

# Guide to IP-Protection against Brand and Product Piracy in the United Arab Emirates

Prepared by

Meyer-Reumann & Partners



**messe frankfurt**  
**against copying**

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The information in this brochure has been put together to the best of knowledge and belief, but it cannot be a substitute for legal advice.



## Important

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Note: Despite thorough review of the information provided, no warranty can be given for the accuracy of the brochure. Additionally, the presentation in this work cannot and shall not replace the consultation of a lawyer having the expertise in the particular case.

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**Exhibitions are presentation platforms for innovations and trends, and that's how it should stay!**

As an organiser of exhibitions, Messe Frankfurt has a substantial interest in ensuring that effective legal action is taken against any brand and product piracy.

However, only the exhibitors themselves or their lawyers can take effective action against brand and product piracy based on intellectual property laws (e.g. patent law, trademark law etc). Messe Frankfurt is taking the side of the legal IP-owners, but is not authorised to take action against infringements of intellectual property rights itself.

In this brochure, we have provided information on the measures that you need to take to effectively combat brand and product piracy in good time.

Messe Frankfurt takes the protection of intellectual property rights very seriously. It is the first exhibition company worldwide to have launched an initiative against brand and product piracy: "Messe Frankfurt against Copying". Moreover, it has incorporated a product piracy clause into its General Terms & Conditions, banned the taking of photographs and offers assistance in the uncompromising enforcement of intellectual property rights, thereby creating a fair business environment in which imitators do not stand a chance.

**Partners of the initiative:**

- **Meyer-Reumann & Partners** as lawyers and Patent and Trademark Agents at the place of the Exhibition and six countries in the Middle East.
- **Sesam Business Consultants** as service provider for Research Work for IP-Infringements, Under Cover Actions (but also Market Research and Feasibility Studies, PRO-Work)

## The Range of Services



A key component of the “Messe Frankfurt against Copying” range of services is an information booth at selected Messe Frankfurt events. At the booth, representatives of Messe Frankfurt will provide information on the subject of intellectual property rights and its registration and offer exhibitors information on the actions that can be taken in specific cases, and the right solution if there is any violation. They can also arrange for legal support if necessary. Emergency legal services offer exhibitors free initial advice. The range of services includes:

- Preliminary information of Intellectual Property Rights Protection at the place of the Exhibition in this brochure.
- Preliminary information of Intellectual Property Rights Protection at the place of the Exhibition on a special Internet Portal accessible through Messe Frankfurt’s website for the Exhibition.
- Full information of Intellectual Property Rights Protection at the place of the Exhibition on a special Internet Portal accessible through Messe Frankfurt’s website for the Exhibition with a password after you have booked a stand at the Exhibition.
- A personal window for you on a portal of our IP-Attorneys for the Exhibition, where you can upload all documents required for taking prompt actions when you discover an infringement on the Exhibition (e.g. power of attorney, TM-registrations, translation etc). Being a preparatory action, no legal fees incur until you expressly give a mandate.
- If your patent, design or trademark has not been duly registered (or has expired), you may well in advance give a mandate to our IP-Attorneys (or your IP-Attorneys at your discretion).

The “Messe Frankfurt against Copying” team will be happy to assist you before and during the Exhibition.

Feel free to contact us at any time for additional information free of charge.

### Registration of Patents, Design and/or TM-Rights

Registration of IP-rights offers the only effective protection! Please be aware that intellectual property rights must be registered at the place of the Exhibition and that the protection period of 10 years is not yet over. The period of protection for trademarks (Art 16 TML<sup>1</sup>) as well as of patents and designs (Art 14 PatL<sup>2</sup>) starts from filing date for registration respectively during a priority period of 6 months for trademarks and designs respectively 12 months for patents (Art 11 PatL and Art 4/C from the Paris Convention<sup>3</sup>) from the date of filing an application for registration in another country. You should therefore register your trademark and/or product with the appropriate authority well in time. In this way, you create a clearer position if evidence is required to instigate legal action in case of intellectual property infringement.

1) AE-Trademark Law No 37 /1992 amended by the Law 19 /2000 and the AE-TM Law No 8 /2002.

2) AE-Patent Law No 44 /1992 amended by the Law 17 /2002 and the AE-Patent Law No 31/2006.

3) The Paris Convention for the Protection of Industrial Property, signed in Paris, France, on March 20, 1883, was one of the first intellectual property treaties. It established a Union for the protection of industrial property. The Convention now has 173 contracting member countries, which makes it one of the most widely adopted treaties worldwide. For more information please see the following link: [http://www.wipo.int/treaties/en/ip/paris/trtdocs\\_wo020.html](http://www.wipo.int/treaties/en/ip/paris/trtdocs_wo020.html)

### IP-Rights Qualifying for Registration

The following contains an overview of the registration options at the place of the Exhibition. For more details, we recommend consulting an IP-Agent.

**Trademarks** identify products and services. They embody a company's quality and are their intellectual property. Words, letters, numbers, logo, images, colours and acoustic signals can all be protected as trademarks.

**International Trademarks** are protected in United Arab Emirates even if they have not been registered (Art.4 TML) and (As per Art 6/2 from the Paris Convention). However, to determine whether a mark is of repute, regard shall be given to the period for which it has been known to the public concerned as a result of marketing<sup>4</sup>.

**Patents** are granted for new technical inventions. They offer the patent holders the right to make sole use of the invention, so that they can forbid any unauthorised industrial or commercial use. By filing a patent application, the holder agrees that their invention can be publicly disclosed. Patents can also be used to protect processes.

**Design Patents** protect the design of a product, for this is a decisive factor for market success. The shape and/ or colour schemes of two- and three-dimensional objects (such as fabrics or furniture) can be protected.

**Utility Models** protect technical inventions which are new and can be used in industry. Utility models can be employed in all fields of technology for which patent protection is also possible. Processes cannot be protected (e.g. manufacturing processes or applications).

4) Please see footnote No.3 on previous page

**Copyrights** Personal intellectual creations such as art or literature are protected by copyright as per the AE-Copyright Law No 7 / 2002. These rights are protected as from the time of the creation. However, we recommend registering these rights in order to have evidence in the case of a violation.

#### **Unregistered Intellectual Property Rights**

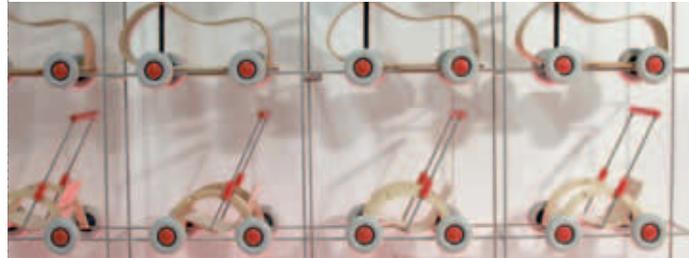
Unlike as in some other countries, new products are not protected for an initial period of time if they have not been registered.

## **Confiscation by Customs**

(If registered)

Border seizures by the Customs authorities are an effective method of preventing the exhibition of imitations even before an exhibition opens. Customs check merchandise that is being imported or exported or is in transit from non-GCC countries to see whether it contains products that infringe protected rights.

These random inspections are carried out at all borders, provided IP-owners have registered their merchandise at the Intellectual Property Rights Department of the Customs Authority. The registration procedure aims to facilitate the merchandise protection. Customs will register the merchandise in its own database in order to sort out infringing products during the import. By registering the merchandise and its details, especially the contact details of the owner of the merchandise, the customs authorities will be enabled to detect merchandise which are not genuine more quickly, making the intellectual property right protection more efficient. Customs' work includes monitoring and inspection at Inland Customs offices and free ports, as well as by mobile control units.



As the holder of intellectual property rights, you are entitled to request that Customs confiscate goods which infringe upon these rights. On receipt of an application showing the registered intellectual property right, Customs Authorities<sup>5</sup> can:

- stop suspicious consignments
- examine them
- take samples
- destroy counterfeits and supply information to the IP-rights holder.

More information is available from the website of the Intellectual Property Rights Protection Department of the Dubai Custom Authority<sup>6</sup> or from the IT portal of Meyer-Reumann & Partners especially prepared for the exhibitors of Messe Frankfurt.

5) For more information please see the following link of the Dubai Custom Authority: <http://www.dxbcustoms.gov.ae/Content/ProceduresTradeMarkRegistrationandViolation/>

6) For more information please see the following link: <http://www.dxbcustoms.gov.ae/Content/IPR/WeAreIPR/>

## How to Proceed in the Event of Infringements

### Preparation of Documentation and Evidence

Clear proof makes it easier to protect your rights! Please remember that you need the appropriate evidence to show an infringement of intellectual property rights. You should always download such evidence and full documentation on your personal IP-Portal reserved for you by our IP-Attorney and bring it with you to the Exhibition (e.g. IP-rights certificates registration, copy of advertisement that indicates it had been used of your rights in the market etc.). You will need to submit the original documents or certified copies of the certificates for the patent, trademark, registered design or utility model, together with any final verdicts already obtained against the exhibiting “imitator”.

### Declaration to Cease and Desist

The “imitator” signs an undertaking that they will no longer offer the copied products for sale and will pay a fine in the event of a further infringement.

The declaration is voluntary, however good arguments and some prior preparations may convince the imitator that he should sign to avoid problems.

### Preliminary Injunction from the Civil Court

The holder of the intellectual property right obtains a temporary court injunction from the civil court prohibiting the “imitator” from selling and exhibiting certain products.

### Travel Ban

Legal actions may be supported by a request for a travel ban against the team leader or a team member of the imitator, to make sure that legal actions do not get frustrated because getting hold of the imitator outside the country turns out to be impossible.

### Prosecutor

The holder of the intellectual property right may file criminal actions at the Prosecutor, who may take initial actions to stop illegal transactions.



## Emergency Legal Service

To offer exhibitors support for their legal matters, Messe Frankfurt sets up an on-site legal service during the Exhibition. Lawyers of the Law Firm Meyer-Reumann & Partners will provide you with immediate assistance if required. Their address is next to the Exhibition Halls. Their Portal for registered exhibitors of Messe Frankfurt provides a Question & Answer facility.

If necessary, it is recommended that you contact a lawyer in advance of the exhibition.

For investigation to identify potential trademark violations in the local market prior to the trade show, and for investigation to secure evidence of trademark violations of specific exhibitors during the trade show, the following company may provide assistance at the exhibitor's request:

### **Sesam Business Consultants**

Al Shafar Tower 1,  
Office 2006  
P.O. Box 62118  
Dubai, United Arab Emirates  
Tel. +971 4 43 56 616  
Fax +971 4 43 56 617  
[dubai@sesam-uae.com](mailto:dubai@sesam-uae.com)



## Useful Contacts

### Dubai Court

Oud Metha Road, Umm Hurair, close to the Maktoum Bridge, Dubai Side, next to Dubai Public Prosecution, Dubai, United Arab Emirates  
Tel. +971 4 33 47 777 Fax +971 4 33 44 477  
info@dc.gov.ae / www.dubaicourts.gov.ae

### Dubai Customs

Client Relationship Section, Client Management Department, Dubai Customs  
Dubai, United Arab Emirates  
Tel. +971 4 41 77 777 Fax +971 4 34 53 458  
client.relations@dubaicustoms.ae  
www.dxbcustoms.gov.ae

### Dubai Public Prosecution

Oud Metha Road, Umm Hurair, close to the Maktoum Bridge, Dubai Side, next to Dubai Courts, Dubai, United Arab Emirates  
Tel. +971 4 33 46 666 Fax +971 4 33 51 037  
e-services@dxbpp.gov.ae / www.dxbpp.gov.ae

### Dubai Trademark & Patent Office

Sheikh Zayed Road, near World Trade Centre  
Dubai, United Arab Emirates  
Tel. +971 4 31 41 555  
shikha@economy.ae / www.economy.ae

### Brand Protection Group

United Arab Emirates  
admin@gulfbpg.com / www.gulfbpg.com

## Checklist and Quickfinder

The purpose of any exhibition is to promote your products and services. If you succeed you face the worldwide tendency of imitation and piracy. Thus promoting and protecting its success go hand in hand. The most important actions for protecting your image, embodied and displayed by your trademark, are:

### Before the Exhibition

- Check the registration of the intellectual property rights, which shall be displayed at the Exhibition (Expired? Valid at the place of the Exhibition? Legalised Arabic translation available?)
- Register your intellectual property rights if necessary
- Prepare yourself for prompt legal action (consult your IP-Attorney at home, download proper documentation on the Portal of our IP-Attorney, prepare originals, duly legalised and translated)
- If there are reasons for being suspicious about infringements, instruct a local agent for research work (checks in the market, collection of evidence, preparing statements of witnesses, catalogues etc. samples of fakes, promotion material of the fakes, addresses, managers, employees of the infringer[s] etc.)
- Document violations of your intellectual property rights; download it on the Portal of our IP-Attorney; carry original documentary proof with you;
- Contact a lawyer (e.g. our IP-Attorney) for advice, and to represent you if necessary
- Request Customs to confiscate goods in advance of the exhibition.
- Take prompt legal action (for details see above)

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