

**Federal Law No. 11/2021**  
**On the Regulation and Protection of Industrial Property Rights**

## ***Abrogates***

### ***Federal Law No. 17/2002***

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,  
After perusal of the Constitution,  
Federal Law No. 1/1972 on Competencies of the Ministries and Powers of the Ministers, and its amendments,  
Federal Law No. 1/1979 on the Regulation of Industrial Affairs,  
The Civil Transactions Law promulgated by Federal Law No. 5/1985, and its amendments,  
The Civil Procedure Law promulgated by Federal Law No. 11/1992, and its amendments,  
The Commercial Transactions Law promulgated by Federal Law No. 18/1993, and its amendments,  
Federal Law No. 17/2002 on the Regulation and Protection of Industrial Property Rights for Patents and Industrial Designs and Models, and its amendments,  
Federal Decree-Law No. 2/2011 on the Establishment of the National Emergency Crisis and Disaster Management Authority, and its amendments,  
Federal Law No. 4/2012 on the Regulation of Competition,  
Federal Law No. 2/2015 on the Commercial Companies, and its amendments,  
Federal Law No. 19/2016 on Combating Commercial Fraud,  
Federal Law No. 8/2019 on Medical Products, the Profession of Pharmacy and Pharmaceutical Facilities,  
Federal Decree No. 21 of 1975 on the Accession of the United Arab Emirates to the World Intellectual Property Organisation,  
Federal Decree No. 20 of 1996 on the Accession of the United Arab Emirates to the Paris Convention for the Protection of Industrial Property,  
Federal Decree No. 21 of 1997 on the Accession of the United Arab Emirates to the World Trade Organisation,  
And Federal Decree No. 84 of 1998 on the Accession of the United Arab Emirates to the Patent Cooperation Treaty,  
And based upon the proposal of the Minister of Economy, the approval of the Council of Ministers and the Federal National Council and the ratification of the Federal Supreme Council,  
Have passed the following law:

## **First Book - Definitions and General Provisions**

### **Article 1 - Definitions**

In application of the provisions of this Law, the following terms and expressions shall have the meanings assigned against each, unless the context requires otherwise:

- State: The United Arab Emirates.
- Ministry: The Ministry of Economy.
- Minister: The Minister of Economy.
- Committee: The Grievance Committee formed by Cabinet decision.
- Court: The Abu Dhabi Federal Appeal Court.
- Centre: The International Centre for Patent Registration at the Ministry.
- Industrial Property: The rights relating to the Patent, Utility Certificate, Design, Integrated Circuit and undisclosed information.
- Deed of Protection: The document indicating that the Ministry has awarded protection to a Patent, an Industrial Design or a Layout Design of an Integrated Circuit.
- Invention: A creative idea that the inventor comes up with in any technical field in relation to a product or a method of manufacture or both and which in practice offers a new addition or solves a particular problem in such a field.
- Patent: The Deed of Protection issued by the Ministry for the Invention.
- Utility Certificate: The Deed of Protection issued by the Ministry for a creative step that is not sufficient to issue a Patent.
- Design: Any 2D or 3D decorative or aesthetic composition giving a special design that can be used as an industrial or artisanal product.
- Industrial Design Certificate: The Deed of Protection issued by the Ministry for the Industrial Design.
- Integrated Circuit: Every product in its final or intermediate form, that includes elements - at least one of which is an active element - fixed on a piece of insulating material, and forming with some or all interconnections an integral entity intended to perform a specific electronic function.

- **Layout Design Certificate:** The Deed of Protection issued by the Ministry for every 3D arrangement prepared for an Integrated Circuit for the purpose of manufacturing.
- **Compulsory Licence:** The permit issued to a natural or a legal person to exploit the Patent, Utility Certificate, Industrial Design, Layout Design or Integrated Circuit in the State, without the need for obtaining the approval of the rightful owner or the licensee in respect of the Industrial Property rights.
- **Industrial Property Circular:** The periodic Industrial Property circular published by the Ministry and designated for publishing all that is required to be published under this Law or its Implementing Regulation.
- **Registration Agent:** The agent registered in the Ministry's Registration Agents Registry.
- **International Application:** The application for a Patent submitted to the Ministry in the framework of the international Patent Cooperation Treaty.
- **Application Receiving Office:** The national office that receives International Applications and refers them to any other authority determined under the Patent Cooperation Treaty.
- **Register:** The register established by the Ministry for registering Industrial Property rights.

## **Article 2 - Objectives**

This Law shall have the following objectives:

- 1- To protect the Industrial Property and regulate the procedures for registration, use, exploitation and assignment thereof to support knowledge and innovation in the State.
- 2- To enhance the State's competitiveness in Industrial Property rights in accordance with the best international practices.

## **Article 3 - Scope of Application**

1- This Law shall apply to the Patents, Industrial Designs, Integrated Circuits, undisclosed information and Utility Certificates registered in the State including the Free Zones.

2- The provisions of this Law shall be without prejudice to international conventions and treaties to which the State is a party, and which regulate the rights of the citizens of the States parties thereto and the rights of the persons treated as them.

3- Foreigners shall have the citizens' rights granted under this Law if they hold the nationality of a State that treats the State reciprocally.

## **Article 4 - Independence of Industrial Property**

The Industrial Property awarded in the State shall be independent of the Industrial Property awarded for the same Invention in other States, regardless of whether or not these States are parties to the Paris Convention.

# **Second Book - Inventions**

## **First Chapter - Patent and Utility Certificate**

### **Article 5 - Conditions for Awarding Patents**

1- A Patent shall be awarded for every new Invention resulting from an innovative idea or improvement that constitutes a creative and industrially applicable step.

2- The Patent shall grant independence from any new application, amendment, improvement or addition to a previously patented Invention, if it meets the conditions set out in this Law.

3- An invention shall be deemed to be new if it is not preceded by a previous industrial technology in making it known to the public in writing or orally, by use or by any other means through which knowledge of the Invention is achieved, prior to the date of applying for the Patent or for applying for the legally claimed priority.

4- The disclosure of the information by the inventor or the third party that has directly or indirectly obtained such information from the inventor shall not affect the award of the Patent if it occurs within 12 months before the date of filing the application.

5- An Invention shall be deemed to include a creative step if it is not self-evident in an average professional's opinion, in relation to the case of the previous industrial technology associated with the Patent application.

6- An Invention shall be deemed to be industrially applicable if it is possible to produce or use it in any sector.

### **Article 6 - Cases of Issuance of Utility Certificates**

1- A Utility Certificate shall be issued for every new Invention which is industrially applicable but which does not arise from a sufficiently creative step to award a Patent therefor.

2- A Utility Certificate may be issued for every Invention to which the provisions of Article 5 of this Law apply, at the request of the owner of the Invention or his legal representative, if he wishes to receive solely a Utility Certificate.

3- The Patent office may, upon application filed by the inventor, the Registration Agent or the party upon whom the Patent rights have devolved in accordance with Article 9 of this Law, convert the Utility Certificate into a Patent application or vice versa pursuant to the controls and conditions set out in the Implementing Regulation of this Law.

### **Article 7 - Cases Where Patents or Utility Certificates Are Not Granted**

1- A Patent or Utility Certificate shall not be granted for any of the following:

- a- Research, plant or animal species or biological methods of plant or animal production. This shall exclude microbiological methods and their products, as determined by the Implementing Regulation of this Law.
- b- Diagnostic, treatment and surgical methods related to the treatment of humans and animals.
- c- Scientific principles, discoveries and theories and mathematical methods.
- d- Plans, rules, software or modalities for conducting business, exercising purely mental activities or playing games.
- e- Natural materials even if purified or isolated from nature. This shall exclude the methods of isolation or purification of natural materials from their original environment.
- f- Inventions whose exploitation results in the violation of public order or morality or causes harm to human life or health or to the environment.

2- If the Ministry finds out upon examination of the Patent application that the Invention relates to security or military industries, it shall implement the measures set out in the Implementing Regulation of this Law.

### **Article 8 - Cases of Determining the Right to the Invention**

1- The name of the inventor shall be indicated in the application for a Patent or Utility Certificate, unless the inventor expresses in writing his desire for anonymity.

2- Without prejudice to the provisions of Article 10 of this Law, the right to the Invention shall accrue to the inventor or his legal successor.

3- If the basic components of the Invention are obtained from the Invention of another person, all the rights to the Invention shall accrue to that person in his capacity as the original inventor.

4- Where the Invention represents a joint effort by two or more persons, the right to the Invention shall be accrued to them. The person whose efforts are limited to assisting in the execution of the Invention without contributing to any creative step shall not be considered an inventor.

5- Without prejudice to the provisions of Articles 9 and 10 of this Law, if two or more persons have worked on the same Invention individually, the first person to file an application for a Patent or Utility Certificate or to claim priority over the same Invention shall be entitled to the Patent or Utility Certificate, as the case may be, whenever his application meets the required conditions.

### **Article 9 - Application for Patent or Utility Certificate**

If a person who has no right to the Invention applies for a Patent or Utility Certificate, the rightful owner of the Invention, in accordance with the provisions of Article 8 of this Law, may request the Ministry to transfer the application, Patent or Utility Certificate to him.

### **Article 10 - Invention During Performance of Contract**

1- If the Invention is completed in the course of the performance of a contract or the like, the right to the Invention shall accrue to the employer unless otherwise provided for in the agreement. A Patent application filed by the inventor employee within two years from the date of leaving service shall be deemed as having been filed in the course of service.

2- If the Invention is of economic value exceeding the expectations of both parties at the time of signing the contract, the inventor shall be entitled to additional compensation as determined by the Court unless the parties agree to a specific additional amount.

3- If an employee whose employment contract does not include undertaking an innovative activity completes an Invention related to the employer's field of activity using the employer's expertise, documents, tools or raw materials placed at his disposal through the employment, the right to such an Invention shall accrue to the inventor employee after the lapse of four months from the date of his submission of the report referred to in Clause (4) of this Article to the employer in respect of the Invention, or as of any date on which the employer learns in another manner of the realisation of the Invention and does not express his willingness to acquire the Invention by a written declaration.

4- The inventor employee under the contract or the like shall notify the employer by means of a written report of his Invention after its completion.

5- If the employer expresses his desire to acquire the Invention within the period prescribed under Clause (3) of this Article, the right to the Invention shall be deemed to accrue thereto since the development of the Invention. The inventor employee shall be entitled to fair compensation that takes into account the economic value of the Invention and each of its benefits for the employer. The Court shall determine such compensation in case the parties fail to agree thereto.

6- Any agreement that denies the employee compensation shall be deemed as null and void.

### **Article 11 - Conditions for Applying for Patent or Utility Certificate**

1- The application for a Patent or Utility Certificate shall be filed to the Ministry by the inventor, the Registration Agent or the person upon whom the rights to the Invention have devolved in accordance with Article 8 of this Law, by submitting an express request pursuant to the procedures and controls set out in the Implementing Regulation of this Law and after payment of the prescribed fees.

2- The application shall include the name of the applicant, the name of the inventor and the name of the Registration Agent, if any, and a declaration justifying the applicant's right to the Invention if he is not the inventor.

3- The application shall include the name of the Invention, an abstract and a detailed description thereof, one or more elements of protection and an illustration if any.

4- The abstract shall be used for general and technical information only and it shall not be relied upon in the explanation of the application.

5- The Invention shall be described as best as possible at the time of filing the application or on the priority date to enable the professional in the field to execute it.

6- The application shall specify the element(s) of protection related to the required protection. The description or the illustrations may be used in the explanation whenever necessary.

7- The elements of protection shall be clear and concise and they shall be fully based on the description.

8- The application and its attachments shall be submitted in Arabic and English versions. In case either of these versions is not submitted, it shall be provided within the time limit prescribed in the Implementing Regulation of this Law.

9- The applicant shall provide the Centre with any additional information and data it may request in relation to his application within ninety (90) days from the date of his notification.

10- The applicant may introduce any modifications he deems necessary to his application provided that the modifications introduced to the information included in the original application are not substantial.

11- The Implementing Regulation shall specify the attachments to the application and the deadlines for submitting same.

### **Article 12 - Priority Based on Previous Application Filed Outside the State**

1- The filing application may express the desire to claim priority of filing based on one or more applications previously submitted in a State which is a party to a convention or treaty signed with the State, in which case the application shall indicate the date and number of registration of the previous application and the State whereto it was filed, as provided in the Implementing Regulation of this Law.

2- The priority term shall be of twelve (12) months as of the date of the first filing.

### **Article 13 - Examination of Patent and Utility Certificate**

1- The Ministry shall, after payment of the prescribed fee by the applicant, examine the application for the Patent or Utility Certificate, and it may request the applicant to provide any documents it deems necessary for the issuance of the Patent or Utility Certificate in accordance with the provisions of this Law and its Implementing Regulation. In case the applicant fails to provide the required documents within ninety (90) days from the date of his notification, he shall be deemed to have abandoned his application.

2- If the Invention satisfies the conditions set out in the Law and its Implementing Regulation, the Ministry shall publish the acceptance of the application in the Industrial Property Circular in the manner set out in the Implementing Regulation of this Law.

### **Article 14 - Urgent Applications**

The Ministry may examine a particular group of urgent applications for a Patent or Utility Certificate before other applications, upon the request of the applicants, regardless of the date of filing the applications or the date of requesting examination, provided that this does not affect priority applications pursuant to the criteria and conditions set out in the Implementing Regulation of this Law.

### **Article 15 - Interdependency of Inventions**

1- The application referred to in Article 11 of this Law may pertain to a single Invention or to a group of interdependent Inventions, such as to constitute together a single general creative concept. The appropriate decision shall be issued on an application that contains more than one Invention as provided in the Implementing Regulation of this Law.

2- If, after the issuance of the Patent or Utility Certificate, it is found that the condition for interdependency of the Inventions pursuant to Clause (1) of this Article is not met, this shall not be deemed to be a ground for forfeiture of the Patent or Utility Certificate.

## **Article 16 - Division of Application for Patent or Utility Certificate**

- 1- The Patent or Utility Certificate applicant whose application contains two or more Inventions may divide his application into two or more applications to the extent set out in the description or the illustrations attached to the first application.
- 2- The application that is divided in accordance with this Article shall be deemed to be filed at the same time as the first Patent application pursuant to the criteria set out in the Implementing Regulation of this Law.
- 3- The Implementing Regulation of this Law shall set the necessary conditions for the division of the application.

## **Article 17 - Procedures for Issuance of Patent and Utility Certificate and Data Thereof**

- 1- The Centre shall award the Patent and the Utility Certificate which shall be published in the Industrial Property Circular, pursuant to the powers and procedures set out in the Implementing Regulation of this Law.
- 2- The Patent or Utility Certificate shall be delivered to its rightful owner if no objection is filed in respect thereof by means of a request for re-examination after issuance and no grievance is filed within the deadline set out in the Implementing Regulation of this Law, after entry thereof in the Register. The Patent or Utility Certificate shall indicate its registration number, the date of its issuance, the payment of the registration or renewal fee and any other data set out in the Implementing Regulation of this Law.

## **Article 18 - Term and Fees of Patent and Utility Certificate**

- 1- The term of the Patent shall be of twenty (20) years and that of the Utility Certificate shall be of ten (10) years from the date of filing the application.
- 2- The Patent or Utility Certificate applicant or owner shall pay the annual fees due for the registration of the Patent or Utility Certificate, throughout the duration of protection prescribed, pursuant to the procedures and controls set out in the Implementing Regulation of this Law.
- 3- The Implementing Regulation of this Law shall determine the procedures and requirements for the reinstatement of the applications for Patent or Utility Certificate in cases of non-payment or late payment of the fees due therefor pursuant to Clause (2) of this Article.

## **Article 19 - Rights Acquired from Patent or Utility Certificate**

The Patent or Utility Certificate shall grant its holder the following rights:

- 1- The right to exploit the Invention. The following activities shall be deemed to constitute an exploitation of the Invention:
  - a- If the subject of the Patent or Utility Certificate is a product, the owner of the Patent or Utility Certificate may manufacture it, use it, offer it for sale, sell it or import it for these purposes. The owner of the Patent or Utility Certificate shall have the right to prevent third parties that have not obtained his approval from manufacturing, using, offering for sale, selling or importing the product for these purposes.
  - b- If the Invention includes a particular industrial process or method of manufacturing, the owner of the Patent shall have the same right in respect of the products obtained directly from the use of such a process or method, in addition to his right to use such a process or method. He may prevent actual use of the method by third parties that have not obtained his approval or prevent these parties from using the product obtained directly by this method, from offering it for sale, from selling it or from importing it for these purposes.
- 2- The use of the method and the undertaking of any of the activities referred to in Clause (1/a) of this Article, in respect of a product obtained by this method directly, whenever the Patent or Utility Certificate is issued for a new method or application of a known industrial method or means.
- 3- The rights referred to in Clause (1) of this Article shall be limited to the activities undertaken for industrial or commercial purposes and shall not extend to the activities pertaining to the product they protect after its sale.

## **Article 20 - Manufacturing of Product or Use of Invention Method in a Bona Fide Manner**

If a person, in a bona fide manner, manufactures the product, uses the method subject of the Invention or makes serious arrangements for such manufacturing or use in the State before the application for protection is filed by another person, or on the date of the legally claimed priority in respect of this application, the first person shall, despite the issuance of the Patent or Utility Certificate, have the right to continue undertaking these activities without expanding them. This right to exploit may only be transferred to third parties along with the establishment beneficiary of such a right.

## **Article 21 - Assignment of Patent or Utility Certificate and Conditions Thereof**

- 1- The Patent, the Utility Certificate or the application for either of them may be assigned to third parties.
- 2- The Patent, the Utility Certificate or the application for either of them shall be assigned in writing, and each of the contracting parties shall affix their signature at the Ministry, or their signatures shall be notarised in the State or they shall be duly legalised in the State.
- 3- The assignment shall be recorded in the Register after payment of the prescribed fees.

4- The Ministry may refrain from recording the assignment in the Register if such an action would be detrimental to the use of the Industrial Property rights or would adversely affect trade competition or other related matters, as set out in the Implementing Regulation of this Law.

### **Article 22 - Rights Not Applicable Under Patent or Utility Certificate**

The rights granted by the Patent or Utility Certificate shall not apply to the following:

- 1- Activities relating to education and academic research purposes.
- 2- Use of the subject of the Patent or Utility Certificate in means of transport that enter the State temporarily or occasionally, whether in the structure, machines, equipment, tools or other additional parts of the means of transport, provided that such use is limited to the needs of these means.
- 3- Mixture of two or more medications for the purpose of medical treatment by a licensed pharmacist.

### **Article 23 - Unilateral Disposition by One of the Patent or Utility Certificate Owners**

1- Any of the joint owners of a Patent or Utility Certificate may unilaterally assign to third parties their share in the Invention protected by the Patent or Utility Certificate, may exploit the Invention and may exercise the rights accrued thereto under Article 19 of this Law, unless otherwise agreed upon and provided that such disposition is not detrimental to the other owners.

2- None of the owners of the Patent or Utility Certificate may grant a licence to others to exploit the Invention in the absence of an agreement amongst them.

### **Article 24 - Pledge of Patent or Utility Certificate**

A Patent or Utility Certificate may be pledged pursuant to the controls and procedures provided in the legislation in force in the State.

## **Second Chapter - Compulsory Licences**

### **Article 25 - Conditions for Issuance of Compulsory Licences**

1- If at least three years have elapsed since the issuance of the Patent or Utility Certificate and the owner did not use it at all or he did not adequately exploit it, any interested party may apply, pursuant to the procedures set out in Article 29 of this Law, for a Compulsory Licence subject to the satisfaction of the conditions set out here-below:

- a- The licence applicant shall establish that he has exerted efforts within a reasonable period to obtain a licence from the owner of the Patent or Utility Certificate at an affordable price and under reasonable commercial conditions. The required procedures in this regard shall be set out in the Implementing Regulation of this Law.
- b- The licence shall not be exclusive.
- c- The licence shall be intended to meet the requirements of the local market. The Implementing Regulation of this Law shall determine the guarantees to be provided by the licence applicant to adequately exploit the Invention, so as to address the shortcomings or meet the needs that led to the application for Compulsory Licence.
- d- The licensing decision shall determine the scope and term of the licence, in line with the purpose for which it is issued. It may include the obligations and restrictions imposed upon the licensor and the licensee.
- e- The owner of the Patent or Utility Certificate shall receive fair compensation.
- f- The exploitation of the Invention shall be restricted to the licensee. The licence may only be transferred to a third party in case of transfer of ownership of the establishment of the licensee or of that part of the establishment that exploits the Invention, and subject to approval by the competent court.
- g- The provisions of Articles 29 and 35 of this Law shall apply to the application for transfer of the Compulsory Licence.
- h- If the Invention relates to a semi-conductor technology, the Compulsory Licence may only be issued for public non-commercial purposes or to remedy practices determined to be anti-competitive following the implementation of judicial or administrative proceedings.

2- A Compulsory Licence shall not be issued if the owner of the Patent or Utility Certificate provides legitimate reasons to justify his position.

### **Article 26 - Rights of Compulsory Licence Holder**

1- The Compulsory Licence shall entitle its holder to undertake some or all of the activities referred to in Article 19 of this Law pursuant to the licensing conditions.

2- The holder of the Compulsory Licence shall have the right to exercise the civil and penal rights prescribed for the owner of the Patent or Utility Certificate to protect and exploit it if the owner of the Patent or Utility Certificate fails to do so despite being notified or being aware of any unlawful act.

## **Article 27 - Multiple Compulsory Licences**

The issuance of a Compulsory Licence shall not preclude issuing other Compulsory Licences.

## **Article 28 - Exemption from Compulsory Licensing Conditions**

The Court may disregard the requirements set out in Article 25 of this Law, if the Compulsory Licence application is dictated by an emergency, a crisis, a disaster or an urgent public need, or if it is intended for non-commercial purposes.

## **Article 29 - Procedures Followed by the Court for Issuance of Compulsory Licence**

1- The application for Compulsory Licence shall be submitted to the Court in the form of a lawsuit filed by the applicant against the owner of the Patent or Utility Certificate. The Centre shall be notified thereof for representation. The Court may grant the two parties a time limit to reach an agreement. Said time limit may be extended if the Court deems this action justified.

2- By the end of the time limit referred to in Clause (1) of this Article, the Court shall examine the application and decide to accept or refuse to grant the Compulsory Licence, along with determining the conditions and scope thereof and the compensation due to the owner of the Patent or Utility Certificate in accordance with Article 25 of this Law.

3- Where the decision issued in accordance with Clause (2) of this Article becomes final, the licensee shall communicate it to the parties and the Ministry. The Ministry shall annotate the Register with the decision and it shall publish the decision in the Industrial Property Circular after payment of the prescribed fee. The decision may be pleaded against third parties from the date of its publication.

## **Article 30 - Issuance of Compulsory Licence for Public Interest**

A Compulsory Licence may be issued by decision of the Minister or whoever he delegates, to exploit an Invention protected by a Patent or Utility Certificate if such an Invention has public significance, under the conditions set out in Article 25 of this Law, save for the condition related to its term, and in Clause (1/a) thereof. The Minister's decision shall be published in the Industrial Property Circular.

## **Article 31 - Issuance of Compulsory Licence to Exploit Patent or Utility Certificate**

1- If it proves impossible to exploit an Invention protected by a Patent or Utility Certificate in the State without violating rights derived from a Patent or Utility Certificate issued by virtue of a previous application, the owner of the subsequent Patent or Utility Certificate may be issued a Compulsory Licence by virtue of his application, in accordance with the provisions of Paragraphs (c) and (e) of Clause (1) of Article 25 of this Law, to the extent necessary for exploiting his Invention, if such an Invention serves industrial purposes that are different from the purposes of the Invention subject of the previous Patent or Utility Certificate, or if it constitutes a significant technological advancement in comparison therewith.

2- If a Compulsory Licence is issued in accordance with Clause (1) of this Article, the owner of the previous Patent or Utility Certificate may be issued a Compulsory Licence for the subsequent Patent or Utility Certificate whenever he applies therefor.

3- The Compulsory Licence issued to the subsequent applicant may not be assigned to others except by waiving the subsequent Patent.

## **Article 32 - Amendment of Conditions of Compulsory Licence and Licence Revocation**

1- The Court or the Minister, as the case may be, may amend the Compulsory Licence conditions, at the request of the owner of the Patent or Utility Certificate or the licensee, if this action is justified by new facts, particularly if the owner of the Patent or Utility Certificate is issued a contractual licence under conditions that are better than those of the Compulsory Licence.

2- The Court or the Minister, as the case may be, may revoke the Compulsory Licence at the request of the owner of the Patent or Utility Certificate if the licensee does not comply with the licensing conditions or if the causes that justified the issuance thereof disappear. In this case, the licensee shall be granted a reasonable time limit to cease exploiting the Invention if immediate cessation causes him significant harm.

## **Article 33 - Registration and Publication of Compulsory Licences**

1- The Compulsory Licences and any data issued in respect thereof shall be entered in the Register and published in the Industrial Property Circular, after payment of the prescribed fees, as determined by the Implementing Regulation of this Law.

2- The licences issued in accordance with Article 30 of this Law shall be exempt from the fees if the Invention is exploited by the government authorities.

## **Third Chapter - Waiver of Patent or Utility Certificate and Cases of Cancellation Thereof**

### **Article 34 - Conditions and Procedures for Waiver of Patent or Utility Certificate**

1- The owner of the Patent or Utility Certificate or the licensee may waive them by written notice addressed to the Ministry, and he shall notify any party concerned with the Patent or Utility Certificate of his intention to waive them.



2- The waiver may be restricted to one or more rights accrued by the Patent or Utility Certificate and it may not be detrimental to the rights of third parties, unless the third parties have waived them in writing. The waiver shall be recorded in the Register and it may only be pleaded against third parties from the date of its publication in the Industrial Property Circular.

### **Article 35 - Action for Annulment of Patent, Utility Certificate or Compulsory Licence**

1- Any interested party may request the Court to annul the Patent, Utility Certificate or Compulsory Licence, if these were issued without the satisfaction of the conditions set out in this Law or its Implementing Regulation.

2- The decision issued in accordance with Clause (1) of this Article shall be notified to the owner of the Patent, Utility Certificate or Compulsory Licence, the Ministry and whoever enjoys a right related to any of them, and it shall be published in the Industrial Property Circular.

The application for annulment may be limited to a part of the Patent, Utility Certificate or Compulsory Licence, in which case the judgment issued shall be deemed to restrict the rights accrued therefrom.

### **Article 36 - Adjustment of Situation After Judgment of Annulment**

Subject to the provisions of Article 32 of this Law, the judgment annulling totally or partially the decision on the issuance of the Patent, Utility Certificate or licence shall date back to the date of issuance. Nonetheless, the party in favour of whom the judgment is rendered shall not be required to refund the compensation he has received for the exploitation of the Invention or the Compulsory Licence. The judgment annulling the decision shall be marked in the Register and it shall be published in the Industrial Property Circular.

## **Fourth Chapter - International Patent Application**

### **Article 37 - International Applications**

The Ministry shall receive International Applications under the Patent Cooperation Treaty. The Implementing Regulation of this Law shall set the conditions and procedures to be complied with in this regard.

### **Article 38 - Fees for International Phase and National Phase of International Applications**

1- The fees and procedures for the international phase of International Applications shall be subject to the provisions of the regulations under the Patent Cooperation Treaty.

2- The fees and procedures for the national phase of International Applications shall be subject to the provisions of Articles 11 and 18.

## **Third Book - Industrial Designs**

### **Article 39 - Protection of Literary and Artistic Rights Related to Industrial Designs**

The provisions on protection set out in this Law in relation to the Industrial Designs shall be without prejudice to the related literary and artistic rights, whether they are derived from the law or from international conventions and treaties to which the State is a party.

### **Article 40 - Registration of Industrial Design**

The Industrial Design shall not benefit from the protection prescribed under this Law unless it is entered in the Register. The Implementing Regulation of this Law shall set the procedures for submission and examination of the application for registration.

### **Article 41 - Inclusion of More Than One Industrial Design in Application for Protection**

The application for protection may include more than one Industrial Design, provided that these designs are classified in the same category of the international classification, as determined by the Implementing Regulation of this Law.

### **Article 42 - Filing Priority for Industrial Design**

1- The provisions on filing priority set out in Clause (1) of Article 12 of this Law shall apply in respect of the Industrial Design.

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

### **Article 43 - Conditions for Industrial Design**

1- The Industrial Design shall be new.

2- The Industrial Design may not be commercially exploited if it violates public order or public morality.

3- An Industrial Design shall be deemed to be new if it has not been made known to the public, by publication, by use or by any other means, prior to the date of filing the application.

4- In application of this Article, an Industrial Design shall not be deemed to have been made known to the public whenever it was made known within one year prior to the date of filing the application.

#### **Article 44 - Procedures for Examination of Industrial Design Application**

1- The Centre shall, after payment of the prescribed fees, examine the Industrial Design application. It may request the satisfaction of any requirements it deems necessary for issuing the Industrial Design Certificate in accordance with the provisions of this Law and its Implementing Regulation. If the applicant fails to satisfy the requirements within ninety (90) days from the date of his notification, he shall be deemed to have abandoned his application.

2- The Industrial Design shall meet the conditions set out in the Law and its Implementing Regulation, and the Ministry shall publish the acceptance of the application in the Industrial Property Circular.

3- The Implementing Regulation of this Law shall set the requirements and procedures for examination and the method of publication.

#### **Article 45 - Term of Protection and Payment of Fees**

1- The term of protection of the Industrial Design shall be of twenty (20) years as of the date of filing the application for protection.

2- The Industrial Design applicant or owner shall pay the annual fees due for registration of the Industrial Design, within the period of protection prescribed, pursuant to the procedures and controls set out in the Implementing Regulation of this Law.

3- The Implementing Regulation of this Law shall set the procedures and requirements for reinstatement of the Industrial Design applications in cases of non-payment or late payment of the fees due therefor pursuant to Clause (2) of this Article.

#### **Article 46 - Rights Acquired from Industrial Design Certificate**

1- The protection prescribed for the Industrial Design under this Law shall grant the right to prevent third parties from undertaking any of the following activities:

- a- Use of the Industrial Design in the manufacturing of any product.
- b- Import of any product related to the Industrial Design or possession thereof to use it for commercial purposes, to offer it for sale or to sell it.

2- The activities set out in Clause (1) of this Article shall not be deemed to be lawful on the sole ground that their scope is different from the scope of use of the Industrial Design protected by the law, or that they are related to a product different from the Industrial Design included in the Deed of Protection.

#### **Article 47 - Rights Not Applicable Under Industrial Design Certificate**

1- The rights granted under the Industrial Design Certificate shall not apply to the following:

- a- The activities related to education and academic research purposes.
- b- The use of the subject of the Industrial Design Certificate in means of transport that enter the State temporarily or occasionally, whether in the structure, machines, equipment, tools or other additional parts of the means of transport, provided that such use is limited to the needs of these means.

2- If a person, in a bona fide manner, undertakes any of the activities set out in Article 46 of this Law before the date of submitting the filing application or the date of the legally claimed priority, he shall have the right to continue undertaking these activities themselves without expanding them. This right to exploit may only be transferred to third parties along with the establishment beneficiary of such a right.

#### **Article 48 - Rules for Industrial Design Where No Provision is Made**

The provisions of the articles of this Law concerning the Patent and Utility Certificate shall apply to the Industrial Design where no special provision is made under this Book.

### **Fourth Book - Contractual Licences**

#### **Article 49 - Conditions for Issuance of Contractual Licence**

The owner of the Deed of Protection may license any natural or legal person to use or exploit the right subject of the protection, provided that the term of the licence does not exceed the term of protection prescribed under this Law. The contractual licence shall be in writing and it shall be signed by the parties.

## **Article 50 - Provisions Common to Industrial Designs, Patents and Utility Certificates**

The owner of the Deed of Protection shall record the contractual licence in the Register after payment of the prescribed fee, and the Ministry shall annotate the Register therewith. The licence shall only be pleaded against third parties from the date of its publication in the Industrial Property Circular and it shall be removed from the Register at the request of the parties to the agreement or upon the expiry of its term.

## **Article 51 - Extension of Contractual Licence to Third Parties**

The contractual licence shall not preclude the owner of the Deed of Protection from exploiting or using the subject of the protection himself or from granting other licences to third parties unless otherwise provided for in the licence agreement.

## **Article 52 - Rights of Licensee**

1- The licensee shall, under this Law and its Implementing Regulation, have the right to exploit and use the subject of the protection for which the licence is issued in all the territory of the State including the Free Zones, throughout the term of the legal protection, in all fields and by all means, unless otherwise provided for in the licence agreement.

2- The licensee shall have the right to use the rights awarded by the Deed of Protection to its owner that would prevent any infringement of the subject of protection or any threat or harm thereto.

3- Both the licensor and the licensee may implement the legal measures and proceedings as necessary to protect their right.

## **Article 53 - Assignment of Contractual Licence**

The licensee may not, other than in the case of assigning the establishment or fully or partially transferring its ownership, assign the licence to a third party or sub-license, unless otherwise provided for in the contractual licence.

## **Article 54 - Control Over Contractual Licence**

1- The contractual licence or its assignment and any amendment or renewal of the agreements in respect thereof shall be subject to the Ministry's control in terms of the conditions, the guarantees and the rights afforded under the Deeds of Protection.

2- The Ministry may refuse to register a contractual licence that involves the abuse of any Industrial Property right or is detrimental to the trade competition by the subject of the contractual licence in the State. The Ministry may request the owner of the Deed of Protection to amend the conditions of the contractual licence to eliminate the grounds for its refusal, as determined by the Implementing Regulation of this Law.

# **Fifth Book - Layout Designs of Integrated Circuits**

## **Article 55 - Conditions for Protection of Layout Designs of Integrated Circuits**

1- The Layout Design of Integrated Circuits shall be protected under this Law if it is original, it is the product of an intellectual effort exerted by its owner and does not constitute a public knowledge common to the masters of the concerned industrial art.

2- The Layout Design shall be deemed to be original if its components are originally connected and related per se even if they may fall within the general knowledge common to the masters of the concerned industrial art.

## **Article 56 - Unprotected Parts of Layout Designs of Integrated Circuits**

No concept, method, technical system or coded information that the Layout Design of the Integrated Circuits may include shall be protected.

## **Article 57 - Proscribed Uses of Layout Designs of Integrated Circuits**

No natural or legal person may undertake any of the following activities without prior written authorisation from the rightful owner of the protected Layout Design:

Copying the Layout Design, selling it or distributing it for commercial purposes, whether this is done separately or it is incorporated in an Integrated Circuit or constitutes a component of a commodity.

Importing the Layout Design, selling it or distributing it for commercial purposes, whether this is done separately or it is incorporated in an Integrated Circuit or constitutes a component of a commodity.

## **Article 58 - Acts Permitted Without Authorisation**

Without prejudice to the provisions on protection prescribed under this Book, any natural or legal person may undertake one or more of the following activities without authorisation from the rightful owner:

- 1- Copying or commercial exploitation, including the import, sale or distribution of an Integrated Circuit that contains a protected Layout Design or a commodity in whose manufacture such Integrated Circuit is used, if such act is

committed by a person who does not know or could not know at the time of the act that this Integrated Circuit or commodity contains a protected Layout Design. In this case, the possessor may, in exchange for fair compensation to the rightful owner, dispose of the stock of commodities in his possession or of the commodities for which purchase orders have been issued.

- 2- Use of a protected Layout Design for personal purposes or for testing, examination, analysis, education, training or scientific research purposes. If this use results in the innovation of a new Layout Design, the innovator shall have the right to the protection thereof.
- 3- Innovation of a Layout Design identical to another protected Layout Design as a result of independent efforts.
- 4- Import of a protected Layout Design or an Integrated Circuit produced using a protected Layout Design, whether such circuit is separate or incorporated in a commodity, or import of a commodity containing an Integrated Circuit including a protected Layout Design, whether the trading is inside or outside the State.

### **Article 59 - Registration of Layout Designs of Integrated Circuits and Term of Protection Thereof**

1- The applications for registration of Layout Designs of Integrated Circuits shall be filed to the Centre as determined in the Implementing Regulation of this Law.

2- The term of protection of the Layout Design of Integrated Circuits shall be of ten (10) years from the date of filing the application, or from the date of the first commercial exploitation thereof in the State, or abroad, whichever comes first.

### **Article 60 - Provisions Common to Layout Designs of Integrated Circuits, Patents and Utility Certificates**

The provisions of the articles of this Law concerning the Patents and Utility Certificates shall apply to the Layout Designs of Integrated Circuits where no special provision is made under this Book.

## **Sixth Book - Undisclosed Information**

### **Article 61 - Conditions for Protection of Undisclosed Information**

The undisclosed information shall be protected under the provisions of this Law and its Implementing Regulation, subject to the satisfaction of the following conditions:

- 1- Confidentiality, whereas the information as a whole or in its terminological composition shall not be known or common in general among the practitioners of the industrial art in whose scope the information falls.
- 2- Its commercial value shall be derived from its confidentiality.
- 3- Its confidentiality shall rely upon the effective measures implemented by its legal holder for its protection.

### **Article 62 - Scope of Protection of Undisclosed Information**

1- The protection prescribed under the provisions of this Law shall extend to the undisclosed information, if such information is the product of considerable efforts and it is submitted by the concerned party to the government authorities at their request, to allow him to market pharmaceutical or agricultural chemical products, using new chemical compounds, necessary for the tests whose performance is required to allow marketing.

2- The government authorities that receive the undisclosed information shall protect such information from disclosure and unlawful commercial use, from the date of submission of the information thereto and until the information is declassified, or for a period not exceeding five (5) years, whichever period is shorter.

3- The disclosure of such information by the competent authorities as necessary for the protection of the public shall not be considered a violation of the rights of the holder of this information.

4- The holder of such information or his legal successor may assign it with or without consideration.

### **Article 63 - Liability of the Legal Holder of Undisclosed Information**

1- The legal holder of undisclosed information shall take the adequate measures to preserve such information, to prevent its circulation by non-specialists.

2- He shall regulate the circulation of such information within the establishment, limit such circulation to specialists, protect the information and prevent its leak to third parties.

3- The legal holder's liability for infringement of such information by third parties shall not be precluded unless he establishes that he has exerted sufficient and reasonable effort to preserve the information.

4- The confidentiality of the information and the rights it confers in preventing third parties from infringement thereof shall persist where the information remains undisclosed in accordance with Article 61 of this Law.

### **Article 64 - Acts Contrary to Fair Trade Practices**

1- Any of the following acts shall be considered contrary to fair trade practices and their perpetration shall involve unfair competition:

- a- Bribery of the employees at the entity that holds the information for the purpose of obtaining such information.
- b- Incitement to disclosure of the information by the employees, whenever they learn about such information by virtue of their positions.
- c- Disclosure by one of parties to “confidentiality agreements” of the information they learn about.
- d- Obtaining the information from their archives using any of the unlawful methods such as theft, spying or other.
- e- Obtaining the information using fraudulent methods.
- f- Use by third parties of the information they receive as a result of any of the aforementioned acts while being aware that the information is confidential and that it is obtained through any of the following acts.
- g- Any other acts considered contrary to fair trade practices.

2- The disclosure of undisclosed information, its possession or its use by third parties who are not authorised to do so by the legal holder, resulting from the acts referred to in Clause (1) of this Article, shall be considered an infringement of such information.

#### **Article 65 - Acts That Are Not Contrary to Fair Trade Practices**

None of the following acts shall be contrary to fair trade practices:

- 1- Obtaining the information from public sources.
- 2- Obtaining the information as a result of exerting personal and independent efforts that aim to extract information by testing, examination and analysis of the commodities traded on the market, including the undisclosed information.
- 3- Obtaining the information as a result of scientific research, innovation, invention, development, amendment and improvement efforts exerted by diligent persons independent of the owner of the undisclosed information.
- 4- Possession and use of known and available information circulated among practitioners of the industrial art in whose scope the information falls.

#### **Article 66 - Provisions Common to Undisclosed Information, Patents and Utility Certificates**

The provisions of the articles concerning the Patents and Utility Certificates shall apply to the undisclosed information where no special provision is made under this Book.

### **Seventh Book - Claiming Compensation for Damages, Preventive Measures and Penalties**

#### **Article 67 - Right of Owner of Deed Protection to Claim Compensation**

The owner of the Deed of Protection or the licensee may, in case of the violation of any of his rights accrued under the Deed of Protection, request the Court to award him compensation for the damages he suffered as a result of the acts contrary to this Law or of the violations of its provisions.

#### **Article 68 - Sequestration**

The owner of the Deed of Protection or whoever has all or some of the Industrial Property rights provided for in this Law transferred thereto may request the Court to place under sequestration the Invention, the Industrial Design, the Layout Design of an Integrated Circuit or the establishment or that part thereof that uses or exploits any type of Industrial Property, if an infringement or another unlawful act is committed contrary to the provisions of this Law, the agreements or the licences issued in accordance with its provisions.

#### **Article 69 - Penalties**

Without prejudice to any more severe penalty prescribed in any other law, whoever submits false documents or provides incorrect or forged information to obtain a Patent, a Utility Certificate, an Industrial Design or a Layout Design of an Integrated Circuit, and whoever counterfeits an Invention or a method of manufacturing or deliberately infringes any right protected by this Law shall be punished by imprisonment and by a fine not less than one hundred thousand dirhams (AED 100,000) and not exceeding one million dirhams (AED 1mn), or by either of these penalties.

#### **Article 70**

1- The Court may order the confiscation of the seized items as it may order the destruction or the elimination of the effects of the act contrary to the Law, and of the machines and tools used in the forgery.

2- The Court may order the publication of the judgement in the Industrial Property Circular or in a daily local newspaper at the expense of the sentenced.

## **Article 71 - Law Enforcement Capacity**

The Ministry officers who are designated by decision of the Minister of Justice in agreement with the Minister shall have a law enforcement capacity in establishing the violations of the provisions of this Law, its Implementing Regulation and the decisions issued in implementation thereof that fall within their jurisdiction.

## **Article 72 - Register**

The Ministry shall establish a register pursuant to the controls set by the Implementing Regulation of this Law and the ministerial decisions issued in respect thereof.

## **Article 73 - Acts Prohibited for Ministry Officers**

The Ministry officers shall be prohibited, during their term of office and thereafter, from any of the following acts:

- 1- Exercising the profession of Registration Agents at the Ministry in the two years following the end of their service at the Ministry.
- 2- Personally retaining any documents or papers or copies thereof
- 3- Revealing their trade secrets or providing data or information they have obtained by virtue of their positions or disclosing or using same for their own interest or for the interest of third parties and at the request of the judicial authorities.

## **Article 74 - Grievance and Objection**

1- A Cabinet decision shall be issued to form a committee chaired by a judge upon nomination by the Minister of Justice and including two experts in Industrial Property rights, provided that neither of them is an employee of the Centre. The decision shall determine the rules of procedure and the term of the Committee, the remuneration of its members and the procedures for filing grievances before the Committee and deciding thereon.

2- The Minister shall appoint or delegate a Ministry officer to discharge the functions of the Committee's secretary. The secretary shall follow the instructions of the chairman of the Committee in the discharge of his functions.

3- The Committee shall have the competence to decide on the grievances filed by the concerned parties against the decisions issued in the scope of application of the provisions of this Law and its Implementing Regulation.

4- The Committee shall examine the grievance after payment of the prescribed fee.

5- Subject to the provisions of Article (17/2) of this Law, the Committee shall only examine grievances related to the registration of the Patent, Utility Certificate or Industrial Design after the concerned party files an objection with the Centre through a request for re-examination after issuance.

6- The Implementing Regulation of this Law shall determine the controls, the procedures and the periods for requesting re-examination after issuance and deciding thereon.

7- Subject to Clause (5), the lawsuit brought before the courts shall only be accepted after filing a grievance with the Committee.

## **Article 75 - Conditions for Profession of Registration Agent**

1- The profession of Registration Agent may only be exercised after registration in the Ministry's Registration Agents Registry and payment of the prescribed fee.

2- The Implementing Regulation of this Law shall set the conditions to be met by the Registration Agents, the duties thereof, the provisions or controls related to the exercise of the profession and the administrative penalties imposed thereupon.

## **Article 76 - Fees**

The Council of Ministers shall, upon the proposal of the Minister of Finance, determine the necessary fees for the implementation of the provisions of this Law and its Implementing Regulation.

## **Article 77 - Implementing Regulation**

The Council of Ministers shall, upon the proposal of the Minister, issue the Implementing Regulation of this Law within six months from the date of its publication.

## **Article 78 - Abrogation**

1- Aforementioned Federal Law No. 17/2002 shall be abrogated.

2- Any provision contrary to the provisions of this Law or in contradiction therewith shall be abrogated.

### **Article 79 - Continuation of Enforcement of Regulations and Decisions**

The regulations and decisions issued in implementation of the provisions of aforementioned Federal Law No. 17/2002 shall remain in force in a manner consistent with the provisions of this Law, pending the issuance of the necessary regulations and decisions for the implementation of the provisions of this Law.

### **Article 80 - Publication and Enforcement of the Law**

This Law shall be published in the Official Gazette and shall come into force six months from the date of its publication.

Issued by Us at the Presidential Palace in Abu Dhabi:

On: 7 Shawwal 1442 H.

Corresponding to: 19 May 2021

**Khalifa bin Zayed Al Nahyan**

**President of the United Arab Emirates**

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