



مكتب فراهات وشركاهم
Farahat & Co.
Established 1985, in UAE

Intellectual Property (IP)



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Intellectual Property

Intellectual property comprises of creations deriving from the human intellect. The regulation of intellectual property rights in a society is governed by two opposing ideas-the need to foster innovation by means of rewarding intellectual products and the ability of society to benefit from and have efficient access to such products. While attempting to spawn the advent of new ideas and innovations, governments must also ensure that new inventions will be properly disseminated so that society may enjoy the advantages of the said innovations.

Despite the efforts of the General Agreement on Tariffs and Trade (GATT), the Paris Convention for the Protection of Industrial Property (trademarks and patents), and the Berne Convention for the Protection of Literary and Artistic Works (copyrights), there is no uniform protection available to individuals whose inventions, mark, literary works, or computer software might be used in foreign countries.

Intellectual property protection in a foreign country frequently is dependent upon the owner meeting the registration requirements of the individual country. Individual applications for patent protection, for example, must be filed in each country in which the patent owner desires protection, unless the country conforms to an international agreement. Usually a foreign patent agent or attorney is needed to execute the filing of the application in another country.

More recent treaties, such as the Patent Cooperation Treaty, allow applicants from member countries to file one standardized international application to use in member countries in which intellectual property protection is desired.

In spite of these advances made in international cooperation, a number of countries are frequently cited as locations where intellectual property rights protection is often inadequate.

Keeping in view all these requirements **Farahat & Co.** set goals to protect its clients' rights by conducting IP searches, trademark watch and coordinating trademark, copyright, design and patent registration programmes in the UAE and elsewhere in the world. Our areas of expertise include:

Main Branches of Intellectual Property



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Intellectual Property mainly have two branches, one being industrial property dealing with technological inventions, utility models, trademarks for goods and services, industrial designs, etc; and other being copyright, which protects literary, musical, artistic, photographic and audiovisual works, films, computer programs and software, etc; as well as related rights, that is neighbouring on copyright (neighbouring rights), namely the rights of performing artists, producers of phonograms and broadcasting organisations.

Industrial property relates to creations borne out of inventions, which are solutions to technical problems, or industrial designs, which are aesthetic creations determining the appearance of industrial products. It also relates to trademarks, service marks, commercial names and designations, geographical indications (indications of source and appellations of origin) and to the protection against unfair competition. While inventions are exploited in industrial plants, trade and service marks, commercial names and commercial designations are not only of interest to industry, but also and mainly to commerce.

Unlike protection of inventions, copyright law protects only the form of expressions of ideas, not the ideas themselves. The creativity protected by copyright law is creativity in the choice and arrangement of words, musical notes, colours, shapes, etc. Copyright relates to artistic creations such as poems, novels, music, paintings, cinematographic works, etc. Copyright law protects the owner's rights in literary and artistic works against those who "copy" or otherwise take and use the form in which the original work is expressed by the author.

Arising out of this difference between inventions and literary and artistic works, the legal protection provided for each differs. Protection for inventions gives a right in the exploitation of an idea, and is short in duration, normally about 20 years. Whereas, the owner of the copyright can generally prevent the unauthorized reproduction, distribution (including rental) sale and adaptation of the original work. Protection generally lasts for the life of the author plus fifty years or more in the case of works belonging to corporate bodies. The fact that the invention is protected must also be made known to the public. There must be an official notification that a specific, fully described invention is the property, for a fixed number of years, of a specific owner; the protected invention must be disclosed in an official register, open to the public.



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As far as trademarks are concerned, any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those other undertakings shall be capable of constituting a trademark (article 15.1 of the TRIPS Agreement). The same Article provides that such signs, in particular words including personal names, letters, numerals, figurative elements and combination of colours as well as any combination of such signs, shall be eligible for registration as trademarks. The said Agreement also sets out in Article 16, the rights conferred on the owner a trademark and the protection to be given in respect of well-known marks.

The initial registration and each renewal of such registration of a trademark shall be for a term of no less than seven years (under Article 18 of the TRIPS Agreement). However, under the Trademark Law Treaty (TLT) it is 10 years. The registration of a trademark shall be renewable indefinitely, and is not limited in time provided the registration is renewed.

Intellectual Property Protection in the United Arab Emirates

Intellectual property rights are well-protected in the United Arab Emirates. The trademark registration is based on Federal Law No. 8 for the year 2002 amending Articles of the Federal Law No.37 for the year 1992 Concerning Trade Marks. Patents are registered in UAE in accordance with Decree of the Federal Law No. 17 for the year 2002, amending the Federal Law No. 44 for the year 1992 pertaining to the Industrial Regulation and Protection of Patents, Industrial Drawings, and Designs. Designs are protected in UAE in accordance with Decree of the Federal Law No. 17 for the year 2002.

Now, the United Arab Emirates is a member of WTO and major intellectual property treaties including WIPO Convention, Paris Convention for the Protection of Industrial Property, Berne Convention for the Protection of Literary and Artistic Works, Patent Cooperation Treaty, TRIPS Agreement, WIPO Copyright Treaty, and WIPO Performances and Phonograms Treaty.

Farahat & Co. has rapidly developed one of the leading specialist Intellectual Property Sections in its Consulting Division. Clients have come to know that they can confidently rely on our comprehensive range of in-house legal services to establish, protect and enforce their intellectual property rights, not only in the UAE but throughout the Gulf Region and the world.

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