

, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates, – Pursuant to the perusal of the Constitution; – Federal Law no. (1) of 1972 on the Competencies of the Ministries and Powers of the Ministers and its amendments; – Federal Law no. (5) of 1985 promulgating the Civil Transactions Law and its amendments; – Federal Law no. (11) of 1992 promulgating the Civil Procedure Law and its amendments; – Federal Law no. (35) of 1992 promulgating the Criminal Procedure Law and its amendments, – Federal Law no. (37) of 1992 on Trademarks and its amendments; – Federal Law no. (18) of 1993 promulgating the Commercial Transactions Law and its amendments; – Federal Law no. (1) of 2006 on Electronic Commerce and Transactions and its amendments; – Federal Law no. (19) of 2016 on Anti-Commercial Fraud; – Federal Decree no. (67) of 2021 on the State's accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks; – Federal Decree–Law no. (31) of 2021 promulgating the Crimes and Penalties Law; – Federal Decree–Law no. (32) of 2021 on Commercial Companies; and Based on what was presented by the Minister of Economy and approved by the Council of Ministers, Issue the following Decree–Law: Article 1 Chapter 1 Definitions and General Provisions In implementing the provisions of this Decree–Law, the following terms and expressions shall have the meanings assigned against each of them, unless the context requires otherwise: State: The United Arab Emirates. Chapter 2 Article 5– Trademarks Register Trademark Registration and Cancellation A register called "Trademarks Register" shall be prepared in the Ministry wherein shall be recorded all the Trademarks, names, addresses and type of activities of their owners, the descriptions of their goods or services and any transfer, assignment, transfer of ownership, mortgage or licence for use concerning such Trademarks as well as any other changes therein. Each person may request a copy of the data recorded in the Register after paying the prescribed fees. Article 6– The right to register a Trademark Any physical or juristic person shall have the right to register his/its Trademark, in accordance with the provisions of this Decree–Law. Article 7– Trademark registration application An application for registering a Trademark shall be submitted to the Ministry in accordance with the conditions, controls, and procedures specified in the Implementing Regulation of this Decree–Law. Article 8– Registering a Trademark for more than one category 1– A Trademark may be registered for one or more categories by filing an application for one of the categories of the goods or services in accordance with what is specified in the Implementing Regulation of this Decree–Law. 2– Goods or services shall not be considered similar to each other for the mere reason that they are listed in the same category, nor shall they be considered different from each other for the mere reason that they are listed in different categories of the same classification specified by the Ministry. Article 9– Registration of a group of identical Trademarks www.lexismiddleeast.com One application may be filed to register a group of Trademarks if they are identical as to their essential elements and differ only in ways that do not affect their character such as colour of the marks or the details of the goods or services related thereto, provided that these goods or services belong to the same category. Article 10– Registration of a single Trademark by two or more persons In case of two or more persons simultaneously apply for the registration of the same Trademark or similar Trademarks for the same category of goods or services, the registration applications shall be suspended until one of the disputing parties submits a waiver of his application in favour of the other party or until a final judgment is rendered by the Competent Court in

the dispute. Article 11– Right of priority in Trademark registration If the Trademark 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. Article 12– Some Controls and Procedures for the registration of Trademarks 1– The Ministry may impose the restrictions and amendments it deems necessary to identify the Trademark and prevent its confusion with another Trademark that has been previously registered or an application for its registration has been previously filed. 2– If the registration applicant fails to respond to the Ministry within (30) thirty days from the date of his notification of the restrictions or amendments set by the Ministry to identify the Trademark and prevent its confusion with another Trademark, he shall be deemed as having waived his application. 3– The Ministry shall decide on the registration application within (90) ninety days from the date of its filing, provided that it fulfils the conditions stipulated in this Decree–Law and its Implementing Regulation. 4– If the Ministry refuses to register a Trademark for any reason whatsoever or if the registration thereof is subject to the imposition of certain restrictions or amendments, it shall notify the applicant or his representative in writing of the reasons for its decision. Such notification may be made by modern electronic means. 5– The Implementing Regulation of this Decree–Law shall specify the procedures and other controls for registering Trademarks. Article 13– Grievance against the rejection or suspension of registration 1– The registration applicant or the owner of the Trademark or his representative may file a grievance with the Grievance Committee against the Ministry's decision rejecting or suspending the registration within (30) thirty days from the date of being notified thereof, and he may file an appeal against the decision of the Grievance Committee before the Competent Court within (30) thirty days from the date of his notification thereof. 2– If the registration applicant does not file a grievance against the decision rejecting his application within the time limit stipulated in the preceding clause, or fails to fulfil the conditions to which his application is subject within the time limit stipulated in clause (1) of this article, he shall be deemed as having waived his application. 3– In all cases, the lawsuit filed to cancel the Ministry's decision rejecting or suspending the registration of the Trademark shall not be accepted unless a grievance has been previously filed against it. Article 14– Grievances Committee 1– A committee called "Trademarks Grievances Committee" shall be established at the Ministry under the chairmanship of a specialised judge nominated by the Minister of Justice with the membership of two specialists chosen by the Minister. Issued by us at the Presidential Palace in Abu Dhabi: On 13/ Safar/ 1443H. 2– The Minister shall issue a decision nominating the members of the Grievance Committee, its functioning system, and the procedures for filing grievances before it. www.lexismiddleeast.com Article 15– Publication of the Trademark 1– If the Ministry accepts the registration of the Trademark, it shall, prior to its registration, publish it in the Ministry's Bulletin at the expense of the registration applicant in accordance with the procedures specified by the Implementing

Regulation of this Decree–Law, provided that the last date for filing an objection against the registration of the Trademark is stated in this Bulletin.

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, 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.

Article 36– Trademark registration for monitoring or inspection purposes 1– Juristic persons who are in charge of monitoring or inspecting some goods or services in terms of their source, components, method of manufacture, quality, substance or any other characteristic, may request the Ministry to register a Trademark for them so as to indicate the monitoring or inspection procedure, in accordance with the conditions and controls specified by the Implementing Regulation of this Decree–Law. 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 (50,000) fifty thousand dirhams and not more than (200,000) two hundred thousand dirhams or either of these two penalties shall be imposed on whomever:

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.

Chapter 8 Penalties **Article 49** Without prejudice to any severer penalty stipulated in any other law, a penalty of imprisonment and a fine of no less than (100,000) one hundred thousand dirhams and not more than (1,000,000) 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.

Article 47– Provisional measures upon infringement of rights 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.

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14– Marks that constitute copies, imitation, translation, localisation, or any audio translation 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.

3– In all cases, the transfer of the Trademark's ownership, mortgage or attachment thereof shall not be enforceable against third parties unless it has been entered into the Register and announced by any means of publication, in accordance with the procedures and conditions specified in the Implementing Regulation of this Decree–Law.

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.www.lexismiddleeast.com Article 32– Deleting the licence entry from the Register The registration of the licence shall be deleted from the Register at the request of the Trademark owner, the licensee, or a representative of either of them, after submitting evidence as to the expiration or termination of the licensing contract.

3– The Ministry may, at the request of the interested party, cancel the registration of a Collective Trademark if it is proven to the Ministry that the owner who registered it is using it himself, or that he is using it or allowing it to be used in violation of the conditions specified in the Implementing Regulation of this Decree–Law, or is using it in a way that is likely to mislead the public as to the origin of the good or any common characteristic of the goods or services in respect of which the Collective Trademark is registered.

Article 37– Registration of the Trademark for non–commercial purposes 1– A Trademark may be registered for non–commercial purposes, such as emblems used by public interest or professional institutions to distinguish their services or badges for their members, in accordance with the conditions and controls specified in the Implementing Regulation of this Decree–Law.

Article 44– Applicability of provisions to Geographical Indications Without prejudice to the provisions of bilateral and international agreements in force in the State, the provisions related to Trademarks and those stipulated in this Decree–Law and its Implementing Regulation regarding the following shall apply to Geographical Indications: 1– Submission of a registration application.

Article 56– Law enforcement officers The employees of the Ministry or the employees of the local authorities who are designated by a decision of the Minister of Justice in agreement with the Minister or the head of the local judicial authority shall be granted the capacity of judicial enforcement in evidencing the violations of the provisions of this Decree–Law or its Implementing Regulation, within the scope of their respective competencies.

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 organisations or one of their institutions, or any imitation thereof.

Chapter 9 www.lexismiddleeast.com

Final Provisions Article 53 1– The Trademarks registered in accordance with the provisions of the laws, decisions, and regulations in force prior to the effective date of the provisions of this Decree–Law shall be deemed valid, and these Trademarks shall enjoy the protection prescribed therein.

13– Marks that constitute copies, imitations, translations, localisations, or any audio 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. If the right holder wishes to renew the protection for similar periods, he may file an application to renew the Trademark registration with the Ministry during the periods, and in accordance with the conditions and procedures specified by the Implementing Regulation of this Decree–Law.

2– If the time limit prescribed by the Implementing Regulation of this Decree–Law to renew the protection period lapses without the Trademark owner filing an application for renewal of the protection period, the Trademark shall be considered cancelled from the Register as of the date of expiry of the protection period.

Article 23– Temporary protection of Trademarks placed on goods and services displayed in exhibitions Trademarks placed on goods or used on services on display at official or officially recognised international exhibitions that are held inside the State, shall

enjoy, during the period of their display, a temporary protection if they meet the conditions for registering Trademarks and the rules and procedures for granting temporary protection specified by the Implementing Regulation of this Decree–Law.

Article 25– Publishing the cancellation and renewal of the Trademark The cancellation and renewal of the Trademark shall be published in the Ministry's Bulletin and by any publication mean specified by the Implementing Regulation of this Decree–Law.

Chapter 4 Contracts Licensing the Use of the Trademark

1– The owner of the Trademark may use it himself, and he may also license one physical or juristic person or more to use the Trademark for all or some of the goods or services for which it is registered, unless otherwise agreed upon, and in accordance with the procedures and controls stipulated in the Implementing Regulation of this Decree Law. The Ministry shall notify the other party of the application submitted to delete the licence, and this party may object to the application for deletion, in accordance with the procedures and conditions stipulated in the Implementing Regulation of this Decree–Law.

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 said order before the president of the www.lexismiddleeast.com court that issued it, within (15) fifteen days from the date of his notification thereof, and the president of the court in this case may confirm or modify or cancel the order.

2– The provisions of this Decree–Law shall apply to the undecided Trademark registration applications that were submitted prior to the date of entry into force of its provisions, provided that these applications are amended in accordance with the provisions of this Decree–Law.

www.lexismiddleeast.com Geographical Indications: Any indication showing that a good has originated in the territory of a member country of the World Trade Organisation or in a region, location, or place of that region if the good's quality, reputation, or other characteristics are primarily due to its geographical origin. This committee is responsible for adjudicating grievances submitted by the concerned parties against the decisions issued by the Ministry in implementation of the provisions of this Decree–Law and its Implementing Regulation and the decisions issued in implementation thereof.

Article 16– Procedures for deciding on objection applications filed with the Ministry The Implementing Regulation of this Decree–Law shall define the procedures followed by the Ministry to decide on applications for objections submitted thereto.

Article 20– Amendment to the Register

www.lexismiddleeast.com 1– The Ministry may, on its own or at the request of the concerned party, add any statement that has been omitted to the register, or delete or amend any statement contained in the Register if it has been unlawfully entered or is inconsistent with the truth.

Article 22– Procedures and fees for the registration renewal application

1– The Implementing Regulation of this Decree–Law shall determine the time limit during which the Trademark owner shall file an application for renewal of the protection period with the Ministry and specify the procedures and fees for such renewal.

6– The Implementing Regulation of this Decree–Law shall specify the conditions, terms, and procedures for filing the applications referred to in this article and the mechanism for deciding thereon.

www.lexismiddleeast.com Article 26– Amendments to the Register The Competent Court may, at the request of the interested party, order the addition of any statement that has been omitted to the Register, or the deletion or amendment of any statement contained in the Register, if it has been unlawfully entered or is inconsistent with the truth.

www.lexismiddleeast.com 2– The registration of this

Trademark shall have all the effects stipulated in this Decree–Law, and it is not permissible to re–register the said Trademark in the event that it has been cancelled or not renewed, for similar or identical goods or services.3– The Implementing Regulation of this Decree–Law shall specify the conditions, controls, and procedures related to inspection and the filing of an application to stop the customs clearance and decide thereon.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.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. 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.2– Any interested party may, within (30) thirty days from the date of publication, file an objection with the Ministry against the registration of the Trademark, in accordance with the procedures and means specified by the Implementing Regulation of this Decree–Law.5– Knowingly imports or exports goods bearing a forged or counterfeit Trademark.Engravings: Salient marks.