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Decree of the Federal Law
No. 17 for the year 2002, amending the Federal Law No. 44 for the year 1992 pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs

I, ZAYED BIN SULTAN AL NAHYAN, the President of the UNITED ARAB EMIRATES (UAE),

After reviewing the constitution;

- The federal law No.1 for the year 1972, pertaining to jurisdictions of ministries and authorities of the ministers;
- The federal law No.5 for the year 1976 pertaining to the federation of chambers of commerce and industry
- The federal law No. 1 for the year 1979 pertaining to regulation of the industrial affairs;
- The federal law No. 4 for the year 1979 pertaining to the repression of fraud and infringement in commercial transactions;
- The federal law No. 8 for the year 1984 and its amending laws pertaining to commercial companies;
- The federal law No. 5 for the year 1985 pertaining to civil transactions, as amended by the law No. 1 for the year 1987;
- The federal law No. 11 for the year 1992 pertaining to the issuance of a law for civil transactions;
- The federal law No. 18 for the year 1993 pertaining to the commercial transactions;
- The federal decree No. 21 for the year 1975 pertaining to the accession of the UAE to the World Intellectual Property Organization;
- The decree No. 11 issued by the Cabinet of Ministers in 1993 disclosing the implementing regulations of the federal law No. 44 for the year 1992 pertaining to industrial regulation and protection of patents, industrial drawings, and designs;
- The federal decree No. 20 for the year 1996 pertaining to the accession of the UAE to the Paris Convention for protection of the industrial property;
- The federal decree No. 21 for the year 1997 pertaining to the accession of the UAE into The World Trade Organization;
- The federal decree No. 84 for the year 1998 pertaining to the accession of the UAE into the Patent Cooperation Treaty
- The federal law/ decree of the federal law/ the Prime Ministry decree No. () for the year 2000 pertaining to the patent system to be adopted by the GCC states; and Based on the proposal of the Minister of Finance and Industry, as approved by the Cabinet of Ministers, and on the verification of the Supreme Federation Council

We have hereupon issued a decree of the following Law.

CHAPTER ONE

Definitions and General Provisions

Article 1

In application of this Law, the following terms shall each have the respective meaning corresponding thereto, unless otherwise indicated in the text:

State: United Arab Emirates.

Ministry: Ministry of Finance And Industry.

Minister: Minister of Finance And Industry.

Administration: Administration of Industrial Property, Ministry of Finance and Industry, and its branches in the UAE.

Committee: Committee for petitions, Administration of Industrial Property.

Deed of protection: A document indicating patentability of the invention, industrial drawing, or industrial design being awarded by the competent Administration. This shall be in the form of letters patent, utility certificate, or certificate of registration of industrial drawing or design.

Invention: 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.

Letters patent: A deed of protection being issued for the invention by the Administration of Industrial Property in the name of this state.

Utility Certificate: A deed of protection being issued by the Administration of Industrial Property in the name of this state for an invention that does not result from intellectual effort sufficient for granting letters patent.

Registration Certificate: A deed of protection being issued for the Industrial design by the Administration of Industrial Property in the name of this state.

Know-how: Information, data, or knowledge of a technological nature acquired through the profession that is practically applicable.

Industrial drawing: Any innovative creation of lines or colors, which generates a product that can be used in industry or craft.

Industrial Design: Any innovative three-dimensional shape that can be used in industry or craft.

Industrial property circular: The circular issued by the Administration which is designated for publishing all that is required to be published under this law and its implementing regulations.

International patent application: An application submitted to the administration to obtain a letters patent pursuant to the patent cooperation treaty.

International filing of a patent application: A patent application submitted to a patent office in one of the member states of the Patent Cooperation Treaty, upon which application the patentee shall be entitled to protect his invention in the member states in accordance with the terms and conditions provided for in the said treaty.

Receiving office for applications: Administration receiving an application for international patent for processing the same before being forwarded to other administration specified by the Patent Cooperation Treaty.

Selected office: Administration selected by the applicant for examining his application and determining its patentability according to the patent cooperation treaty.

Designated office: Administration designated by the applicant for the issuance of a letters patent according to this law.

Article 2

The provisions of the law herein shall not violate the provisions of the international treaties and conventions which U.A.E is a party thereof, and which regulate the rights of the citizens of the member states in those treaties and conventions and the rights of the persons who have rights to similar treatment. A foreigner not covered by the provisions of the previous paragraph shall have the same rights as the citizens' rights granted by the law provided that his state of citizenship will reciprocate the same protection to citizens of the United Arab Emirates.

Article 3

Temporary protection shall be awarded for the inventions, drawings, and designs which are exhibited in local fairs under the terms and conditions set forth by the implementing regulations of this law, taking into account the provisions stated in international agreements, treaties, or conditions of reciprocity.

CHAPTER THREE

The Industrial Drawings and Designs

Article 43

The provisions of protection which are cited in such law concerning the industrial drawings and designs should not violate the ethical and the aesthetic rights related thereto, whether the source thereof was the law or the international agreements or treaties in which the state is a party.

Article 44

The industrial design doesn't 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 is examined according to the procedures and fees defined by the bylaws of such law in such matter.

Article 45

The application for protection may include more than just one industrial drawing or design, provided that such drawings or designs are interrelated in terms of manufacture and uses, and that their total number does not exceed 20 drawings or designs.

Article 46

1. Industrial drawings and designs shall be subject to the rules of filing priority provided for in article 11 of this law.
2. The term of priority shall be 6 months as of the date of first filing.

Article 47

The industrial drawing or design must be new, innovative, and be usable as an industrial / handicraft product, and not violate the public order or the morals of the State.

Article 48

The deed of protection shall be issued for the industrial drawing or design upon a decree by the competent minister, and shall be published in the industrial property circular along with the design or the drawing after payment of the prescribed fees.

Any interested party may file a petition against the ministerial decree issuing the deed of protection before the competent committee within a period of 60 days as of the date of publication. If no petition has been filed during the said period, a registration certificate shall be issued to the applicant indicating the number and date of registration with any relevant data provided for in the implementing regulations of this law.

Article 49

The protection term of the industrial drawing or design shall be a period of 10 years as of the date of filing the application for protection.

Article 50

Notwithstanding the particulars provided for in articles 49 and 69 bis, the industrial designs shall be bound to the provisions set forth in article 14 bis of this law.

Article 51

Pursuant to this law, the protection of an industrial drawing or design shall afford the applicant the right to prevent any other party from undertaking the following activities:

1. Use of the industrial drawing or design for manufacturing any product.
2. Importation or acquisition of any product relating to the industrial drawing or design with the intention of using or selling that product.

The said activities shall not be deemed legal just because they have a different scope from that of the industrial drawing or design being protected by the law, or because they relate to a product different from the drawing or the design included in the deed of protection.

Article 52

If any party started, in bona fide manner, to undertake the activities provided for in the preceding article 51 prior to the submission of the filing application, he shall then be entitled to proceed with such activities in respect of the products already obtained. This shall be deemed a personal right and shall in no circumstances be assigned or transferred to another party in any form, except when associated with the establishment utilizing it.

Article 53

The industrial drawing or design shall be subject to rules provided for in articles 7, 9, 17, 18, and 20 and to those provided for in sections two and three of chapter two and of this law.

CHAPTER FOUR CONTRACTUAL LICENSES

Article 54

The owner of the protection document may license any natural or legal entity in using or exploiting the right subject to the protection, provided that the license period should not exceed the defined protection period pursuant to the provision of the law herein. Moreover, the license contract should be written and signed by the parties.

Article 55

The license agreement shall be registered and endorsed in the appropriate record following the payment of the prescribed fees, and shall not come into force until the date of its publication in the industrial property circular. The registration shall be deleted upon request made by the competent parties of the license agreement, or upon revocation, decision of nullification, or upon expiration of its term.

Article 56

The contractual license shall not prevent the owner of the protection documents from exploiting or using the subject of protection by himself or granting licenses to the third parties unless otherwise cited in the license contract.

Article 57

The licensee is entitled to exploit or to use the subject licensed protection in all aspects throughout the period of the lawful protection in all the territory and by all means unless otherwise is cited in the license contract. Furthermore, the licensee shall have the right to use the rights that the protection document grants to the owner thereof, and which intends to prevent the infringement, threat, or prejudice the subject protection. The licensee should notify the owner of the protection document by a registered letter of the infringement, the threat or the prejudice, and if the owner of the protection document neglects or delays and doesn't adopt the due procedures within thirty days from the notification date, the licensee may adopt the legal and judicial procedures and claim for compensation for the damages to him either due to negligence or delay of the owner of the protection document or from the third party's actions.

Article 58

The licensee may not in other than the condition of assignment or transfer of the organization's property or the part thereof which exploits the license, to assign the license for third parties or to sublicense, unless otherwise is cited in the licensing contract.

Article 59

Licensing agreements, assignments, or transfer of the right of the subject under protection, with any amendments or validation made thereon shall all be subject to supervision of the administration in respect to conditions, securities, and rights being afforded by the deeds of protection. The administration may request the competent parties to amend those agreements involving misuse of an intellectual property right or conflicting with the trade competition associated with the said agreement in the State. Should the agreement not be amended, the administration shall then have the right to deny approval and registration of the agreement in the record as provided for in the implementing regulations of this law.

CHAPTER FIVE Preventive Measures, Offenses and Penalty

Article 60

The owner of the deed of protection or the assignee of some industrial property rights provided for in this law may request the competent court to issue a precautionary seizure order for the invention, drawing, design, or for parts thereof using the industrial property of any kind referred to hereinbefore, provided that infringement or other illegal activities are being undertaken in violation of this law or in conflict with the contracts or licenses issued thereunder.

Article 61

The applicant of the precautionary seizure should deposit a bail evaluated by the court prior to issuing its order for seizure and the seizer should file the relevant action within eight days as from the date of the issuance of the court's order otherwise the matter shall be deemed null and void. Moreover, it is permissible for the attached person to file an action for compensation within ninety days as from the date of the termination of the previous term or from the date of issuing the final decision of refusing the relevant action, which the seizer preferred.

Furthermore, it is not permissible to cash the bail referred thereto except after the issuance of a final decision in the seizer's action or the claim of compensation, which the attached person filed.

Article 62

Without prejudice to the stronger penal actions provided for in other laws, any party submitting false documents or giving incorrect information to obtain a letters patent or a utility certificate shall be sentenced into imprisonment for a period not less than 3 month and not more than 2 years and/or be charged not less than 5,000 Dirhams and not more than 100,000 Dirhams. This shall also be applicable to any party simulating an invention, a manufacture method, an element of practical knowledge, or an industrial drawing or design.

Article 63

The court may in a civil or penal lawsuit rule to confiscate the impounded objects or those to be impounded at a later stage. The court may also order the destruction or impairment of the objects resulting from illegal activities, including machineries and tools adopted for infringement. The court may oblige the convicted party to publish the decision in the industrial property circular or in one of the daily newspaper. Such a court order can also be effective in case of acquittal by the court.

The court may also request that the ruling be published in the circular or in one of the local newspapers at the expense of the convict.

CHAPTER SIX

The Administration of The Industrial Property

Conclusive and Transitional Provisions

Article 64

An Administration at the Ministry of Finance and Industry called (the Administration of the Industrial Property) is to be established and such Administration and the branches thereof undertake enforcing the provisions of the law herein and its bylaws.

Moreover, the Minister issues a decision of work's system at the Administration and the branches thereof and how to practice the authorities cited in the law herein and its bylaws.

Article 65

The employees of the Administration have capacity of legal detrain in the field of enforcing the provisions of the law herein and its bylaws and they are banned within the time period of their work and after the expiry thereof from revealing the secrets of their work or giving data or information they are communicated therewith by virtue of their jobs or revealing or using thereof for their interest or for the interest of third parties. They are not permitted to keep personally the original of any document or paper or a copy thereof, further, they are banned throughout the time period of their work and within three years following the expiry thereof from practicing the job of registration agents at the Administration.

Article 66

1. In accordance with this law and its implementing regulations, the Minister may form a committee chaired by a judge nominated by the Minister of Justice and including two experts on industrial property rights, excluding any of the staff members of the Industrial Property Administration.

In addition, the Minister may appoint an administrative secretary working under the supervision of the chairman.

2. The said committee shall be responsible for examining petitions filed by interested parties with respect to the decisions related to the enforcement of this law and its implementing regulations. The implementing regulations shall develop the framework of the committee, along with the remuneration for the members, the petition procedures, and the fees to be due thereon.

Article 67

The decisions taken by the committee may be appealed before the competent court according to the Civil Procedures Law within 30 days as of the date of notification of such a decision before the court. In this regard, the court may seek the opinion of the experts in the field of dispute resolution, or it may seek the opinion of the Administration of Industrial Property.

Article 68

The bylaws of the law arrange the job of registration agents at the Administration and include defining the conditions required for the agents and their duties, the due fees for being recorded in the registration agents, register and the cases of canceling or striking off the record.

Article 69

The fees to be paid to the department for processing an application shall be determined according to this law and its implementing regulations.

Article 70

The inventions dealing with the chemistry of drugs or pharmaceutical compounds shall be protected by letters patents or utility certificates if they meet the conditions provided for in this law and its implementing regulations as of 1.1.2005.

Article 71

Notwithstanding the preceding article of this law, the administration shall continue to receive applications for protecting those inventions dealing with drugs or pharmaceutical compounds if such applications meet the other legal conditions. These applications shall be subject to the following rules:

1. The applications shall be consecutively registered in the records of the letters patents and utility certificates, with an endorsement indicating their registration in accordance with the provisions set forth in this article.
2. Upon examination, these applications shall be bound to the rules pertaining to novelty of the invention and priority of the application as provided for in this law and its implementing regulations.
3. If a letters patent was issued in one of the member states of the World Trade Organization for protection of an invention covered by one of the said applications, and if the patentee was authorized to commercially promote his invention in that state, then the applicant shall be entitled for a restrictive marketing of that invention as of the date of authorizing the commercial marketing of the invention by the competent authorities in the UAE.
4. The applicant shall be entitled to the restrictive marketing of the invention in the UAE over a period of 5 years ending upon the issuance of the letters patent or rejection thereof.

Article 72

The bylaws of the law herein shall be issued from the Cabinet pursuant to the Minister's proposal including the responsibilities; the classification thereof and the delegation therein in the field of executing the provisions of the law herein, as well as the types of registers, the system of examining the applications, the data and the documents that should be submitted; the fees, the expenditures and the publication charges and all the provisions and rules which the execution of the law herein requires.

Article 73

Any rule violating or conflicting with those provided for in this law shall be deemed as null and void.

Article 74

This law shall be published in the Official Gazette and shall come into force as of the date of its publication.

Signed by:
Zayed Bin Sultan Al Nahyan
President of the UAE