

## IP Services Offered in UAE

Our liaison office in United Arab Emirates (UAE) with the cooperation of Messrs/ **MarkMirror Intellectual Properly Services (MMIPS)** covers various services for registration, protection and legal prosecution of Trademarks, Industrial Designs & Patents, in addition to full legal services on any IP related issue.

Herein a brief on the main information, requirements & costs for the same, as follows:

### Trademarks

The first Federal Trademark Law No. 37 covering the seven UAE Member states (Abu-Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain, Ras Al Khaimah and Fujairah) was issued in the year 1992. The first trademark filed under this Law was in early 1993. In the year 2002, Federal Law No. 8 was issued amending the previous Federal Law No. 37. However, the implementing regulations issued for Law No. 37 in 1992 are still the applicable bylaws as no regulations were issued later.

The 11<sup>th</sup> edition of the International Nice Classification of Goods and Services for the Registration of Marks is the adopted classification in the UAE. According to the UAE trademark system, separate applications should be filed for each class of goods or services.

Stating international class heading in addition to the goods/services of the applicant's interest will provide the broadest protection.

#### ➤ **Filing Procedures:**

A filed trademark application is subject for examination on the registrability and prior rights bases. Once an application is accepted, it will be published in the Trademark Journal and in two local newspapers for opposition purposes. Opposition period of 30 days will be permitted to file an opposition by any third party. If no opposition is reported, the final registration fees will become due for payment. The certificate of registration will be due for issuance upon settlement of the registration fees.

As per the UAE Trademark Law, the mark should be used within 5 years from the registration date. However, use of a trademark is not compulsory for keeping the registration in force. But non-use of the registration will expose it for cancellation. As per the law, any interested party may apply for cancellation of a trademark registration, in case of failure to use the trademark by the owner in the UAE for five consecutive years from the date of registration.



A registered trademark can be assigned/pledged/licensed. The recordal applications should be published in the Trademark Journal as well as in two local newspapers.

Amendment of the applicant's name, address and/or list of goods/services can be filed. Publication of the amendment is required as stated in the law and bylaws. Amendment to the registered mark can be filed provided that the amendment is not essential.

The registration process of a trade/service mark may take 4 to 6 months from the filing date in normal cases. However, in case of appeals/oppositions, the registration process will take longer time and may take from 24 to 30 months.

Protection of a trademark registration is valid for 10 years from the filing date and is renewable for similar periods. A renewal application can be filed within the last year of the protection period or within three months grace period after the expiry of the protection with an extra charge.

#### ➤ **Total Charges:**

**Very recent updates:** The Ministry of Economy reduced the official fees for IP matters in UAE. The decision was published in the official gazette on March 31, 2020, and entered into force on April 5, 2020. The reduction is for trademark registration fees, renewal fees, amendment of registration, assignment, filing opposition, attending hearing session etc.

Filing a new TM application in UAE covering only one class, totally costs (*professional & official fees inclusive*) up to registration: **USD 2,660.00**; detailed as follows:

Item	Official Fees	Professional	Costs in USD
Filing new TM application in one class	205.50	344.50	550.00
Publication on the TM Journal/newspaper	205.50	284.50	490.00
Registration Fees	1,370.00	250.00	1,620.00
<b>Total</b>	<b>1,925.00</b>	<b>735.00</b>	<b>USD 2,660.00</b>

#### \* **Supplementary Charges:**

- Local attestation of the Power of Attorney: ranging between **USD 70.00** to **USD 650.00** depending on the amount charged by the UAE Consulate.
- Certified Arabic translation of the Power of Attorney **USD 40.00** per page.
- Arabic translation of priority document **USD 20.00** per page (if any).
- Claiming priority **USD 50.00** (if any).

#### ➤ **Filing Requirements:**

- 1- A duly signed Power of Attorney (POA) which must be legalized up to the UAE Consulate at your end. Late submission of the POA is currently not allowed in UAE.
- 2- A certified copy of the priority document (if claimed); with no need to be legalized.



### ➤ Conducting Official TM searches:

Conducting a TM search prior to filing an application is always recommended as it allows our clients to review the status of the prior filed/registered marks that might be identical to the proposed mark in UAE. Search results are highly advisable to avoid obstacles in future against smooth registration of a new mark.

Our total costs for handling an identical search in UAE (i.e., only identical searched are allowed in Emirates, without listing the goods/services covered by any potential mark revealed within the results) are **USD 260.00** (inclusive of relevant official fees “*USD 137.00*”) plus a VAT charge of 5% = *USD 01.57*.

## Patents

The first Patent Law in the United Arab Emirates was introduced in the year 1992. According to Patent Law No. 44 for 1992, an invention is defined as: “Any innovative idea relating to a product, a method of manufacture, or an application of a known method of manufacture leading to a practical solution to a technological problem.

The United Arab Emirates since then has issued two amended Patent Laws, in 2002 and in 2006. The 2002 main amendment included the articles related to the filing of national phase of PCT applications. This amendment was issued after the UAE signing of the Patent Cooperation Treaty in the year 1999.

No major amendments were made in 2006, except changing some definitions after the transfer of Patent Department administration from the Ministry of Finance and Industry to the Ministry of Economy. However, both amendments were made to the previously issued law, but no amendment was made to the implementing regulations thereof.

The administration of Industrial Property is currently in the process of issuing a new law with implementing regulations that fulfill the needs of new requirements, procedures, and system considering the conventions and treaties signed by the UAE later to the old law especially the PCT.

### ➤ Filing procedures:

All patent applications filed at the UAE Patent Office are subject to payment of annual maintenance fees. According to the UAE Patent Law, annual maintenance fees are due on the anniversary of the international filing date for the national phase of PCT applications and on the anniversary of the national filing date for non-PCT applications. The annuities can be settled before the due date or within the next three months from the due date. An extension of another three months is allowed for settling the due annuities with a surcharge.

If the applications fulfill the legal and formal requirements, then they are subject to substantive examination and are bound to meet the criteria of Novelty, Inventive Step, and Industrial applicability for receiving an acceptance.

On behalf of the UAE Patent office, the examination of Patents is conducted by the Austrian Patent Office through a special agreement between them. A request for examination can be submitted only after receiving notification from the UAE patent office stating that the application is ready for examination. Re-examination of patents is possible in case of partial acceptance. Amendments to the claims can be made



or an argumentative response thereto can be submitted. A rejection of a patent application can be appealed to the committee within a period of 60 days as of the date of notification.

Accepted patent applications will be published in the Industrial Property Journal. Any interested party may file an opposition within a period of 60 days from the date of publication. The letters patent or the utility certificate shall be issued if no objection is reported during the opposition period.

The letter patent remains in force enjoying protection for 20 years from the national filing date or from the PCT filing date for national phase applications if annuities are settled in time.

➤ **Total Charges:**

Kindly note that for a proposed new national patent application (or national phase entry of PCT) in UAE; our total costs (*professional & official fees inclusive*) up to grant are detailed as follows:

✓ **For Individual applicants:**

Item	Official Fee	Professional	Total Costs
Filing fees	274.00	346.00	640.00
Official Examination fee	1,908.00	442.00	2,350.00
Publication of patent application for an individual	00.00	250.00	250.00
Claiming priority	00.00	30.00	30.00
Obtaining, checking and forwarding letter patent	00.00	130.00	130.00
2nd annuity fee	00.00	100.00	100.00
<b>Grand Total</b>	<b>2,182.00</b>	<b>1,318.00</b>	<b>USD 3,500.00</b>

✓ **For Corporate applicants:**

Item	Official Fee	Professional	Total Costs
Filing fees	546.00	444.00	990.00
Official Examination fee	1,908.00	442.00	2,350.00
Publication of a patent application for a company	00.00	300.00	300.00
Claiming priority	00.00	30.00	30.00
Obtaining, checking and forwarding letter patent	00.00	130.00	130.00
2nd annuity fee	00.00	100.00	100.00
<b>Grand Total</b>	<b>2,454.00</b>	<b>1,446.00</b>	<b>USD 3,900.00</b>

**Note:** Patent specification (*i.e., abstract, drawings, and full specification*) must be translated into Arabic language in order to be accepted by the UAE patent office, costing **USD 15.00 /per page** (page = 200 words).

➤ **Filing Requirements:**

- 1- A Power of Attorney signed by the applicant **legalized** up to the UAE Consulate.



- 2- A Deed of Assignment from the inventors to the applicant **legalized** up to the UAE Consulate.
- 3- Certificate of Incorporation or Extract of the Commercial Register **legalized** up to the UAE Consulate.

**Note:** These documents are acceptable to be lately submitted at the UAE Patent Office within **3 months** as of the filing date (at **USD 50.00** extra fee).

➤ **Patent Annuities:**

✓ **Applicant is an individual or a corporate** - (5% VAT charge is applicable)

Year	Official fee	Professional charge	Total costs
Payment of 2 <sup>nd</sup> Annuity	00.00	100	100
Payment of 3 <sup>rd</sup> Annuity	00.00	100	100
Payment of 4 <sup>th</sup> Annuity	00.00	100	100
Payment of 5 <sup>th</sup> Annuity	00.00	100	100
Payment of 6 <sup>th</sup> Annuity	00.00	100	100
Payment of 7 <sup>th</sup> Annuity	00.00	100	100
Payment of 8 <sup>th</sup> Annuity	00.00	100	100
Payment of 9 <sup>th</sup> Annuity	00.00	100	100
Payment of 10 <sup>th</sup> Annuity	00.00	100	100
Payment of 11 <sup>th</sup> Annuity	00.00	100	100
Payment of 12 <sup>th</sup> Annuity	00.00	100	100
Payment of 13 <sup>th</sup> Annuity	00.00	100	100
Payment of 14 <sup>th</sup> Annuity	00.00	100	100
Payment of 15 <sup>th</sup> Annuity	00.00	100	100
Payment of 16 <sup>th</sup> Annuity	00.00	100	100
Payment of 17 <sup>th</sup> Annuity	00.00	100	100
Payment of 18 <sup>th</sup> Annuity	00.00	100	100
Payment of 19 <sup>th</sup> Annuity	00.00	100	100
Payment of 20 <sup>th</sup> Annuity	00.00	100	100

## Industrial Designs

The current implemented law pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs is the UAE Federal law No. 31 for the year 2006, replacing Federal Laws No. 44 for the year 1992 and Federal Law No. 17 for the year 2002. The currently implemented bylaws are the bylaws issued with the old law No. 44 for the year 1992; no new implementation regulations were issued later.

The UAE Law defined designs as “Any innovative three-dimensional shape that can be used in industry or craft”. However, an industrial design can be defined as “any composition of lines or colors or any three-dimensional form whether or not associated with lines or colors, provided that such composition or form gives a special appearance to a product of industry or handicraft and can serve as pattern for a product of industry or handicraft”.



The application for protection may include more than just one design, provided that such designs are interrelated in terms of manufacture and uses, and that their total number does not exceed twenty designs. The filed application may contain a request to claim a priority of an application that has been filed in another state being a member of an agreement or a treaty with the U A E. In this case, the application date and number of the previously filed application should be indicated together with the name of the state, as provided for in the implementing regulations. The priority term shall be six months as of the date of first filing.

The industrial design does not have the benefit of the protection defined in such act, except if registered in the related register at the Administration and the registration application is submitted and examined according to the procedures and fees defined by the bylaws. Once a design is registered in the UAE, the protection period will remain valid for 10 years from the filing date, provided that all formalities are fulfilled such as payment of annual maintenance fees.

Multi-class applications for designs are **not allowed** in UAE.

➤ **Total Charges:**

Kindly note that for a proposed new design application in UAE, our total costs (*professional & official fees inclusive*) up to registration differs according to the legal nature of the applicant; detailed as follows:

✓ **In case applicant is an individual:**

Item	Official	Professional	Total Costs
Filing new Design application	247.00	383.00	580.00
Claiming Priority	00.00	80.00	80.00
Publication on the official gazette	00.00	300.00	300.00
Preparing publication (soft & hard copies)	00.00	00.00	00.00
Registration fees & forwarding certificate	00.00	140.00	140.00
<b>Grand Total</b>	<b>247.00</b>	<b>903.00</b>	<b>USD 1,150.00</b>

✓ **In case applicant is a company:**

Item	Official	Professional	Total Costs
Filing new Design application	546.00	442.00	896.00
Claiming Priority	00.00	80.00	80.00
Publication on the official gazette	00.00	320.00	320.00
Preparing publication (soft & hard copies)	00.00	00.00	00.00
Registration fees & forwarding certificate	00.00	180.00	180.00
<b>Grand Total</b>	<b>546.00</b>	<b>1,004.00</b>	<b>USD 1,550.00</b>

**Note:** Arabic translation fees are USD 15.00/per page, (page = 200 words)



➤ **Design Annuities:**

- ✓ **Applicant is an individual or a corporate** - (5% VAT charge is applicable)

Year	Official fee	Professional charge	Total costs
Payment of 2 <sup>nd</sup> Annuity	00.00	100	100
Payment of 3 <sup>rd</sup> Annuity	00.00	100	100
Payment of 4 <sup>th</sup> Annuity	00.00	100	100
Payment of 5 <sup>th</sup> Annuity	00.00	100	100
Payment of 6 <sup>th</sup> Annuity	00.00	100	100
Payment of 7 <sup>th</sup> Annuity	00.00	100	100
Payment of 8 <sup>th</sup> Annuity	00.00	100	100
Payment of 9 <sup>th</sup> Annuity	00.00	100	100
Payment of 10 <sup>th</sup> Annuity	00.00	100	100

➤ **Filing Requirements:**

- 1- POA duly signed by the applicant and legalized up to the UAE consulate at your end.
- 2- A certificate of incorporation or an extract of entry in the Commercial Register of the applicant (in case the applicant is a company).
- 3- A Deed of assignment duly legalized up to the UAE Consulate, in case the applicant is not the inventor.

**Special Notes:**

- 1- These documents are currently not allowed to be lately submitted; rather, should be submitted along with the filing application.
- 2- The protection term for industrial designs in the UAE is **10 years** as of the filing date; **annuities** fees are required to be paid as of the filing date till the end of the 10-years protection term.

-- End of Report --

*Thanks for your confidence in our services*

