

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

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

After perusal of:

- The Constitution;
- Federal Law No. (1) of 1972 on the Competencies of the Ministries and Powers of the Ministers, as amended;
- Federal Law No. (1) of 1979 Regulating Industrial Affairs;
- Civil Transactions Law promulgated by Federal Law No. (5) of 1985, as amended;
- Civil Procedure Code promulgated by Federal Law No. (11) of 1992, as amended;
- Commercial Transactions Law promulgated by Federal Law No. (18) of 1993, as amended;
- Federal Law No. (17) of 2002 on Regulation and Protection of Industrial Property of Patents, Industrial Drawings and Designs, as amended;
- Federal Decree Law No. (2) of 2011 on the Establishment of the National Emergency Crisis and Disasters Management Authority (NCEMA), as amended;
- Federal Law No. (4) of 2012 on the Regulation of Competition;
- Federal Law No. (2) of 2015 on Commercial Companies, as amended;
- Federal Law No. (19) of 2016 on Combating Commercial Fraud;
- Federal Law No. (8) of 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 Organization;
- 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 Organization;

- Federal Decree No. (84) of 1998 on the Accession of the United Arab Emirates to the Patent Cooperation Treaty; and
- Based on the proposal of the Minister of Economy, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council,

have enacted the following Law:

Part One

Definitions and General Provisions

Article (1)

Definitions

In applying the provisions of this Law, the following words and expressions shall have the meanings assigned to each, unless the context otherwise requires:

State	: United Arab Emirates.
Ministry	: Ministry of Economy.
Minister	: Minister of Economy.
Committee	: The Grievance Committee formed by a decision of the Cabinet.
Court	: Abu Dhabi Federal Court of Appeal.
ICPR	: International Center for Patent Registration (ICPR) at the Ministry.

Industrial Property : The rights attached to patents, utility model certificates, designs, integrated circuits, and undisclosed information.

Protection Title : A document evidencing the protection granted by the Ministry to an invention, industrial design or layout-design of an integrated circuit.

Invention : An innovative idea created by the inventor in any technical field for a product and/or process that practically provides a new addition or solution to a certain problem in any of such fields.

Patent : The Protection Title granted by the Ministry for the Invention.

Utility Model Certificate	: The Protection Title granted by the Ministry for an innovative step that does not qualify for a Patent.
Industrial Design	: A two-dimensional or three-dimensional ornamental or aesthetic aspect of an article that gives a special appearance to a product or handicraft.
Industrial Design Certificate	: The Protection Title granted by the Ministry for the Industrial Design.
Integrated Circuit	: A product, in its final form or intermediate form, including elements, at least one of which is an active element, mounted on a piece of an insulating material, and form with some or all of the interconnections an integral body intended to perform a specific electronic function.
Layout-Design Certificate	: The Protection Title granted by the Ministry for each three-dimensional disposition prepared for an Integrated Circuit intended for manufacture.
Compulsory License	: Allowing a natural or legal person to use a Patent, Utility Model Certificate, Industrial Design, Layout-Design or Integrated Circuit in the State, without the need for the consent of the right holder or licensee of the industrial property rights.
Industrial Property Bulletin	: The periodic bulletin of industrial property issued by the Ministry and dedicated for publishing all that is required to be published under this Law or the Executive Regulations thereof.
Registration Agent	: An agent entered by the Ministry in the list of Registration Agents.
International Application	An application submitted to the Ministry for obtaining a Patent under the Patent Cooperation Treaty (PCT).
PCT Receiving Office	The national office which receives the International Application and refers same to any other entity determined according to the Patent Cooperation Treaty (PCT).
Register	The register of Industrial Property rights maintained by the Ministry.

Article (2)

Objectives

The objectives of this Law are as follows:

1. Protecting Industrial Property and regulating the procedures of registration, use, exploitation and transfer thereof so as to ensure the promotion of knowledge and innovation in the State.
2. Enhancing the State's competitiveness in the field of Industrial Property rights in accordance with the best international practices.

Article (3)

Applicability

1. This Law shall apply to Patents, Industrial Designs, Integrated Circuits, undisclosed information and Utility Model Certificates registered in the State, including the free zones.
2. The provisions of this Law shall not prejudice the provisions of international conventions or treaties to which the State is a party and which regulate the rights of the citizens of states parties and those of the persons who receive the same treatment.
3. The rights granted hereunder to citizens shall also be granted to foreigners who are nationals of a state with which the State has a reciprocity relationship.

Article (4)

Independence of Industrial Property

The Industrial Property obtained in the State shall be independent of the Industrial Property obtained for the same Invention in other states, whether are members of the Paris Convention or not.

Part Two
Inventions
Chapter One
Patents and Utility Model Certificates
Article (5)

Requirements for Granting a Patent

1. A Patent shall be granted for each new Invention resulting from an innovative idea or innovative improvement, which involves an inventive step and is capable of industrial application.
2. A Patent shall be granted independently of any new application, modification, improvement or addition to a previously patented Invention, if it meets the requirements stipulated herein.
3. An Invention is new if it is not anticipated by prior art, by being disclosed to the public by means of written or oral disclosure, or by use or by any other way through which knowledge of the Invention is realized. This has to be prior to the filing date of the Patent application or the legally claimed priority application.
4. Disclosure of the information by the inventor, or the other party who obtains such information, directly or indirectly, from the inventor, may not affect the granting of the Patent if it takes place within 12 months before the filing date of the application.
5. An Invention is deemed to involve an inventive step if, with regard to prior art related to the Patent application, it is not obvious to a person with ordinary skills in the art.
4. An Invention is deemed industrially applicable if it can be manufactured or used in any sector.

Article (6)

Requirements for Granting a Utility Model Certificate

1. A Utility Model Certificate shall be granted for a new Invention that is industrially applicable but does not involve an innovative step that qualifies for a Patent.
2. A Utility Model Certificate may be granted for any Invention, to which the provisions of Article (5) hereof apply, at the request of the inventor, or the legal representative thereof, if

he wants to settle for the Utility Model Certificate.

3. The patent office may, at the request of the inventor, Registration Agent, or anyone to whom the patent rights are transferred in accordance with Article (9) hereof, convert a Utility Model Certificate to a patent application, and vice versa, in accordance with the controls and conditions set forth in the Executive Regulations of this Law.

Article (7)

Exceptions to Patent or Utility Model Certificate Protection

1. None of the following may be granted a Patent or Utility Model Certificate:
 - a. Plant or animal varieties and research or biological processes for the production of plants or animals, with the exception of microbiological processes and products resulting from such processes, as determined by the Executive Regulations of this Law.
 - b. Methods of diagnostic, therapeutic and surgical treatments of the human or animal body.
 - c. Principles, discoveries, scientific theories and mathematical methods.
 - d. Schemes, rules, computer programs, or methods for doing business, performing mental acts or playing games.
 - e. Natural materials, even if purified or isolated from nature, with exception of the methods of purification or isolation of natural materials from the original environment.
 - f. Inventions the exploitation of which would be contrary to the public order or morality, or harmful to the health or life of humans or the environment.
2. If the Ministry finds, after examining the patent application, that the Invention relates to security and military industries, it shall follow the procedures set forth in the Executive Regulations of this Law.

Article (8)

Determination of Patent Rights

1. The inventor's name shall be stated in the application for Patent or Utility Model Certificate, unless the inventor states in writing that he does not want his name to be mentioned.

2. Without prejudice to the provisions of Article (10) hereof, the patent right shall be granted to the inventor or his successors in title.
3. If the essential elements of the Invention applied for are obtained from an Invention of another person, all the patent rights shall be granted to such person being the original inventor.
4. If two or more persons have jointly made an Invention, the right to the patent shall belong to them jointly. No person shall be deemed a joint inventor if his efforts are only confined to assistance in the Invention execution, without contributing to any innovative step.
5. Without prejudice to the provisions of Articles (9) and (10) hereof, if two or more persons have made the same Invention independently of each other, the person who is first to apply for a Patent or Utility Model Certificate or is first to claim for priority for the same Invention shall be entitled to obtain the Patent or Utility Model Certificate, as the case may be, so long as he meets the requirements for obtaining same.

Article (9)

Application for Obtaining a Patent or Utility Model Certificate

If a person who has no patent right applies for obtaining a Patent or Utility Model Certificate, the patent right holder may, subject to the provisions of Article (8) hereof, request from the Ministry transferring the application, Patent or Utility Model Certificate thereto.

Article (10)

Inventions Made in Execution of Contracts

1. Where an Invention is made in execution of a contract or the like, the right to the patent shall belong, in the absence of contractual provisions to the contrary, to the employer. Any patent application filed by the inventor employee within two years from the date of end of service shall be deemed as made during the term of service.
2. When the Invention has an economic value much greater than the parties could have foreseen at the time of concluding the contract, the inventor shall have the right to additional remuneration, which shall be determined by the court in the absence of agreement between the parties.

3. When an employee, whose employment contract does not require him to engage in inventive activity makes, in the field of activities of his employer, an Invention by using expertise, documents or instruments of the employer or raw materials made available to him through his employment, the right to the patent for that Invention shall belong to the inventor employee after the expiration of a period of four months from the date on which he submits to the employer the report on the Invention referred to in Item (4) of this Article, or from the date on which the employer is otherwise informed of the Invention and does not make a written declaration of his interest therein.
4. Any employee who makes an Invention, under a contract or the like, shall inform the employer of such Invention in a written report immediately after completion thereof.
5. If the employer makes a declaration of his interest in the Invention within the time limit fixed in Item (3) of this Article, the right to the patent for such Invention shall be considered to have belonged to him from the date on which the Invention was made. The employee who made the Invention shall have the right to equitable compensation that takes into account the economic value of the Invention and any benefit derived by the employer from the Invention. In the absence of agreement between the parties, the compensation shall be fixed by the court.
6. Any agreement which deprives the employee from compensation shall be deemed null and void.

Article (11)

Requirements for Applications for Patents or Utility Model Certificates

1. The application for Patent or Utility Model Certificate shall be filed with the Ministry by the inventor, Registration Agent, or anyone to whom the patent rights are transferred in accordance with Article (8) hereof. Such application shall be expressly made in accordance with the procedures and controls set by the Executive Regulations of this Law, after payment of the prescribed fees.
2. The application must include the names of the applicant, inventor and Registration Agent, if any, together with a statement justifying the applicant's right to the patent for the Invention if he is not the inventor.

3. The application must include the name of the Invention and an abstract and detailed description thereof, together with one or more claims and an illustration, if any.
4. The abstract shall only be used for general information and information of a technical nature, and may not be relied on in interpreting the application.
5. The description of the Invention shall be made in the best way possible, at the filing date of the application or priority date, to enable any person skilled in the art to carry it out.
6. The application must determine the claim(s) for which protection is sought, and the description and illustrations may be used to interpret the same, if necessary.
7. Claims must be clear and concise and fully supported by the description.
8. The application and its attachments shall be submitted in both Arabic and English. If they are not submitted in either language, such submission shall be made within the period set by the Executive Regulations of this Law.
9. The applicant shall provide the ICPR with any additional information and data required thereby with respect to his application within ninety (90) days of the date of notification.
10. The applicant may make any amendments to his application, as he deems fit, provided that the amendments made to the information included in the original application are not material.
11. The application attachments and the deadlines for submission thereof shall be set by the Executive Regulations.

Article (12)

Claiming Priority of an Earlier Application Filed Abroad

1. The application may contain a declaration claiming the priority of one or more earlier application(s) filed in a state party to a convention or treaty to which the State has acceded. In such case, the application shall indicate the registration date and number of the earlier application and the name of the state in which it is filed, as provided in the Executive Regulations of this Law.
2. The priority period shall be twelve (12) months from the first filing date.

Article (13)

Examination of Patents or Utility Model Certificates

1. After payment of the prescribed fees by the applicant, the Ministry shall examine the application for Patent or Utility Model Certificate and may ask the applicant to fulfill any requirements it deems necessary for granting the Patent or Utility Model Certificate, in accordance with the provisions of this Law and the Executive Regulations thereof. If the applicant fails to fulfill such requirements within ninety (90) days from the date of being notified, this shall be considered as a waiver of his application.
2. If the Invention meets the conditions stipulated in the Law and the Executive Regulations thereof, the Ministry shall announce the approval of the application in the Industrial Property Bulletin, in the manner set forth in the Executive Regulations of this Law.

Article (14)

Urgent Applications

The Ministry may examine a particular set of urgent applications for Patents or Utility Model Certificates before other applications at the request of applicants, irrespective of the date on which the application is filed or the examination is requested, without prejudice to applications of priority, according to the criteria and conditions set by the Executive Regulations of this Law.

Article (15)

Unity of Invention

1. The application referred to in Article (11) hereof may relate to one Invention only or to a group of Inventions so linked as to form a single general inventive concept. Any application filed for more than one Invention shall be determined by the right decision, as provided in the Executive Regulations of this Law.
2. If it appears after granting of the Patent or Utility Model Certificate that the condition for unity of invention is not met, as provided in Item (1) of this Article, this shall not be taken as a ground to overturn the Patent or Utility Model Certificate.

Article (16)

Division of Applications for Patents or Utility Model Certificates

1. Any applicant for a Patent or Utility Model Certificate whose application involves two or more Inventions, may divide such application into two or more applications, in conformity with what is stated in the description or drawings attached to the initial application.
2. The application divided according to this Article shall be deemed filed on the same date of filing the initial patent application, according to the criteria set forth in the Executive Regulations of this Law.
3. The requirements for division of applications shall be set by the Executive Regulations of this Law.

Article (17)

The Procedures for Granting of Patents and Utility Model Certificates and their Data

1. The ICPR shall grant Patents and Utility Model Certificates, which shall be published in the Industrial Property Bulletin, according to such powers and procedures as set by the Executive Regulations of this Law.
2. The Patent or Utility Model Certificate shall be granted to the person entitled thereto, if no objection is raised with respect thereto by filing an application for re-examination after granting thereof or filing a grievance within the time limit set out in the Executive Regulations of this Law, after entry thereof in the Register. The Patent or Utility Model Certificate must indicate the registration number, issuance date, evidence of payment of the registration or renewal fees and such other data as required by the Executive Regulations of this Law.

Article (18)

Terms and Fees of Patents and Utility Model Certificates

1. The term of the Patent shall be twenty (20) years and the term of the Utility Model Certificate shall be ten (10) years, starting from the filing date of the application.
2. The applicant for, or owner of, a Patent or Utility Model Certificate shall pay the annual fees

payable for registration of the Patent or Utility Model Certificate, throughout the term of protection, in accordance with the procedures and controls set by the Executive Regulations of this Law.

3. The Executive Regulations of this Law shall set the procedures and requirements for re-activation of applications for Patents or Utility Model Certificates in case of failure or delay in payment of the fees payable therefor according to Item (2) of this Article.

Article (19)

Rights Granted by Patents or Utility Model Certificates

A Patent or Utility Model Certificate shall grant its owner the following rights:

1. The right to exploit the Invention, which includes the following:
 - a. Where the subject matter of a Patent or Utility Model Certificate is a product, the owner thereof may make, use, offer for sale, sell or import the product for such purposes, and shall have the right to prevent third parties, not having his consent, from making, using, offering for sale, selling, or importing the product for such purposes.
 - b. If the Invention involves an industrial process or method for producing a particular product, the patent owner shall have the same right with respect to the products resulting directly from using such process or method, in addition to his rights to use such process or method and to prevent third parties, not having his consent, from using the process or using, offering for sale, selling, or importing the product obtained directly from that process for such purposes.
2. Using the process and performing any of the acts referred to in Paragraph (A) of Item (1) of this Article with respect to a product obtained directly from that process, in the event that the Patent or Utility Model Certificate is granted for a process or new application of a well-known industrial process or means.
3. The rights referred to in Item (1) of this Article shall be limited to the acts performed for industrial or commercial purposes. They shall not extend to acts in relation to the product protected after the sale thereof.

Article (20)

Manufacturing a Product or Using an Invented Process in Good Faith

If a person, in good faith, manufactures a product, uses an invented process, or makes serious preparations therefor in the State before the filing date of an application for protection by another person, or on the legally claimed priority date of such application, that person shall have the right, notwithstanding the grant of the Patent or Utility Model Certificate, to continue to perform such acts without extending the scope thereof. Such right of exploitation may not be transferred to third parties independently of the establishment benefiting therefrom.

Article (21)

Transfer of Patents or Utility Model Certificates and its Conditions

1. A Patent or Utility Model Certificate, or the application for either of them, may be transferred to third parties.
2. 1. The transfer of a Patent or Utility Model Certificate, or the application for either of them, must be made in writing and signed by the contracting parties at the Ministry, submitted to the notary public in the State for authentication of the signatures, or duly authenticated in the State.
3. The transfer must be recorded in the Register after payment of the prescribed fees.
4. The Ministry may refrain from recording a transfer in the Register if it would lead to misuse of an Industrial Property right, adversely affect commercial competition or other related matters, as provided in the Executive Regulations of this Law.

Article (22)

Exclusions from Patent or Utility Model Certificate Rights

The rights granted by Patents or Utility Model Certificates shall not apply to the following:

1. Acts carried out for education and scientific research purposes.
2. Using the subject matter of the Patent or Utility Model Certificate in means of transport that temporarily or accidentally enter the territory of the State, whether in the structure, machines, devices, equipment or other additional parts thereof, provided that the use is

limited to the needs of such means of transport.

3. Mixing two or more medicines by a licensed pharmacist for treatment purposes.

Article (23)

Separate Disposal by a Patent or Utility Model Certificate Owner

1. Each of the joint owners of a Patent or Utility Model Certificate may separately transfer his share in the Invention protected by the Patent or Utility Model Certificate to third parties, exploit the Invention and exercise the rights conferred thereto by Article (19) hereof, unless otherwise agreed and without prejudice to the other owners.
2. None of the joint owners of a Patent or Utility Model Certificate may grant a license to third parties to exploit the Invention without an agreement between them.

Article (24)

Pledge of a Patent or Utility Model Certificate

A Patent or Utility Model Certificate may be pledged in accordance with the controls and procedures set forth in the legislation in force in the State.

Chapter Two

Compulsory Licenses

Article (25)

Requirements for Granting a Compulsory License

1. If a period of at least three years has elapsed since the granting of a Patent or Utility Model Certificate without being exploited by the owner at all or exploited in an inadequate manner, any interested party may apply for a Compulsory License, in accordance with the procedures set forth in Article (29) hereof, if the following requirements are met:
 - a. The applicant for the Compulsory License must prove that he has exerted, over a reasonable period of time, efforts in order to obtain a license from the Patent or Utility Model Certificate owner on the basis of reasonable commercial conditions, and for a reasonable price. The procedures required in this regard shall be set by the Executive

Regulations of this Law.

- b. The Compulsory License shall not be exclusive.
 - c. The Compulsory License must be granted to meet the needs of the local market. The Executive Regulations of this Law shall set out the guarantees that must be provided by the applicant to ensure adequate exploitation of the Invention in order to address the shortfalls or meet the needs for which the Compulsory License is requested.
 - d. The decision granting the Compulsory License shall specify the scope and term of the license, according to the purpose for which it is granted, and may include obligations and restrictions binding on the licensor and licensee.
 - e. The owner of the Patent or Utility Model Certificate shall be awarded a fair compensation.
 - f. The exploitation of the Invention shall be limited to the licensee and the license may not be transferred to any other person except in the case of transfer of ownership of the licensee's establishment or that part of the establishment that exploits the Invention, subject to the approval of the competent court.
 - g. The provisions of Articles (29) and (35) hereof shall apply to the applications for transfer of Compulsory Licenses.
 - h. If the Invention is related to a semiconductor technology, the Compulsory License shall only be granted for public non-commercial use or to remedy a practice determined after judicial or administrative process to be anti-competitive.
2. No Compulsory License shall be granted if the owner of the Patent or Utility Model Certificate has valid grounds to justify his position.

Article (26)

Rights of the Compulsory License Holder

1. The Compulsory License shall confer on the licensee the right to perform all or some of the acts mentioned in Article (19) hereof according to the terms of the license.
2. The Compulsory License holder shall have the right to exercise the rights of the owner of the Patent or Utility Model Certificate under civil and criminal law in order to protect and exploit the Invention if the owner has failed to do so in spite of having been aware or informed of

an unlawful act.

Article (27)

Multiplicity of Compulsory Licenses

The granting of a Compulsory License shall not prevent the granting of other Compulsory Licenses.

Article (28)

Exceptions from the Requirements for Granting a Compulsory License

The court may exempt an application for a Compulsory License from the requirements stipulated in Article (25) hereof, if such application is made for a state of emergency, crisis, disaster or public urgent need, or for non-commercial purposes.

Article (29)

Procedures for Compulsory Licenses before the Court

1. The application for a Compulsory License shall be submitted to the court in the form of a lawsuit filed against the owner of the Patent or Utility Model Certificate. The ICPR shall be summoned to be represented before the court. The court may give the parties a grace period to reach an agreement. The grace period may be extended if the court finds a justified reason for such extension.
2. After the lapse of the grace period referred to in Item (1) of this Article, the court shall decide either to refuse to grant the Compulsory License or to grant it, and shall also determine the terms and scope thereof and the compensation for the owner of the Patent or Utility Model Certificate, in accordance with the provisions of Article (25) hereof.
3. If the decision made under Item (2) of this Article becomes final, the licensee shall notify the other parties and the Ministry thereof. The Ministry shall record the decision in the Register and publish it in the Industrial Property Bulletin after payment of the prescribed fees. The decision shall only take effect towards third parties as from the date of publication thereof.

Article (30)

Issuance of a Compulsory License for Public Interest

A Compulsory License may be issued by a decision of the Minister, or whoever he delegates, for exploitation of an Invention protected by a Patent or Utility Model Certificate, if such Invention is important for the public interest, in accordance with the conditions stipulated in Article (25) hereof, with the exception of the term condition, and Paragraph (A) of Item (1) thereof. The decision of the Minister shall be published in the Industrial Property Bulletin.

Article (31)

Issuance of a Compulsory License for Exploitation of a Patent or Utility Model Certificate

1. If it is impossible to exploit an Invention protected by a Patent or Utility Model Certificate in the State without prejudicing rights conferred by a Patent or Utility Model Certificate granted by virtue of an earlier application, the owner of the later Patent or Utility Model Certificate may on request be granted a Compulsory License, in accordance with the provisions of Paragraphs (C) and (E) of Item (1) of Article (25) hereof, to the extent necessary for exploitation of his Invention, provided that such Invention serves industrial purposes different from those of the Invention subject of the earlier Patent or Utility Model Certificate or represents a significant technical advance in relation thereto.
2. If a Compulsory License is granted according to Item (1) of this Article, the owner of the earlier Patent or Utility Model Certificate may on request be granted a Compulsory License for the later Patent or Utility Model Certificate.
3. The Compulsory License granted to the later applicant may only be transferred to third parties by transfer of the later Patent.

Article (32)

Modification of the Compulsory License Terms and Revocation

1. The court or Minister, as the case may be, may modify the terms of the Compulsory License at the request of the owner of the Patent or Utility Model Certificate or the

licensee, provided that the modification is justified by new facts, and, in particular, where the owner of the Patent or Utility Model Certificate grants a contractual license on terms better than those of the Compulsory License.

2. The court or Minister, as the case may be, may revoke the Compulsory License at the request of the owner of the Patent or Utility Model Certificate, if the licensee fails to comply with the terms of the license, or if the grounds justifying the granting of the license no longer exist; in which case, the licensee shall be given a reasonable grace period to discontinue the exploitation of the Invention if immediate discontinuation would cause him serious damage.

Article (33)

Registration and Publication of Compulsory Licenses

1. Compulsory Licenses and any decisions made with respect thereto shall be recorded in the Register and published in the Industrial Property Bulletin after payment of the prescribed fees, as provided in the Executive Regulations of this Law.
2. Licenses issued under Article (30) hereof shall be exempted from fees if the Invention is exploited by government entities.

Chapter Three

Surrender and Revocation of Patents or Utility Model Certificates

Article (34)

Requirements and Procedures for Surrender of Patents or Utility Model Certificates

1. A Patent or Utility Model Certificate may be surrendered by the owner or licensee thereof by sending a written notice to the Ministry, while advising any party related to the Patent or Utility Model Certificate of his intention of surrender.
2. The surrender may be limited to one or more of the rights conferred by the Patent or Utility Model Certificate. It may not prejudice the rights of third parties unless those rights have been surrendered in writing. The surrender shall be recorded in the Register

3. and shall only take effect towards third parties as from the date of its publication in the Industrial Property Bulletin.

Article (35)

Actions for Invalidation of Patents, Utility Model Certificates or Compulsory Licenses

1. Any interested party may institute a court action to invalidate a Patent, Utility Model Certificate or Compulsory License if it has been granted without fulfillment of the requirements stipulated in this Law or the Executive Regulations thereof.
2. The owner of the Patent, Utility Model Certificate or Compulsory License, the Ministry and any persons who have rights related thereto shall be notified of the decision issued under Item (1) of this Article, which shall be published in the Industrial Property Bulletin.

The invalidation request may be limited to a part of the Patent, Utility Model Certificate or Compulsory License, in which case, the decision shall be considered a limitation of the rights conferred thereby.

Article (36)

Regularization after Issuance of the Invalidation Decision

Subject to the provisions of Article (32) hereof, the decision invalidating the Patent, Utility Model Certificate or Compulsory License, in whole or in part, shall be retroactively effective from the date of the granting thereof. However, the party to whom the Patent, Utility Model Certificate or Compulsory License is granted shall not be required to refund the compensation obtained for exploitation of the Invention or Compulsory License. The invalidation decision shall be recorded in the Register and published in the Industrial Property Bulletin.

Chapter Four

International Patent Applications

Article (37)

International Applications

The Ministry shall receive International Applications under the PCT. The Executive Regulations of this Law shall regulate the conditions and procedures that must be observed in this regard.

Article (38)

Fees for the International and National Phases of International Applications

1. The fees and procedures for the international phase of International Applications shall be subject to the provisions of the Regulations of the PCT.
2. The fees and procedures for the national phase of International Applications shall be subject to the provisions of Articles (11) and (18).

Part Three

Industrial Designs

Article (39)

Protection of Literary and Artistic Rights Relating to Industrial Designs

The protection provisions set forth herein with respect to Industrial Designs shall not prejudice the literary and artistic rights relating thereto, whether conferred by the law or by the international conventions and treaties to which the State is a party.

Article (40)

Registration of Industrial Designs

No Industrial Design may be covered by the protection provided herein unless it is recorded in the Register. The procedures for filing and examining the applications for registration shall be set by the Executive Regulations of this Law.

Article (41)

Applying for the Protection of More than One Industrial Design

The application for protection may include more than one Industrial Design, provided that they are all of the same class of the international classification, as provided in the Executive Regulations of this Law.

Article (42)

Right of Priority for Industrial Designs

1. The priority provisions of Item (1) of Article (12) hereof shall apply to Industrial Designs.
2. The period of priority shall be six (6) months as of the date of first filing.

Article (43)

Requirements for Industrial Designs

1. The Industrial Design must be new.
2. The commercial exploitation of an Industrial Design shall not be allowed if it would be contrary to the public order or morality.
3. An Industrial Design is new if it has not been disclosed to the public by publication or by use or in any other way, prior to the filing date of the application.
4. For the purposes of this Article, an Industrial Design shall not be deemed disclosed to the public if such disclosure is made within one year prior to the filing date of the application.

Article (44)

Procedures for Examination of Industrial Design Applications

1. After payment of the prescribed fees, the ICPR shall examine the Industrial Design application and may request the fulfillment of any requirements it deems necessary for
2. granting the Industrial Design Certificate, in accordance with the provisions of this Law and the Executive Regulations thereof. If the applicant fails to fulfill such requirements within ninety (90) days from the date of being notified, this shall be considered as a waiver of his

application.

3. The Industrial Design must meet the conditions stipulated in the Law and the Executive Regulations thereof, and the Ministry shall announce the approval of the application in the Industrial Property Bulletin.
4. The Executive Regulations of this Law shall set the requirements and procedures for examination and mechanism of publication.

Article (45)

Term of Protection and Payment of Fees

1. The term of protection of an Industrial Design shall be twenty (20) years starting from the filing date of the application for protection.
2. The applicant for, or owner of, an Industrial Design shall pay the annual fees payable for registration of the Industrial Design, throughout the term of protection, in accordance with the procedures and controls set by the Executive Regulations of this Law.
3. The Executive Regulations of this Law shall set the procedures and requirements for re-activation of applications for Industrial Designs in case of failure or delay in payment of the fees payable therefor according to Item (2) of this Article.

Article (46)

Rights Granted by Industrial Design Certificates

1. The protection provided hereunder for an Industrial Design shall grant its owner the right to prevent third parties from performing any of the following acts:
 - a. Using the Industrial Design in the making of any product.
 - b. Importing any product related to the Industrial Design, or possessing such product for the purposes of commercial use, offering it for sale or selling it.
2. The acts mentioned in Item (1) of this Article shall not be deemed lawful merely because of a difference between the field in which they are performed and the field in which the legally protected Industrial Design is used, or because they relate to a product that differs from the Industrial Design covered by the Protection Title.

Article (47)

Exclusions from Industrial Design Certificate Rights

1. The rights granted by Industrial Design Certificates shall not apply to the following:
 - a. Acts carried out for education and scientific research purposes.
 - b. Using the subject matter of the Industrial Design Certificate in means of transport that temporarily or accidentally enter the territory of the State, whether in the structure, machines, devices, equipment or other additional parts thereof, provided that the use is limited to the needs of such means of transport.
2. If a person, in good faith, performs any of the acts mentioned in Article (46) hereof before the filing date of an application or the legally claimed priority date of such application, that person shall have the right to continue to perform such acts without extending the scope thereof. Such right of exploitation may not be transferred to third parties independently of the establishment benefiting therefrom.

Article (48)

Industrial Design Rules Where No Special Provision is Made

Where no special provision is made in this Part, the provisions of the articles hereof relating to Patents and Utility Model Certificates shall apply to Industrial Designs.

Part Four

Contractual Licenses

Article (49)

Requirements for Contractual Licenses

The owner of the Protection Title may grant a license to any natural or legal person to use or exploit the protected right, provided that the term of the license does not exceed that of the protection provided hereunder. The contractual license must be made in writing and signed by the parties.

Article (50)

Common Provisions between Industrial Designs, Patents and Utility Model Certificates

The owner of the Protection Title shall record the contractual license in the Register after payment of the prescribed fees, and the Ministry shall approve such recorded license in the Register. The license shall only take effect towards third parties as from the date of publication thereof in the Industrial Property Bulletin. The license shall be struck off the Register at the request of the parties to the contract or upon the expiry of the term thereof.

Article (51)

Extension of the Scope of Contractual Licenses to Third Parties

Unless otherwise provided in the license contract, the contractual license shall not prevent the owner of the Protection Title from exploiting or using the subject matter of protection by himself or granting other licenses to third parties.

Article (52)

Rights of the Licensee

1. Unless otherwise provided in the license contract, the licensee shall, pursuant to the provisions of this Law and the Executive Regulations thereof, have the right to exploit and use the subject matter of protection licensed thereto across the territory of the State, including free zones, in all fields and by all means, throughout the term of legal protection.
2. The licensee shall be entitled to use the rights granted by the Protection Title to its owner to stop any infringement, imminent infringement or prejudice affecting the subject matter of protection.
3. Either the licensor or licensee may take any legal measures and procedures required for protecting his right.

Article (53)

Transfer of Contractual Licenses

Unless otherwise provided in the license contract, the licensee shall not transfer the license or grant sublicenses to third parties, except in the case that the ownership of the establishment has been transferred, in whole or in part.

Article (54)

Control of Contractual Licenses

1. Contractual licenses, transfers thereof and any amendments or renewals of their contracts shall be subject to the control of the Ministry in terms of the conditions, guarantees and rights granted by the Protection Title.
2. The Ministry may refuse to register a contractual license if it would lead to misuse of an Industrial Property right or adversely affect commercial competition as to the subject matter of the contractual license in the State. The Ministry may ask the owner of the Protection Title to amend the terms of the contractual license so as to remedy the reasons for refusal, as provided in the Executive Regulations of this Law.

Part Five

Layout-Designs of Integrated Circuits

Article (55)

Requirements for the Protection of Layout-Designs of Integrated Circuits

1. The Layout-Design of Integrated Circuits shall be protected according to the provisions hereof, if it is original, i.e. the result of its creator's own intellectual effort, and is not commonplace among professionals of the relevant industrial art.
2. The Layout-Design shall be deemed original if the combination of its elements and interconnections is original in itself, despite that the elements of which it consists are commonplace among professionals of the relevant industrial art.

Article (56)

Unprotectable Parts of Layout-Designs of Integrated Circuits

Any ideas, methods, technical systems or encoded information which a Layout-Design of Integrated Circuits may include shall not be protectable.

Article (57)

Prohibited Uses of Layout-Designs of Integrated Circuits

No natural or legal person may perform any of the following acts without obtaining a prior written permission from the right holder of the protected Layout-Design:

1. Reproducing the whole Layout-Design or any original part thereof, whether by incorporation in an Integrated Circuit or otherwise.
2. Importing, selling, or distributing the Layout-Design for commercial purposes, either independently from an Integrated Circuit or incorporated therewith, or if it constitutes a component of a product.

Article (58)

Acts that may be Performed without a License

Without prejudice to the provisions of protection set out in this Part, any natural or legal person may perform one or more of the following acts, without obtaining a license from the right holder:

3. 1. Reproduction or commercial exploitation, which includes importing, selling or distributing of an Integrated Circuit that includes a protected Layout-Design or a product in which such Integrated Circuit is used, if such act is performed by a person who did not know, or was not in a position to know, at the time of the act that such Integrated Circuit or product incorporates a protected Layout-Design. In such case, the acquirer may, against payment of a fair compensation to the right holder, dispose of any stock or products ordered.
4. 1. Using a protected Layout-Design for personal use or for the purposes of testing, examination, analysis, teaching, training or scientific research. If such use leads to the creation of a new Layout-Design, the creator shall be entitled to have it protected.
5. Creating a Layout-Design, identical with another protected Layout-Design, as a result of

independent efforts.

6. Importing a protected Layout-Design or an Integrated Circuit which has been produced using a protected Layout-Design, whether such circuit is separate or incorporated in a product, or importing a product that contains an Integrated Circuit incorporating a protected Layout-Design, whether circulated in the State or abroad.

Article (59)

Registration and Term of Protection of Layout-Designs of Integrated Circuits

1. The applications for registration of Layout-Designs of Integrated Circuits shall be submitted to the ICPR, as provided in the Executive Regulations of this Law.
2. The term of protection of Layout-Designs of Integrated Circuits shall be ten (10) years starting from the filing date of the application or the date of first commercial exploitation thereof in the State or abroad, whichever is earlier.

Article (60)

Common Provisions between Layout-Designs of Integrated Circuits, Patents and Utility Model Certificates

Where no special provision is made in this Part, the provisions of the articles hereof relating to Patents and Utility Model Certificates shall apply to Layout-Designs of Integrated Circuits.

Part Six

Undisclosed Information

Article (61)

Requirements for the Protection of Undisclosed Information

Undisclosed information shall be protected under the provisions of this Law and the Executive Regulations thereof, provided that it meets the following conditions:

1. Must be secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles

that normally deal with the kind of information in question.

2. Has commercial value because it is secret.
3. Has been subject to reasonable steps by the person lawfully in control thereof to keep it secret.

Article (62)

Scope of Protection of Undisclosed Information

1. The protection granted under the provisions of this Law shall be extended to undisclosed information, if the origination of which involves a considerable effort and is submitted on request to the government authorities by the person concerned for marketing of pharmaceutical or of agricultural chemical products, which utilize new chemical entities, necessary for the tests required to be made for allowing such marketing.
2. The government authorities which receive the undisclosed information shall protect it against disclosure and unfair commercial use, for the period from the date of its submission thereto until it is no longer confidential, or for a period not exceeding five (5) years, whichever is shorter.
3. Disclosure of information, by the competent authorities, where necessary to protect the public shall not be deemed to constitute an infringement of the information owner's rights.
4. The information owner, or his successors in title, may transfer the information with or without consideration.

Article (63)

Responsibility of the Person Lawfully in Control of Undisclosed Information

1. The person lawfully in control of undisclosed information shall take all appropriate measures to maintain the confidentiality of such information and prevent its circulation amongst unauthorized persons.
2. He shall also organize and limit the circulation of such information within the establishment to the authorized persons, and preserve and prevent the leakage of such information to third parties.

3. The person lawfully in control of undisclosed information shall not be exempt from liability when others infringe the information, unless he proves that he has exerted reasonable and adequate efforts to preserve such information.
4. The confidentiality of information, and the attendant rights to prevent others from infringing such information, shall subsist so long as the information is not disclosed, according to the provisions of Article (61) hereof.

Article (64)

Acts Contrary to Fair Commercial Practice

1. The following acts shall be deemed to be contrary to fair commercial practices, and to constitute acts of unfair competition:
 - a. Bribery to acquire the information from employees working at the establishment which owns the information.
 - b. Incitement of employees to disclose information acquired by virtue of their employment.
 - c. Disclosure by a party in "confidential information contracts" of information thus acquired.
 - d. Acquisition of information, from the place where it is preserved, through illicit means, such as theft, espionage or the like.
 - e. Acquisition of information through fraudulent means.
 - f. Use of information acquired by any of the previous means by a third party aware of its being confidential and that it was acquired by one of the above means.
 - g. Any other acts which are deemed to be contrary to fair commercial practices.
2. Shall be deemed to constitute an act of infringement of undisclosed information, the consequences of the acts mentioned in Item (1) of this Article by way of disclosing, acquiring or using such information by a third party without being authorized by the lawful owner.

Article (65)

Acts Not Contrary to Fair Commercial Practices

The following acts shall not be deemed to be contrary to fair commercial practices:

1. Acquisition of information from public sources.

2. Acquisition of information by exerting personal independent efforts to extract information through examination, testing and analysis of products in circulation in the market which incorporate the undisclosed information.
3. Acquisition of information as a result of efforts of scientific research, innovation, invention, development, modification and improvement exerted by persons independently from the owner of undisclosed information.
4. Acquisition and use of known and available information circulated among those involved in the industrial art within the scope of which the information falls.

Article (66)

Common Provisions between Undisclosed Information, Patents and Utility Model Certificates

Where no special provision is made in this Part, the provisions of the articles hereof relating to Patents and Utility Model Certificates shall apply to undisclosed information.

Part Seven

Claims for Compensation for Damage, Preventive Measures and Penalties

Article (67)

Right of the Protection Title Owner to Claim for Compensation

In the event of infringing any of the rights conferred on the owner by the Protection Title, the Protection Title owner or licensee may file an action before the court to claim for compensation for the damage suffered thereby as a result of the acts of infringement in violation of the provisions hereof.

Article (68)

Precautionary Seizure

In the event of an act of infringement or other illegal actions in violation of the provisions of this

Law or the contracts or licenses issued thereunder, the owner of the Protection Title, or the assignee of all or some of the Industrial Property rights provided for herein, may request the court to issue a precautionary seizure order for the Invention, Industrial Design, Layout-Design of Integrated Circuit, or the establishment or the part thereof using or exploiting any kind of the Industrial Property.

Article (69)

Penalties

Without prejudice to any more severe punishment stipulated in any other law, any person who provides false or forged documents or information in order to obtain a Patent, Utility Model Certificate, Industrial Design, or Layout-Design of Integrated Circuit, imitates an Invention or a process, or intentionally infringes any right protected hereunder, shall be punishable by imprisonment and/or a fine of not less than AED 100,000 (one hundred thousand Dirhams) or more than AED 1,000,000 (one million Dirhams).

Article (70)

1. The court may order the confiscation or destruction of the seized articles or removal of the effects of the illegal act, as well as the equipment and instruments used for forgery.
2. The court may order the publication of its judgment in the Industrial Property Bulletin or a local daily newspaper, at the expense of the convict.

Article (71)

Law Enforcement Capacity

The Ministry's employees who are designated by a resolution of the Minister of Justice, in agreement with the Minister, shall act as law enforcement officers to identify the violations of the provisions of this Law and its Executive Regulations and resolutions issued in implementation thereof, within their respective competence.

Article (72)

Register

The Ministry shall establish the Register in accordance with the controls set by the Executive Regulations of this Law and the ministerial decisions issued with respect thereto.

Article (73)

Prohibited Acts of Ministry Employees

The Ministry's employees are prohibited, during and after their service period, from performing any of the following acts:

1. Practicing the profession of Registration Agents at the Ministry within the two years following the end of their service at the Ministry.
2. Demonstrating a personal capacity in the originals or copies of any documents or papers.
3. Divulging work secrets or giving, disclosing or using any data or information made available thereto ex officio for their own benefit or for the benefit of others, at the request of judicial authorities.

Article (74)

Grievances and Objections

1. A committee shall be formed by a decision of the Cabinet and chaired by a judge nominated by the Minister of Justice, including two experts in the field of Industrial Property rights, and excluding the employees of the ICPR. Such decision shall determine the Committee's work system and term, remuneration of its members and the procedures for filing grievances and deciding thereon.
2. The Minister shall appoint the secretary of the Committee or delegate an employee of the Ministry to carry out the duties thereof. In performing his work, the secretary shall follow the instructions of the chairman of the Committee.
3. The Committee shall be competent to decide on the grievances filed by the concerned parties against the decisions issued in application of the provisions of this Law and the Executive Regulations thereof.

4. The Committee shall consider grievances after payment of the prescribed fees.
5. Subject to the provisions of Paragraph (2) of Article (17) hereof, the Committee shall not consider any grievance relating to the registration of a Patent, Utility Model Certificate or Industrial Design unless after the concerned party raises an objection before the ICPR by filing an application for re-examination after grant.
6. The Executive Regulations of this Law shall set the controls, procedures and periods for the applications for re-examination after grant and for deciding thereon.
7. Subject to Item (5), no action shall be accepted before courts unless after filing a grievance before the Committee.

Article (75)

Requirements for the Profession of Registration Agents

1. The profession of Registration Agents may only be practiced after entry in the list of Registration Agents of the Ministry and payment of the prescribed fees.
2. The Executive Regulations of this Law shall set the requirements that must be met by Registration Agents and their duties, as well as the provisions or controls relating to their profession and the administrative penalties that may be imposed on them.

Article (76)

Fees

The Cabinet shall, based on a proposal of the Minister of Finance, set the fees required for the implementation of the provisions of this Law and the Executive Regulations thereof.

Article (77)

Executive Regulations

The Cabinet shall, based on a proposal of the Minister, issue the Executive Regulations of this Law within six months from the date of its publication.

Article (78)

Repeals

1. Federal Law No. (17) of 2002, referred to above, shall be repealed.
2. Any provision contrary to or in conflict with the provisions of this Law shall be repealed.

Article (79)

Continued Application of Regulations and Resolutions

The regulations and resolutions issued in implementation of the provisions of Federal Law No. (17) of 2002, referred to above, shall remain applicable without prejudice to the provisions of this Law, until the issuance of the regulations and resolutions necessary for the implementation of the provisions of this Law.

Article (80)

Publication and Entry into Force of the Law

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

Khalifah 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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