



Sheikh Rashid Tower
Seventh Floor
Dubai World Trade Centre
PO Box 9204
Dubai - United Arab Emirates

8th circular dated October 31st, 2020

To all the members of the AIPPI UAE Group

**Technology's impact on Intellectual property and trademark registration process
(Past, Present and Future)**

Dear all,

We hope you are well doing well and keeping safe.

As we are heading towards the final months of 2020, the members of the Communication Committee take this opportunity to wish you all a successful remainder of the year that is full of prosperity, safety and joy.

For this circular we have opted to give the opportunity to members of the AIPPI UAE Group to participate and share their thoughts on an interesting topic that has been widely discussed in recent times among IP practitioners and trademark attorneys in UAE; namely, the impact of modern day technology and connectivity on intellectual property protection in our region.

We have interviewed a number of members of our UAE Group that agreed to contribute to listen to their views on this subject. We are very thankful for those members who provided valuable insights and comments on this topic so we can share them with you in this circular.

We start with **Mrs. Hoda Barakat**, Founder and principal of “Hoda Barakat Legal Consultancy”, who considered this topic a very interesting one. Based on her rich history and experience that goes back to 1990s in UAE, Hoda had this to say;

“Back in the mid 90's and only shortly after the first UAE Trademark Law was promulgated, I recall regularly checking the Official Gazette publication manually for marks that are similar to my clients' marks. There was of course no hope of any device searches at the time.

The advancement of technology in the field was a welcome update to revolutionise the trademark search and registration process and the UAE started this transformation in late 2015 with its online filing system. This gradually expanded to cover the entire registration process by early 2018 meaning a streamlining and expediting of the process. The Copyright and Patent/Design systems also saw similar modernisations to their registration systems from 2017.

While there remain challenges, such as device searches, there is no doubt that further digitization enabled by AI is coming and we all actively await to see what these changes will be.”

Ms. Saba Al Sultani, Partner and Head of Trade Marks at “Cedar White Bradley” shared similar thoughts to Hoda and offered the following valuable insights:

“When I was starting out in the profession many moons ago back in the UK, technology had already started to hold a prominent place in the trade mark registration process – it was already possible to file applications online in the UK (with the UKIPO) and in the EU (with what was then known as OHIM), and both offices already had online searchable trade mark registers with full of details.

When I moved to the UAE about a decade ago, although the offices of my then firm were paperless, I quickly found that any official trade mark procedures were not. All applications were still filed in hard copy (with multiple tiny cut-out images of the mark, as well as a copy on CD) and there was certainly no publicly accessible (and searchable) trade mark register. Over the past few years, we have seen a number of countries in the region (in particular the UAE and Saudi Arabia) invest heavily in automating trade mark registration procedures and moving to an online system. This has led to a number of positive changes day to day (eg the ability to file on weekends and beyond the previous late morning / early afternoon deadline associated with the days of paper filings as well shortened timeframes for examination and opposition procedures). Perhaps even more importantly, it has shown us that the efforts to ‘future proof’ the system as part of a move to a knowledge-based economy are already paying off, as evidenced by the ability of those Trade Mark Offices to continue to operate smoothly during the COVID-19 lockdown earlier this year.

My predictions for the future are that we will see technology continue to play an increasingly prominent role in the trademark registration process, and that we will see the processes and procedures become increasingly streamlined and efficient. I believe that we are likely to see more and more functionality become available to end users (not just to those of us acting as representatives), in the same way that the websites of the UKIPO, EUIPO and USPTO, amongst others, offer such access. I also believe that the UAE government (and other governments in the region), will – true to form – look to find new ways to innovate in this regard and will no doubt become leaders globally in this area.”

With his extensive experience in the field of patent prosecution, **Mr. Nevin Koshy**, Partner at United Trademark & Patent Services, added the following:

“UAE is an example to other nations of how the country is known to respond to the changing global economy through creative approaches taken by its rulers. It is such time-bound revolutionary steps that have made these nations as forerunners in the accumulation of innovation capabilities in the region. From a manual filing system of design, patent and trademark applications, when I initially started practising, to an evolving online platform within a short span is noteworthy. UAE and its neighbouring brothers like Saudi Arabia have embraced the significance of collaboration with external partners to achieve a common goal. Examples of such collaboration being – partnerships with foreign patent offices, for substantive examination in a patent

application, developing an online filing system with established entities. The region is embracing the importance of emerging technologies such as Artificial Intelligence and I am confident that the benefits as well the challenges of such technologies will be more prevalent in the field of Intellectual Property. The browns of inventiveness are these positive ingenuities, ensuring the emergence of a balanced and vibrant biome of creativity.”

Ms. Zahra Ragbi, Executive Director at BAIANAT UAE Office gave an account of her experience dealing with the UAE trademark and patent offices and explained how things improved after the implementation of the online registration services:

“Before the implementation of online services by the UAE TMO and PTO, all applications were filed manually. The process consisted of filling forms and submitting physical files before the concerned offices. However, by late 2015, the UAE Ministry of Economy launched its new online services portal and gradually shifted to E-services including the issuance of electronic certificates for all the procedures.

Since the shift to full online services, the IP services offered by the Ministry of Economy underwent a real revolution. Digitization of the IP services positively impacted the services provided by IP agents by:

- Reducing the time to prepare and lodge the applications.
- Eliminating time restrictions as the services can be performed anytime during the day (deadlines are to be met for some procedures)
- Achieving economies of scale by reducing the processing costs such as paper waste, physical presence in the office to process the work etc...

Despite the current pandemic situation, UAE Ministry of Economy did not suspend its services thanks to the digitization of these latest. Likewise, all the government services were operational thanks to the e-government strategy implemented and continuously improved.”

We hope that you have enjoyed reading this circular and have found it useful. We encourage more members to contact us to give their views on this topic or any other topic of interest for use in future circulars.

Thank you,

Authored by: Ms. Hoda Barakat, Ms. Saba Sultani, Mr. Nevin Koshy and Ms. Zahra Ragbi

Verified by: Munir Suboh and Ziad Sunna

The Communications Committee - AIPPI UAE Group
October 31st, 2020