></p>		
3	<p><i>Not to file the appeal.</i></p> <p><i>the application will be abandoned for all services in class 42.</i></p>		

### Publication & Registration<sup>137</sup>

The international application is published in the local official gazette after acceptance. The opposition period is similar to the national applications namely 30 days from the publication's date. The opposition procedure and fees are similar to the national applications except the same cannot be filed using the MOEC portal.

Once the opposition period passes successfully, the registration certificate is issued and shared with the WIPO. WIPO will liaise with the applicant to provide the final registration certificate.

### Fees for Madrid applications

The fees are set by the WIPO. The applicant can use the fees calculator to estimate the official fees. <https://madrid.wipo.int/feecalapp/>

### Extension of national application internationally via the Madrid System

UAE-domiciliated applicants can extend the protection of their trademark via the Madrid system in the member countries. The application is filed online via the WIPO website. The applicant/legal representative should log in to the WIPO website "<https://www.wipo.int/en/web/emadrid/file-an-application>" through their account to apply for the international application.

<sup>137</sup> Article 25 of the decision 57 of 2022. <https://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf>

The UAE local trademark department will review the application once filed via the WIPO website and issue their decision on the same. The UAE trademark department will issue the report and send the same to WIPO, which will notify the applicant about any amendments to be made. The amendments are to be filed before the UAE trademark department when required.

Once the UAE Trademark department approves the application, it is registered before WIPO and sent to the national designated offices for local examinations.

The applicant/legal representative can monitor the process online via the WIPO portal.

### **Enforcement of International Trademarks**

Article 25 of the implementing regulations<sup>138</sup> stipulates that the protocol's executive regulations and amendments shall apply to international registration applications submitted in accordance with the Madrid protocol regarding international Trademark registration. according to the protocol the effects of an international registration in each designated Contracting Party are, from the date of the international registration, the same as if the mark had been deposited directly with the office of that Contracting Party<sup>139</sup>. Hence, international applications shall be enforced under the local rules and regulations. Due to the recent implementation of the system, there are no sufficient cases about the international trademarks enforcement.

### **Trademark Cancellation in UAE**

While use is not a condition to keep the rights over a trademark in UAE, trademarks are vulnerable to cancellation in UAE as per the provisions of Article 24 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks<sup>140</sup>. The law outlines the types and conditions of trademark cancellations.

1. The Trademark owner may request the Ministry to remove the Trademark from the Register for all or part of the goods or services for which the Trademark was registered.
2. The owner of a well-known Trademark whose reputation exceeds the borders of the country and is similar to a Trademark registered with the Ministry may request the Ministry to cancel the Trademark registered therewith within (5) five years from the date of its registration unless it is proven that the person who registered it is mala fide.
3. Any interested party may request the Ministry to cancel the Trademark that has not been used for (5) five consecutive years unless there are emergency circumstances that prevented the use of the Trademark.
4. The Ministry may, on its own or at the request of the interested parties, cancel the Trademark that is registered in violation of the provisions of this Decree-Law or in the cases specified by its Implementing Regulation.
5. If the Trademark is licensed to be used in accordance with a contract that has been entered or notated in the Trademarks Register, the Ministry may cancel this Trademark at the request of its owner, unless the contract stipulates the consent of the beneficiary to the cancellation, without prejudice to the text of Article (31) of this Decree-Law.
6. The Implementing Regulation shall specify the conditions, terms, and procedures for filing the applications referred to in this article and the mechanism for deciding thereon.
7. The Ministry's decision to cancel the Trademark or reject the application for cancellation shall be governed by the provisions related to grievance and appeal stipulated in Article (13) of this Decree-Law.

### **Voluntary Trademark Cancellation**

When a trademark owner no longer wishes to retain rights to their trademark, they can initiate a voluntary cancellation process by filing an application. Applicants may seek to cancel their trademark in whole or in part. The cancellation request must be submitted online via the online portal. Amendment fees are applied for this service. Once approved by the Trademarks Department, the cancellation will be published in the official gazette.

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<sup>138</sup> [www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf](http://www.jetro.go.jp/newsletter/dubai/2022/Acrobatdocument.pdf)

<sup>139</sup> [https://www.wipo.int/treaties/en/registration/madrid/summary\\_madrid\\_marks.html](https://www.wipo.int/treaties/en/registration/madrid/summary_madrid_marks.html)

<sup>140</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

## Fees

	Official fees AED	Official Fees JPY	Official Fees JPY
Voluntary cancellation of trademark by the owner	No Fees	No Fees	No Fees
Publication fees	750.00	30,750.00	204.00
<b>0.714% Online payment commission will be added to all official fees</b>			

## Cancellation of Third Parties Trademarks

Initiating the proceedings before the trademark department is the first step. The application must be submitted online through the portal, and the statement must be in Arabic, supported by relevant documents. The defendant should submit counterclaims along with the relevant documents, within 30 days from the date of notification otherwise the application will be considered as abandoned. For non-use cases, the trademark usage can be proved through bills of landing, distributorship agreements, online sale platforms, direct presence, etc.

In the UAE, priority is given to the first who used the trademark. As per the law, the first person to use the trademark can request the Ministry to cancel the registration, within five years of registration, if they do not expressly or implicitly consent to the use of the trademark by the registered person.

According to Article 18 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks<sup>141</sup>, ownership of a trademark cannot be disputed if a trademark continues to be registered and used for at least five years from the date of registration without any legal claim of ownership is raised against it unless it is proven that the person who registered it acted in bad faith.

The first Cancellation decision issued by the trademark's department is appealed before the grievance committee within, of the Trademarks Department, within 30 days from the decision's date. The decision of the grievance committee can be appealed before the Federal court of appeal within 30 days from the decision's date. Finally, the Federal Court of Cassation can be approached for a final appeal within 30 days from the judgment date. The cancellation judgment is published in the official gazette.

If a Trademark is removed from the register, it can only be re-registered for the benefit of others for the same goods or services or for similar goods or services after the lapse of (3) three years from the date of cancellation, unless the cancellation was made based on a judgment of the Competent Court, and the judgment provides for a shorter period for the re-registration of the Trademark.

## Fees

fees

	Official fees AED	Official Fees JYP	Official Fees USD
Cancellation of trademark registration with the Trademarks Department	10,000.00	410,000.00	2,723.00
Court proceedings namely appeal and cassation stages	Per case - starting attorney fees AED 52,500.00 (2,152,500.00 JPY/14,295 USD)		
0.714% Online payment commission will be added to all official fees			

## Temporary Protection<sup>142</sup>

UAE law provided special temporary protection for trademarks at events and exhibitions. Interested parties will apply for provisional trademark protection at least 1 month before the anticipated exhibition. The temporary protection applies from the opening day of the show and ends at the end of the show. The temporary protection is recorded in a special registry where the following details are listed:

- Number of temporary protection and its duration and expiration.
- Name of exhibitor or owner of the Trademark.
- Image and description of the Trademark.
- Name of exhibition and date of its official opening and the duration.

<sup>141</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

<sup>142</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

- E. The products or services and the class for which temporary protection is requested. 2. The Ministry issues a certificate of temporary protection for the Trademark used in exhibitions.

#### After Registration Recordals - Trademarks

The authorities in the UAE are dedicated to creating a safe and secure business environment for investors, which includes protecting their intellectual property rights. To this end, various measures have been implemented to monitor trademarks and prevent potential infringements in the market and at the borders.

The Department of Economy & Tourism (DET) in Dubai and Ajman have set a record for trademark owners to register their trademarks. The purpose of this initiative is to create a platform for officials to gain knowledge about the registered trademarks in the country. By increasing awareness about registered trademarks, officials can monitor the markets during their random investigations. If any infringement is suspected, the brand owner or their legal representatives will be contacted, and appropriate action will be taken. The Economic Department also provides the option to register commercial agency agreements. This helps to prevent illegal representatives from selling goods in the market.

As an additional preventive measure to prevent the inflow of counterfeit products to the local market, the UAE Customs authority offers recordals for both trademarks and agency agreements, which helps to monitor the market for potential infringements. These recordals act as a tool to keep an eye on the market, ensuring that the legal rights of intellectual property owners are protected. By providing this service, Customs is making a significant contribution to promoting a fair and transparent business environment in the UAE. The details of the said procedures will be discussed in the enforcement section.

#### Trademark Registration Summary

<b>Trademarks</b>	Word marks, device marks, certification marks, series trademarks, sound marks, combined, 3D, geographical indications, colors
<b>Search</b>	Not mandatory but highly recommended
<b>Nice classification</b>	12 Edition
<b>Class heading</b>	Class headings are accepted
<b>Multiclass filing</b>	As per Article 8 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks <sup>143</sup> , multiclass applications are accepted. However, the multiclass filing is not yet applicable.
<b>Classes restrictions</b>	Filing in class 33 and alcoholic beverages in class 32 are not allowed. It is advisable to check with a specialized agent about the list of goods/services before filing.
<b>Validity</b>	10 years from the filing's date
<b>Time Frame</b>	6-8 months from filing up to providing the final registration certificate. The examination decision shall be expected within 90 days from the filing date. However, the time frame is subject to change as per the office priorities.
<b>Requirements</b>	<p><b>New Applications</b></p> <p><b>Local Applicants:</b> Power of attorney duly notarized if appointing an agent. <b><u>POA can be filed within 90 days from the filing's date.</u></b></p> <p>- Copy of the trade license if the applicant is a company.</p> <p><b>International applicants – not based in UAE</b> Power of attorney duly legalized up to the UAE consulate. The POA will undergo further legalization before the Ministry of Foreign Affairs upon receipt of the original by the appointed agent. <b><u>POA can be filed within 90 days from the filing's date.</u></b></p>

<sup>143</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>



	<ul style="list-style-type: none"> <li>- In case of claiming priority, certified copy of the priority documents are required. It is important to highlight that the UAE application must be identical to the priority claimed application.</li> </ul>
	<b>Appeal/Oppositions</b>
	<ul style="list-style-type: none"> <li>- <b>Local applicants:</b> Power of attorney duly notarized if appointing an agent.</li> <li>- <b>International Applicant:</b> Power of attorney duly legalized up to the UAE consulate. The POA will undergo further legalization before the Ministry of Foreign Affairs upon receipt of the original by the appointed agent.</li> <li>- <b>Supporting documents:</b> Proof of use, bills of landing, distributorship agreement. The legal representative will better assist in evaluating the case and preparing the required relevant documentation.</li> </ul>
<b>Deadlines</b>	
<b>Appeal against registration refusal</b>	30 days from the date of refusal of registration
<b>Opposition against trademark registration</b>	30 days from publication's date
<b>Counterstatement against opposition</b>	30 days from notification's date
<b>Appeal before grievance committee</b>	30 days from decision's date
<b>Appeal before federal court of appeal/cassation</b>	30 days from decision's date
<b>Use</b>	Use is not mandatory to keep the rights over the trademark. However, the trademark is vulnerable for cancellation if not used within 5 years from the registration date.

### Renewal of Registration

A trademark is valid for a period of 10 years from the date of filing. The protection can be renewed for 10 consecutive years upon payment of the renewal fees. It is important to note that as per the trademark law, renewal can be made within the last year of validity or within 6 months after the validity date. However, if the renewal is filed after the validity date, late renewal fees will apply.

The renewals and cancellations for nonrenewal will be published in the Ministry's Bulletin. If a trademark is not renewed, it will be canceled from the register and cannot be filed for the benefit of others within 3 years from the date of cancellation. However, if the cancellation is made based on a judgment of the Competent Court, and the judgment grants a limited period for re-registration of the trademark, then that limited period applies (as per Article 27 of Federal Decree by Law No. (36) of 2021 Concerning Trademarks)<sup>144</sup>.

	<b>Description</b>
<b>Validity</b>	10 years from filing's date
<b>Renewal deadline</b>	Within the last year of validity and before expiry date.
<b>Late renewal Grace Period</b>	6 months from expiry date. Late renewal fees applies.
<b>Can deadline be extended</b>	No
<b>Documents required</b>	Copy of the registration certificate
<b>Time frame</b>	Once the fees are paid the electronic certificate is issued.
<b>Publication</b>	The renewal is published in the official gazette.

<sup>144</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

	If the trademark is not renewed within the grace period, the same is canceled by the trademark department and cancellation is published in the official gazette.		
Other information	If not renewed, a trademark cannot be filed by any third party within 3 years from the cancellation date. Change of agent is not mandatory to renew the application.		
Declaration of Use	Not requested		
Fees			
The fees below are for 1 TM in 1 class	Official Fees AED	Official Fees JPY	Official Fees USD
If the application is filed:			
- within the last year of the validity term	5,750.00	235,750.00	1,566.00
- within Six months after the expiry date	6,500.00	266,500.00	1,770.00
Publication fees in the Official Bulletin	750.00	30,750.00	204.00
0.714% Online payment commission will be added to all official fees			

#### Flow chart of Renewal Procedures



#### 4.4.7. Enforcement of Rights

The enforcement of trademarks rights in UAE can be done via different channels namely the Trademarks Department, economic development departments, police, and courts. The procedures differ from a country to another. The detailed procedures and actions are outlined below in the section Enforcement.

#### Remedies

The UAE trademark reserved law chapter 8, articles 49, 50, and 51 to list all the penalties and their relative conditions in case of different infringement scenarios<sup>145</sup>.

#### Article 49

Without prejudice to any severer penalty stipulated in any other law, a penalty of imprisonment and a fine of no less than AED 100,000(4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 1,000,000(41,000,000 JPY/272,294 USD) one million dirhams, or either of these two penalties, shall be imposed on whomever:

1. Forges a Trademark that was registered in accordance with the provisions of this Decree-Law or counterfeits a Trademark in a way that leads to confuse the public, whether in respect of the goods or services distinguished by the original Trademark or those that are similar thereto.
2. Knowingly uses a forged or counterfeit Trademark for commercial purposes.
3. Puts on his goods or uses in respect of the services he provides, in bad faith, a Trademark owned by others.
4. Possesses tools or materials with the intent of using them to forge or counterfeit registered or well-known Trademarks.
5. Knowingly imports or exports goods bearing a forged or counterfeit Trademark.

#### Article 50

Without prejudice to any more severe penalty stipulated in any other law, a penalty of imprisonment not exceeding one year and a fine of not less than AED 50,000 (2,050,000 JPY/13,615 USD) fifty thousand dirhams and not more than AED 200,000 (8,400,000 JPY/54,459 USD) two hundred thousand dirhams or either of these two penalties shall be imposed on whomever:

<sup>145</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

- 1- Sells or offers for sale or circulation or possesses with the intention of selling goods or offers the provision of services carrying a forged, an imitated, or unlawfully put or used Trademark, despite his knowledge thereof.
- 2- Unlawfully uses an unregistered Trademark in the cases stipulated in Article (3) of this Decree-Law on his commercial papers and documents, goods, or services, and this would lead to the belief that the Trademark has been registered.

#### Article 51

In the event of recidivism, whoever commits any of the acts stipulated in Articles (49) and (50) of this Decree-Law shall be punished with a penalty that does not exceed twice the maximum penalty prescribed for the crime.

The court may order the closure of the facility, and order the confiscation of the tools, machines, and materials used in the offence.

#### Summary of the Remedies with Comparison Table

Remedies available in UAE for Trademark Infringement	
<b>Injunctions</b>	Available
<b>Damages</b>	Can be claimed before the court. The plaintiff should submit a detailed report about the damages incurred due to the infringement
<b>Fines</b>	<p>Fine of no less than AED 100,000(4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 1,000,000 (41,000,000 JPY/272,294 USD) one million dirhams for the following violations:</p> <ol style="list-style-type: none"> <li>1- Forging a registered Trademark or counterfeits a Trademark in a way that leads to confuse the public, whether in respect of the goods or services distinguished by the original Trademark or those that are similar thereto.</li> <li>2- Knowingly using a forged or counterfeit Trademark for commercial purposes.</li> <li>3- Putting on the goods or uses in respect of the services he provides, in bad faith, a Trademark owned by others.</li> <li>4- Possessing tools or materials with the intent of using them to forge or counterfeit registered or well-known Trademarks.</li> <li>5- Knowingly imports or exports goods bearing a forged or counterfeit Trademark.</li> </ol> <p>Fine of minimum AED 50,000(2,050,000 JPY/13,615 USD) fifty thousand dirhams and maximum AED 200,000 (8,400,000 JPY/54,459 USD) two hundred thousand dirhams for:</p> <ol style="list-style-type: none"> <li>1- selling or offering for sale or circulation or possesses with the intention of selling goods or offers the provision of services carrying a forged, an imitated, or unlawfully put or used Trademark, despite his knowledge thereof.</li> <li>2- Unlawfully using an unregistered Trademark in the cases stipulated in Article (3) of this Decree-Law on his commercial papers and documents, goods, or services, and this would lead to the belief that the Trademark has been registered.</li> </ol>
<b>Destroying of infringing goods</b>	Applicable
<b>Publication of Judgement</b>	Applicable at the expenses of the convicted party
<b>Criminal Proceedings</b>	Imprisonment can be sentenced.
<b>Border Detention</b>	Available upon customs notification or applicant's complaint
<b>Administrative Remedies</b>	the remedies set by the authorities are defined by the authority depending on the case. For Dubai Economic and Tourism (DET) fines start from AED 15,000 (615,000 JPY/USD 4,085)

## 4.5. Copyrights

Copyrights are regulated by the Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights which revoked the previous law No. 7 of 2002<sup>146</sup>. The new copyright law specifies all the works protected under the copyrights as per the provisions of the old law in addition to Smart Applications, computer software and its applications, databases, and similar works (article 2)<sup>146</sup><sup>146</sup>. The law is designed to protect original works created by authors and creators in different sectors, to support the digital economy and align it with global developments in the digital environment.

### 4.5.1. Definition

Article 2 of the UAE Copyright Law lists the 12 types of work protected under the law namely:

1. Books, brochures, articles, and other written Works.
2. Smart applications, computer programmes, and applications, databases, and similar Works determined by a decision of the Minister.
3. Lectures, speeches, oral and written sermons, and other Works of a similar nature.
4. Theatrical Works, musical shows, and pantomime.
5. Musical Works, either with or without words.
6. Audio, visual, or audio-visual Works.
7. Architectural Works, and engineering drawings and plans.
8. Works of drawing with lines or colours, sculpting, engraving, and printing on stone, fabrics, wood, or metals, and any other similar Works.
9. Works of photography and similar Works.
10. Works of applied and plastic arts.
11. Illustrations, geographical maps, sketches, and three-dimensional Works related to geography, topography, architecture, and others.
12. Derivative Works, without prejudice to the protection granted to the original Works from which these Works were derived.

Protection shall cover the title of the work, if innovative, as well as the written innovative broadcast program.

### Exclusions

On the other hand, the law clearly outlined that types of work that shall not be subject to the protection under copyright in UAE in Article 3 of the said law.

1. Ideas, procedures, working methods, mathematical concepts, principles, and abstract facts, but it shall however extend to the innovative expression of any thereof.
2. Official documents, regardless of their original language, or the language transmitted to them, such as texts of laws, regulations, decisions, international agreements, judicial rulings, arbitrators' awards and decisions issued by administrative committees having a judicial jurisdiction.
3. News and reports on current incidents and events of a purely informative nature.
4. Public Domain Works.

Nevertheless, the items mentioned in clauses (2), (3), (4) of this article shall enjoy protection if their compilation, arrangement, or any effort deployed in their respect is innovative.

### 4.5.2. Requirements

Article 2 of Decision 47 of 2022 On the Implementing Regulation of Federal Decree-Law No. 38/2021 on Copyrights and Neighboring Rights sets the standards of the copyright application as follows<sup>147</sup>:

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<sup>146</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>147</sup> [https://www.moec.gov.ae/documents/20121/0/CabinetDecision\\_47\\_2022\\_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?&t=1656667925081](https://www.moec.gov.ae/documents/20121/0/CabinetDecision_47_2022_pdf.pdf/deccddc2-536a-2123-d02c-dd84bffc5a5?&t=1656667925081)

Application for registration shall contain the following data and documents:

- a. The title, type, description, and language of the work.
- b. The name, nationality, capacity, and address of the applicant and a copy of the power of attorney duly certified and authenticated.
- c. The author's name, pseudonym (if any), nationality, address, and date of death (if applicable).
- d. The name of the entity that directed the work (if any), its address, and the document supporting the relationship between it and the author.
- e. The name and address of the publisher, the date and place of the first publication, and the international number (if any).
- f. The name of the transferee, his nationality, address, type of transfer, its duration and geographical scope, and the document that proves the transfer by the author or the right holder.
- g. Data and details of the work.
- h. A copy of the passport or identity card of each of the applicant, author, and transferee.
- i. A copy of the work according to the nature of the work.
- j. Any other documents or data that the Ministry requests and instructs the applicant to submit as it deems necessary to verify the fulfillment of the necessary conditions for accepting his application, pursuant to a written notice served thereto to this effect.

#### **4.5.3. Term of Protection**

Protection terms of the copyright different works are highlighted in Article 20 of the Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights as follows<sup>148</sup>:

1. The Author's economic rights set forth in this Decree-Law shall be protected through his lifetime and (50) fifty years later, commencing from the first day of the calendar year following the death year.
2. The economic rights of Authors of Collective Works shall be protected through their lifetime and (50) fifty years later, commencing from the first day of the calendar year following the death of the last surviving Author.
3. The economic rights of Authors of Collective Works, except for Authors of applied art Works, shall be protected for a period of (50) fifty years, commencing from the first day of the next calendar year of the first publication if the Author is a legal person, but if the Author is a natural Person, the period shall be calculated according to the provisions set forth in Clauses (1) and (2) above.
4. Economic rights to Works published for the first time after the death of their Author shall be protected for the period of (50) fifty years, commencing from the first calendar year following the year of first publication.
5. Economic rights to Works published anonymously or under penname shall be protected for (50) fifty years, commencing from the first day of the next calendar year of the year of first publication. If the Author of such Works is known and identified or has disclosed his identity, the period of protection shall be calculated according to the provisions set forth in Clause (1) above.
6. Economic rights of Authors of applied art Works shall lapse after (25) twenty-five years, commencing from the first calendar year following the year of publication for first time.
7. In cases the term of protection is calculated from the date of first publication, the date of the first publication shall be adopted as a basis for calculating the term irrespective of the re-publication, unless the Author has introduced to his work, when republished, substantial modifications that make it look as new Work. If the Work consists of many parts or volumes published separately at intervals, each part or volume shall be considered a separate Work when calculating the protection term.

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<sup>148</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

8. The economic rights of Performers shall be protected for a period of (50) fifty years to be calculated from the first day of the next calendar year in which the performance is made. If the performance is fixed in a phonogram or audiovisual fixation, the period shall be calculated from the end of the year in which the fixation is made.
9. The economic rights of Phonogram Producers shall be protected for (50) fifty calendar years calculated from the first day of the next calendar year in which the phonogram is published or the year in which the phonogram is fixed if it has not been published.
10. The rights of the Broadcasting Organization shall be protected for (20) twenty years calculated from the first day of the next calendar year in which the first transmission of this program is made.

#### 4.5.4. Application/Registration procedures

##### Place of application

Online application can be filed by the applicant/legal representative via the ministry's portal.

<https://www.moec.gov.ae/en/w/register-compilations-%C2%A0>

The applicant should login using the login and password credentials. This is to highlight that the login credentials are the same for all the Ministry of Economy services.

##### Eligibility

Only the author/UAE based applicants can file via the portal through the created account. Non-UAE based companies cannot file directly. The same can be done via a legal representative.

##### Requirements <sup>149</sup>

Requirements	<ol style="list-style-type: none"> <li>1. Power of Attorney <ol style="list-style-type: none"> <li>a. Duly legalized up to the U.A.E. Consulate. The same is to be super legalized upon receipt. Applicable to non-UAE based applicants filing via legal agents.</li> <li>b. Duly notarized if the applicant is UAE based filing via legal agents.</li> </ol> </li> <li>2. Full description of the work</li> <li>3. Copy of the Identification documents of the applicant</li> <li>4. Certificate from the Censorship Department of the U.A.E. Ministry approving the work according to the regulations in virtue.</li> <li>5. Assignment document from the author if it is not the same as the applicant. The document must be legalized if the author is not UAE citizen/resident.</li> </ol>
Software	<ol style="list-style-type: none"> <li>1. Power of Attorney <ol style="list-style-type: none"> <li>a. Duly legalized up to the U.A.E. Consulate. The same is to be super legalized upon receipt. Applicable to non-UAE based applicants filing via legal agents.</li> <li>b. Duly notarized if the applicant is UAE based filing via legal agents.</li> </ol> </li> <li>The program to be registered (auto run folder) – partial source code is accepted.</li> <li>2. The Database for that program</li> <li>3. The code of the software (open-source code)</li> <li>4. The full description of the program its content and usage. as (Microsoft word or Adobe format)</li> <li>5. Assignment document from the author if it is not the same as the applicant. The document must be legalized if the author is not UAE citizen/resident.</li> </ol>

##### Examination

The application is filed only after completing the information entry in the built-in forms. The application is submitted, and fees shall be paid online. Once the fees are paid, the application is checked by the office and a certificate is issued if the application fulfills the requirements. In case of any requirements, the office contacts the applicant/legal

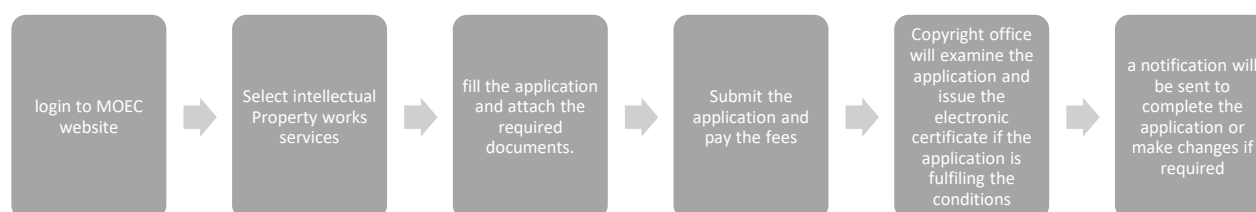
<sup>149</sup> Article 2 of Decision 47 of 2022 On the Implementing Regulation of Federal Decree-Law No. 38/2021 on Copyrights and Neighboring Rights

representative. The applicant is granted 60 days from the notification date to submit the requirements and take the necessary actions requested by the office otherwise the application will be considered as lapsed.

Article 2 of Decision 47 of 2022<sup>150</sup> stipulates that the Ministry shall issue a grounded decision rejecting the application if it is found that the work does not meet the conditions stipulated in the Law or that the application is in violation of the provisions of this Decision, with notification of the applicant thereof. A person whose application has been rejected or whose application is deemed to be rejected may file a new application with the Ministry after producing the documents and data that constituted the reason for issuing the rejection decision<sup>151</sup>.

#### The period of the entire process

An average of 15 working days which is subject to change as per the office process.



#### 4.5.5. Post Registration

##### Registration fees

Fees	AED 50 (2,050 JPY/14 USD) per application for natural persons. AED 200 (8,200 JPY/54 USD) per application for legal persons.
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##### Rights of the Right Holder

According to Article 5 of the UAE Copyrights and Neighboring Rights Law<sup>152</sup>, the author and his/her universal successor are granted moral rights which are not subject to prescription or assignment as follows:

- Publication of the Work for the first time;
- Ascription of the Work to his/her Author;
- Objection to any modification to the Work if the same would lead to distortion and mutation of the Work or taint the Author's reputation; and
- Submission of an application to the Civil Court to recall the Work from circulation, based on reasons justifying the same, except for smart applications, software and software applications.

Article 17 of the UAE Copyright Law, granted special economic rights to Performers:

- To transmit and communicate their unfixed performance to the public;
- To fix their performance on a Phonogram or audiovisual fixation;
- To copy their fixed performance on a Phonogram or audiovisual fixation;
- To rent out the original version of their phonograms or other versions proving their performance to the public for commercial objectives;
- To distribute the original version of their phonograms or other versions proving their performance through sale or any other means of disposition leading to the transfer of title; and
- To make their phonograms proving their performance available to the public via wired or wireless means, so that a public audience may check them or access thereto in any way they wish.

<sup>150</sup> <https://www.wipo.int/wipolex/en/legislation/details/21365>

<sup>151</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>152</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

The recording of live performance on a phonogram or renting it out to earn direct or indirect commercial returns or transmit the performance or make it available by any means whatsoever without the consent of the right holder shall be deemed an act of prohibited utilization.

Phonogram producers were also granted special right under the provisions of Article 18 of the Copyrights and Neighboring Rights Law<sup>153</sup>:

1. To reproduce their phonograms by any means whatsoever;
2. To distribute the original version of phonograms or other phonogram versions to the public through sale or any other disposition entailing the transfer of title;
3. To rent out the original version or other phonogram versions to the public for commercial purposes;
4. To make phonograms available to the public by any means whatsoever
5. To broadcast and transmit phonograms to the public by any means whatsoever; and
6. To prevent any utilization of their phonograms by any means without being so licensed by them.

The reproduction, rental, broadcasting transmission or retransmission or making such phonograms available via computers or other means shall constitute a prohibited utilization.

**Article 19 of the Copyright Law sets the economic exclusive rights for broadcasting organizations<sup>154</sup>**

1. To license the utilization of its broadcasting recordings and programs; and
2. To prevent any unauthorized communication of its programs or recordings to the public, particularly recording, copying, reproducing, renting out, rebroadcasting or retransmitting the programs to the public by any means whatsoever.

**Work to Hire**

The new Copyrights and Neighboring Rights Law waived the ambiguity about the work made for hire and allocated article 28<sup>155</sup> of the law to list the ownership conditions and economic rights in an employee/employer relationship unless otherwise agreed in writing. The law attributes the ownership and economic rights to the employer in 2 scenarios:

1. If the Author makes an Innovation in favor of another person, the copyright shall be attributed to such Person.
2. If an employee or worker during his employment creates a Work related to activities or business of the employer that is directly or indirectly mandated by the employer or uses to reach the creation of such Work expertise, information, tools, machinery or materials of the employer at his disposal, the Author's economic rights shall be attributed to the employer, taking into consideration the intellectual effort of the workers.

On the other hand, an employee/worker remains the sole owner of the work ownership and economic rights if the work created is unrelated to the employer's business and does not use the employer's expertise, information, tools, or raw materials to reach this Innovation.

**Rights for Architects**

UAE is famous by its stunning buildings and architecture. Hence, the new Copyrights and Neighboring Rights Law recognized the importance of the protection of architectural work and reserved a special article to regulate the rights on the same. Article 31<sup>156</sup> of the law grants the rights on architectural designs to the property owner or the like, unless otherwise expressly agreed.

In addition, the law enabled the property owner or the like to introduce any improvements or changes to an existing building, subject of engineering drawings, designs and plans, pursuant to the legislation in force. In case of copyrights infringement of architectural works, the law states that buildings may not be seized or ruled to be destroyed or to change their features or to confiscate them so as to preserve rights of an architect

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<sup>153</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>154</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>155</sup> <https://www.wipo.int/wipolex/en/legislation/details/21365>

<sup>156</sup> <https://www.wipo.int/wipolex/en/legislation/details/21365>



whose architectural designs, drawings or plans have been unlawfully used, without prejudice to his right to fair compensation.

### Registration of Copyrights

UAE acceded to the Berne Convention on April 14, 2004 and thereafter entered into force on July 14, 2004. Berne convention deals with the protection of works and the rights of their authors. It is based on **three basic principles** and contains a series of provisions determining the **minimum protection** to be granted, as well as special provisions available to **developing countries** that want to make use of them (WIPO, 2023)<sup>157</sup>.

*The three basic principles are the following:*

*(a) Works originating in one of the Contracting States (that is, works the author of which is a national of such a State or works first published in such a State) must be given the same protection in each of the other Contracting States as the latter grants to the works of its own nationals (principle of "national treatment").*

*(b) **Protection must not be conditional upon compliance with any formality** (principle of "automatic" protection).*

*(c) Protection is independent of the existence of protection in the country of origin of the work (principle of "independence" of protection). If, however, a Contracting State provides for a longer term of protection than the minimum prescribed by the Convention and the work ceases to be protected in the country of origin, protection may be denied once protection in the country of origin ceases.*

As per principle 3 of the Berne Convention, the UAE copyright law article 4 clause 2 mentions<sup>158</sup> that the provisions of the said law apply to the protection of rights even if the same are not registered. Hence, registration of copyrights is not mandatory to enjoy the protection in UAE. However, the UAE Ministry of Economy created a department for the copyright protection procedures from registration to enforcement. The office issues a certificate of registration which can be used strong evidence in case of litigation.

### Licensing

#### Transfer and License of Financial Rights of Author – Article 9 of Copyrights and Neighboring Rights Law<sup>159</sup>

The economic rights may be licensed or transferred to third parties by the Author or his/her successor in title may transfer to or license third parties, whether a natural or legal Person under the following conditions:

1. The licensing or transfer shall be made in writing and specifying the right in question, along with indicating the purpose of and the utilization duration and place.
2. The Author shall be the owner of all rights not expressly assigned by him.
3. Without prejudice to the Author's moral rights set forth in the law, the author may not carry out any action that would impair the utilization of right in question.

#### Consideration for Transferring Rights of Economic Utilization - Article 10 of Copyrights and Neighboring Rights Law<sup>160</sup>

The Author or his/her successor in title may receive cash or in-rem consideration for transferring any single or more economic utilization rights of a Work to third parties on the basis of proportional sharing of the revenues generated from the utilization and/or a lump sum.

#### License of Economic Rights for Smart Applications, Computer, etc - Article 10 of copyright law<sup>161</sup>

Without prejudice to the provisions of Article (9) of the Copyrights and Neighboring Rights Law, the license of economic rights of Works of smart applications, software and software applications or databases shall be governed by the terms and conditions mentioned in or labelled on the software, whether appearing on the software package or when the software is installed or stored as to be seen on the computer or smart phone screen or any other technological device on which the software is installed or stored. The software purchaser or user shall be bound by the terms and conditions mentioned in the provisions of the said license agreement (article 12)

<sup>157</sup> [https://www.wipo.int/treaties/en/notifications/berne/treaty\\_berne\\_231.html](https://www.wipo.int/treaties/en/notifications/berne/treaty_berne_231.html)

<sup>158</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>159</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>160</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>161</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

**Compulsory License of Reproduction or Translation - Article 21 of Copyright Law<sup>162</sup>**

Under article 21 of the Copyrights and Neighboring Rights Law any person may ask the Ministry to grant him a compulsory license, without the Author's consent, for Reproduction and/or translation of any Work protected under the provisions of this Decree-Law after (3) three years from the date of the Work publication in case of a translation license. The license shall be issued based on a reasoned decision indicating the time and place of utilization and the fair consideration payable to the Author, in a manner that ensures that no damage is inflicted on the Author or his successor or prejudice the normal utilization of the Work; provided that the purpose of granting such license is limited to meeting the needs of education of all types and levels or needs of public libraries and archiving houses, in accordance with the conditions, controls and procedures defined by the Executive Regulations.

**Reconsideration of the Agreed Consideration Amount - Article 11 of Copyrights and Neighboring Rights Law<sup>163</sup>**

If the agreed consideration is turned out to be unfair for the Author's rights or any Holders of Neighboring Rights, or if it becomes so due to circumstances occurring after entering into the agreement, the Author or his/her successor in title or their successors in title may recourse to the Civil Court to claim reconsideration of the agreed consideration amount.

**Renewal of Rights**

It is not applicable to renew the rights once the protection period expires.

**4.5.6. Enforcement of Rights****Enforcement Agency**

Article 37 of the Copyrights and Neighboring Rights Law<sup>164</sup> provides provisions for the creation of a new committee by the Ministry of Economy under the name "The Grievances Committee for Copyrights & Neighboring Rights". This will be the competent authority to hear and decide all disputes related to copyright or neighboring rights.

**Complaints of Copyright Infringement**

Filing	By the author/rights holder/legal agent ONLINE <a href="https://www.moec.gov.ae/en/w/copyright-infringement">https://www.moec.gov.ae/en/w/copyright-infringement</a>
Fees	100 AED (4,100 JPY/27 USD) for natural persons. 350 AED (14,350JPY/ 95 USD) for legal persons.
requirements	Document identifying the capacity of the applicant Documents indicating infringement Documents proving the applicant's ownership of the intellectual works or his client's ownership of the intellectual works that are the subject of the complaint
Process	Login to MOE website. Choose the service from the list of E- services Fill in the application data Attach required documents Pay application fees. The application is accepted and studied, In the case the application fulfills all the conditions, an administrative report for the complaint will be issued or the complaint will be dismissed
Appeal against decision	The appeal can be filed within 30 days from the decisions issuance before the board of grievance. The board of grievance decision is subject to appeal before the Federal court of appeal within 30 days from the decisions date.

<sup>162</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>163</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>164</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

	<p>The judgment is considered final after the issuance of the same by the Federal Court of cassation.</p> <p>Court appeals are not accepted until the decision is appealed before the grievance committee.</p>
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### **Injunction Proceedings**

The new Copyright Law lists in Article 35 the injunction proceedings in case of copyright infringement<sup>165</sup>. The law states that subject to the provisions of Federal Law No. (11) of 1992, a judge of summary proceedings of the Competent Civil Court, at the request of the Author or his successor, based on an order on petition, may order the following actions against any Work published or presented without written permission from the Author or his successor:

1. Suspending the Work publication or manufacture.
2. Imposing seizure on the original Work or its copies and materials used in the republication of the Work or the extraction of copies thereof, provided that such materials are valid only for the republication of the Work.
3. Proving public performance for rhythm, acting, or communicating a Work in public, as well as preventing the continuation of the current show or prohibiting it in the future.
4. Imposing attachments on the revenues generated from the publication or show.
5. Establishing the infringement of any rights protected under the provisions of this Decree-Law pursuant to the provisions of this Decree-Law.

The judge of summary proceedings may order the applicant to pay an adequate deposit. The applicant shall file the original dispute to the Civil Court within the (20) twenty days following the order issuance, and if not filed within such time limit, it will entirely be ineffective.

### **Judicial System and Courts Regarding IP Protection**

The copyright infringement cases, like other IP titles, are disputed before the UAE courts, Federal or Emirate courts, depending on the authority of each and the location of the infringer. The case is first brought before the court of first instance after filing the statements and the supporting documents. The decision is then challenged before the court of appeal and then after the court of cassation. The court might appoint an expert to prepare a report on the case as there are no IP specialized courts in UAE. The court proceedings are discussed in the IPR enforcement section.

### **Remedies and Sanctions<sup>166</sup>**

Remedies and sanctions are provided in articles 39 to 43 which include fines, imprisonment, and the seizure and destruction of infringing copies, as well as the acts that are considered copyright infringement, such as reproducing, distributing, and communicating a copyrighted work without the permission of the copyright owner.

#### **Article 39:**

1. Without prejudice to any severer penalty outlined in any other law, any Person committing any of the below actions, without written permission from the Author or Holder of Neighboring Rights or their successors, shall be penalized by imprisonment for a term not less than (2) two months and/or a fine not less than AED 10,000(410,000 JPY/2,723 USD) ten thousand dirhams and not more than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams:

- a. Infringing any moral or economic rights of the Author or Holder of Neighboring Rights set forth herein, including making any Work, performance, phonogram or broadcasting program covered by the protection prescribed herein available to the public, whether via computers, online networks, information networks, telecommunication networks or other techniques or means.
- b. Selling, renting out or trading, in any form whatsoever, a Work, phonogram or broadcasting program protected under the provisions of this Decree-Law. Multiple penalties shall be imposed depending on the number of Work, performance, program or recording, subject of the crime.

2. The penalty shall be imprisonment for a term not less than six months and a fine not less than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 500,000(2,050,000 JPY/136,147 USD) five hundred thousand dirhams in case of recidivism.

<sup>165</sup> <https://www.uaegislation.gov.ae/en/legislations/1534>

<sup>166</sup> <https://www.uaegislation.gov.ae/en/legislations/1534>

#### **Article 40**

1. Without prejudice to any severer penalty set forth in any other law, any Person committing any of the below actions shall be penalized by imprisonment for a term not less than (6) six months and/or a fine not less than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 700,000 (28,700,000 JPY/190,606 USD) seven hundred thousand dirhams:

- a. Unlawful manufacture or import for the purpose of sale, rental or trading any Work, counterfeit copies, equipment, means or tools designated or customized to circumvent the protection or technology used by the Author or the Holder of Related Right to transmit, trade, organize or manage such rights or to maintain a certain quality of copies.
- b. Unlawful disrupt or render any protection of technology or electronic information intended to organize and manage the rights prescribed in this Decree-Law defective.
- c. Download or store in a computer any software, software application or databases without authorization from the Author or the right holder or their successors.

The penalty shall be imprisonment for a term not less than (9) nine months and a fine not less than AED 500,000(2,050,000 JPY/136,147 USD) five hundred thousand dirhams and not more than AED 1,000,000(41,000,000 JPY/272,294 USD) one million dirhams in case of recidivism.

#### **Article 41**

Any Person that uses software, software application, smart applications or databases without prior authorization of the Author or his successor shall be penalized by a fine not less than AED 30,000 (1,230,000 JPY/8,169 USD) thirty thousand dirhams and not more than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams per software, application or database.

The penalty shall be a fine of not less than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 1,000,000 (41,000,000 JPY/272,294 USD) one million dirhams in case of recidivism.

If the crime is committed in the name or in favor of a legal Person or commercial or professional establishment, the court may rule the closure for a period not exceeding (3) three months.

#### **Article 42**

Without prejudice to the penalties prescribed in Articles (39), (40) and (41) above, the court shall order confiscation and destruction of counterfeit copies, involved in the crime or by which the crime is made. The court shall also rule to confiscate equipment and tools, which are valid only for such purpose, used in the crime commission. The court may also order closure of the establishment in which the counterfeit crime is committed up to six month, and publish the summary judgment of conviction in one or more daily newspaper at the expense of the convict.

#### **Article 43**

The Author or the holder of right may claim for compensation in case his moral and economic rights area infringed, as per the general rules.

#### **Summary of the remedies with Comparison table**

<b>Remedies available in UAE for Copyright Infringement</b>	
<b>Injunctions</b>	Available
<b>Damages</b>	Can be claimed before the court. The plaintiff should submit a detailed report about the damages incurred due to the infringement
<b>Fines</b>	A fine not less than AED 10,000 (410,000.00 JPY/2,723 USD) and not more than AED 100,000 (4,100,000.00 JPY/27,229 USD): a. Infringing any moral or economic rights of the Author or Holder of Neighboring Rights set forth herein, including making any Work, performance, phonogram or broadcasting program covered by the protection prescribed herein available to the public, whether via computers, online networks, information

	<p>networks, telecommunication networks or other techniques or means.</p> <p>b. Selling, renting out or trading, in any form whatsoever, a Work, phonogram or broadcasting program protected under the provisions of this Decree-Law. Multiple penalties shall be imposed depending on the number of Work, performance, program or recording, subject of the crime.</p>
	<p>Fine not less than AED 10,000 (410,000.00 JPY/2,723 USD) one hundred thousand dirhams and not more than AED 700,000 (28,700,000.00 JPY/190,606 USD) seven hundred thousand dirhams:</p> <p>a. Unlawful manufacture or import for the purpose of sale, rental or trading any Work, counterfeit copies, equipment, means or tools designated or customized to circumvent the protection or technology used by the Author or the Holder of Related Right to transmit, trade, organize or manage such rights or to maintain a certain quality of copies.</p> <p>b. Unlawful disrupt or render any protection of technology or electronic information intended to organize and manage the rights prescribed in this Decree-Law defective.</p> <p>c. Download or store in a computer any software, software application or databases without authorization from the Author or the right holder or their successors.</p>
	<p>Fine not less than AED 30,000 (123,000.00 JPY/8,169 USD) thirty thousand dirhams and not more than AED 100,000 (4,100,000.00 JPY/27,229 USD) per software, application or database. The penalty shall be a fine of not less than AED 100,000 (4,100,000.00 JPY/27,229 USD) and not more than AED 1,000,000 (41,000,000.00/272,294 USD) in case of recidivism.</p> <p>If the crime is committed in the name or in favour of a legal Person or commercial or professional establishment, the court may rule the closure for a period not exceeding (3) three months.</p>
<b>Destroying of infringing goods</b>	Applicable
<b>Publication of Judgement</b>	Applicable at the expenses of the convicted party
<b>Criminal Proceedings</b>	Imprisonment can be sentenced depending on the type of infringement
<b>Border Detention</b>	Available upon applicant's complaint

#### Flow chart for the complaint before the copyright office<sup>167</sup>



<sup>167</sup> <https://eservices.moec.gov.ae/IP/IPComplaints?lang=en>

## 5. Counterfeits and Piracy Products in UAE

### 5.1. Definition of the counterfeits and piracy products in UAE

Counterfeit means transferring a trademark literally and completely, making it completely identical to the original trademark or adopting a mark that is similar in its entirety to the original trademark, which leads to misleading the public and making them believe that they are in front of the original trademark.

"Piracy" describes the act of infringing copyrights such as reproducing literary or artistic works.

The UAE laws define trademark infringements acts as<sup>168</sup>:

- Forging a registered Trademark
- Counterfeiting a Trademark in a way that leads to confuse the public, whether in respect of the goods or services distinguished by the original Trademark or those that are similar to it.
- Knowingly uses a forged or counterfeit Trademark for commercial purposes.
- Putting an owned trademark by others on goods or services in bad faith.
- Possessing tools or materials with the intent of using them to forge or counterfeit registered or well-known Trademarks.
- Importing or exporting goods bearing a forged or counterfeit Trademark.
- Selling or offering for sale or circulating or possessing with the intention of selling goods or offering the provision of services carrying a forged, an imitated, or unlawfully putting or using Trademark, despite his knowledge.
- Unlawfully using an unregistered Trademark on commercial papers and documents, goods, or services, and this would lead to the belief that the Trademark has been registered.

### 5.2. Current Situation of counterfeit & piracy Products

#### 5.2.1. Names and places of Markets

The United Arab Emirates (UAE) serves as a commercial hub within the region and is recognized as an international market. As a result, infringers have taken advantage of this demand by producing and commercializing alternative, lower-cost products bearing the renowned trademarks, to generate profits.

#### Dubai

In Dubai, counterfeit markets are Dragon Mart, Al Karama and Deira. The markets are vibrant commercial places for several products namely garments, perfumes, mobile phones and their accessories, household items etc. Not only does the market supply the local consumer but is also a destination for wholesalers and traders from the Middle East, North Africa, and the African countries.

#### Abu Dhabi

Abu Dhabi, the capital of the UAE, is considered the largest emirate in the United Arab Emirates, occupying 84% of the country's land area. In addition, the natural resources, and the establishment of many international companies in the capital have created a strong economic situation that allows ordinary consumers to buy products. Considering this information, many counterfeiters have established companies and businesses in the Emirate of Abu Dhabi, targeting the large population and at the same time the possibility of importing the goods directly from abroad through the seaports.

The hotspot for counterfeit products in terms of cell phones and electronics is located in Al Defaa Street, Al Musaffah area, and local centers such as Hamdan Centre in addition to gold souk for garments, perfumes and bags.

#### Other Emirates

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<sup>168</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

The other emirates namely Sharjah, Ajman, Um Al Quwain, and Fujairah are particularly attractive to the middle and lower classes due to the low prices for rents and daily expenses. Since consumers tend to buy items that suit their needs at a reasonable price. These facts have prompted traders to set up stores in this emirate. To generate profits and gain the trust of consumers, they have resorted to selling counterfeit products.

Ajman: The hotspot for counterfeit products in terms of garments, bags and sunglasses is Bengali market and Ajman industrial zone. For cell phones and electronics is located in the Al Nakheel area and the industrial area. For household items, Ajman is famous for the “1 dollar stores” and the China Mall which provides several products to end consumers ranging from food, home appliances, cleaning material, garments, stationary, beauty/cosmetic products, over counter pharmaceutical products. Ajman is also known for lubricants factories. There are specialized factories producing lubricants and selling the same locally and internationally.

Sharjah is another populated Emirate known for an important industrial area. The industrial area of Sharjah is known for automotive market namely spare parts and accessories.

RAK, Um Al Quwain and Fujairah are small emirates in which counterfeited items are present, but they remain limited to end consumer. This is to highlight that Um Al Quwain provides storage facilities to business and hence investigations might lead to the presence of counterfeit sources in this emirate.

In this context, the counterfeiters source their goods either directly from wholesalers in Dubai or through intermediary shipping companies whose employees visit the dealers and offer them counterfeit goods at very low prices.

It is important to highlight that right owners should stay vigilant against counterfeit products bearing its trademark in the market. The same can be achieved by conducting continuous market investigations to track the infringers, collecting the necessary information about the quantities and warehouses as well as conducting test purchases which constitute evidence to take the necessary legal actions as per the available actions listed in the sections above. The actions to be taken depend on the nature of the case and the location of the infringements. Once the targets are located. The complaints will be filed before the competent authorities as explained above. The investigators will conduct pre-raid visits to ensure that the products are still on display. If the target is a closed premise, other than a shop, the investigator keeps monitoring the movement of the employees. However, this action is not 100% accurate as the infringers are very cautious and they change the locations during the non-active business times.

#### **Detecting Counterfeit Products at Trade Show Exhibition**

Rights owners should be aware of the exhibition of the counterfeit items before the start of the trade show. The first step is to inform the organizing party of the said infringement as to prevent the exhibition of such products. If the exhibitor is based in the UAE market, then evidence can be gathered and administrative, civil or criminal actions can be filed against the infringer. For example, Dubai Economic and Tourism Department will not take action once the exhibition starts.

#### **Purchaser**

##### **Types of products in the Market**

UAE is a touristic country as well as a business hub for the African and middle east countries. The counterfeiters target all the possible customers namely residents, tourists, and wholesalers.

The common counterfeit products in the market largely seized by the local authorities are: Mobile phones, mobile phones accessories, garments, accessories and jewelry, glasses, watches, sports clothes and equipment, cosmetic products, personal hygiene products, anti-bacterial substances, cleaning material and substances, Foods products and foods related products, automotive spare parts and accessories and lubricants.

As UAE, more precisely Dubai, is a worldwide luxury destination. The luxury products namely garments, watches, bags, and accessories are the mostly seized products and big quantities. The products are originally from China and Turkey. In addition, electronic devices namely mobile phones and their accessories are also common and popular in the counterfeit markets.

As the market trends change and the high impact of the social media to promote the trends of the markets, counterfeiters tend to supply the local market with cheaper alternatives of all the trendy products. For example, the authorities are working hard to fight the counterfeit luxury products which are immediately in the market after the same are launched by the main companies. In addition, during the pandemic, several manufacturers started to supply the local markets with fake sanitizers and face masks in different emirates Dubai<sup>169</sup>, Sharjah<sup>170</sup>, Abu Dhabi<sup>171</sup>, Ras Al Khaimah<sup>172</sup> and Ajman<sup>173</sup> and face masks.

Counterfeit drugs are not prevalent in the market thanks to the UAE Ministry of Health and other authorities' significant efforts. The UAE is a top country in combatting fake medicines through collaboration with global organizations like World Health Organization, United Nation, World Customs Organization, and US Food and Drug Administration<sup>174</sup>.

### 5.2.2. Distribution Channels

The UAE is home to several central air and seaports essential to the country's economy. The UAE ports are located in different parts of the UAE, each with unique facilities and features. The UAE ports and cargo airports are used for various purposes, including trade, transportation, and tourism. The UAE ports are some of the busiest and most advanced in the world. The UAE ports are managed by the Federal Transport Authority (FTA) and the Ports and Customs Authority (PCA). Among the famous ports of UAE, Jebel Ali Port-Located in Dubai is the 9th busiest port in the world in terms of share of containers and trade transactions and the biggest and busiest port in the Middle East for cargo movement and commercial transactions. The Port of Fujairah-Located in Fujairah which is one of the world's busiest ports in term of cargo movement and most strategic oil and gas shipping hubs. Khor Fakkan Port-Located in Sharjah, Khalifa Port-Located in Abu Dhabi is the largest and deepest port in the United Arab Emirates<sup>175</sup> (THE UAE'S MAJOR PORTS: AN OVERVIEW, 2022).

#### Country of Origin/Shipper

The UAE is considered the second major economy in the Middle East region after Saudi Arabia. The country is a vibrant trade platform connecting the different countries and continents of the world. The major 10 UAE economic partners are China, India, the US, Saudi Arabia, and Türkiye. The next five were Iraq, Switzerland, Hong Kong, Japan, and the Sultanate of Oman. It is important to highlight that UAE hosts important ports and Free Zones of the region such as namely Jebel Ali which is a international hub for trade between the Middle East and North Africa, as well as increasingly for South Asia, Central Asia, and Sub-Saharan Africa<sup>176</sup>.

In November 2023, the top exports of Japan to United Arab Emirates were Commodities not elsewhere specified (¥18B), Cars (¥13.4B), Hot-Rolled Iron (¥4.78B), Delivery Trucks (¥3.63B), and Motor vehicles; parts and accessories (8701... (¥3.16B). In November 2023 the top imports of Japan from United Arab Emirates were Crude Petroleum (¥255B), Petroleum Gas (¥36.4B), Refined Petroleum (¥34.7B), Raw Aluminum (¥19.7B), and Precious Metal Scraps (¥1.5B)<sup>177</sup>.

#### The buyer

The counterfeiters target all categories of consumers as well as wholesalers and traders. In addition to the vibrant major markets, online sale of counterfeit products is also a common channel to commercialize the goods. This is to highlight that counterfeiters tend to hide behind the online platforms for more security. However, the UAE

<sup>169</sup> <https://www.thenationalnews.com/uae/government/2021/12/06/factories-making-fake-dettol-raided-as-uae-steps-efforts-to-end-counterfeit-goods-trade/>

<sup>170</sup> <https://www.khaleejtimes.com/uae/coronavirus-in-uae-20000-masks-fake-sanitisers-seized>

<sup>171</sup> <https://www.arnnewscentre.ae/en/news/uae/fake-sanitiser-factory-raided-by-abu-dhabi-police/>

<sup>172</sup> <https://www.expatmedia.net/2058-fake-sanitizers-seized-shopping-centre-ras-al-khaimah/2020/09/>

<sup>173</sup> <https://www.khaleejtimes.com/uae/ajman-shuts-2-factories-seizes-40000-fake-sanitisers>

<sup>174</sup> <https://mohap.gov.ae/en/media-center/news/21/11/2021/4th-international-conference-on-falsified-and-substandard-medical-products-kicks-off-in-dubai>

<sup>175</sup> <https://dfreight.org/blog/major-uae-ports-a-comprehensive-guide/>

<sup>176</sup> <https://www.zawya.com/en/press-release/government-news/mohammed-bin-rashid-the-uae-non-oil-foreign-trade-of-goods-and-services-surpassed-aed35trln-in-2023-for-the-first-time-in-our-history-aepluge7>

<sup>177</sup> <https://oec.world/en/profile/bilateral-country/jpn/partner/are>



authorities with the partnership of the famous local online platforms are working hand in hand to tackle the counterfeit and provide a more secured online shopping experience to the end user.

### **Counterfeit in Free Zones**

The main concept behind the free zone area is to create special economic zones that offer customs duty benefits and tax concessions to investors most traders tend to establish their business in free zones as the unique geographical location of the UAE allows smooth commercial movements of the goods to neighboring countries alongside northern and east Africa. Such a lucrative environment attracted counterfeiters to start-up companies and commence their illicit business.

According to our understanding and experience, the counterfeiters tend to rent warehouses where they would source the counterfeit goods from abroad and depending on the nature of the products, they might add labels, re-package the products, assemble the products and once the product is in final form, they re-export it to commercialize the same.

It remains challenging to gather information about counterfeit goods in free zones due to the structure of the same as well as difficulty to access to premises in the Free Zones. To access the free zones, special permits are required. The same are issued by the concerned free zone only.

Customs are the authorized officials to act against counterfeit in the free zones. When the applicant files a complaint about an infringement in the free zones, the customs take all necessary actions against the same. The procedures are similar to filing a complaint before customs and the customs have the urgent complaints extra fees for urgent complaints. It is challenging to trace infringement within the free zones, yet authorities take actions once the complaints are filed supplied with all necessary details of the infringing party.

### **Jebel Ali Free Zone**

The authority responsible for enforcing intellectual property rights is Dubai Customs, with the main procedures being as follows: once the location of the target is confirmed, a complaint is filed with Customs with full details of the company and the infringed trademark. Once the seizure is completed, the products will be taken to a designated warehouse where they will be kept safe until the destruction order is issued. Please note, however, that the complainant will bear the costs of destruction.

If no complaints or information are passed on to the customs authorities, the goods will be re-exported. On the other hand, if it has been confirmed that the shipment will be re-exported, the complainant can obtain an injunction from the civil court to detain the shipment at the port and then file a civil suit.

This is to highlight that accessing Jebel Ali Free Zone is only permitted to companies based in the same free zone or permit entry holders who are usually having offices in Jebel Ali Free Zone.

Jebel Ali is an international hub for trade of different goods. Hence, the common counterfeit goods are tobacco products, food, cosmetics, and garments.

### **Ajman China Mall**

Conducting raids against Ajman China mall is under the responsibility of Ajman Economic Development Department while the raid on the outside warehouses is done with coordination of Ajman Police.

### **Dragon Mart in Dubai**

The authority responsible for enforcing intellectual property rights is Dubai DET, with the main procedures being as follows: once the detail of the target is confirmed, a complaint is filed with DET with full details of the company and the infringed trademark. Once the seizure is completed, the products will be taken to a designated warehouse where they will be kept safe until the destruction order is issued. Please note that the storage and destruction expenses is at the expense of the DET.

Free zones remain an important zone to monitor for brand owners. It is important to hire professionals who can access such zones to collect the information about suspected containers as well as to monitor the infringement of rights within that area. In addition, since free zones are under the authority of the customs, it is necessary to conduct regular trainings to the customs officials and to record the trademarks.

### 5.2.3. Statistics

Dubai Customs <sup>178</sup>	Intellectual property disputes	Volume of counterfeit goods	Value in AED	Recycling of counterfeit goods
2023	333 cases	15 million counterfeit goods	AED 73.4 million	122 operations 694,000 pieces of counterfeit merchandise (WAM, 2024)
2022	388	14.5 million counterfeit items	AED 109.5 million	93 recycling operations 173,000 counterfeit items (News, 2023)

Emirates	Authority	Confiscated goods	Volume	Value	Year
RAK <sup>179</sup>	RAK economic development department	Garments	214,000	AED 91 Million	2023/Q1
		Garments, bags, shoes, accessories, oil, edible flavors.	79,459	AED 5.44 Million	2022
Abu Dhabi <sup>180</sup>	Customs	Women's bags, shoes, watches, clothes, electronic devices including smart watches, chargers, and pens.	6,665	AED 10 Million	2023/Q3-Q4
AJMAN	Economic Development Department	Leather products, clothing, accessories, watches, and glasses	120,000	AED 30 Million	June 2021
UAE customs <sup>181</sup>	Customs	-	923,724	-	2020
Dubai <sup>182</sup>	Police	-	245 cases	AED 1,270,226,110	2022


<sup>178</sup> <https://wam.ae/en/article/b1aoqfr-dubai-customs-successfully-processed-over-304>

<sup>179</sup> <https://www.albayan.ae/economy/uae/2023-01-21-1.4601661>

<sup>180</sup> <https://www.mediaoffice.abudhabi/ar/economy/abu-dhabi-customs-recycles-aed10m-worth-of-counterfeit-goods-during-h2-2023/>

<sup>181</sup> <https://english.alarabiya.net/News/gulf/2021/06/15/UAE-customs-seized-923-724-counterfeit-goods-in-2020-WAM>

<sup>182</sup> <https://www.mediaoffice.ae/en/news/2023/January/22-01/Dubai-Police-Record>

Emirates	Authority	Confiscated goods	Volume	Value	Year
					

### Efforts of Local Authorities

The different authorities in UAE are welcoming right holders to share the knowledge about the genuine against the counterfeit to facilitate the inspector's work. The authorities in the United Arab Emirates (UAE) have taken a proactive stance towards increasing their knowledge of and combatting counterfeit goods. They are open to receiving training from brand owners in order to enhance their understanding of the technical aspects associated with the issue, which would enable them to conduct better raids and make informed decisions. Brand owners should be keen to host the trainings thereby demonstrating their unwavering commitment to combating counterfeits in the local market.

In addition, the authorities are keen to raise the awareness about counterfeits and the negative impact of such goods on the consumers. Different awareness campaigns are conducted with the collaboration of brand owners in malls, schools, universities to educate the final consumer about the drawback of counterfeits and to increase their consciousness about the same.

### 5.2.4. Enforcement

The UAE government has different procedures to enforce IPR rights, and enforcement proceedings must be lodged in the Emirate where the infringer is located as each Emirate has different bodies and procedures.

**1. Civil Actions:** In the event of a violation of a holder's rights, civil litigation can be pursued as a legal recourse. This typically involves seeking compensation for any incurred damages, as well as obtaining an injunction to halt further infringement. Within the United Arab Emirates, courts possess the power to grant preliminary injunctions, mandate the disposal of counterfeit goods, and provide compensation commensurate with the extent of harm inflicted upon the rights holder.

**2. Criminal Actions:** Criminal proceedings are available for trademark counterfeiting and dealing in counterfeit goods, with penalties including fines and confinement.

**3. Administrative Actions:** Rights holders can file administrative complaints before different bodies such as the Economic Development Department, Customs, and Municipalities depending on each emirate's authorized bodies.

It is important to note that criminal actions and administrative actions can only be applied to registered trademarks. Non-registered trademarks, on the other hand, can only be enforced through civil proceedings. Patents; however, can only be enforced through court. It is worth mentioning that there are no specific IP courts in the UAE. Therefore, judges appoint experts to analyze the case and deliver an expert's report for IP cases. Designs, on the other hand, can be enforced through civil actions or administrative actions, which are subject to the sole discretion and approval of the relevant authority.

### 5.2.5. Countermeasures to combat counterfeit and piracy products

The regulations governing trademarks in UAE are established by Federal Law 36 of 2021, along with its accompanying executive regulations detailed in ministerial decision No. 57 of 2022. These regulations provide a comprehensive framework that outlines the provisions of the main law. According to the judicial system of the country, there are various enforcement authorities which differ from one Emirate to another. In this section, we will outline the different enforcement bodies and their respective jurisdictions.

#### UAE Trademarks Department

The UAE Trademark department headquartered in Abu Dhabi, which operates under the Ministry of Economy, is a federal entity responsible for managing all aspects of trademark registration.

The Trademark department has jurisdiction across all seven emirates, and its decisions are binding throughout the country. Since the implementation of the new Trademark law, the trademark department has been given the authority to handle cases of trademark infringement. The trademark department refers the cases to concerned authorities. For example, Dubai cases will be shared with Dubai Economic Development Department to handle the case.

Some Economic Development Departments refer trademark infringement cases to the Ministry of Economy for their expertise, especially in cases involving ownership and similarities.

Trademark infringement cases are not usually filed with the UAE trademarks Department, as other specialized bodies like economic development departments and police are responsible for handling such matters.

#### Economic Development Department

The government of the United Arab Emirates is committed to facilitating business for entrepreneurs. To achieve this goal, the economic department of each Emirate has established special Intellectual Property Rights (IPR) departments except Fujairah. In Fujairah, IPR infringement cases are filed before the Municipality. These departments handle administrative complaints against third-party entities that are involved in the manufacturing or sale of counterfeit goods in the UAE as well as commercial agencies conflicts.

#### Economic Development Departments Procedures

Abu Dhabi	
Department of Economic Developments	
Procedures	The Complaint along with the TM and POA to be sent by email to the concerned department in addition to the submission of genuine and counterfeit samples.  The DED also requires a brief training before conducting the raids.
Time Frame	5 working days
Services	Email <a href="mailto:trademarkssection@ded.abudhabi.ae">trademarkssection@ded.abudhabi.ae</a> ; <a href="mailto:aalmansoori@ded.abudhabi.ae">aalmansoori@ded.abudhabi.ae</a>
Fees Payment online or offline	No Official fees
Storage by DED or 3 <sup>rd</sup> Party	By DED
Destruction DED or 3 <sup>rd</sup> party	By DED
Look alike or identical TMs	Yes, in the case of a 3D design, the complaint is forwarded to the legal department for further examination, and if the product is found to be in breach of the brand owner's

	trademark registration, the legal department gives its consent for the proceedings to continue.
<b>Online infringement</b>	If the online infringer has an actual physical location in the country yes.

<b>Dubai</b>	
<b>Authority: Dubai Economy and Tourism – IPR Department</b>	
<p>The department responsible for protecting intellectual property aims to safeguard registered trademarks and commercial agencies from infringement by carefully studying each case and taking necessary actions.</p> <p>Dubai's Department of Economy and Tourism (DET) offers IP services through the IP Gateway platform, which aims to protect intellectual property rights. Business owners can open cases related to their trademarks and agencies through the mobile application and website in just a few minutes. The platform is available in five different languages - Arabic, English, French, Italian, and Japanese - to help users from around the world avail of the services without being in Dubai or visiting DET premises.</p> <p>Through the online portal, rights owners can register and protect their trademarks and agency files, file trademark or agency cases, pay service fees, study and review cases, and obtain inspection reports related to the cases.</p> <p>It is mandatory to highlight that this service is only available for registered trademarks and registered commercial agency contracts.</p>	
<b>Procedures</b>	<ul style="list-style-type: none"> <li>Filing a complaint through the IP gateway portal.</li> <li>First, the trademark/agency agreement should be recorded in the DET record.</li> <li>Once the fees are paid, the DET shall study the case and request payment of the raid's fees.</li> <li>Once raid fees are paid, the raid is conducted and plaintiff is informed to attend the same.</li> <li>The seized goods are stored in DET storage premises and same are destroyed by DET.</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>Power of attorney duly legalized and super legalized.</li> <li>Copy of trademark registration certificate.</li> <li>Pictures of genuine products.</li> <li>Comparative between genuine and counterfeit goods.</li> <li>Samples of genuine items are sometimes requested by the authorities.</li> </ul>
<b>Services</b>	Online
<b>Website</b>	<a href="https://ipp.dubaied.gov.ae/Account/Login?ReturnUrl=%2f&amp;/Account/Login">https://ipp.dubaied.gov.ae/Account/Login?ReturnUrl=%2f&amp;/Account/Login</a>
<b>Time Frame</b>	The average time frame to complete the case is 10 working days. However, it remains up to the authority to arrange the case.
<b>Fees &amp; method of payment</b>	<ul style="list-style-type: none"> <li>AED 2,000 (82,000 JPY/545 USD) Case Study Fee</li> <li>AED 1,000 (41,000 JPY/272 USD) Inspection Fees on Defendant Sites up to 3 Sites</li> <li>AED 300 (12,300 JPY) per additional location</li> <li>AED 2,500 (102,500 JPY/681 USD) inspection fee per warehouse</li> </ul> <p><b>Extra Online payment charges are applicable at the payment time.</b></p>
<b>Storage</b>	DED
<b>Destruction</b>	DED
<b>Type of cases</b>	<p>Both identical and look alike cases.</p> <p>The committee decides about the cases once the complaint is filed, the plaintiff is contacted by DED to be informed about the acceptance, rejection, or any other opinion of the committee.</p>
<b>Online infringement based in the emirate</b>	YES.

<b>Do they take cases for trademarks ONLY or other IP rights</b>	TM cases. Designs can be filed but it is not common.
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<b>AJMAN</b>	
<b>Authority: Ajman Economic Development Department – IPR Department</b>	
<p>The department responsible for safeguarding intellectual property is dedicated to protecting registered trademarks and commercial agencies from infringement through a thorough assessment of each case and appropriate action.</p> <p>In line with this, Ajman's Department of Economic Development offers free recordation services for trademarks and commercial agencies to establish a comprehensive database. Inspectors conduct random daily inspections, utilizing this database to identify any suspected counterfeit goods in the market. If such goods are discovered, the department reaches out to the trademark owner to initiate appropriate action.</p>	
<b>Procedures</b>	The complaint is filed online via the portal
<b>Services</b>	Online
<b>Website</b>	<a href="https://eservices.ajmanned.ae/en/fraudcomplaintrequest">https://eservices.ajmanned.ae/en/fraudcomplaintrequest</a>
<b>Time Frame</b>	The average time frame to complete the case is 10 working days. However, it remains up to the authority to arrange the case.
<b>Fees &amp; method of payment</b>	<ul style="list-style-type: none"> <li>• AED 2,050 (84,050 JPY/558 USD) Case Study Fee</li> <li>• AED 1,350 (55,350 JPY/367 USD) Inspection Fees on Defendant Sites up to 3 Sites</li> <li>• AED 500 (20,500 JPY/136 USD) per additional location</li> <li>• AED 2,550 (104,550 JPY/613 USD) inspection fee per warehouse</li> </ul> <p><b>Extra Online payment charges are applicable at the payment time.</b></p>
<b>Storage</b>	The storage is at the expense of the complainant. Hence, the products are stored at a third-party logistic company.
<b>Destruction</b>	The destruction is at the expense of the complainant, and it is conducted at a designated recycling company.
<b>Type of cases</b>	<p>Both identical and look alike cases.</p> <p>The committee decides about the cases once the complaint is filed, the plaintiff is contacted by DED to be informed about the acceptance, rejection, or any other opinion of the committee.</p>
<b>Online infringement based in the emirate</b>	YES, if the infringer has a local presence in the Emirate.

<b>Sharjah</b>	
<b>Authority: Sharjah Economic Development Department – IPR Department</b>	
<p>Trademarks and commercial agency owners may file complaints related to the infringement of their trademarks, commercial agencies, or commercial fraud. Once the complaints are received, they are investigated, and a fee is collected. If necessary, a visit is made to the facility against which the complaint was made, and a report of goods seizure or a negative incident report is issued. The complaints are then referred to the Committee for Combating Commercial Fraud and Dispute Resolution of the Department for a decision to be made.</p>	
<b>Procedures</b>	The complaint is filed online via the portal
<b>Services</b>	Online
<b>Website</b>	<a href="https://eservices.sedd.ae/eservicesweb/general-transactions/suggestions/view.xhtml?sugPageType=2">https://eservices.sedd.ae/eservicesweb/general-transactions/suggestions/view.xhtml?sugPageType=2</a>
<b>Time Frame</b>	Depending on the workload of the anti-commercial fraud department.

<b>Fees &amp; method of payment</b>	<p><b><u>Infringement of trademark and commercial agency</u></b></p> <ul style="list-style-type: none"> <li>• AED 1,250 (51,250 JPY/340 USD) for infringement of trademark and commercial agency – one site</li> <li>• AED 500 (20,500 JPY/136 USD) dirhams for each additional site (<b><u>infringement of trademark and commercial agency</u></b>)</li> </ul> <p><b><u>commercial fraud complaints</u></b></p> <ul style="list-style-type: none"> <li>• AED 2,000 (82,000 JPY/545 USD) for one trademark - one site</li> <li>• AED 500 (20,500 JPY/136 USD) for each additional site (<b><u>commercial fraud complaints</u></b>).</li> </ul> <p><b>Extra Online payment charges are applicable at the payment time.</b></p>
<b>Storage</b>	In general, the seized products are stored at the DED-designated facilities. However, if there was no vacancy at their facility, the SEDD will advise the complainant to store the products at a third-party logistic company
<b>Destruction</b>	The destruction is at the expense of the complainant, and it is conducted at a designated recycling company.
<b>Type of cases</b>	<p>Both identical and look alike cases.</p> <p>The committee decides about the cases once the complaint is filed, the plaintiff is contacted by DED to be informed about the acceptance, rejection, or any other opinion of the committee.</p>
<b>Online infringement based in the emirate</b>	YES, if the infringer has a local presence in the Emirate.

<b>Fujairah</b>	
<b>Authority: Fujairah Municipality</b>	
<p>The IPR matters are handled by the consumer protection section under the trade license department. The Department's primary focus is on creating a favorable business environment that attracts investment and promotes investment growth in the Emirate. This is to ensure economic diversification that aligns with the requirements of investors and local and global trends. It also contributes to the development of draft legislation that regulates economic and investment activity, thereby supporting the investment environment in the Emirate. Additionally, the Department conducts a thorough analysis of global, regional, and local economic trends, indicators, and variables. The Department comprises the following sections:</p> <ul style="list-style-type: none"> <li>• Commercial Licensing Section.</li> <li>• Consumer Protection Section.</li> <li>• Documentation of Rental Contracts Section.</li> </ul>	
<b>Procedures</b>	Filing a complaint before the Municipality through the online portal.
<b>Services</b>	Online
<b>Procedures</b>	<ul style="list-style-type: none"> <li>• Filing a complaint through the IP gateway portal.</li> <li>• Once the fees are paid, the DED shall study the case and request payment of the raid's fees.</li> <li>• Once raid fees are paid, the raid is conducted, and the plaintiff is informed to attend the same.</li> </ul> <p>The seized goods are stored in DED storage premises and the same are destroyed by DED.</p>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• Power of attorney duly legalized and super legalized.</li> <li>• Copy of trademark registration certificate.</li> <li>• Pictures of genuine products.</li> <li>• Comparative between genuine and counterfeit goods.</li> </ul> <p>Samples of genuine items are sometimes requested by the authorities.</p>
<b>Website</b>	<a href="https://portal.fujmun.gov.ae/OnlineEservices/en/eService/ServicePages/service_information.aspx?serviceId=85">https://portal.fujmun.gov.ae/OnlineEservices/en/eService/ServicePages/service_information.aspx?serviceId=85</a>
<b>Time Frame</b>	Complaints must be submitted within one working day, and approval is subject to departmental workload.
<b>Fees &amp; and method of payment</b>	<p>Payment Online.</p> <p>AED 500.00- (20,500 JPY/136 USD)</p> <p>Fees for raids will be determined by the authority.</p> <p><b>Extra Online payment charges are applicable at the payment time.</b></p>
<b>Storage</b>	<p>There are three possible scenarios depending on the amount of goods seized:</p> <ul style="list-style-type: none"> <li>• The items may be seized at the target's location.</li> <li>• The products may be moved to the Municipality Lot.</li> <li>• The goods may be stored at a third-party logistics company.</li> </ul> <p>However, all of these actions are subject to the decision of the Municipality.</p>
<b>Destruction</b>	Depending on the nature of the product: - Either by the municipality of which the expense will be at the government or through a recycling company and the expense would be on the complainant
<b>Type of cases</b>	Both identical and look alike cases.
<b>Online infringement based in the emirate</b>	If the online infringer has an actual physical location in the country yes.



<b>Ras Al Khaimah</b>	
<b>Authority: Economic Development Department</b>	
The Department of Economic Development (DED) in Ras Al Khaimah plays a crucial role in the emirate's economy and sustainable development. Its principal responsibility is to regulate, support, and monitor the business sector. The mission of RAK DED is to create a conducive investment environment for the business community by regulating, supporting, and promoting economic activities in collaboration with partners, based on transparency and mutual respect, a highly qualified national workforce, and efficient systems and techniques. The IPR department of RAK DED is responsible for managing trademark infringement complaints. Investors can submit a request to protect their rights against commercial fraud, imitation, or infringement of a registered trademark by economic establishments in the Emirate of Ras Al Khaimah.	
<b>Procedures</b>	Filing the Complaint via Online Portal
<b>Services</b>	Online
<b>website</b>	<a href="https://bls.rak.ae/en/QZone/online services/service description card?serviceid=9ef5ead7-e6ca-44ca-9b23-35ae8a04af5c">https://bls.rak.ae/en/QZone/online services/service description card?serviceid=9ef5ead7-e6ca-44ca-9b23-35ae8a04af5c</a>
<b>Time Frame</b>	7 working days
<b>Fees</b>	AED 2020 (82,820 JPY/550 USD) per trademark.
<b>Payment online or offline</b>	AED 300 (12,300 JPY/82 USD) for each additional facility. <b>Extra Online payment charges are applicable at the payment time.</b>
<b>Storage</b>	DED
<b>Destruction</b>	DED
<b>Type of cases</b>	In general, yes. However, the committee has the right to accept or reject the complaint if it believes that its expertise or judgment does not do justice to the sensitivity of the marks and products infringed, and it would advise on the appropriate legal course to be taken.
<b>Do they act against online infringers based in the emirate</b>	If the online infringer has an actual physical location in the country yes.
<b>Do they take cases for trademarks ONLY or other IP rights</b>	Trademarks only

<b>Umm Al Quwain</b>	
<b>Authority: DED/Municipality</b>	
<b>Procedures</b>	Filing the complaint before the DED
<b>Time Frame</b>	As per the department's workload
<b>Services</b>	Offline
<b>Fees</b>	AED 1,150 (47,150 JPY/313 USD)
<b>Storage by DED or 3<sup>rd</sup> Party</b>	There are two scenarios, depending on the seized quantities: - <ul style="list-style-type: none"> <li>The goods will be seized at the target's premises.</li> <li>The products will be re-located to the DED Lot</li> </ul>
<b>Destruction</b>	Destruction by Umm Al Quwain Municipality – at the expense of the complainant
<b>Type of cases</b>	Both identical and lookalike. The final decision is up to the authorities.
<b>Do they act against online infringers based in the Emirate</b>	If the online infringer has an actual physical location in the country yes.
<b>Do they take cases for trademarks ONLY or other IP rights</b>	Trademarks Only

### **Remedies under Administrative Actions**

Administrative actions can result in fines, shutdowns, and the destruction of counterfeit goods. For instance, Dubai DED fines amount to AED 15,000 (615,000 JPY/4,084 USD).

For other emirates, fines are subject to the authorities' discretion.

### **Criminal Action**

In addition to administrative actions, trademark owners can file criminal actions with the IP/Commercial Fraud Department of the Police. However, not all Emirates offer this service.

Since the law regulates and protects people's rights and freedom, counterfeiters tend to use this advantage in their favor by using closed premises, e.g. apartments, villas, etc., for the production, storage, and distribution of these products. Therefore, the only legal option is to file a complaint with the police, obtain a search warrant, and conduct a raid and court proceedings. Police departments also have knowledge and background on counterfeit products and this illegal trade. As each local authority has its regulations, in some emirates we can report directly to the police, in other emirates as mentioned above DED should be first contacted and then obtain a warrant from the public prosecutor's office.

The initiation of criminal proceedings with the police has been proven to be an effective method in many instances. This process commences with obtaining an arrest warrant, followed by a swift execution of the raid. Once the case is handed over to the court, the trial phase usually takes between one to two years, depending on the emirate. Following the trial, the court verdict is issued, and administrative procedures are set in motion, culminating in the destruction of the confiscated goods.

### **Dubai Police Procedures**

#### **Place of Application**

The complaint is filed before the Police through email by the right owner or the legal representative. Filing complaint by the rights owner (trademark Owner). The concerned authority for criminal actions is the Department of Economic Crimes – Police.

#### **Complaint Procedure**

The plaintiff or legal representative must file the complaint via email "[CDI.Piracy@dubaipolice.gov.ae](mailto:CDI.Piracy@dubaipolice.gov.ae)". the statement should be in Arabic ONLY supported by the documents namely the trademark registration certificate, pictures of the products, and the duly legalized Power of attorney in case the complaint is filed via a legal representative.

It is important to mention that the complaint should clearly indicate the makani number of the infringer along with a link of directions to the place.

Once the complaint is filed, police arrange the raid's date with the trademark owner/legal representative to prepare the requirements namely transportation and the labour.

The police, during the raid, seizes the counterfeit goods as well as any material used to manufacture the counterfeits. Once the raid is completed, the seized items are transported and stored by a specialized storage company appointed by the plaintiff and accepted by Dubai Police.

Dubai Police prepares the raid report and the parties/legal representative shall attend the signature of the statement at the police station once contacted by the authority. The CID at the Economic Crime Department transfers the case to the criminal lab for the issuance of the technical report after the parties sign the raid's report. Once the CID Lab issues its report, the same is transferred to the competent police station where the case was filed and then the same is transferred to the public prosecutor for revision and for issuance of an indictment. The case is then transferred to the Court.

If the defendant pleads guilty, or the court finds the defendant guilty, a judgment is issued ordering the destruction of the confiscated goods and a financial fine. The judgment is transferred to the Public Prosecution for execution after which the latter issues a letter to the Police to fulfill the procedures in respect of destruction. The decision of the prosecutor can be appealed.

### Destruction Stage

Once the judgment is received by the police, an authorization memo is sent to the storage company to allow the transportation of the counterfeit items to destruction company. The TM owner/legal representative liaises with Dubai Municipality to obtain the permit for destruction (WDS) online <https://hub.dm.gov.ae/link/servicedetails?servicecode=3490><sup>183</sup>

It is important to note that recycling companies are approved by Dubai Municipality. Hence, the appointed company should be from the listed companies [https://www.dm.gov.ae/documents/3490-infobulletin\\_2\\_2021-companies-permitted-to-collect-transport-waste-oil-in-the-emirate-of-dubai-for-the-purpose-of-recycling/](https://www.dm.gov.ae/documents/3490-infobulletin_2_2021-companies-permitted-to-collect-transport-waste-oil-in-the-emirate-of-dubai-for-the-purpose-of-recycling/)<sup>184</sup>. The service is official free free.

Once the municipality order is issued (WDS permit), the goods should be transferred from/by the storage to the destruction company.

In addition to the brand owner/legal representative, The public prosecutor representative shall also attend to the destruction to witness the same.

Once the destruction is completed, the destruction company issues a destruction certificate for the goods.

The last step is to issue a final certificate of destruction from the Municipality. The municipality requires the destruction report and destruction pictures. The same can be applied via the online portal <https://hub.dm.gov.ae/link/servicedetails?servicecode=3490>

**Materials**

Complete the form below and click "Submit". Fields marked with asterisks (\*) are required. Please fill the form in English.  
To track your payments and reports please [click here](#)

**Request Information**

**Application Type\***  
Business

**Request Type\***  
--Request Type--  
New Permit  
Disposal Certificate

**Company Details**

**License Authority\***  
Dubai Municipality

In the United Arab Emirates, the Public Prosecutor acts on behalf of the complainant and the complainant can file a civil claim to appear in court. However, it is important to note that the Public Prosecutor has the right to appeal the court's decision if it is not severe enough about the offense committed by the defendant or if it has significant consequences, such as the release of seized products. If the decision is not in favor of the complainant, they can submit a request to the Public Prosecutor's office to appeal against the judgment.

<sup>183</sup> <https://hub.dm.gov.ae/link/servicedetails?servicecode=3490>

<sup>184</sup> <https://hub.dm.gov.ae/link/servicedetails?servicecode=3490>

### Criminal Action in Dubai – Fees and Requirements

<b>Fees</b>	Police complaint is free of charge
<b>Attorney Fees</b>	The agent fees are estimated per case.
<b>Requirements</b>	<ul style="list-style-type: none"> <li>- Power of attorney duly legalized up to UAE consulate. The same must be super legalized before UAE Ministry of Foreign Affairs.</li> <li>- Copy of the trademark registration certificate.</li> <li>- Confirmation letter from the plaintiff confirming the goods seized are counterfeit.</li> </ul>
<b>Transportation fees</b>	<p>The seized goods are transferred to a specialized warehouse. The fees depend on the size and nature of the products.</p> <p>The fees are charged every month at the expense of the plaintiff.</p>
<b>Destruction Fees</b>	<p>The destruction should be done according to the authority's requirement. For Dubai, a request is raised to Dubai Municipality which requires pictures of the products and a letter from the destruction company. Some products have special destruction companies.</p> <p>Destruction fees are at the expense of the plaintiff</p>

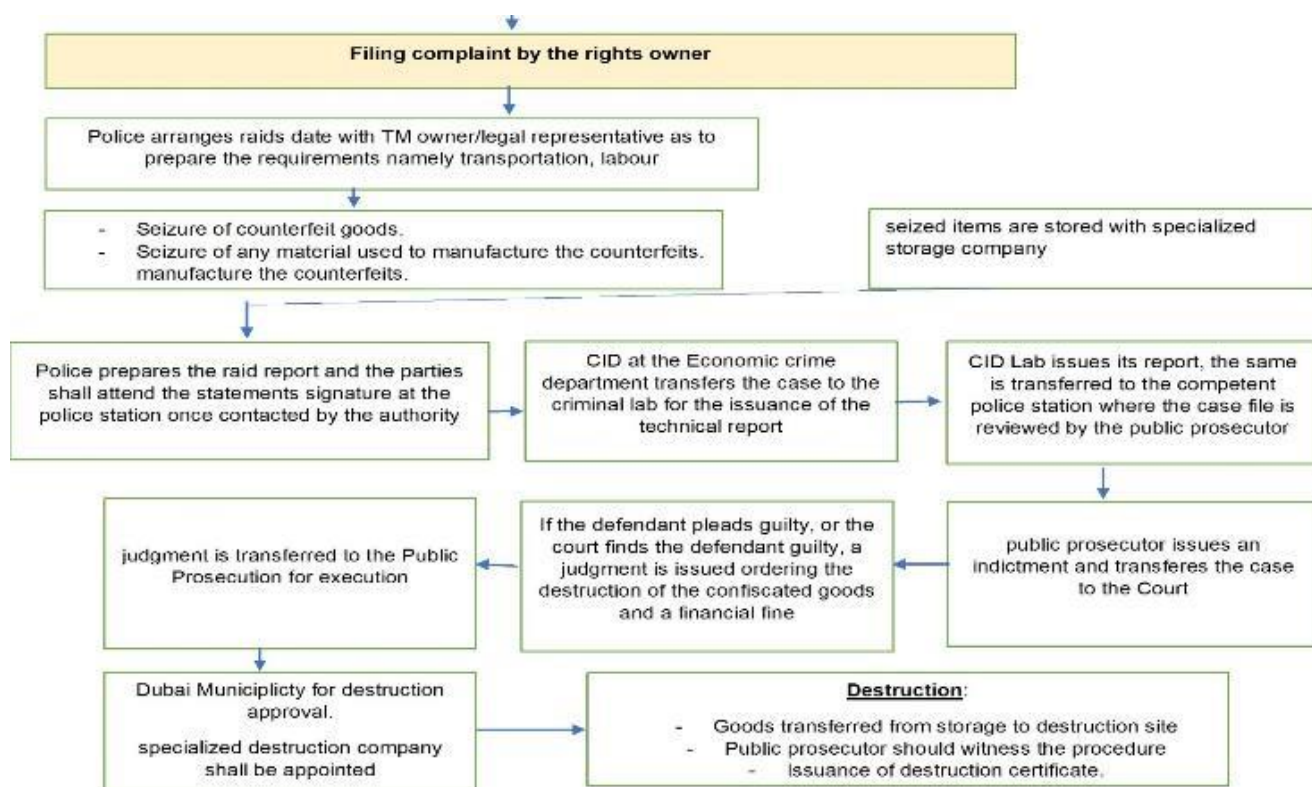
### Criminal Actions in other Emirates

<b>SHARJAH</b>	
<b>Procedures</b>	A complaint along with samples of the genuine and counterfeit products will be presented before the police. Once the complaint is accepted the case file will have a reference number and the police will conduct a raid. After which, criminal Proceedings will be initiated.
<b>Documents</b>	POA, copy of the TM certificate, and samples of the genuine and counterfeit products
<b>Time Frame</b>	approval subject to the workload of the department
<b>Storage by DED or 3<sup>rd</sup> Party</b>	Third-Party logistics company
<b>Destruction DED or 3<sup>rd</sup> party</b>	The destruction will be conducted at a third-party recycling company
<b>Do they take look-alike or identical TMs</b>	Yes
<b>Do they take cases for trademarks ONLY or other IP rights</b>	Trademarks only

<b>FUJAIRAH</b>	
<b>Procedure</b>	Offline - A complaint along with samples of the genuine and counterfeit products will be presented before the police. Once the complaint is accepted the case file will have a reference number and the police will conduct a raid. After which, criminal Proceedings will be initiated.
<b>Documents</b>	POA, copy of the TM certificate, and samples of the genuine and counterfeit products
<b>Time Frame</b>	approval subject to the workload of the department
<b>Storage by DED or 3<sup>rd</sup> Party</b>	The storage is at the expense of the complainant. Hence, the products are stored at a third-party logistics company.
<b>Destruction DED or 3<sup>rd</sup> party</b>	The destruction is at the expense of the complainant, and it is conducted at a designated recycling company.
<b>Type of cases</b>	Both identical and look alike cases.
<b>Do they take cases for trademarks ONLY or other IP rights</b>	Trademarks only

ABU DHABI	
<b>Procedures</b>	A complaint along with samples of the genuine and counterfeit products will be presented before the police. Once the complaint is accepted the case file will have a reference number and the police will conduct a raid. After which, criminal Proceedings will be initiated.
<b>Documents</b>	POA, copy of the TM certificate and samples of the genuine and counterfeit products
<b>Time Frame</b>	The approval subject to the workload of the department
<b>Storage by DED or 3<sup>rd</sup> Party</b>	Police storage facilities
<b>Destruction DED or 3<sup>rd</sup> party</b>	Destruction will be decided based on the Public Prosecution decision after the issuance of the court order whether to be conducted in a governmental facility or third-party recycling company.
<b>Do they take look-alike or identical TMs</b>	Yes
<b>Do they take cases for trademarks ONLY or other IP rights</b>	Trademarks only

#### Criminal Actions Flow Chart



#### Civil Action

The complainant has the option to file a civil action against the opposing party for violating their TM rights and seek damages under local legislation, such as the TM Act, Anti-Commercial Fraud law, and the provisions of the Civil Code.

## Procedure

According to Article 48 of Trademark Law<sup>185</sup>, if a trademark owner experiences damage due to infringement of their rights mentioned in the Decree-Law, they have the right to file a lawsuit in the Civil Court for compensation based on general rules. For instance, if a criminal action has already been taken, a civil action can still be pursued to claim compensation. Proving the error, damage, and causal relationship between the two is necessary for compensation. The final criminal ruling serves as evidence for the civil judge in this case. Regarding the damage claim, the amount of compensation awarded to the plaintiff will depend on the level of loss incurred, whether it is material or moral. If the damage is proven, the court will award compensation to the client to cover the extent of the loss suffered due to the infringement of their rights.

In civil cases, the process is initiated through the exchange of memorandums. In some instances, the judge may require the parties to be present in person. The plaintiff bears the burden of proof, but the court may appoint an expert to compile a comprehensive report and gather evidence for the court's consideration.

Civil cases are presented before a court of first instance, which may be either a local or federal court. If either party is not satisfied with the verdict, they may choose to appeal the decision before the court of appeal. If the decision of the court of appeal is also disputed, it may be appealed before the court of Cassation. It is important to note that no further evidence is accepted by the court of cassation.

The court fees and official fees are determined based on the case and the amount claimed.

## Requirements

1. POA - duly notarized and legalized. The POA is super-legalized upon receipt of the original.
2. Copy of valid trademark certificates.
3. Images of the genuine and counterfeit samples.
4. Submitting supportive documents: loss evidences, use evidences, invoices etc...
5. The Payment of official fees.

## Precautionary Measures Upon Infringement of Rights – Article 47 of trademarks law<sup>186</sup>

1. The right holder may, in case of infringement or in order to avoid an imminent infringement of any of the rights established under the provisions of this Decree-Law, obtain an order on a petition from the Magistrate of Summary Justice at the Civil Court with jurisdiction over the origin of the dispute, so as to take one or more appropriate provisional measures, including the following:
  - a. Making a detailed description of the infringement, the goods that are the subject-matter of this infringement, and the materials, tools and equipment used or that may be used therein.
  - b. Imposing seizure on the materials, tools and equipment referred to in the preceding paragraph of this clause, and the proceeds resulting from the infringement.
  - c. Preventing the goods that are the subject matter of the infringement from entering commercial channels and preventing their export, including imported goods forthwith after their customs clearance.
  - d. Preserving any evidence related to the subject matter of the infringement.
2. The Magistrate of Summary Justice may instruct the petitioner to submit whatever evidence in his possession suggesting that the right has been infringed or that the infringement is imminent, and to provide information that is sufficient to implement the provisional measure and identify the goods concerned.
3. The Magistrate of Summary Justice shall decide on the petition within a period not exceeding (10) ten days from the date of its filing, save for exceptional cases that he deems appropriate.
4. The Magistrate of Summary Justice may, when necessary, issue the order, at the request of the petitioner, without summoning the other party, if it is likely that the delay in issuing the order may cause irreparable harm to the plaintiff or if there is a fear that the evidence will be lost or destroyed. In this case, the other party shall be notified of the matter without any delay forthwith upon its issuance, and when necessary, the notification may be made immediately after the execution of the order.

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<sup>185</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>186</sup> <https://www.uaelegislation.gov.ae/en/legislations/1535>

5. If the Magistrate of Summary Justice orders that a provisional measure be taken without summoning the other party, the defendant may, after being notified thereof, file a grievance against the said order before the president of the
6. The Magistrate of Summary Justice may instruct the petitioner to provide an appropriate financial guarantee or a bank guarantee sufficient to protect the defendant from abuse of the right, and the amount of the guarantee or bank guarantee shall be reasonable and appropriate.
7. The right holder may file a lawsuit in respect of the origin of the dispute within (20) twenty days from the date of the issuance of the order to take the provisional measure or from the date of his notification of the rejection of the grievance stipulated in clause (5) of this article, as the case may be, otherwise this order shall be cancelled at the request of the defendant.

#### Remedies Under Different Laws

<b>Trademark Law 36 of 2021 – Chapter 8<sup>187</sup></b>
<b>Article 49</b> Without prejudice to any severer penalty stipulated in any other law, a penalty of imprisonment and a fine of no less than AED 100,000 (4,100,000 JPY/27,229 USD) one hundred thousand dirhams and not more than AED 1,000,000(41,000,000 JPY/272,294 USD) one million dirhams, or either of these two penalties, shall be imposed on whomever: <ol style="list-style-type: none"> <li>1. Forges a Trademark that was registered in accordance with the provisions of this Decree-Law or counterfeits a Trademark in a way that leads to confuse the public, whether in respect of the goods or services distinguished by the original Trademark or those that are similar thereto.</li> <li>2. Knowingly uses a forged or counterfeit Trademark for commercial purposes.</li> <li>3. Puts on his goods or uses in respect of the services he provides, in bad faith, a Trademark owned by others.</li> <li>4. Possesses tools or materials with the intent of using them to forge or counterfeit registered or well-known Trademarks.</li> <li>5. Knowingly imports or exports goods bearing a forged or counterfeit Trademark.</li> </ol>
<b>Article 50</b> Without prejudice to any more severe penalty stipulated in any other law, a penalty of imprisonment not exceeding one year and a fine of not less than AED 50,000 (2,050,000 JPY/13,615 USD) fifty thousand dirhams and not more than AED 200,000(8,200,000 JPY/54,459 USD) two hundred thousand dirhams or either of these two penalties shall be imposed on whomever: <ol style="list-style-type: none"> <li>1. Sells or offers for sale or circulation or possesses with the intention of selling goods or offers the provision of services carrying a forged, an imitated, or unlawfully put or used Trademark, despite his knowledge thereof.</li> <li>2. Unlawfully uses an unregistered Trademark in the cases stipulated in Article (3) of this Decree-Law on his commercial papers and documents, goods, or services, and this would lead to the belief that the Trademark has been registered.</li> </ol>
<b>Article 51</b> In the event of recidivism, whoever commits any of the acts stipulated in Articles (49) and (50) of this Decree-Law shall be punished with a penalty that does not exceed twice the maximum penalty prescribed for the crime. The court may order the closure of the facility, and order the confiscation of the tools, machines, and materials used in the offense.
<b>Article 52</b> The court may publish the judgment of conviction at the expense of the convict.
<b>Federal Law No (19) of 2016 on Combating Commercial Fraud<sup>188</sup></b>
<b>Article 12</b> Whoever commits the crime of commercial fraud shall be punished by imprisonment for a period not exceeding two years and a fine of not less than fifty thousand dirhams AED 50,000(2,050,000 JPY/13,615 USD)) and not exceeding two hundred and fifty thousand dirhams AED 250,000(12,250,000 JPY/68,074 USD), or either of the two punishments.
<b>Article 13</b>

<sup>187</sup> <https://www.uaegislation.gov.ae/en/legislations/1535>

<sup>188</sup> [https://www.moec.gov.ae/en/federal-law-no-19-of-2016-on-combating-commercial-fraud?p\\_l\\_back\\_url=%2Fen%2Fsearch-results%3Fq%3DOpen%2520Data%26start%3D8](https://www.moec.gov.ae/en/federal-law-no-19-of-2016-on-combating-commercial-fraud?p_l_back_url=%2Fen%2Fsearch-results%3Fq%3DOpen%2520Data%26start%3D8)

Whoever attempts to commit a crime of commercial fraud shall be punished by imprisonment for a period not exceeding one year and a fine of not less than ten thousand dirhams AED 10,000 (410,000 JPY/USD 2,740) and not exceeding one hundred thousand dirhams AED 100,000(4,100,000 JPY/27,229 USD), or either of the two punishments.

#### **Article 4**

The trader shall be liable for the following:

1. To submit to the competent authority mandatory trade books or alike, which reflects correct commercial statement of the goods he owns or possesses, and their value and all other supporting documents and invoices whenever requested.
2. To put on the goods explanatory statement which are the definitely tag or any written or printed or painted or engraved for any of the products showing the components of the goods and how to be used or serviced or stored in accordance with the laws applicable in the State.
3. To submit to the competent authority any evidence determining the details and information of the provided service.

### **5.2.6. Countermeasures to Combat Counterfeit**

#### **Overview**

Due to the country's legal system, the customs authorities in UAE are Federal Customs and Local/Emirate Customs. The Federal Customs Authority (FCA) is the unified authority. The FCA is the competent authority for customs matters in the State. The authority is responsible for customs policy formulation and the preparation of unified legislation for the organisation of Customs work and the prevention of anti-customs trafficking, smuggling and fraud. The Authority also ensures that the legislation is implemented by competent authorities in accordance with this law and applicable laws, regulations and judgments<sup>189</sup>. On the other hand, the local customs departments carry out the administrative work and compile the customs regulations for emirates in accordance with the Federal Customs Act<sup>190</sup>. The customs authorities in the United Arab Emirates (UAE) are under the jurisdiction of each emirate. However, to enhance procedural uniformity, the procedures for trademark recordals and infringement complaints have been standardized across all the emirates since 2019. Presently, all seven emirates process trademark recordals through specialized IPR departments within the customs authorities. However, it is important to note that there are differences in the level of processing for border enforcement actions among the emirates.

#### **Recordals Procedures**

Customs recordal is only applicable for trademarks covering goods and not services. Customs recordals are to be filled before each authority in each Emirate separately. The applicant is free to select the Emirates of interest.

All Customs provide online services for trademark recordals except Fujairah and Um Al Quwain where paper applications are to be filed to finalize the recordal process. The two authorities issue physical recordals certificates, unlike the other emirates which opt for digital certificates.

#### **Complaints**

If the owner of the intellectual property has complete information about a suspected shipment, they can file a complaint with the relevant authority. In such cases, the plaintiff would be required to pay a warranty fee (as shown in the table below), which would be retained if the products are found to be genuine and not counterfeit.

It's worth noting that customs authorities in certain Emirates, such as Dubai and Abu Dhabi, are actively informing about suspected shipments. However, this proactive notification is only applicable to recorded trademarks. In some scenarios, even if the trademark is not recorded, the authorities may still notify the rightful owners of famous trademarks or their legal representatives. However, to file a complaint, the trademark must be recorded first. In case of a customs complaint following the authority notification, the complaint must be lodged within 72 hours of the notification, or the shipment will be released.

The duty of storing confiscated goods is entrusted to the customs department unless otherwise directed by the relevant authority. In most Emirati regions, specialized companies are entrusted with the destruction of such goods.

<sup>189</sup> <https://uaecustoms.ae/AboutFCA.aspx>

<sup>190</sup> <https://uaecustoms.ae/UAECustoms.aspx>



In cases of complaints filed with Dubai and Abu Dhabi customs, a letter of undertaking from the destruction company is required. The customs authority retains the discretion to adjudicate on the fate of the confiscated goods. In Dubai, clothes are not destroyed, but rather, their trademarks are removed, and the items are donated to charity. In contrast, shoes are destroyed. The seized items are destroyed by specialized recycling companies.

It is important to consider that, due to the high level of activity in the ports of the United Arab Emirates and the enormous volume of trade, customs officials cannot verify every container. This is because counterfeiters tend to conceal their illegal products by importing non-labeled items and labeling them internally. In addition to this, they may mix various products in the same container, thereby complicating the verification process for officials. Furthermore, deceptive packaging techniques are employed to obscure the contents of the containers.

It is advisable to register your trademarks with the UAE Customs Department to prevent any counterfeit or infringing products from being imported or exported bearing said registered trademarks.

## Trademarks Recordals with Customs

### Customs Registration Process

ABU DHABI TRADEMARKS	
Applicant/legal representatives can register a trademark on the Customs electronic systems for customs protection purposes by the trademark owner or the legal representative <sup>191</sup> . <a href="https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforTrademarkRegistration">https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforTrademarkRegistration</a>	
<ul style="list-style-type: none"> <li>- Application is filed online <a href="https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforTrademarkRegistration">https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforTrademarkRegistration</a></li> <li>- An account is requested to proceed.</li> <li>- Once the application is filed, the same is verified by the customs. Once approved, payment request is sent to client.</li> <li>- The Payment is done ONLINE.</li> <li>- Once the payment is processed, the certificate is sent by email to the applicant.</li> <li>- No paper copies are issued.</li> <li>- The customs recordal is valid as per the validity of the trademark.</li> <li>- Once the trademark is renewed, a new customs registration application should be filed.</li> </ul>	
<b>Requirements</b> <ul style="list-style-type: none"> <li>- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.</li> <li>- Copy of the registration certificate.</li> <li>- Company License applicant/legal representative</li> <li>- Company Letter – a request letter in Arabic to request the recordal before the customs. There is no specific form but the letter should mention the name of the applicant, Trademark logo, registration number and validity. In case the application is filed via legal representative, the letter is prepared by the agent.</li> </ul>	
<b>Fees</b> AED 203.00 (8,323.00 JPY/55 USD)	

<sup>191</sup> <https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforTrademarkRegistration>



The customs recordal is valid as per the validity of the trademark.

Once the trademark is renewed, a new customs registration application should be filed.

**Requirements:**

- 1- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.
- 2- Copy of the registration certificate.
- 3- In case available, a presentation outlining the techniques to detect the fake products.

**Fees**

AED 220.00 (9,020.00 JPY/60 USD)

**SHARJAH<sup>192</sup>**

The service enables customers to register trademarks and power of attorneys(agency) which have been previously registered at Ministry of Economy for purposes of customs protection and complaining infringement of a registered Trademark as well<sup>193</sup>.

<https://www.sharjahcustoms.gov.ae/en/trademarkregistrationform>

**TRADEMARKS**

Application is filed online

[https://eportal.sharjahcustoms.gov.ae/sspc/Agent/Agent\\_IP\\_Trademark.aspx?RefCode=TMR345&VMode=E](https://eportal.sharjahcustoms.gov.ae/sspc/Agent/Agent_IP_Trademark.aspx?RefCode=TMR345&VMode=E)

Account is requested to proceed.

Once the application is filed, the same is verified by the customs. Once approved, the payment will be available online.

The Payment is done ONLINE.

Once the payment is processed, the certificate will be available for download "report button".

<sup>192</sup> <https://www.sharjahcustoms.gov.ae/en/trademarkregistrationform>

<sup>193</sup> <https://www.sharjahcustoms.gov.ae/en/trademarkregistrationform>

No paper copies are issued.

The customs recordal is valid as per the validity of the trademark.


Once the trademark is renewed, a new customs registration application should be filed.

### Requirements

- 1- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.
- 2- Copy of the registration certificate.
- 3- ID copy of the applicant/legal representative.

### Fees

AED 223.00 (9,143.00 JPY/61 USD)

Sharjah Ports, Customs and Free Zones Authority

Login : BAJANAT IP Intellectual Property  
User Type : IP\_REP  
29 February 2024

» Home

» Notifications (0)

» Intellectual Properties

» Agency Registration

» Trade Mark Recording

» Trade Mark Complaint

» Representative Details

» Miscellaneous

» Settings

» Logout

Trade Mark - Add

✓

New Trademark

Back

Owner Details

Owner Name \*  
Email \*  
Telephone No. \*

Contact Person \*  
Mobile No. \*  
Fax

Trademark

Description \*

Type of Product \*  
Certificate No \*  
Expiry Date \*

Category \*  
Trade Mark Name \*  
Upload Logo \*

Choose file

No file chosen

Type of Product \*  
Certificate No \*  
Expiry Date \*

Category \*  
Trade Mark Name \*  
Upload Logo \*

Choose file

No file chosen

Charges Details

Description	Account No	Amount
Trademark Registration Fees	4101022	200

Attachments (require all documents for approval)

Document	Document
Certificate Of Ministry Of Economy *	<div>Upload</div>
Legalised and translated Power Of Attorney *	<div>Upload</div>
ID copy of the trademark owner or his/her legal representative *	<div>Upload</div>

☐ Submit for Approval

Save

\* Mandatory Fields

### AJMAN<sup>194</sup>

Registering the rights of trademarks and commercial agencies with the Port and Customs Department for the purposes of protecting intellectual property rights

<https://www.ajmanport.gov.ae/Serviceitem?ID=31>

### TRADEMARKS

- Application is filed online <https://www.apcd.gov.ae/IPR/TradeMarkRegistration>
- No Account is requested to proceed.
- Once the application is filed, the payment should be processed.
- The Payment is done ONLINE.
- Once the payment is processed, the application will be verified by the customs and the certificate will be sent by email to the applicant.
- No paper copies are issued.

<sup>194</sup> <https://www.ajmanport.gov.ae/Serviceitem?ID=31>


- The customs recordal is valid as per the validity of the trademark.  
Once the trademark is renewed, a new customs registration application should be filed.

### Requirements

- 1- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.
- 2- Copy of the registration certificate.
- 3- The trademark Logo in JPG format.
- 4- A presentation outlining the techniques to detect the fake products.

### Fees

AED 205.00 (8,405.00 JPY/56 USD)


Intellectual property Services ▾
Customer Registration Services ▾
Check Request Status
Arabic

## TradeMark Registration

### Registration Details

Name \*   
Name is required!

Telephone Number \*

Address \*

Type of products \*

Email \*

Fax \*

TradeMark Registration Number \*

Class \*

Type of products \*

Class \*

TradeMark Description \*

Date of issue \*

Expire Date \*

### Owner Details

Owner Name \*

Owner Telephone Number \*

Owner Address \*

Owner Email \*

Owner Fax \*

### Attachments

TradeMark License \*

legal Agency Certified \*

TradeMark Logo \*

TradeMark Details and features \*

### Fees

#### RAS AL KHAIMAH <sup>195</sup>

This service allows customers to record trademarks (*i.e. any word, name or symbol of a device or any combination thereof*) in use or intended to be used in trade in order to identify and distinguish the trademark from suppliers of other similar trademarks, as well as indicating the source of the trademark.

This service also allows for the maintenance and update of the customs database for intellectual property rights after completion of necessary procedures and prior registration with the UAE Ministry of Economy.

To apply for this service, the customer must complete and submit the Trademark Recording for Customs Protection Purposes application to RAK Customs IPR Protection Section after payment of registration<sup>196</sup> fees.

<https://www.rak.ae/wps/portal/rak/e-services/govt/customs-department/trademark-registration>

#### TRADEMARKS

- Application is filed online
- <https://www.rak.ae/wps/portal/rak/RAKLogin?RelayState=/wps/myportal/rak/e-services/govt/customs-department/trademark-registration/TR>
- Account is requested to proceed.
- *Enter importer code and other required fields and submit the form. You can support your request by uploading attachments like images and documents. In case if you don't have any importer code system will redirect you to request for the issuance of importer code.*
- Submit the form and you will receive SMS / mail confirmation about the Request with Reference number or you can visit to "My Request" for tracking your request.
- Once the application is filed, the same is verified by the customs. Once approved, the customs will request the payment of the fees at the customs happiness center directly.
- The Payment is done directly at the happiness center of the customs department in Ras Al Khaimah. The applicant/legal representative must travel to RAK to attend the payment.
- Once the payment is processed, the receipts are uploaded in the system. The certificate is shared by the customs by email.
- No paper copies are issued.
- The customs recordal is valid as per the validity of the trademark.
- Once the trademark is renewed, a new customs registration application should be filed.

#### Requirements

- 1- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.
- 2- Copy of the registration certificate.
- 3- ID copy of the applicant/legal representative.
- 4- Company License applicant/legal representative
- 5- Trademark image
- 6- Company Letter – a request letter in Arabic to request the recordal before the customs. There is no specific form, but the letter should mention the name of the applicant, Trademark logo, registration number and validity. In case the application is filed via legal representative, the letter is prepared by the agent.

#### Fees

AED 200.00 (8,200.00 JPY/54 USD)

<sup>195</sup> <https://www.sharjahcustoms.gov.ae/en/trademarkregistrationform>

<sup>196</sup> <https://www.rak.ae/wps/portal/rak/e-services/govt/customs-department/trademark-registration>

Home
About RAK
**Services Guide**
Government Entities
About RAK eGov
Media Center
Legislative Committee
General Services

Applicant Emirates ID \*

**Trademark Details**

Trademark Owner \*

Trademark Description \*

Phone No. \*

04xxxxxxxx

Fax

04xxxxxxxx

Email\*

Country of Origin \*

Please Select

Category \*

Please Select

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Government Entities
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Media Center
Legislative Committee
General Services

Category \*

Please Select

**Trademark Registration Certificate**

Trademark Registration Certificate No. \*

Date of Issue\*

Date of Expiry\*

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About RAK eGov
Media Center
Legislative Committee
General Services

**Attachments**

Applicant ID\*

Certificate of the Ministry of Economy\*

Company License\*

Trademark image\*

Company Letter

The legal agency for the authorization of the mother company

Other Attachments

Attachment\*

Choose file No file chosen

Please Select

Applicant ID

Certificate of the Ministry of Economy

Company License

Trademark image

Company Letter

The legal agency for the authorization of the mother company

Other Attachments

Please Select

Notes

ADD ATTACHMENT

<b>FUJAIRAH</b>
<b>TRADEMARKS</b>
Currently the service is offline. The applicant should present the documents directly to the IPR department at the customs facilities. <a href="https://fujcustoms.gov.ae/en/contactus.aspx">https://fujcustoms.gov.ae/en/contactus.aspx</a>
<ul style="list-style-type: none"> <li>- Application is filed offline.</li> <li>- The applicant should provide the documents to the customers' service department.</li> <li>- Once the fees are paid, directly at the center, a physical letter is provided on the customs letter head and signed by the authority.</li> </ul>
<b>Requirements</b> <ul style="list-style-type: none"> <li>- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.</li> <li>- Copy of the registration certificate.</li> <li>- ID of the applicant/legal representative.</li> </ul>
<b>Fees</b> AED 205.00 (8,405.00 JPY/56 USD)
Note: The customs of Fujairah will soon launch the online services for recordals of both trademarks and trade agencies agreements. In addition, the authorities is investing to digitalize all the services.

<b>UMM AL QUWAIN</b>
<b>TRADEMARKS</b>
Currently the service is offline. The applicant should present the documents directly to the IPR department at the customs facilities. <a href="https://uagport.uaq.ae/en/content/ContactUs.html">https://uagport.uaq.ae/en/content/ContactUs.html</a>
<ul style="list-style-type: none"> <li>- Application is filed offline.</li> <li>- The applicant should provide the documents to the customers' service department.</li> <li>- Once the fees are paid, directly at the center, a stamp is affected on the copy of the registration certificate.</li> </ul>
<b>Requirements</b> <ul style="list-style-type: none"> <li>- Power of attorney duly legalized if the applicant is non-UAE resident and the application is filed via a local agent.</li> <li>- Copy of the registration certificate.</li> <li>- ID of the applicant/legal representative.</li> <li>- Company Letter – a request letter in Arabic to request the recordal before the customs. There is no specific form but the letter should mention the name of the applicant, Trademark logo, registration number and validity. In case the application is filed via legal representative, the letter is prepared by the agent.</li> </ul>
<b>Fees</b> AED 200.00 (8,200.00 JPY/54 USD)

#### **FILING COMPLAINTS (Per Emirate)**

Once the applicant records the trademark before the customs, the authorities will signal any suspected shipments. This is to highlight that officials conduct random checks only due to the important flow of shipments in and out of the country. The applicant can also file a complaint if they have details of any suspected shipments. The authorities will coordinate with the applicant/legal representative, after filing the complaint, to stop and seize the goods. The fees are as follows:



Customs Complaints	Official Fees AED	Official Fees JPY	Official Fees USD
Per Emirate			
Filing a complaint	2,000.00	82,000.00	544.00
Deposit non-refundable upon the false complaint (Applicable Only if the complaint is filed by the applicant) <i>Not applicable in case of notification by customs upon random seizures</i>	5,000.00	205,000.00	1,361.00
Extra fees for Urgent Cases	500.00	20,500.00	136.00
Cases filed during weekends and public holidays	1,000.00	41,000.00	272.00
Storage Fees – where applicable	Actual Costs		
Destructions fees	Actual Costs		
Extra fees for online services will be added to the official fees as per each Emirates Rate.			

UAE customs recordals and complaints are filed in each Emirate Separately. Hence, the applicable fees are per Emirate. This is to highlight that Customs authorities are not connected and hence each Emirate is handling the complaints and recordals separately. The Recordal certificates are also issued per Emirate.

Trademarks and complaints before the customs are all online via the customs portals except for Um Al Quwain and Fujairah where the procedures of Recordals are offline and must filed directly before the authorities.

Emirate	Recordal services	Complaints Services	Website
Abu Dhabi	Online	Online	<a href="https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforNotificationofInfringementofaTrademarkIntellectualProperty">https://www.tamm.abudhabi/en/life-events/business/industrial-commercial-trade/import-export/RequestforNotificationofInfringementofaTrademarkIntellectualProperty</a> An account should be created
Dubai	Online	Online	<a href="https://www.dubaitrade.ae/en/submit-intellectual-property-new">https://www.dubaitrade.ae/en/submit-intellectual-property-new</a>
Sharjah	Online	Online	<a href="https://eportal.sharjahcustoms.gov.ae/sspc/">https://eportal.sharjahcustoms.gov.ae/sspc/</a> An account should be created.
Ajman	Online	Online	<a href="https://www.ajmanport.gov.ae/Serviceitem?ID=30">https://www.ajmanport.gov.ae/Serviceitem?ID=30</a> An account should be created
RAK	Online for Recordals Payment directly at the customs office	Offline at the customer centre	<a href="https://www.rak.ae/wps/portal/rak/e-services/govt/customs-department">https://www.rak.ae/wps/portal/rak/e-services/govt/customs-department</a> An account should be created.
Fujairah	Offline	Offline	<a href="https://fujcustoms.gov.ae/en/intellectual-property/request.aspx">https://fujcustoms.gov.ae/en/intellectual-property/request.aspx</a>
Um Al Quwain	Offline	Offline	--
<b>For local clients, UAE pass is required to log to the most services especially Abu Dhabi and RAK online services</b>			

#### Customs Destruction of Goods

The local customs authorities are tending to follow the UAE sustainability vision. Hence, the local customs authorities are destroying the infringing seized goods in eco-friendly way. For this, the customs authorities are tending to destroy the goods using specialized recycling firms. For example, in 2022, Dubai customs recycled counterfeit goods with more than 93 recycling operations that targeted 173,000 counterfeit items<sup>197</sup>. Abu Dhabi Customs are also keen to follow the country's sustainability program and implemented the recycling of destroyed goods. 6,665

<sup>197</sup> <https://gulfbusiness.com/dubai-customs-processes-25-7-million-transactions-in-2022/>

counterfeit items worth approximately 10 million dirhams (410,000,000 JPY/2,722,941 USD) were disposed of and recycled for over 30 global trademarks confiscated across customs centers in the 2nd half of 2023 in violation of intellectual property and literary property rights<sup>198</sup>.

### 5.2.7. Effective and Recommended measures with a comparison table

After listing all the possible measures against counterfeit. The effective measure will depend on the location of the infringement as well as the type of the IPR right.

For industrial property rights, the effective measure is court actions as administrative actions are not applicable. Hence, to enforce the rights, a court case should be filed before the court and the recommended is the Federal court as it has jurisdiction over all the Emirates.

As per trademarks infringement, the effective measure in terms of time and costs are administrative actions. Administrative actions are taking place with the Economic Development Departments in the different Emirates. This is to highlight that this action is applicable if the infringement is in a shop or a warehouse. However, if the infringing goods stored in apartment which is a common way of infringer to hide their crimes, a criminal action is mandatory as the Economic Development Departments do not have the authority to raid flats/villas.

On the other hand, if the infringement is taking place in a shopping mall, then the plaintiff should liaise with the Economic Development Department as criminal actions will not be effective in this case since shopping malls are under the authority of Economic Development Departments.

It remains to highlight that customs records is important as a border measure. In case the applicant is budget sensitive, it is recommended to secure the records are the main ports namely Dubai & Abu Dhabi.

Civil actions are recommended when there is a loss and claiming damages is required. Civil actions are also recommended if there is a trade name Vs. Trademark conflict.

It is important to analyze the case before launching any action.

Emirate	Criminal Action - Police	Administrative Action - Economic Development Office	Civil Action	Customs Records	Customs Complaint
Abu Dhabi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dubai	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sharjah	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ajman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RAK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Um AL Quwain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fujairah	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### 5.2.8. IP Strategies for Companies

Intellectual property is a pillar for maintaining the business. Companies should consider intellectual property in their strategies and objectives. Forfeiting the intellectual property rights and not securing the right protections can be negatively affect the business. Right owners should draw a proper intellectual strategy. Below are some intellectual property strategies for business owners:

<sup>198</sup> <https://www.adcustoms.gov.ae/Media-Centre/News/Abu-Dhabi-Customs-recycles-counterfeit-goods-worth-AED-10-million-in-the-Second-Half-of-2023>

#### a) Registration of Rights

UAE developed several intellectual property rights enforcement measures via different channels administrative, civil and criminal. However, to benefit for the administrative and criminal actions, the rights should be registered before the ministry of economy. Ignoring the registration of rights and not holding a proper title issued by the Ministry of Economy will not permit taking administrative and criminal actions which are cost and time effective enforcement measures. In addition, a trademark registration is mandatory to enjoy border measures since the customs will not accept any complaints on non-registered rights. Hence, the first step required is the registration of the rights within the UAE territory.

#### b) IP portfolio Management

Maintaining the rights in UAE is also an important measure that rights owners should be aware of. A non-renewed title namely patents, designs, utility models and trademarks will not be considered by the local authorities since to enjoy protection in the UAE, the title should be valid.

Recordals such as assignments, merger, mortgage must be duly registered before the trademark department at the Ministry of economy. The same will have effect on third parties unless registered.

#### c) Identification of the Proper Rights

Business owners must secure the right titles. For example, a technology-based product should secure the necessary registrations such as patent for the technology protection and trademark for the technology name and to put a proper frame to protect the non-registered rights such as trade secrets. Ignoring one of the two will open the door to infringers to compete with the business.

#### d) Non-Disclosure Agreements

Although the intellectual property Laws regulated the work to hire (Article 28 of Federal Decree Law No. 38 pf 2021 on Copyright and Neighboring Rights ) and the work under agreement (Article 10 of the Federal Law 11 of 2021 for the Regulation and Protection of Industrial Property Rights)<sup>199</sup>, it is still important to ensure that all employees and company advisors to sign a non-disclosure agreement as a way to protect the confidential information and the trade secrets.

In addition, non-disclosure agreements are also important when dealing with third parties such as manufacturers.

#### e) Business Contracts

When a business appoints suppliers and distributors, it is compulsory to have the rights registered under the name of the main owner to avoid any infringement of rights from the supplier/distributor. It is essential to have well detailed intellectual property clauses in the agreements to always keep the rights under the ownership of the mother company.

#### f) Prior Rights Searches

Prior rights searches are important to conduct before even launching the business in UAE. Since the trademarks and tradenames registries are not linked, the search should be conducted in both registries to avoid overlapping infringements trademarks Vs. tradename. For Industrial property rights, the search will be challenging as the database contains granted titles ONLY. Trademark searches are conducted before the trademark department at the Ministry of Economy via the online services.

#### g) Market Monitoring

Businesses should monitor the market for potential infringements of rights. The Monitoring should be online and offline. There are specialized companies for the online monitoring which might be an effective and more effective approach while for market monitoring and monitoring suspected rights to be registered, the businesses should hire

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<sup>199</sup> <https://uaelegislation.gov.ae/en/legislations/1506>

IP professionals as they have investigations services. Once a suspected infringement is localized, then administrative or criminal actions should be launched.

h) Watch notices of suspected IPR registrations.

It is important to keep an eye on suspected registrations that might infringe the rights through official gazettes published by the Trademarks and Patent Departments. Through the watch of the gazettes, rights owners will be able to stop the infringement within the legal deadlines namely 30 days for trademarks and 60 days for patents, designs and utility models. The deadlines are counted from the day of publication in the official gazette. Such proactive approach is cost effective rather than opting for after registration enforcement which is costly and difficult. In addition to enforcement objectives, Trademarks and Industrial Property watching is a tool to monitor the competitors and their business objectives such as the launch of new products or introduction of new services to their existing business lines.

i) Customs Recordals

It is important to secure trademarks recorded before the customs as a protection strategy. It minimizes the risks of the infringing products imports and exports. The fees are symbolic, and this action should be implemented once the trademark registration certificate is secured. The recordals before the customs is a positive step to benefit from the random notifications of the officials during the routine container's verification.

### Effectiveness of Patent Enforcement

Patent enforcement is applicable under the UAE Industrial Law 11 of 2021<sup>200</sup> and its implementing regulations decision<sup>201</sup>. The law provides different enforcement measures namely the after-grant examination which enables the opposition against granted title within 90 days from the publication<sup>202</sup> of the same in the Industrial Property Gazette.

In addition, the law regulates the invalidation process of patents Article 52 of the Implementing regulations<sup>203</sup> Pursuant to Articles (35) and (74) of the Law, a concerned party with a substantial interest may file a request to the court to invalidate the patent for each claim or related rights in the patent at any time after registration of the patent or related rights. Hence, patents are subject to enforcement once brought before the concerned courts emirates court or Federal courts. For patent cases brought before Dubai, Abu Dhabi, and Ras Al Khaimah courts, the same will be treated at the level of the emirates court while patent enforcement procedures in Sharjah, Umm Al Quwain, Fujairah, and Ajman shall be before the Country's Federal court based in Abu Dhabi<sup>204</sup>. While there are no specialized intellectual Property courts in UAE, an expert or a committee of experts are appointed to prepare the technical report to the judge.

Hence, the case proceedings will take effect and the outcome shall depend on the evidence filed by the plaintiff. It is important to highlight that the plaintiff must have a valid patent title to be able to file the infringement cases before the concerned courts.

### Online infringement Procedures

Dubai Economic and Tourism Department is very active in closing the pages trading counterfeit items on social media platforms. In 2019, the department closed 13,948 social medial accounts commercializing counterfeit products in the local market. For other emirates, the Economic Department Authority will act only if the infringer has a physical shop in the emirate where the items are traded.

In addition, the UAE telecommunication authority has the rights to mask the websites ".com" from being viewed in UAE if the holder of the said website is condemned with infringement trade inside the UAE. After a successful case, the plaintiff can request the authority to take such action. For .ae domain names, the whole domain will be waived if the owner is pleaded guilty in an infringement case.

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<sup>200</sup> <https://uaelegislation.gov.ae/en/legislations/1506>

<sup>201</sup> <https://www.wipo.int/wipolex/en/legislation/details/22017>

<sup>202</sup> Article 42 of the implementing regulations- decision 6 of 2021: <https://www.wipo.int/wipolex/en/text/587663>

<sup>203</sup> <https://www.wipo.int/wipolex/en/text/587663>

<sup>204</sup> <https://www.legal500.com/developments/thought-leadership/uae-judicial-system-explained-federal-and-local-level/>

online platforms are now eager to provide counterfeit free shopping experience to their customers. For example, Amazon, one of the leading local online platforms, has implemented an intellectual property policy of the users of the platform which regulates the use of trademarks, copyrights, and patents on the platform to safeguard IP owners' rights and deter the sale of fake or infringing products. The company enforces this policy rigorously through actions like removing listings, suspending seller accounts, and pursuing legal action against repeat offenders<sup>205</sup>.

## 6. Cases on Obtaining Rights and Enforcement

### 6.1. Notable or Important Court Cases

<b>Case 1 Selling counterfeit mobile</b>	
Details	An individual involved in the sale of counterfeit mobile batteries the illicit goods in the storage area of a residential apartment.
Action	<ul style="list-style-type: none"> <li>- A formal complaint has been lodged with the Dubai Police.</li> <li>- Subsequently, the Dubai Police, with authorization from the public prosecution, conducted a raid on the apartment.</li> <li>- The case has been forwarded to the Dubai Criminal Court.</li> </ul> <p>The court issued a verdict to seize and destroy the confiscated items.</p>
Remedies	AED 10.000 (410,000 JPY/2,723 USD) as penalties
<b>Case 2 : Unauthorized use of registered trademark<sup>206</sup></b>	
Details	Using a registered trademark on signboard for a store owned by the defendants
Action	<ul style="list-style-type: none"> <li>- A formal complaint has been lodged with the Dubai Police.</li> <li>- Subsequently, the Dubai Police, with authorization from the public prosecution, conducted a raid on the apartment.</li> <li>- The case has been forwarded to the Criminal Court.</li> </ul>
Remedies	Each of the defendants was fined the amount of ten thousand dirhams and obliged jointly to pay temporary compensation in the amount of eleven thousand dirhams to the civil plaintiff.
<b>Case 3: sale of counterfeit goods of international brands<sup>207</sup></b>	
Details	<ul style="list-style-type: none"> <li>- Large quantities of counterfeit products from an international brand of bags, clothes, shoes, etc. were seized in the possession of the accused, and investigations resulted in him trading them. The Dubai Public Prosecution referred him to the Misdemeanor Court, which ruled that he was convicted in absentia.</li> </ul>
Remedies	The judgement stipulates that the accused is fined AED 50,000 (2,050,000 JPY/13,615 USD), deported him from the state, and obliged him to publish the ruling in two widely circulated newspapers, in Arabic and English, at his expense.
<b>Case 4 – Sale of counterfeit Cosmetic products<sup>208</sup></b>	
Details Abu Dhabi Cassation Court	The Public Prosecution charged the accused with selling and possessing with the intention of selling, offering for sale products bearing counterfeit trademarks while knowing that, and placing in bad faith registered trademarks owned by others on her products, in addition to offering, possessing, and selling counterfeit goods with the intention of trading in them, and displaying and promoting goods. Fraudulent products that may harm the consumer's interest.

<sup>205</sup> <https://brandservices.amazon.ae/brandregistry>

<sup>206</sup> <https://www.emaratalyoum.com/local-section/other/2022-06-21-1.1642928>

<sup>207</sup> <https://www.aletihad.ae/article/91049/2010/->

<sup>208</sup> <https://www.emaratalyoum.com/local-section/accidents/2019-05-02-1.1208905>

	The judgment was appealed to the Abu Dhabi Court of Appeal, which ruled in her presence, to accept the appeal in form and in the matter to reject it and uphold the appealed ruling. The ruling was not accepted by the defendant, so she appealed the ruling by way of cassation and submitted a memorandum of her appeal, as the prosecution filed. The public issued a memorandum at the conclusion of which it decided to reject the appeal.
Remedies	The accused was fined AED 50,000 (2,050,000 JPY/13,615 USD) and confiscated the seized items.
<b>Case 5- Sale of counterfeit watches<sup>209</sup></b>	
Details	A complaint was received by the police Economic Crimes Department about the presence of an apartment in the Deira area where counterfeit products bearing international brands were sold.
Remedies	The competent police authorities referred the accused to the Public Prosecution in Dubai, and then to the Misdemeanor Court, which convicted him and fined him AED 10,000 (410,000 JPY/2,723 USD).
<b>Case 6 – Copyright case<sup>210</sup></b>	
Details	BNC company Vs. Local company BNC, is an online platform that provides info on project and construction sector performance in the UAE. The plaintiff discovered that one of their subscribers got their data and misused the same by republishing it. The platform claimed that their main goal is to publish data and not sell data for subscriber's users. The case was brought before Dubai Court of First instance.
Remedies	The judgement ruled that the defendant should remove all the copyrighted material from their website and ordered a monetary compensation for infringement of copyrights.

## 7. Successful Cases

Case 1: Abu Dhabi Commercial court

Plaintiff: holder of a regional renowned confectionary trademark registration

Brief: the plaintiff got notified by the legal representative that a shop is using their trademark as a tradename and a trademark in their shop.

Decision: the removal of the trademark from all the means, namely trade license, shop advertisement material, and online platforms. The court rules against the infringer to pay the court fees, including expert fees and minimal fees for advocate charges.

Case 2: Abu Dhabi commercial court

Plaintiff: a regional famous tobacco brand trying to register their trademarks in UAE

Brief: the applicant received a rejection decision based on an identical cited trademark. The plaintiff was sure that the other party is not using their trademark in UAE. A cancellation action was filed before the court (provisions of old laws). The defendant was not able to proof the use within the legal time period. The court rules the cancellation of the trademark, and the plaintiff registered the same under their name.

<sup>209</sup> <https://www.emaratalyoum.com/local-section/accidents/2023-02-10-1.1716721>

<sup>210</sup> <https://www.zawya.com/en/press-release/companies-news/dubai-court-passes-landmark-copyright-ruling-to-protect-intellectual-property-of-bnc-grvgikfk>

## 8. Stakeholder's Voice on IP issues and interests in UAE

Companies both local and foreign have recognized the tremendous efforts of the UAE government to keep a secure business environment. The UAE government is highly committed to innovating and implementing intellectual property protection. This includes developing legislation, regular amendments to cater to international changes, and implementing laws through various specialized authorities. Investors appreciate the high level of government involvement in maintaining high standards of IP practices in the region. In the UAE and GCC, non-profit associations deal with intellectual property, such as the UAE Association of Intellectual and Brand Owners Group. The organizations aim to raise awareness about intellectual property among the entire society, not just businesses. Due to the UAE government's tremendous efforts and dedication to promoting intellectual property and ensuring that rights are protected, the country was removed from the US Trade Representative's Special 301 Report Watch List<sup>211</sup> (State, 2023). The increase in the number of applications filed in the UAE is also a positive indicator that business owners trust the government to safeguard their rights in case of infringement.

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<sup>211</sup><https://www.state.gov/reports/2023-investment-climate-statements/uae/#:~:text=Intellectual%20Property%20Rights,-The%20UAE%20has&text=In%20April%202021%2C%20the%20UAE,Special%20301%20Report%20Watch%20List.>

## 9. Summary Table

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	UTILITY MODEL	GEOGRAPHICAL INDICATION
<b>Definition</b>	A new Invention resulting from an innovative idea or innovative improvement is industrially applicable <sup>212</sup>	A distinctive shape of names, words, signatures, letters, symbols, numbers, addresses, seals, drawings, pictures, engravings, packaging, graphic elements, forms, colour or colours or a combination thereof, a sign or a group of signs, including three-dimensional marks, Hologram Marks, or any other mark used or intended to be used to distinguish the goods or services of a facility from the goods or services of other facilities, or to indicate the performance of a service, or to conduct monitoring or examination of goods or services. A distinctive sound or smell may be considered as a Trademark <sup>213</sup> .	Any creative product in the field of letters, arts or science, of whatever type, expression method, significance or purpose <sup>214</sup> .	Any two-dimensional or three-dimensional ornamental or decorative creation giving a specific design that may be utilized as an industrial or handcraft product <sup>215</sup>	A new invention that has industrial application but has not been resulted from an inventive step that is sufficient to qualify for patent eligibility <sup>216</sup>	Any indicator denoting that a certain commodity has originated in a territory of a member state of the WTO, or otherwise in a region, location or place of such territory, if the type, goodwill or other features of the commodity are essentially attributed to its geographical origin <sup>217</sup> .
<b>Requirements</b>	New, involves inventive step and is able to be industrially applicable	Distinctive and used for the purpose of distinguishing the source of products or services.	The work shall be final and not among the excluded works as per Article 3 of the Copyright and	Novel and the commercial exploitation not against to the	New, able to be industrially applicable but do not meet the inventive step	

<sup>212</sup> Article 5 of the Federal Law on the Regulation and Protection of Industrial Property Rights- <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>213</sup> Article 2 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks - <https://www.uaelegislation.gov.ae/en/legislations/1535>

<sup>214</sup> Article 1 of the Federal Decree-Law No. (8) of 2021 on Copyright and Neighboring Rights - <https://www.uaelegislation.gov.ae/en/legislations/1534>

<sup>215</sup> Article 1 of the Federal Law on the Regulation and Protection of Industrial Property Rights - <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>216</sup> Article 6 of the Federal Law on the Regulation and Protection of Industrial Property Rights - <https://www.uaelegislation.gov.ae/en/legislations/1506>

<sup>217</sup> Article 1 of the Federal Decree by Law No. (36) of 2021 Concerning Trademarks - <https://www.uaelegislation.gov.ae/en/legislations/1535>



	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	UTILITY MODEL	GEOGRAPHICAL INDICATION
			Neighboring Rights Law <sup>218</sup>	public order or morality	required for patent eligibility.	
<b>Term of Protection</b>	20 years – not renewable	10 Years - renewable	Depends on the work. Article 20 of Federal Decree-Law No. (8) of 2021 on Copyright and Neighboring Rights	20 years – not renewable	10 years – not renewable	10 Years - renewable
<b>Laws</b>	Federal Law 11 of 2021 Bylaws- Ministerial decision 6 of 2022 Ministerial decision 112 of 2023	Federal Law 36 of 2021 Ministerial decision 57 of 2022	Federal Law 38 of 2021 Bylaws- Ministerial 47 of 2022	Federal Law 11 of 2021 Bylaws- Ministerial decision 6 of 2022 Ministerial decision 112 of 2023	Federal Law 11 of 2021 Bylaws- Ministerial decision 6 of 2022 Ministerial decision 112 of 2023	Federal Law 36 of 2021 Ministerial decision 57 of 2022
<b>Application/Registration Procedures</b>	Applications are filed online. Certificate is issued in soft copy	Applications are filed online. Certificate is issued in soft copy	Applications are filed online. Certificate is issued in soft copy	Applications are filed online. Certificate is issued in soft copy	Applications are filed online. Certificate is issued in soft copy	Applications are filed online. Certificate is issued in soft copy
<b>Who Can Apply?</b>	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent	UAE based applicants having an account Legal Representative for non UAE based applicants or for UAE based applicants filing via an agent

<sup>218</sup> <https://www.uaelegislation.gov.ae/en/legislations/1534>

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	UTILITY MODEL	GEOGRAPHICAL INDICATION
<b>Where To Apply?</b>	Ministry of Economy Online Platform	Ministry of Economy Online Platform	Ministry of Economy Online Platform	Ministry of Economy Online Platform	Ministry of Economy Online Platform	Ministry of Economy Online Platform
<b>Examination</b>	Formal & substantive	Absolute and relative grounds	Formal ONLY	Formal & substantive	Formal & substantive	Absolute and relative grounds
<b>Rights</b>						
<b>Cancellation</b>	Invalidation before Federal court of Abu Dhabi	Before Trademarks Department	Before Federal court of Abu Dhabi	Invalidation before Federal court of Abu Dhabi	Invalidation before Federal court of Abu Dhabi	Before trademarks Department
<b>Licensing</b>	Applicable	Applicable	Applicable	Applicable	Applicable	N/A
<b>Assignments</b>	Applicable	Applicable	Applicable	Applicable	Applicable	N/A
<b>Civil Enforcement</b>	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
<b>Criminal Enforcement</b>	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable
<b>Administrative</b>	Not Available	Applicable	N/A	Not Available	Not Available	Applicable
<b>Counterfeiting Measures</b>	Applicable	Applicable	Applicable	Applicable	Applicable	Applicable

## 10. Industrial Property Services Official Fees

### Cabinet Resolution No. 112 of 2023

#### Amending some provisions of the cabinet resolution No. 20 of 2020 regarding service fees provided by the Ministry of Economy

The Cabinet,

having reviewed:

- The constitution,
- Federal decree law No. 26 of 2019 regarding Public Finance, and its amendments,
- Cabinet Resolution No. 20 of 2020 regarding service fees provided by the Ministry of Economy, and its amendments,
- Cabinet Resolution No. 99 of 2021 regarding amending some provisions of the cabinet decision No 20 of 2020 regarding service fees provided by the Ministry of Economy,
- And based on the proposal of the Minister of Finance and the approval thereof by the Cabinet of Ministers

it has been decided the followings:

#### Article 1

The following shall be added to the service fees schedule provided by the Ministry of Economy attached to the Cabinet Resolution No. 20 of 2020, as indicated:

No.	Service type	Service fee (AED)
<b>Industrial property of patents and utility model</b>		
1	Filing an application to obtain a patent (natural persons, small and medium companies or small and medium institutions and academic institutions).	1,000
2	Filing an application to obtain a patent (legal persons).	2,000
3	Filing an application to obtain industrial design (natural persons, small and medium companies or small and medium institutions and academic institutions).	1,000
4	Filing an application to obtain industrial design (legal persons).	2,000
5	Filing an application to obtain the layout design of integrated circuits (natural persons, small and medium companies or small and medium institutions and academic institutions).	500
6	Filing an application to obtain the layout design of integrated circuits (legal persons).	1,000
7	Filing an application to obtain utility model (natural persons, small and medium companies or small and medium institutions and academic institutions).	500
8	Filing an application to obtain a utility model (legal persons).	1,000
9	Filing an application to conduct the first substantive examination of patents (natural and legal persons) * First group (1-10 claims)	7,000
10	Filing an application to conduct the first substantive examination of patents (small and medium companies or small and medium institutions and academic institutions). * First group (1-10 claims)	3,500
11	Filing an application to conduct the first substantive examination of patents (natural and legal persons) * Second group (11-30 claims)	8,000

12	Filing an application to conduct the first substantive examination of patents (small and medium companies or small and medium institutions and academic institutions). * Second group (11-30 claims)	4,000
13	Filing an application to conduct the first substantive examination of patents (natural and legal persons). * Third group (31-50 claims)	9,000
14	Filing an application to conduct the first substantive examination of patents (small and medium companies or small and medium institutions and academic institutions). * Third group (31-50 claims)	4,500
15	Filing an application to conduct the substantive re-examination of patents (natural and legal persons).	5,000
16	Filing an application to conduct the substantive re-examination of patents (small and medium companies or small and medium institutions and academic institutions).	2,500
17	Filing an application to conduct the first substantive examination of utility model (natural and legal persons)	5,000
18	Filing an application to conduct the substantive re-examination of utility model (natural and legal persons)	3,000
19	Filing an application to conduct the first substantive examination of utility model (small and medium companies or small and medium institutions and academic institutions).	3,500
20	Filing an application to conduct the substantive re-examination of utility model (small and medium companies or small and medium institutions and academic institutions).	2,500
21	Filing an application to conduct the first substantive examination of utility model (natural persons and academic institution).	1,000
22	Filing an application to conduct the substantive re-examination of utility model (natural persons and academic institutions).	1,000
23	Filing an application to conduct fast-track examination of patent and utility model (natural and legal persons).	2,000
24	Filing an application to conduct the fast-track examination of patent and utility model (small and medium companies or small and medium institutions and academic institutions).	1,000
25	Filing an application to conduct the re-examination of minor errors of patent (natural and legal persons).	2,000
26	Filing an application to conduct the re-examination of minor errors of patent (small and medium companies or small and medium institutions and academic institutions).	1,000
27	Filing an application to conduct the re-examination of minor errors of utility model (natural and legal persons).	1,000
28	Filing an application to conduct the re-examination of minor errors of model (small and medium companies or small and medium institutions and academic institutions).	500
29	Filing an application to change the class of the applicant 1.	500
30	Filing an application to change the class of the applicant 2.	1,000
31	Filing an application to change the class of the applicant 3.	2,000
32	Filing an application to increase claims (natural and legal persons) from the first group to the second group; or from the second group to the third group.	1,000

33	Filing an application to increase claims (small and medium companies or small and medium institutions and academic institutions) from the first group to the second group; or from the second group to the third group.	500
34	Filing an application to increase claims (natural and legal persons) from the first group to the third group.	2,000
35	Filing an application to increase claims (small and medium companies or small and medium institutions and academic institutions) from the first group to the third group.	1,000
36	Filing an application to amend or correct data (natural persons, small and medium companies or small and medium institutions and academic institutions).	200
37	Filing an application to amend or correct data (legal persons).	400
38	Filing an application to register license or undertaking (natural persons, small and medium companies or small and medium institutions and academic institutions).	200
39	Filing a registration application of license or undertaking (legal persons).	400
40	Filing an application to amend or renew license or undertaking (natural persons, small and medium companies or small and medium institutions and academic institutions).	100
41	Filing an application to amend or renew license or undertaking (legal persons).	200
42	Filing an application to transfer the industrial design property rights (natural persons, small and medium companies or small and medium institutions and academic institutions).	500
43	Filing an application to transfer the rights of industrial property (legal persons).	1,000
44	Filing an application to recover an industrial property application after being lapsed (natural persons, small and medium companies or small and medium institutions and academic institutions).	1,500
45	Filing an application to recover an industrial property application after being lapsed (legal persons).	3,000
46	Filing an application to publish registration (natural persons, small and medium companies or small and medium institutions and academic institutions).	400
47	Filing an application to publish registration (legal persons).	800
48	Filing an application of post-grant amendment (natural and legal persons).	1,000
49	Filing an application of post-grant amendment (small and medium companies or small and medium institutions and academic institutions).	500
50	Filing an application of post-grant re-examination for patents, utility model, and industrial design (natural and legal persons).	5,000
51	Filing an application of post-grant re-examination for patents, utility model, and industrial design (small and medium companies or small and medium institutions and academic institutions).	2,500
52	Filing an appeal before the grievance committee (natural persons, small and medium companies or small and medium institutions and academic institutions).	500
53	Filing an appeal before the grievance committee (legal persons).	1,000
54	Filing a registration application in the roll of registration agents of industrial property rights.	3,000
55	Filing a renewal application in the roll of registration agents of industrial property rights.	2,000
56	Filing an application to change the registration agent of industrial property rights.	1,000

57	Filing an application to pay yearly fees for the second year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	100
58	Filing an application to pay yearly fees for the second year (legal persons) to protect legally established industrial property rights.	200
59	Filing an application to pay yearly fees for the third year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	100
60	Filing an application to pay yearly fees for the third year (legal persons) to protect legally established industrial property rights.	200
61	Filing an application to pay yearly fees for the fourth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	100
62	Filing an application to pay yearly fees for the fourth year (legal persons) to protect legally established industrial property rights.	200
63	Filing an application to pay yearly fees for the fifth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	100
64	Filing an application to pay yearly fees for the fifth year (legal persons) to protect legally established industrial property rights.	200
65	Filing an application to pay yearly fees for the sixth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	500
66	Filing an application to pay yearly fees for the sixth year (legal persons) to protect legally established industrial property rights.	1,000
67	Filing an application to pay yearly fees for the seventh year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	500
68	Filing an application to pay yearly fees for the seventh year (legal persons) to protect legally established industrial property rights.	1,000
69	Filing an application to pay yearly fees for the eighth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	500
70	Filing an application to pay yearly fees for the eighth year (legal persons) to protect legally established industrial property rights.	1,000
71	Filing an application to pay yearly fees for the ninth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	500
72	Filing an application to pay yearly fees for the ninth year (legal persons) to protect legally established industrial property rights.	1,000
73	Filing an application to pay yearly fees for the tenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	500
74	Filing an application to pay yearly fees for the tenth year (legal persons) to protect legally established industrial property rights.	1,000
75	Filing an application to pay yearly fees for the eleventh year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	1,250
76	Filing an application to pay yearly fees for the eleventh year (legal persons) to protect legally established industrial property rights.	2,500

77	Filing an application to pay yearly fees for the twelfth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	1,250
78	Filing an application to pay yearly fees for the twelfth year (legal persons) to protect legally established industrial property rights.	2,500
79	Filing an application to pay yearly fees for the thirteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	1,250
80	Filing an application to pay yearly fees for the thirteenth year (legal persons) to protect legally established industrial property rights.	2,500
81	Filing an application to pay yearly fees for the fourteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	1,250
82	Filing an application to pay yearly fees for the fourteenth year (legal persons) to protect legally established industrial property rights.	2,500
83	Filing an application to pay yearly fees for the fifteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	1,250
84	Filing an application to pay yearly fees for the fifteenth year (legal persons) to protect legally established industrial property rights.	2,500
85	Filing an application to pay yearly fees for the sixteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	2,000
86	Filing an application to pay yearly fees for the sixteenth year (legal persons) to protect legally established industrial property rights.	4,000
87	Filing an application to pay yearly fees for the seventeenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	2,000
88	Filing an application to pay yearly fees for the seventeenth year (legal persons) to protect legally established industrial property rights.	4,000
89	Filing an application to pay yearly fees for the eighteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	2,000
90	Filing an application to pay yearly fees for the eighteenth year (legal persons) to protect legally established industrial property rights.	4,000
91	Filing an application to pay yearly fees for the nineteenth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	2,000
92	Filing an application to pay yearly fees for the nineteenth year (legal persons) to protect legally established industrial property rights.	4,000
93	Filing an application to pay yearly fees for the twentieth year (natural persons, small and medium companies or small and medium institutions and academic institutions) to protect legally established industrial property rights.	2,000
94	Filing an application to pay yearly fees for the twentieth year (legal persons) to protect legally established industrial property rights.	4,000

## Article 2

The following shall be added to the administrative fines schedule included in article 3 of the Cabinet Resolution No. 20 of 2020:

No	Violation Description	Administrative Fine (AED)
17	Delay in paying due fees for each month for any service of the industrial property services (natural persons, small and medium companies or small and medium institutions and academic institutions).	200 monthly, a maximum of 2,000
18	Delay in paying due fees for each month for any service of the industrial property services (legal persons).	400 monthly, a maximum of 4,000

## Article 3

1. The fees clauses from 70 to 79 of the service fees schedule provided by the Ministry of Economy, attached to Cabinet Resolution No 20 of 2020, and the administrative fines clauses 17 to 18 of the administrative fines schedule included in the Cabinet Resolution No. 20 of 2020, shall be cancelled.
2. Cabin Resolution No. 99 of 2021 shall be cancelled.
3. Every provision that violates or contradict the provisions of this resolutions shall be cancelled.

## Article 4

This resolution shall be published in the official gazette, and it will be applicable within two months of publishing it.

(sealed)

The original is signed by His Highness Sheikh  
Mohammed bin Rashid Al Maktoum

Prime Minister

Issued on 29 Rabi Al-Akhar 1445  
13 November 2023



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July 2024

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