

Federal Law No. (11) for the year 2021
on the Regulation and Protection of Industrial Property Rights

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- After reviewing the constitution;
- The Federal Law No. (1) for the year 1972 pertaining to jurisdictions of ministries authorities of Ministers; and the amendments thereto.
- The Federal Law No. (1) for the year 1979 pertaining industry affairs.
- The Civil Transactions Law promulgated by Federal Law No. (5) for the year 1985, and the amendments thereto.
- The Civil Procedures Law promulgated by Federal Law No. (11) for the year 1992, and the amendments thereto.
- The Commercial Transactions Law promulgated by Federal Law No. (18) for the year 1993, and the amendments thereto.
- Federal Law No. (17) for the year 2002 on the Regulation and Protection of Industrial Property for Patents, Industrial Designs and Models, and the amendments thereto.
- Federal Decree-Law No. (2) for the year 2011 on the establishment of the National Emergency Crisis and Disaster Management Authority, and the amendments thereto.

- The Federal Law No. (4) for the year 2012 on Regulating Competition.

- The Federal Law No. (2) for the year 2015 on commercial companies, and the amendments thereto.

- The Federal Law No. (19) for the year 2016 on Combating Commercial Fraud.

- The Federal Law No. (8) for the year 2019 on Medical Products, the Pharmacy Profession and Pharmaceutical Establishments.

- The Federal Decree No. (21) for the year 1975 on the accession of the United Arab Emirates to the World Intellectual Property Organization (WIPO).

- The Federal Decree No. (20) for the year 1996 on the accession of the United Arab Emirates to the Paris Convention for the Protection of Industrial Property.

- The Federal Decree No. (21) for the year 1997 on the accession of the United Arab Emirates to the World Trade Organization (WTO),

- The Federal Decree No. (84) for the year 1998 on the accession of the United Arab Emirates to the Patent Cooperation Treaty.

- And based on what was presented by the Minister of Economy and the approval of the Cabinet of Ministers and the Federal National Council, and ratification of the Federal Supreme Council,

promulgated the following law:

CHAPTER ONE

Definitions and General Provisions

Article (1)

Definitions

In the application of the provisions of this law, the following words and expressions shall have the meanings corresponding thereto, unless the context requires otherwise:

State: United Arab Emirates.

Ministry: Ministry of Economy.

Minister: Minister of Economy.

Committee: The Grievance Committee formed by a decision of the Cabinet of Ministers.

Court: Abu Dhabi Federal Court of Appeal.

Center: The International Center for Patent Registration in the Ministry.

Industrial Ownership: Rights related to Patent, Utility Certificate, design, integrated circuit and non-disclosed information.

Protection Deed: The document indicating that the Ministry has granted protection to an invention, industrial design, or a layout design of an integrated circuit.

Invention: An inventive idea reached by the inventor in any of the technical fields; related to a product or manufacturing method, or both, which practically leads to providing a new addition or solving a specific problem in any of these fields.

Patent: A protection deed granted by the Ministry for the invention.

Utility Certificate: A protection deed granted by the Ministry for an inventive step that is not sufficient to be granted a Patent.

Industrial Design: Any two-dimensional or three-dimensional decorative or aesthetic composition, which gives a special design that can be used as an industrial or handicraft product.

Industrial Design Certificate: A protection deed granted by the Ministry for an industrial design.

Integrated Circuit: Every product in its final form or in its intermediate form. It includes components - at least one of which is an active ingredient - fixed to a piece of insulating material, which constitutes with some or all links an integrated entity aimed at achieving a specific electronic function.

Layout Design Certificate: A protection deed granted by the Ministry for every three-dimensional arrangement prepared for an integrated circuit for the purpose of manufacturing.

Compulsory License: Permission for a natural or legal person to exploit a Patent, Utility Certificate, industrial design, layout design, or integrated circuit in the State, without the need for the approval of the right holder or the licensee in industrial property rights.

Publication of Industrial Property: The periodic publication of industrial property issued by the Ministry, designated to publish everything that shall be published by this law or the executive regulations thereof.

Registration Agent: An agent registered with the Ministry in the Registration Agents List.

International Application: An application submitted to the Ministry for obtaining a Patent in the framework of the International Patent Cooperation Treaty.

Application Receiving Office: The national office at which the international application is submitted, which shall refer it to any other body determined pursuant to the Patent Cooperation Treaty.

The Register: The register organized by the Ministry for the registration of industrial property rights.

Article (2)

Objectives

This law aims to:

1. Protecting industrial property and regulating the procedures for the registration, use, exploitation and assignment thereof, ensuring support for knowledge and innovation in the State.
2. Enhancing the state's competitiveness in the field of industrial property rights pursuant to the best international practices.

Article (3)

Scope of Application

1. This law applies to Patents, industrial designs, integrated circuits, undisclosed information and Utility Certificates registered in the state, inter alia free zones.
2. The provisions of this law do not prejudice what is stipulated in the international agreements or treaties to which the State is a party, and which regulate the rights of citizens of the States Parties and the rights of the persons who receive the same treatment.
3. A foreigner shall have the rights of a citizen that are conferred by this law, if he holds the nationality of a State that treats the State reciprocally.

Article (4)

Industrial Property Independence

Industrial property obtained in a State is independent of industrial property obtained for the same invention in other States, whether or not these States are parties to the Paris Convention.

Chapter Two
Inventions
Section One
Patent and Utility Certificate
Article (5)
Terms of Granting a Patent

1. A Patent is granted for every new invention resulting from an inventive idea or an inventive improvement that represents an inventive step and is industrially applicable.

2. The Patent shall be granted independent of every new application, modification, improvement or addition that responds to an innovation for which a Patent was previously granted, if it fulfills the conditions stipulated in this law.

3. An invention is new if it is not preceded by a prior industrial technology by disclosing it to the public in writing, orally, by use or by any other means by which knowledge of the invention is achieved, prior to the date of submitting the Patent application or the legally claimed priority application.

4. Disclosure of information by the inventor or by a third party who obtained the information directly or indirectly from the inventor shall not affect the obtaining of a Patent if this occurred within (12) months prior to the date of filing the application.

5. An invention shall be deemed to contain an inventive step if it is not self-evident in the opinion of the ordinary man of profession, in relation to the prior art associated with the Patent application.

6. An invention shall be industrially applicable if it can be produced or used in any of the sectors.

Article (6)

Cases of granting a Utility Certificate

1. A Utility Certificate shall be granted for every new invention that is industrially applicable, but which does not result from a sufficient inventive step to be granted a Patent.

2. A Utility Certificate may be granted 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 desires to be satisfied with the Utility Certificate.

3. The Patent Office may, at the request of the inventor, the registration agent, or the person to whom the Patent rights have devolved pursuant to Article (9) of this law, convert the Utility Certificate into a Patent application or vice versa pursuant to the controls and conditions set by the executive regulations of this law.

Article (7)

Cases of Non-grant of a Patent or Utility Certificate

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

a. Research, plant or animal species, or biological methods for plant or animal production. Exception shall be allowed for the microbiology methods and their products, as determined by the executive regulations of this law.

b. Methods of diagnosis, treatment and surgery related to the treatment of humans or animals.

c. Principles, discoveries, scientific theories and mathematical methods.

d. Schemes, rules, computer programs, or methods for doing business or performing purely mental activities, or a game.

e. Natural materials even if they have been purified or isolated from nature, with the exception of methods of isolating or purifying natural materials from the original environment.

f. Inventions whose exploitation results in a breach of a public order or morals or harm to life, human health or the environment.

2. If the Ministry, upon examining the Patent application, finds that the invention is related to the security and military industries, it shall follow the procedures stipulated in the executive regulations of this law.

Article (8)

Cases for determining the right to invention

1. The name of the inventor shall be mentioned in the Patent application or the Utility Certificate, unless the inventor expresses in writing his/her desire not to mention one's name.

2. Notwithstanding the provisions of Article (10) of this law, the right to the invention shall belong to the inventor or to the legal successor thereof.

3. If the essential elements of the requested invention were obtained from another person's invention, then all rights to the invention shall belong to that person as the original inventor.

4. Where the invention is a combined effort of two or more persons, the right to the invention shall be theirs. A person whose efforts are limited to assisting in the implementation of the invention without participating in any inventive step shall not be considered an inventor.

5. Notwithstanding the provisions of Articles (9) and (10) of this Law, if two or more persons perform the same invention individually, the person who files a Patent application or a Utility Certificate before others, or who first claims priority over the same invention, shall be entitled to obtain a Patent or a Utility Certificate, as the case may be, provided that such an application has satisfied all the required conditions.

Article (9)

Application for a Patent or Utility Certificate

If a person who has no right to the invention submits an application for a Patent or a Utility Certificate, the owner of the right to the invention may, pursuant to the provisions of Article (8) of this law, request the Ministry to transfer the application, Patent, or Utility Certificate to him.

Article (10)

The invention during the execution of a contract

1. If the invention was accomplished through the execution of a contract or the like, the right to the invention shall belong to the employer, unless the agreement stipulates otherwise. The application submitted by the inventor

worker to obtain a Patent within two years from the date of leaving the service shall be considered as having been made during the service.

2. If the invention has an economic value that exceeds the expectations of the parties at the time of signing the contract, the inventor shall be entitled to additional compensation determined by the Court unless the parties agree on a specific additional sum.

3. If a worker whose work contract does not provide for an inventive activity makes 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 work, then the right to that invention belongs to the inventor worker after four months as of the date of submitting the report referred to in Clause (4) of this Article to the employer about the invention, or as of any date during which the employer otherwise learned about the invention achievement, and whereof the employer did not express his willingness for acquiring the invention by a written notification.

4. The inventor in the contract or the like shall notify the employer by virtue of a written report of his invention immediately after the invention is completed.

5. If the employer expresses his desire to acquire the invention within the period specified in Clause (3) of the Article herein, he shall be entitled to the right to the invention as of the inception of the invention, and the inventor worker shall be entitled to a fair compensation in which the economic value of the invention and all the benefits accruing from it to the employer shall be taken into account. If the two parties do not agree on the compensation, it shall be determined by the court.

6. Any agreement depriving the worker of compensation shall be deemed null and void.

Article (11)

Conditions for applying for a Patent or Utility Certificate

1. The Patent application or the Utility Certificate shall be submitted to the Ministry by the inventor, the registration agent, or the person to whom the invention rights have devolved, pursuant to Article (8) of this law, with an express request submitted pursuant to the procedures and controls specified by the executive regulations of this law and after the payment of the prescribed fees.

2. The application shall include the name of the applicant, the name of the inventor, the name of the registration agent "if any" and a declaration justifying the right of the applicant to the invention if he is not the inventor.

3. The application shall include the name of the invention, a summary and a detailed description thereof, one or more claims, and an illustration figure "if any".

4. The abstract is used for general information purposes and of a technical nature only. It should not be relied upon in the interpretation of the application.

5. The description of the invention shall be as best as possible at the time of filing the application or the date of priority in order for a man of the profession in this field to be able to implement such.

6. The application shall specify the claim or claims related to the claimed protection. The description and illustrations may be used to explain this whenever necessary.

7. Claims shall be clear, concise and entirely based on the description.

8. The application and the attachments thereto shall be submitted in both Arabic and English. If one of them is not submitted, it shall be submitted within the period specified by the executive regulations of this law.

9 The applicant shall provide the Center with the requested information and additional data related to his application within (90) ninety days as of the date of notification.

10. The applicant may make amendments to his application, provided that the amendments to the information contained in the original application are not essential.

11. The executive regulations shall determine the attachments of the application and the dates during which it shall be submitted.

Article (12)

Priority consideration based on a previous application outside the State

1. Filing application may include expressing a desire to consider priority in filing based on one or more applications previously filed in a State that is a party to an agreement or treaty signed with the State. In this case, the application shall indicate the date and registration number of the previous application and the name of the State in which it was filed, pursuant to what is specified in the executive regulations of this law.

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

Article (13)

Patent or Utility Certificate examination

1. After the applicant has paid the prescribed fees, the Ministry shall examine the application for the Patent or the Utility Certificate. It may

ask the applicant to fulfill what it deems necessary to allow the Patent or the Utility Certificate pursuant to the provisions of this law and the executive regulations thereof. In the event that the applicant fails to fulfill the requirements within (90) ninety days as of the date of his notification, the applicant shall be deemed to have waived his application.

2. If the invention fulfills the conditions stipulated in the law and the executive regulations thereof, the Ministry shall publish the acceptance of the application in the Industrial Property Bulletin, pursuant to the method specified by the executive regulations of this law.

Article (14) Urgent Application

The Ministry may examine a certain group of urgent applications for a Patent or Utility Certificate before other applications, at the request of the applicant, regardless of the date of submission of the applications or the date of the examination request, provided that this does not prejudice priority applications pursuant to the rules and conditions specified by the executive regulations of this law.

Article (15) Interrelation of Inventions

1. The application referred to in Article (11) of this law may be related to a single invention or to a group of inventions related to each other, in a way that together constitute one general inventive concept. An appropriate decision shall be taken to decide on the application that contains more than one invention pursuant to what is specified by the executive regulations of this law.

2. If, after the issuance of a Patent or a Utility Certificate, it appears that the condition of interrelation of the inventions pursuant to what is stipulated in Clause (1) of this Article has not been fulfilled, this shall not be deemed a reason for dropping the Patent or the Utility Certificate.

Article (16)

Splitting the application for a Patent or Utility Certificate

1. An applicant for a Patent or a Utility Certificate that contains two or more inventions may split this application into two or more applications within the limits of what is stipulated in the description or drawings attached to the first application.
2. The application that was split pursuant to this Article shall be deemed to have been filed at the same time as the first Patent application, pursuant to the criteria stipulated in the executive regulations of this law.
3. The executive regulations of this law shall specify the conditions necessary for splitting the application.

Article (17)

Procedures for granting a Patent and Utility Certificate and the data thereof

1. The Center shall grant a Patent and a Utility Certificate, and they shall be published in the Industrial Property Bulletin, pursuant to the powers and procedures determined by the executive regulations of this law.
2. The Patent or the Utility Certificate shall be handed over to the right holder, if no objection is submitted to it through a request for re-examination after the grant, or a grievance within the time stipulated in the executive regulations of this law, after being registered in the register. The Patent or The Utility Certificate shall contain the registration number, the date of issuance, the statement of payment of the registration or renewal fees, and other data specified by the executive regulations of this law.

Article (18)

Term of the Patent and Utility Certificate and the fees thereof

1. The term of a Patent is (20) twenty years, and the term of a Utility Certificate is (10) ten years, each commencing as of the date of application.

2. An applicant for a Patent or Utility Certificate or the owner of such shall pay the annual fees due for registering a Patent or Utility Certificate, during the entire prescribed protection period, pursuant to the procedures and controls specified by the executive regulations of this law.

3. The executive regulations of this law shall specify the procedures and conditions for re-working in the applications for Patents or Utility Certificates for which the payment of the fees due has not been made or has been delayed pursuant to Clause (2) of this Article.

Article (19)

Rights acquired by Patent or Utility Certificate

A Patent or a Utility Certificate entitles its owner to the following:

1. The right to exploit the invention. The following shall be deemed 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, use, offer for sale, sell, or import such for these purposes. The owner of the Patent or Utility Certificate may prevent a third party, who did not obtain his consent, to manufacture, use, offer for sale, sell or import such for these purposes.

b. If the invention has an industrial process or a method of manufacturing a specific product, the Patent owner has the right in what results directly from the use of this process or method, in addition to his right to use that process or method. He also has the right to prevent a third party, who did not obtain his consent, from the actual

use of the method, the use of the product obtained directly by this method, offer for sale, sell or import such for these purposes.

2. The use of the method and performing any of the acts referred to in Paragraph (a) of Clause (1) of this Article, in relation to a product obtained directly by this method, when a Patent or a Utility Certificate is granted for a method, for a new application of a method, or a well-known industrial method.

3. The rights referred to in Clause (1) of this Article are limited to acts performed for industrial or commercial purposes, and shall not be extended to the acts of protection of the product after it has been sold.

Article (20)

Manufacture of Product or Use of Invention Method bona fide

If a person, bona fide, manufactures the product, uses the method subject of the invention, or makes serious arrangements for such manufacture or use in the State before filing an application for protection from another person, or on the date of the legally claimed priority with respect to this application, then the first person despite the granting of a Patent or the Utility Certificate has the right to continue carrying out these same activities without expanding them. This right of exploitation cannot be transferred to a third party except to the establishment benefiting from this right.

Article (21)

Assignment of the Patent or Utility Certificate and conditions thereof

1. Patent, Utility Certificate, or the application thereof may be assigned to a third party.

2. Patent, Utility Certificate or the application thereof shall be assigned in writing and shall be signed by each of the contracting parties in the Ministry, or that their signatures shall be ratified by the notary public in the State, or shall be certified pursuant to the rules observed in the state.

3. The assignment shall be entered in the Register after paying the prescribed fees.

4. The Ministry may refrain from registering the assignment in the Register if it would abuse an industrial property right or harm commercial competition or other related issues, pursuant to what is specified in the executive regulations of this law.

Article (22)

Rights to which a Patent or utility certificate do not apply

The rights conferred by a Patent or Utility Certificate do not apply to the following:

1. Activities for the purposes of education and scientific research.

2. Use of the subject matter of the Patent or the Utility Certificate in the means of transportation that enter the State temporarily or accidentally, whether it is in the structure of the means of transportation, machines, devices, numbers, or other additional parts, provided that the use shall be limited to the needs of those means.

3. The combination of two or more medicines for the purpose of medical treatment by a licensed pharmacist.

Article (23)

The unilateral act of one of the owners of the Patent or the Utility Certificate

1. Any of the joint owners of the Patent or the Utility Certificate may individually assign to others his share in the invention protected by the Patent or Utility Certificate, exploit such and exercise the rights conferred upon him by Article (19) of this law, unless otherwise agreed upon, and unless it is harmful to the rest of the owners.

2. None of the joint owners of the Patent or the Utility Certificate may grant a license to others to exploit the invention without an agreement between them.

Article (24)
Mortgage of Patent or Utility Certificate

A Patent or Utility Certificate may be mortgaged, pursuant to the controls and procedures stipulated in the legislation in force in the State.

SECTION TWO
Compulsory Licenses
Article (25)
Conditions for Granting Compulsory Licenses

1. If at least three years have elapsed since the granting of Patent or Utility Certificate and the owner has not exploited it at all, or exploited it insufficiently, then any interested party may request, pursuant to the procedures specified in Article (29) of this law, to obtain a Compulsory License, if the following conditions are met:

a. The license applicant shall prove that he has made efforts within a reasonable period to obtain a license from the owner of the Patent or the Utility Certificate at a reasonable price and on reasonable commercial terms. The executive regulations of this law shall specify the procedures required in this regard.

b. The license shall not be exclusive.

c. The license shall be to meet the needs of the local market, and the executive regulations of this law shall specify the guarantees that the license applicant shall provide to make sufficient use of the invention, to address the shortcomings or to meet the needs that led to the application for a Compulsory License.

d. The licensing decision shall specify the scope and duration of the license, pursuant to the purpose for which it was granted, and may include obligations and restrictions on the licensor and the licensee.

e. The owner of the Patent or Utility Certificate shall be granted fair compensation.

f. The exploitation of the invention shall be limited to the licensee, and the license shall not be transferred to others except in the case of transferring the ownership of the licensee's facility or the ownership of the part of the facility that exploits the invention, and subject to the approval of the competent Court.

g. The provisions of Articles (29) and (35) of this Law shall apply to the application for the transfer of a Compulsory License.

h. If the invention relates to semiconductor technology, Compulsory Licensing may only be for general non-commercial purposes or to correct practices determined after judicial or administrative proceedings, to be non-competitive.

2. A Compulsory License shall not be granted if the owner of the Patent or the Utility Certificate justifies his position on legitimate grounds.

Article (26)

Rights of the holder of the Compulsory License

1. The Compulsory License entitles the licensee to carry out some or all of the acts referred to in Article (19) of this law, pursuant to the conditions of the license.

2. The holder of the Compulsory License shall have the right to use the civil and penal rights granted to the owner of the Patent or Utility Certificate to protect and exploit such if the owner of the Patent or Utility Certificate fails to do so despite being notified or aware of any illegal act.

Article (27)

Multiple Compulsory Licenses

Granting a Compulsory License does not result in the non-grant of other Compulsory Licenses.

Article (28)

Exemption from the conditions for granting a Compulsory License

The Court may not consider the requirements specified in Article (25) of this law, if the Compulsory License application is due to an emergency, crisis, disaster, urgent public need, or for non-commercial purposes.

Article (29)

Compulsory License procedures by the Court

1. The application for a Compulsory License shall be submitted to the Court in the form of a lawsuit, in which the applicant, the owner of the Patent or the Utility Certificate, disputes, and notifies the Center for the presence of a representative thereof. The Court may give the two parties a time limit to reach an agreement together. The time limit may be extended if the Court finds a justification therefore.
2. If the time limit referred to in Clause (1) of this Article lapses, the Court shall consider the application by refusing to grant or to grant the Compulsory License, specifying the terms and scope thereof and determining compensation for the owner of the Patent or Utility Certificate pursuant to Article (25) of this law.
3. If the judgment issued pursuant to Clause (2) of this Article becomes final, the licensee shall notify the parties and the Ministry of the judgment. The Ministry shall **mark** it in the Register and publish it in the Industrial Property Bulletin after paying the prescribed fee. The judgment shall not be used against third parties except as of the date of the publication thereof.

Article (30)

Issuance of a Compulsory License for the public interest

By a decision of the Minister or whoever he authorizes, a Compulsory License may be issued to exploit an invention protected by a Patent or a Utility Certificate, if the invention is of importance to the public interest, under the conditions mentioned in Article (25) of this law, with the exception of the term condition and paragraph (a) of item (1). The decision of the Minister shall be published in the Industrial Property Bulletin.

Article (31)

Issuance of a Compulsory License to exploit Patent or Utility Certificate

1. If it is not possible to exploit an invention protected by a Patent or Utility Certificate in the State without prejudice to rights derived from the Patent or Utility Certificate granted based on a previous application, the owner of the subsequent Patent or Utility Certificate may be granted a Compulsory License at his request pursuant to the provisions of paragraphs (c) and (e) of Clause (1) of Article (25) of this Law, to the extent necessary to exploit his invention, if this invention serves industrial purposes different from those of the invention subject of the previous Patent or Utility Certificate, or constitutes a technical progress noticeable thereto.
2. If a Compulsory License is granted pursuant to Clause (1) of this Article, the owner of the previous Patent or Utility Certificate may obtain a Compulsory License for the subsequent Patent or Utility Certificate, whenever he so requests.
3. The Compulsory License granted to the subsequent applicant may not be assigned to third parties except by assigning the subsequent Patent.

Article (32)

Amendment and cancellation of Compulsory License conditions

1. The Court or the Minister, as the case may be, may amend the conditions of the Compulsory License at the request of the owner of the Patent or the Utility Certificate or the licensee, if this is justified by new facts, and in particular if the owner of the Patent or the Utility Certificate is granted a contractual license with better conditions than the conditions of the Compulsory License.

2. The Court or the Minister, as the case may be, may cancel the Compulsory License at the request of the owner of the Patent or the Utility Certificate if the licensee did not follow the conditions of the license or if the reasons that justified granting it cease to exist. In this case, the licensee shall be given a reasonable period to stop exploiting the invention if the immediate cessation will cause him serious harm.

Article (33)

Registration and publication of Compulsory Licenses

1. Compulsory Licenses and what is therefore issued shall be entered in the Register and published in the Industrial Property Bulletin, after paying the prescribed fees, pursuant to what is determined by the executive regulations of this law.

2. Licenses issued pursuant to Article (30) of this law shall be exempted from fees if government agencies shall exploit the invention.

CHAPTER THREE

Relinquishment of Patent or Utility Certificate and cases of cancellation of each

Article (34)

Conditions and procedures for Relinquishment of Patent or Utility Certificate

1. The owner of a Patent or a Utility Certificate or the licensee may relinquish such upon a written notification to the Ministry. He/she shall declare to any party involved in the Patent or the Utility Certificate his/her intention to relinquish such.

2. Relinquishment may be limited to one or more rights authorized by the Patent or the Utility Certificate. The relinquishment may not prejudice the rights of a third party, unless the third party has relinquished them in writing, and the relinquishment is recorded in the Register. It shall not be invoked against third parties except as of the date of the publication of such in the Industrial Property Bulletin.

Article (35)

A lawsuit to invalidate the grant of Patent, Utility Certificate, or Compulsory License

1. Any interested party may request the Court to invalidate the grant of a Patent, a Utility Certificate, or a Compulsory License, if it was granted without fulfilling the conditions for granting stipulated in this law or the executive regulations thereof.

2. The owner of the Patent, Utility Certificate or Compulsory License, the Ministry, and anyone who has a right to any of such shall be notified of the decision issued pursuant to Clause (1) of this Article. The judgment shall be published in the Industrial Property Bulletin.

The invalidation request may be limited to a part of the Patent, the Certificate or the Compulsory License. In this case, the issued judgment shall be deemed a restriction of the rights granted thereto.

Article (36)

Reconciliation of the Situation after the Issuance of the Judgement of Nullity

Subject to the provisions of Article (32) of this Law, the judgement of nullifying a decision to grant a Patent, Utility Certificate, or License, in whole or in part, shall go back to the date of granting. However, the person in whose favor it was issued shall not be obligated to refund the compensation he obtained in return for exploiting the invention or the

Compulsory License. The nullity judgment shall be marked in the Register and published in the Industrial Property Bulletin.

SECTION FOUR
International Patent application
Article (37)
International Applications

The Ministry shall receive international applications pursuant to the Patent Cooperation Treaty. The executive regulations of this law regulate the conditions and procedures that shall be observed in this regard.

Article (38)
International phase and national phase fees for international applications

1. The fees and procedures for international phase of international applications shall be liable to the provisions regulated by the regulations of Patent Cooperation Treaty "PCT".
2. The fees and procedures for the national phase of international applications shall be liable to the provisions of Articles (11) and (18).

Chapter Three
Industrial Designs
Article (39)

Protection of Literary and Artistic Rights related to Industrial Designs

The provisions of protection stipulated in this law related to industrial designs shall not violate the ethical and aesthetic rights related thereto, whether the source thereof was the law or the international agreements and treaties to which the state is a party.

Article (40)
Registration of Industrial Design

An industrial design does not enjoy the protection prescribed in this law, unless it is registered in the Register. The executive regulations of this law shall specify the procedures for submitting and examining the registration application.

Article (41)

Inclusion of more than one Industrial Design in the Protection Application

The protection application may include more than one industrial design. It shall belong to the same class of the international classification, as determined by the executive regulations of this law.

Article (42)

Priority of Filing of Industrial Design

1. The provisions of priority of filing stipulated in Clause (1) of Article (12) of this Law shall apply with regard to industrial design.
2. The term of priority shall be (6) six months as of the date of first filing.

Article (43)

Industrial Design Conditions

1. The industrial design shall be novel.
2. An industrial design may not be allowed to be commercially exploited if it violates public order or public morals.
3. An industrial design shall be deemed novel unless it has been disclosed to the public, by publication, use, or any other method, prior to the filing date of the application.
4. For the purposes of the application of this Article, an industrial design shall not be deemed to have been disclosed to the public, whenever such disclosure is made within a year prior to the date of filing the application.

Article (44)

Procedures for Industrial Design Examination Application

1. The Center, after paying the prescribed fee, shall examine the industrial design application. It may request fulfillment of what it deems necessary to grant the Industrial Design Certificate pursuant to the provisions of this law and the executive regulations thereof. If the applicant does not fulfill the requirements within (90) ninety days as of the date of the notification, he shall be deemed relinquishing his application.
2. The industrial design shall meet the conditions stipulated in the law and the executive regulations thereof, and the Ministry shall publish the acceptance of the application in the Industrial Property Bulletin.
3. The requirements and procedures for examination and the mechanism of publication shall be determined by the executive regulations of this law.

Article (45)

Term of Protection and Payment of Fees

1. The protection term of the industrial design shall be (20) twenty years as of the date of filing the application for protection.
2. The applicant or the owner of the industrial design application shall pay the annual fees due for the registration of the industrial design, within the prescribed protection period, and pursuant to the procedures and controls specified by the executive regulations of this law.
3. The executive regulation of this law shall determine the procedures and conditions for re-working in the industrial design applications for which the payment of the fees due has not been made or has been delayed pursuant to Clause (2) of this Article.

Article (46)

Rights acquired from the Industrial Design Certificate

1. Pursuant to this law, the protection provided of an industrial design under this law shall afford the right to prevent any other party from undertaking any of the following activities:

- a. Use of industrial design for the manufacture of any product.
- b. Importation or acquisition of any product relating to industrial design for the purpose of using for commercial purposes, offering for sale or selling of such.

2. The activities mentioned in Clause (1) of this Article shall not be deemed lawful merely because they have different scope from the scope of use of the industrial design protected by law, or because they relate to a product different from the industrial design included in the deed of protection.

Article (47)

Rights that the Industrial Design Certificate does not apply to

1. The rights granted by the industrial design certificate do not apply to the following:

1. Activities for the purposes of education and scientific research.

2. Use of the subject matter of the Patent or the Utility Certificate in the means of transportation that enter the State temporarily or accidentally, whether it is in the structure of the means of transportation, machines, devices, numbers, or other additional parts, provided that the use shall be limited to the needs of those means.

2. If a person carries out, in bona fide, any of the activities stipulated in Article (46) of this law before the filing date or the priority date claimed by law, he shall have the right to continue carrying out these same activities without expanding them. This right of exploitation cannot be transferred to a third party except to the establishment benefiting from this right.

Article (48)

Rules of industrial design in case where no provision is made

The provisions of the articles contained in this law with regard to the Patent and the Utility Certificate shall apply to the industrial design, unless a special provision is provided in this chapter.

Chapter Four Contractual licenses Article (49) Contractual License Terms

The owner of the protection deed may grant a license to any natural or legal person to use or exploit the right subject to the protection, provided that the term of the license does not exceed the term of protection defined pursuant to the provisions of the law herein. Moreover, the contractual license shall be in writing and signed by the parties.

Article (50) Common provisions between Industrial Design, Patents and Utility Certificates

The owner of the protection deed shall record the contractual license in the Register following the payment of the prescribed fees. The Ministry shall mark it in the register. This license shall not be invoked against third parties except as of the date of the publication of such in the Industrial Property Bulletin, and the registration shall be canceled at the request of the contract parties or the expiry of the term thereof.

Article (51) Extension of the contractual license to others

The contractual license does not prevent the holder of the protection deed from exploiting or using the subject matter of protection himself,

or granting other licenses to third parties, unless the license contract stipulates otherwise.

Article (52) Rights of the Licensee

1. The licensee, pursuant to the provisions of this law and the executive regulations thereof, has the right to exploit and use the subject licensed protection in all the territory, including free zones, throughout the duration of legal protection, and in all fields and by all means, unless otherwise is cited in the license contract.
2. The licensee shall have the right to use the rights granted by the protection deed to the owner thereof, and which intends to prevent the infringement, threat or prejudice the subject protection.
3. Either the licensor or the licensee may take the necessary legal measures and procedures to protect his right.

Article (53) Assignment of Contractual License

The licensee may not in other than the condition of assignment transfer of the organization's property wholly or partly, to assign the license to a third party or to a sub-license, unless otherwise is cited in the contractual license.

Article (54) Contractual Licensing Supervision

1. The contractual license, assignment, or any amendment or renewal of the contracts thereto related shall be subject to the supervision of the Ministry in terms of conditions, guarantees and rights granted by the protection deeds.
2. The Ministry may refuse to register the contractual license if it includes an abuse of an industrial property right or harming commercial

competition in the subject of the contractual license in the State. The Ministry may request the holder of the protection deed to amend the contractual license conditions to remove the reasons for rejection, pursuant to what is specified by the executive regulations of this law.

Chapter Five
Integrated Circuit Layout Designs
Article (55)

Conditions for protection of Integrated Circuit Layout Designs

1. The Integrated Circuit Layout Designs, if original, and are the outcome of an intellectual effort made by the owner of such, and is not among the general knowledge common to the owners of the relevant industrial art, shall enjoy protection pursuant to the provisions of this law.

2. The layout design is deemed original if the coupling of its components and the connection with each other is original in itself, although the components that make it up may fall within the general knowledge common to those of the relevant industrial art.

Article (56)
Parts of Integrated Circuit Layout Designs

No concept, method, technical system, or coded information that may be included in the Integrated Circuit Layout Design shall enjoy protection.

Article (57)
Prohibitions of the Use of Integrated Circuit Layout Designs

In no case, a natural or legal person, shall do the following, without a prior permission in writing from the owner of the protected Layout Design:

1. Reproduction of all or part of the original layout design, whether Reproduced by incorporation into an integrated circuit or in any other form.
2. Importing, selling or distributing a layout-design for the purposes of business, whether this is done individually or if it is integrated into an integrated circuit or is a component of a commodity.

Article (58)

Actions that are permissible without a license

Without prejudice to the provisions of protection established in this chapter, any natural or legal person may, without a license from the right holder, do one or more of the following:

1. Reproduction or commercial exploitation, which includes importing, selling or distributing an integrated circuit that contains a protected layout design or a commodity in the manufacture of which that integrated circuit is involved. If the act is committed by a person who does not know or was not available to know at the time of the act that the said integrated circuit or the commodity includes a protected layout design, in this case the holder may, in return for paying fair compensation to the right holder, dispose of his stock of commodities or goods for which a purchase order has been issued.
2. Personal use or for the purposes of testing, examination, analysis, teaching, training or scientific research of a protected layout design. If that use results in the creation of a new layout design, the creator shall have the right to protect such.
3. Creating a layout design identical to another protected layout design as a result of independent efforts.
4. Importing a protected layout design or an integrated circuit produced using a protected layout design, whether this circuit is single or integrated into a commodity, or importing a commodity containing an

integrated circuit that includes a protected layout design, whether traded in or outside the State.

Article (59)

Registration of Integrated Circuit Layout Designs and the Term of Protection

1. Applications for registration of Integrated Circuit Layout Designs shall be submitted to the Center pursuant to what is specified in the executive regulations of this law.
2. The term of protection for Integrated Circuit Layout Designs shall be (10) ten years as of the date of submitting the application, or effective the date of the first commercial exploitation of such in the State or abroad, whichever is earlier.

Article (60)

Common provisions between Integrated Circuit Layout Designs, Patents and Utility Certificates

The provisions of the articles contained in this law with regard to the Patent and the Utility Certificate shall apply to the Integrated Circuit Layout Designs, unless there is a special provision in this chapter.

Chapter Six

Undisclosed information

Article (61)

Terms of protection of undisclosed information

Undisclosed information shall enjoy protection pursuant to the provisions of this law and the executive regulations thereof, provided that the following shall be met:

1. Confidentiality, so that the totality or composition of the components of such shall not be known or circulated in general to those engaged in the industrial art within whose scope the information falls.

2. To derive its commercial value from being secret.
3. To depend in its confidentiality on the effective measures taken by the legal holder thereof to preserve it.

Article (62)

Scope of protection of undisclosed information

1. The protection provided by the provisions of this law extends to undisclosed information, if it is the result of great efforts, and was submitted by the person concerned to government agencies upon their request, to allow him to market pharmaceutical or agricultural chemical products, and use new chemical compounds, necessary for tests to be made to allow marketing.
2. Government agencies that receive undisclosed information are obligated to protect such from disclosure and illegal commercial use of information, as of the date the information was submitted thereto until it ceases to be confidential, or for a period not exceeding (5) five years, whichever period is less.
3. It shall not be deemed an infringement on the rights of the owner of this information what the competent authorities do to disclose it due to the necessity of protecting the public.
4. The owner of this information or his legal successor shall have the right to assign such with or without compensation.

Article (63)

Responsibility of the legal holder of undisclosed information

1. The legal holder of undisclosed information shall be obligated to take the necessary measures to preserve this information, to prevent its exposure to circulation with the knowledge of non-specialists.

2. He shall also be obligated to regulate the circulation of this information within the facility, limit it to the specialists therein, and to preserve it and prevent its leakage to third parties.

3. The legal holder shall be liable for the infringement of this information by third parties, unless he proves that he has made a sufficient and reasonable effort to preserve such.

4. The confidentiality of the information and the rights it entails to prevent third parties from infringing thereon shall remain, if the information remains undisclosed pursuant to Article (61) of this law.

Article (64)

Acts contrary to honest business practices

1. Any of the following acts shall be deemed inconsistent with honest business practices, the practicing of which shall include unfair competition:

a. Bribery for employees of the entity that holds the information for the purpose of obtaining such.

b. Incitement of employees to disclose information, when such information reaches their knowledge by virtue of their jobs.

c. Disclosure by one of the contractors in the “confidentiality of information contracts” of what comes to his knowledge of such.

d. Obtaining information from the places where it is stored by any illegal method, such as theft, espionage, or others.

e. Obtaining information using fraudulent methods.

f. The use by a third party of the information received as a result of obtaining such by any of the previous acts, knowing that it is confidential and that it was obtained from any of these acts.

g. Any other acts that are inconsistent with honest business practices.

2. It shall be deemed an infringement on undisclosed information, the consequences of the acts referred to in Clause (1) of this Article, of disclosure, possession or use of information with the knowledge of third parties who have not been authorized by the legal holder to do so.

Article (65)

Acts not Inconsistent with Honest Commercial Practices

None of the following acts shall be deemed inconsistent with honest commercial practices:

1. Obtaining information from public sources.
2. Obtaining information as a result of self and independent efforts, in the aim of extracting information through examination, testing and analysis of commodities traded in the market, which include undisclosed information.
3. Obtaining information as a result of the efforts of scientific research, innovation, invention, development, modification and improvement made by diligent individuals who are independent of the owner of the undisclosed information.
4. Possession and use of known and available information that is circulated among those engaged in the industrial art within whose scope the information falls.

Article (66)

Common provisions between undisclosed information, Patents and Utility Certificates

Undisclosed information shall be subject to the provisions of the articles contained of Patents and Utility Certificates, unless there is a special provision in this chapter.

CHAPTER SEVEN

Claiming damages, preventive measures and penalties

Article (67)

The right of the protection deed owner to claim compensation

The owner of the protection deed or his licensee may, in the event of a violation of any of his rights conferred thereon by the protection deed, request the Court to award him compensation for the damage he sustained as a result of the acts and violations violating the provisions of this law.

Article (68)

Provisional seizure

The owner of the deed of protection, or the assignee of all or part of the industrial property rights provided for in this law, may request the Court to issue a precautionary seizure order for the invention, industrial design, or layout design of the integrated circuit, facility, or part of such that uses or exploits any type of industrial ownership, in the event of an act of infringement or illegal acts contrary to the provisions of this law or contracts or licenses granted pursuant to the provisions thereof.

Penalties

Article (69)

Without prejudice to any stronger penal actions provided for in any other law, any party submitting false documents or giving incorrect information to obtain a Patent, a Utility Certificate, an industrial design, or a layout design of an integrated circuit, as well as anyone who imitates an invention or a manufacturing method, or willfully infringes any right protected by this law, shall be sentenced into imprisonment and shall be charged no less than (100,000) one hundred thousand dirhams and not more than (1,000,000) one million dirhams, or either of these two penalties.

Article (70)

1. The Court may rule to confiscate the impounded object. It may also order the destruction or removal of the effects of the illegal activities, and the machines and tools used for infringement.

2. The Court may order that the judgment be published in the Industrial Property Bulletin or in one of the local daily newspapers at the expense of the convict.

Article (71)
Judicial police

The employees of the Ministry who are designated by a decision of the Minister of Justice in agreement with the Minister, shall have the capacity of judicial police officers in proving violations within their jurisdiction of the provisions of this law, the executive regulations thereof and the decisions issued in implementation thereof.

Article (72)
Register

The Ministry shall establish the Registry pursuant to the controls specified by the executive regulations of this law and the Ministerial decrees issued in their regard.

Article (73)
Action prohibited for the Ministry employees to do

Ministry employees are prohibited, during and after their service period, from doing any of the following:

1. Practicing the profession of registration agents with the Ministry during the two years following the end of their service in the Ministry.
2. Personally retaining the original of any document or paper or copies thereof.
- 3 Disclosure of the work secrets, providing data or information they obtained by virtue of their jobs, or disclosure or using of such for their own benefit or for the benefit of third parties, and at the request of the judicial authorities.

Article (74)
Grievance and Opposition

1. A committee shall be formed by a decision of the Cabinet of Ministers, headed by a judge based on the nomination of the Minister of Justice, and two experts in the field of industrial property rights, provided that none of them shall be an employee from the Center. The decision shall specify the committee's work system, duration, the remuneration of the members therein, and the grievance procedures before such and the decision thereof.

2. The Minister shall appoint or delegate one of the Ministry employees to carry out the duties of the Committee's Secretary. In his work procedures, the Secretary shall follow the instructions of the Head of the Committee.

3. The committee shall be competent to decide in grievances submitted by the concerned parties against the decisions issued in the field of application of the provisions of this law and the executive regulations thereof.

4. The committee shall consider the grievance after paying the prescribed fee.

5. Subject to the provisions of Article (17) paragraph (2) of this law, the committee shall not consider the grievance related to the registration of a Patent, Utility Certificate, or industrial design, except after the person concerned files an opposition with the Center through a request for re-examination after granting.

6. The executive regulation of this law shall determine the controls, procedures, and terms of request for re-examination after granting and deciding thereon.

7. Subject to clause (5), the lawsuit shall not be accepted before the Courts except after a grievance is filed before the Committee.

Article (75)
Conditions for the profession of registration agents

1. The profession of registration agents may only be practiced after being registered in the agents' registration list at the Ministry, and paying the prescribed fee.
2. The executive regulations of this law shall specify the conditions that shall be met by registration agents, their duties, the provisions or controls related to the practice of the profession, and the administrative penalties to be imposed thereon.

Article (76)
Fees

The Cabinet of Ministers, upon the proposal of the Minister of Finance, shall issue the fees necessary to implement the provisions of this law and the executive regulations thereof.

Article (77)
Executive Regulations

The Cabinet of Ministers, upon the proposal of the Minister, shall issue the Executive Regulations of this law within six months as of the date of the publication thereof.

Article (78)
Repeals

1. The afore-mentioned Federal Law No. (17) of 2002 shall be repealed.
2. Every provision that contradicts or contravenes the provisions of this law shall be repealed.

Article (79)
Continuation of working with regulations and decisions

Regulations and decisions issued in implementation of the provisions of Federal Law No. (17) of 2002 referred to shall continue to be applicable in a manner that does not conflict with the provisions of this law, until the issuance of the regulations and decisions necessary to implement the provisions of this law.

Article (80)

Publishing and enforcement of the law

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

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

On: 7 / Shawwal / 1442 AH

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