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To all the Members of the AIPPI - UAE National Group

Subject: 3rd Circular/ 2023

Update on:

“Made in the Emirates” Trademark

&

New Licensing Regulations to Telecommunications Sector and Digital Government.

Dear all,

We trust you are well.

With the holiday season upon us, we take this opportunity to wish everyone a Happy Easter and Eid Fitr Mubarak.

We would like to share with you several updates on recent regulations and cabinet decisions related to Intellectual Property, Telecommunications and Media sectors issued in the UAE and gazetted on March 31, 2023, namely the following:

- Cabinet Decision No. (16) of 2023 concerning the certification trademark "Made in the Emirates"; and

- Resolution to govern the Licensing Regulations issued by the General Authority for Regulating the Telecommunications Sector and Digital Government No (9) for the year 2023 regarding approving the licensing regulations.

1. Cabinet Decision No. (16) of 2023 concerning the trademark "Made in the EMIRATES" in English and Arabic

The Federal Authority issued its Cabinet Decision concerning the ownership and exploitation of the certification trademark "MADE IN THE EMIRATES". We enclose a copy of the decision which should be considered and reviewed by all local entities that manufacture products and goods locally, including those in the free zones.

Under the said resolution, all legal entities established in the UAE can, and should, apply for a license to use the certification mark "Made in the Emirates" to distinguish and promote their products with such origin. The purpose of this Decision is primarily to enhance the quality and marketability of UAE local products, boost the credibility of UAE producers by following and adhering with uniform manufacturing standards and strengthening the competitiveness of UAE exports in foreign markets.

In addition, the trademark "MADE IN THE EMIRATES" in English and Arabic is considered an exclusive Intellectual property right, i.e. the ownership of the trademark and all other rights proceeding from this slogan, are fully owned, managed and controlled by the UAE Ministry of Industry and Advanced Technology. The said Ministry will be responsible of reviewing all applications from UAE companies to get a license to use the "MADE IN THE EMIRATES" certification mark on their products. Accordingly, all applicants should fulfil certain criteria, requirements and formalities to obtain such license, including disclosure of safety and quality control information, manufacturing details among other points. As this may involve sharing of some critical and sensitive information, the said decision assured confidentiality obligations on the Ministry and stipulated a provision to give comfort to local entities concerning their data and disclosed information.

For now, the Resolution states that it will only consider applications from a licensed UAE entity, irrespective of whether they are onshore or offshore. In addition, any approved Licensees will receive a permit to use the mark for a period of three (3) years and the same is renewable for similar periods subject to payment of fees. This certification includes industrial products, commodities and foodstuffs certified as "Halal".

The Decision should be reviewed by IP practitioners in the UAE as local entities, regardless of their place of incorporation and whether they are in mainland UAE or in any of the free zones, must obtain a license before using the certification mark "Made in the Emirates" on complying with certain conditions. For instance, use of the licensed mark itself is done under specific use guidelines in respect of the logo design, format, colours... etc. Hence, the Licensee will not be permitted to alter or modify the mark in any way and doing so could lead to fines or penalties. Furthermore, any violation or use without a license for the said mark will expose the local entity, whether an establishment or company, to statutory penalties.

2. Administrative decision to govern the Licensing Regulations issued by the Chairman of the Board of Directors of the General Authority for Regulating the Telecommunications Sector and Digital Government **No (9) for the year 2023** regarding approving the licensing regulation.

The decision, issued on 14 March 2023, supplements the existing Telecommunications Law and replaces Resolution No. (6) of 2008 regarding the Licensing Framework and Resolution No. (7) of 2008 Regarding the Licensing Regulations, both of which are repealed in full. In addition, a decision No. (10) of 2023 was issued and gazetted by the government to adopt to a new Licensing fees structure.

“Both decisions in dual format are enclosed herewith for the reference and records.”

In terms of key changes, the new decisions set out comprehensive requirements for obtaining a license as well as list the new official fees to obtain such licenses. For instance, new requirements particularly include the following:

- The eligibility requirements to obtain Licenses.
- The information and documentary requirements.
- The requirements to obtain approval for the company to be licensed upon formation.
- Obtaining a license to provide telecommunications services, including the application process, fees, and conditions for operating in the UAE.

The decision No 9 of 2023 specifies the set of information that must be included within an application to obtain a License, such as a proof of compliance with the eligibility criteria for awarding the License; details of management team including qualified staff, business plans... etc.

This decision is a testament that the UAE government's ongoing efforts to regulate the telecommunications sector in according with the best practices in this field and promote digital transformation in the country are continuing. Safety, reliability, and high quality are just some of many objectives to be achieved.

Lastly, and amongst other things that were not mentioned or covered in this circular, we have noticed that the UAE government has issued many regulations, administrative decisions and resolutions to deal with the aerospace activities. A topic that AIPPI UAE members can cover in future circulars and we take this opportunity to invite any interested member to approach the Communications Committee members to work with them on this topic. We can help these efforts by supplying members with information and materials to support a write-up initiative as the IP and Aerospace will have a lot of future interest in the United Arab Emirates.

Kind regards,

On behalf of the Communications Committee

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