

**Ministerial decree No. 6 of 1993 with the executive
regulation of the federal law No. 37 of 1992
concerning the trade marks**

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federal law No. 37 of 1992 concerning the trade marks

The minister of economy & commerce,

Having viewed the federal law No. 1 of 1972 concerning the competencies
of the ministries and the powers of the ministers and its amending laws,

The federal law No. 37 of 1992 concerning the trade marks.

And upon what has been presented by the undersecretary,

resolved the following:

Part 1

Definitions

Article 1

When implementing the terms of this decree the following words and
phrases shall have the meaning shown opposite to each of them:

The state : the state of the United Arab Emirates

The ministry : the ministry of economy and commerce

The minister : the minister of economy and commerce

The law : Trade Marks Law

The Mark : Trade Mark

Register : Trade Marks register

Section : Trade control section

The committee : the trademarks committee formed mentioned in article 13 of the law

The concerned authority: The concerned authority in the concerned Emirate

Article 2

The section at the ministry shall be concerned with implementing the trademarks law and its executive regulation and collecting the prescribed fees.

Article 3

The owner of the mark, if having a citizenship in the state, permitted in the state by lawyer office, a copy of the mark required to be registered shall be stuck in the space allocated for that in the form.

Article 4

The application shall be limited to registering the mark for one of the categories of the products, commodities or services indicated in annex No. (1) attached to this regulation.

Article 5

The application of registration shall contain the following data:

- 1- The applicant name, surname and trade name, if existing, and if the applicant is a company, its name, address, form and object shall be mentioned.
- 2- Applicant name, place of residence and kind of his trade.
- 3- The mark required to be registered.

- 4- List of the commodities, products or services whose mark is to be registered and mentioning the No. of the category of the products it belongs to.
- 5- The place which joins the trading shop or the project which use the mark or wanted to use it in extinguishing its commodities, products or services.
- 6- The selected place in UAE, if existing, in which the offices and documents related to the registration exist.
- 7- Signature of the applicant or his representative. If the application is presented from a company of establishment the concerned representative person shall sign.

Article 6

If the registration applicant has a group of marks similar in their vital elements which differ in things not mainly related to their core, and they are required to be registered for commodities, products or services belonging to one of the categories shown in annex (1), one application could be submitted for registering them.

Article 7

The registration application shall contain the following:

- 1- Ten true copy of the mark stuck on the registration application.
- 2- Proxy document, certified according to the rules, if the application has been submitted through lawyer.
- 3- Certificate of registration in the commercial register, or its repetitive inside or outside the state.
- 4- Certificate of registering the mark in any foreign state if he is requesting special priority, if existing.

Article 8

If the mark to be registered contained a word or more written in foreign language a certified translation into Arabic should be presented with it.

Part 2

Registration procedures

Article 9

The registration applications shall be entered into in a special register at the ministry called (applications-keeping register) with serial numbers according to the dates of submission, and the applicant shall be given a receipt including the following data:

The serial number of the application

Name and place of residence of the registration

applicant Date and hour of presenting the application

List of the products, commodities or services related to the application.

List of the documents attached to the application.

Article 10

The section shall examine, revise the application of registration and verify that the mark required to be registered is not similar to a mark previously registered, or an application was previously presented for registration, or that it is prevented by the Israel-boycotting office at the ministry. For the marks that indicate controlling or examining certain products the section shall verify the minister' approval.

Article 11

The section, before deciding the registration application, may assign the applicant or his representative (lawyer office) to present the necessary data or impose conditions for accepting the application, and may also assign the applicant to make the necessary amendments to the mark to determine and

clarify it to prevent ambiguity with another mark that was previously registered or presenting application for registering it.

Article 12

If the section refused the application of registration or suspended accepting it on some restrictions or amendments, the applicant shall be notified in writing on the reasons of the decree. The notice shall include showing the applicant the right to complain to the committee and mention the dates and procedures related to the complaint.

Article 13

If a complaint was presented to the committee the section shall notify the registration applicant on the date on which the committee shall study the complaint and application to attend to give the data, he holds. The notice should reach him at least 10 days prior to the session. Requesting attendance shall be by a registered letter, fax or telex.

Article 14

If the committee refused the complaint the applicant may appeal against the committee decree before the concerned civil court within 60 days from the date of informing him on its decree on the complaint presented by him.

Article 15

The applicant shall be considered as given up his application if, within the fixed period, did not complete the data or the conditions requested by the section or if he did not appeal against the committee decree within the period fixed in the notice sent to him on this regard.

Article 16

In case of accepting the application the section, before registering the mark, shall publish the following data in the official gazette and in two dailies issued in the state on the expense of the applicant:

Name, nationality, profession and state of the registration applicant.

A true copy of the mark.

The serial number of the registration application.

The commodities, products or services for which the mark was requested to be registered with showing the category of the products it belongs to.

The place that joins the trading shop or the project which uses the mark or wanted to use in distinguishing its commodities, products or services.

Article 17

Within 30 days from the date of last declaration of the mark, each concerned body shall present himself a written objection to the section of to send it by registered mail.

The section shall notify the registration applicant on a copy of the objection on his application within 15 days from receiving the objection.

Article 18

The applicant shall be considered as given up his application if, within 30 days from the date of the notice, if he did not present a written reply to the objection mentioned in the preceding article.

Article 19

The section shall hear any of the two parties as regards the subject of the objection if he requested hearing his sayings, and the section shall decide the objection after that hearing and shall issue its decree of refusing or accepting the registration or imposing the restrictions and conditions it sees.

Article 20

All concerned bodies may complain to the committee against the decree issued according to the preceding article within 15 days from the date of the notice. If the committee did not accept his complaint, he shall have the right to appeal against its decree before the concerned court within 30days from the date of informing him on that decree.

Article 21

The section shall keep a register for recording the trade marks as one page shall be allocated for each of the trade marks for documenting the following data:

- 1- The serial number and copy of the mark.
- 2- Date of presenting the application for registering the mark and date of registration.
- 3- Name, surname, nationality, place of residence –and his trade name – if existing – of the mark owner, and if the owner is a company its name, address, object and head office of its administration shall be mentioned.
- 4- The commodities, products or services for which the mark has been registered and their category.
- 5- The selected place in the state to which the letters and correspondence related to registration shall be sent.
- 6- The place that joins the trading shop or the project for which the mark was chosen to distinguish its commodities, products or services.
- 7- The restriction requested by the section for the registration.
- 8- Any amendments made to the mark after registration.
- 9- Transfer or mortgage of the mark ownership.
- 10- Deletion of the mortgage.

11- Renewing registration of the mark and deleting it.

12- License of benefiting the mark and its period and deleting it.

Article 22

In the same sheet each of the marks related together shall be documented showing evidence of the relation as well as the numbers of the other related marks.

One sheet shall be allocated for registering the group of marks mentioned in article 6 of his regulation, in which the marks of the group shall be indicated as well as the evidence that they are related marks.

Article 23

If a mark has been registered without determining a certain color for it or for a part of it, its registration shall be considered inclusive of all colors.

Article 24

After completion of the registration and payment of the fees, the mark owner shall be provided with a certificate according to the form prepared for that.

Article 25

The section shall inform the concerned authority in each emirate and the union of the chambers of commerce and industry as well as the chambers of commerce and industry in the state on the name of the mark owner and the data mentioned in the registration certificate within 30 days from the date of registration. The indicated entities shall keep a special register for documenting the data coming from the ministry which is shown in the registration certificate indicated in article 24 of this regulation. Each mark shall have a special page in that register.

Part 3

The amendments or additions made to the register

Article 26

The mark owner who wants to make any amendment or addition to its registered mark that does not affect it principally shall apply through the form prepared for that to the section with ten copies of the mark after amending it. The section shall publish that application according to the conditions and rules related to the original applications of registration. Also that application shall be subject to the same methods and procedures related to the original application as regards deciding, complaining and appeal.

Article 27

The owner of the registered mark may application entering the following data in the register:

- 1- Change of the name, surname, profession or nationality of the owner, and in case of companies he shall mention each change made to its name, address or object.
- 2- Delete some of the commodities, products or services allocated for the mark.

If the data required to be entered is linked to related marks, one application shall be sufficient for recording in the papers of registering such marks.

Article 28

Each procedure for which a judgment from the concerned court has been issued shall be entered in the register.

Article 29

The section shall register the marks in the register and publish them in the official gazette after payment of the publication expenses. It shall include the serial number of the mark, the name of its owner, statement of the amendments or the changes with reference to the number of the official gazette in which the mark registration was published.

The section shall inform the concerned authority in each emirate, the union of the chambers of commerce and industry and the chambers of commerce and industry in the state on the change or amendment within 30 days from its date.

Part 4

Renewal of the registration of the mark.

Article 30

The application for renewing the protection period resulted from the registration shall be presented to the section on the form prepared for that within the last year of the period of protecting the mark with the registration certificate and evidence of payment of the fees of renewal.

Article 31

The section, within the month following the end of the period of protecting the mark, shall notify its owner in writing on his address mentioned in the register, of the end of its protection period, and he shall present the renewal application according to the manner referred to in the preceding article within the three months following the date of the expiry of the protection period.

Article 32

The accepted new applications for renewal shall be agreed on without any additional examination and without allowing the others to object the renewal if presented on the dates and with the positions indicated in the two articles 30 and 31 of this regulation.

Article 33

The renewal of the mark registration shall be published in the official paper and in two dailies issued in the state on the expense of its owner, to include the following data:

- 1- The serial number of the mark.
- 2- Name, profession and place of residence of its owner. If the owner is company, its name, address and object shall be mentioned.
- 3- Date of the mark registration.

Part 5

Deletion of the registration

Article 34

The owner of the trade mark who wants to delete its registration for all commodities, products or services which have been registered or them or part of them shall apply to the section on the form prepared for that. If it was proved from the register that the mark was permitted previously to be used, the deletion cannot be made except upon a written consent from the person permitted to use it unless the license contract included a provision necessitates the explicit consent of the permitted person to transfer the license.

Article 35

The section shall delete the mark in the following cases:

- 1- If renewing the registration has not been made according to article 19 of the law.
- 2- Upon an application form its owner according to the terms of article 20 of the law, and the deletion shall be effective from the date of the application.
- 3- Upon a final judgment issued from the concerned court that the mark registration has been made with no right.
- 4- Upon a final judgment issued from the concerned court for deleting the mark because of non-serious use with no justification for five consecutive years according to article 22 of the law.

- 5- Upon a decree from the minister according to a letter from Israel boycotting office in the United Arab Emirates according to article 24 of the law.

Article 36

The section shall indicate the deletion from the register and publish the deletion in official gazette, with mentioning the following data:

- 4- The serial number of the mark.
- 5- Name, profession and place of residence of its owner. If the owner is company its name address and object shall be mentioned.
- 6- No. of the official paper in which the registration was published.
- 7- Reason of deletion and its date.

The section shall inform the concerned authority in each emirate, the union of the chambers of commerce and industry and the chambers of commerce and industry in the state on the deletion within 30 days from the date of its occurrence.

Part 6

Transfer of the ownership of the mark and its mortgage

Article 37

The transfer of the mark ownership which the law allows to be transferred shall be indicated in the register upon an application presented to the section from the transferee or his agent (lawyer office), and the application shall be made on the form prepared for that and it shall include the following data:

- 1- The serial number of the mark.
- 2- Name, surname and profession of the transferor and the transferee, and his trade name and profession. If one of them or both of them are company, its name, address and purpose of incorporation shall be mentioned.
- 3- Place of residence and nationality of the applicant.
- 4- The commodities, products or services which the mark distinguish and their categories

- 5- The place that joins the trading shop or the project which the mark protects.
- 6- The document by which the transfer of the ownership has occurred and its date.

Article 38

The application referred to in the preceding article shall include the documents indicating the transfer of the mark ownership. If the applicant is a company, the application shall include a copy of the page of recording it in the commercial register.

Article 39

It is not allowed to submit an application for transfer of the ownership of one of the related marks according to article 6 of this regulation without the rest of the related marks. One application may be submitted for marking in the register of transferring the ownership of such marks.

Article 40

The section shall indicate in the register the transfer of the mark ownership and mention the name, profession and address for the new owner as well as the reason of the ownership transfer, its date and date of marking that in the register. The section shall inform the applicant in writing of the occurrence of that.

Article 41

The transfer of the mark ownership shall be declared in the official gazette and in two dailies by publishing that on the expense of the applicant including the following data:

1. The serial number of the mark.
2. The date of registration and number and date of the official gazette in which the registration was published.
3. The commodities, products or services for which the mark was allocated.
4. The name of the previous owner of the mark.
5. Name of the body to whom the ownership was transferred and his nationality and profession.
6. Date of transferring the ownership and date of marking that in the register.

Article 42

Marking the mortgage of the mark in the register shall be according to the procedures and positions related to transferring its ownership upon an application presented by the creditor on the form prepared for that. The mortgage shall be declared in the official paper and in two dailies by declaring the same data mentioned in article 41 of this regulation.

Article 43

The mortgage shall be deleted upon an application presented by the mark owner to the section on the form prepared for that with the documents that indicate the expiry of the mortgage.

The deletion shall be declared in the official paper on the expense of the applicant including the number and date of the official paper in which the mark mortgage was declared.

Part 7

Contracts of licensing using the mark

Article 44

The license of using the trade mark shall be for one person or more for each or all the products, commodities or services, under a written and certified contract for a period not more than that decided for the protection of the mark itself.

Article 45

The license shall be declared by polishing the mark in the official gazette and in two dailies on the expense of the applicant. It shall include the following data:

1. The serial number of the mark.
2. Date of registering them and number and date of the official paper in which the registration has been declared.
3. The commodities, products or services for which the mark was allocated.
4. Name, surname, profession and nationality of the mark owner.
5. Name, surname, profession and nationality of the licensee.
6. Date of licensing using the mark and date of marking that in the register.

Article 46

The license registration shall be deleted upon the application of the mark owner or the beneficiary of the license to be submitted to the section on the form prepared for that.

The application shall contain evidence of the expiry or cancellation of the license.

Part 8

The marks allocated for indicating

Controlling or inspecting certain products

Article 52

The applications for registering the marks for indicating controlling or inspecting certain products shall be submitted to the section on the form prepared for that with the following documents:

- 1- Ten copies of the mark compliant to the copies stuck on the registration form.
- 2-Two official copies of the articles of association of the legal person who is conducting the control or examination with a list of the amendments that may be made to such articles.
- 3-the minister' agreement on registering the mark.
- 4- Two copies of the list of products, commodities and services which use the mark in their examination with showing their characteristics and kinds.
- 5- List of the persons who will use the mark.
- 6- Two copies of the rules to be followed by the applicant for registration in the control and examination operations with a list of the amendments which may be made to such rules.

Article 53

The marks mentioned in this part shall be registered in a special part in the register with the same conditions and rules followed in registering the other marks.

Article 54

Publishing such marks shall be accompanied with a summary of the rules which the applicant should follow in the operations of control and examination.

Article 55

Any amendment made by the owner of the mark to such rules should be reported to the section and recorded in the register in the part allocated for such marks, with the same procedures followed in other marks.

Article 56

The mark owner may use it himself and he shall allow other authorized persons to use it if they so requested according to such rules.

Article 57

The transfer of mark ownership shall be subject to the minister's approval, and the minister may cancel the mark registration if it was proved to him that its owner refuses allowing the other authorized persons to use it.

Article 58

The conditions and other rules related to these marks shall be the same conditions and rules mentioned in this regulation for the other marks mentioned in the law.

Article 59

The concerned entities according to the respective authority of each, shall implement the terms of this decree.

Article 60

This decree shall be published in the official gazette and be applied from the date on which the federal law No. 37 of 1993 concerning the trademarks shall be effective.

Said Ahmad Ghobash

Minister of Economy & Commerce

Issued in Abu Dhabi

Dated: 10 Shaban 1413H

corresponding to: 2 February 1993