



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

Trademark Registration Guidance Intellectual Property (IP)



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Trademarks Entitled for Registration

According to the UAE Law, a trademark is anything which takes a distinctive form whether names, words, signatures, letters, figures, drawings, symbols, titles, tax stamps, seals, pictures, inscriptions, advertisements or packs or any other mark or a combination thereof, used or is intended to be used, either in distinguishing goods, products or services whatever their origin is, or to show that goods or products are owned by the mark owner by virtue of their manufacture, selection or dealing in, or to indicate the performance of a service. Sound is considered a part of the trademark if it accompanies thereto.

Trademark Registration process in UAE

Initially a trademark application is filed with the Registrar, it is examined as to its registerability. If a trademark application is accepted by the Registrar it is published in the Trademark Journal as well as in two local daily Arabic newspapers. The cuttings of the notices shall be submitted to the Trademark Office. Any interested party may file a notice of opposition to the registration of the mark within 30 days from the date of any publication. The Registrar's decision concerning the opposition may be appealed to the Ministry's Committee and the Committee's decision may be appealed to the competent court. If no opposition is lodged within the time limit mentioned above, a trademark is registered and a certificate of registration is issued.

Trademark Registration Validity

A trademark registration is valid for 10 years as from the date of filing the application and the registration is renewable for similar periods. The renewal fees of a trademark registration can be paid during the final year of the protection period.

Trademark Registration Renewal

A grace period of 3 months is allowed for late renewal with a fine. The renewal of a trademark shall also be published in the Trade Mark Journal and in two local daily Arabic newspapers. The ownership of a registered trademark can be assigned with or without the goodwill of the commercial enterprise. However, the assignment shall have no effect vis-à-vis third parties unless it has been recorded in the register and published in the Trademark Journal. Changes in the name and/or address of the registrant must be recorded in order to protect rights. License and amendments which do not affect the identity of the mark substantially, limitation of the list of goods and/or services covered by a trademark registration can be recorded as well.

Use of the Registered Trademark

Use of a trademark is not required for filing applications for registration or for maintaining the registration in force. However, any interested party may request the court to cancel a trademark registration, if the owner fails to use such a trademark in the United Arab Emirates for 5 consecutive years from the date of registration.

or Service Marks Applications

1. A power of attorney duly notarized and legalized by the Consulate of the United Arab Emirates.

2. Twenty prints of the trademark/service mark colored or black & white (Size: 6 cm x 6 cm).
3. A certified copy of the home / foreign application / registration, if priority is claimed.
4. Name, Address, Nationality and Nature of business of the applicant.
5. List of goods or services to which the trademark/service mark applies.
6. If the mark includes one or more words written in a foreign language, a certified translation in Arabic must also be submitted. Such translation may be arranged in the UAE.

Requirements for Collective Mark Applications

1. A power of attorney duly notarized and legalized by the Consulate of the United Arab Emirates.
2. Twenty prints of the trademark/service mark. (Size: 6 cm x 6 m)
3. A certified copy of the home/foreign application/registration, if priority is claimed.
Space

Requirements for Quality Control Marks Applications

1. A power of attorney executed by the applicant duly notarized and legalized by the United Arab Emirates Consulate. It is necessary to submit the legalized power of attorney at the time of filing the application.
2. Two certified and legalized copies of the articles of incorporation of the legal persons who take care of the quality control and testing stating the amendments that have been made to the regulations.
3. The Minister's approval to the registration of the mark. This will be obtained at our end.
4. Two copies of the list of goods to which the mark is used for the testing measures with a mention to their specifications and quality. spaceA list of the persons who are going to use the mark.
6. Two copies of the rules, which the applicant follows in quality control and testing measures stating the amendment's made thereto. It is possible to amend the rules of use after filing.
7. Twenty prints of the mark to be registered. (Size 6cm×6cm)
8. List of goods or services to be covered
9. A legalized copy of the application filed for the mark, in case of claiming priority.
10. Meaning of the mark, if any, or its origin.

Requirements for Renewal of Trademark / Service Mark Registrations

1. A power of attorney duly legalized by the Consulate of the United Arab Emirates.
2. A copy of the certificate of registration of the trademark.

Requirements for Assignments Applications

1. A power of attorney executed by the assignee and duly legalized by the Consulate of the United Arab Emirates.
2. A duly legalized deed of assignment executed by both parties.
3. The original certificate of registration of the mark.

Requirements for Registered User / License Applications

1. A power of attorney in the name of the licensee duly legalized by the Consulate of the United Arab Emirates.
2. A legalized copy of the license agreement executed by both parties
3. The original certificate of registration of the mark.

Requirements for Change of Name or Address Applications

1. A power of attorney in the new name and/or address duly legalized by the Consulate of the United Arab Emirates.
2. A legalized certificate proving the change of name or address issued by the local competent authority of the applicant's domicile.
3. The original certificate of registration of the mark.

Requirements for Agency Agreements Applications

1. A power of attorney legalized by the Consulate of the United Arab Emirates.
2. For individual merchants, two copies of the following:
 - a) The commercial permit.
 - b) The entry in the commercial register.
 - c) The commercial agency agreement duly legalized by the Consulate of United Arab Emirates.
 - d) The Arabic translation duly notarized if the agency contract is not in the Arabic language.
 - e) The agent's entry or identification card.
 - f) The powers of attorney duly notarized.
 - g) Two copies of the declaration.

Notes

1. The originals have to be shown for checking when submitting the application.
2. The application is to be submitted in two copies each one in a separate file.
3. For companies:
 - a. All that was mentioned above in No. 2 and extracts of entries for all the partners or certificates from the Migration, Nationality and Passports Department stating that they are nationals.
 - b. Two copies of the Memorandum of Association and Articles of Incorporation duly legalized.

Trademarks Disqualified for Registration Space

1. The mark, which is devoid of any distinctive character or property, or the mark, which consists of mere denominations called by the tradition on goods, products or services, or familiar drawings and ordinary pictures of goods and products.
2. Any mark violating the public morals or desecrating the public order.
3. The public emblems, flags and other symbols pertaining to the State, Arab or international organizations or any institutions thereof, or any foreign country unless having an authorization there from, or any imitation of such emblems, flags or symbols.
4. Symbols of the Red Crescent or the Red Cross and other similar symbols as well as the marks, which are imitations thereof.
5. Marks, which are identical or similar to the symbols of pure religious nature.
6. Geographical names where the use thereof may cause confusion as to the origin or source of the goods, products or services.
7. The names, surname, photograph or emblem of a third party, unless he or his heirs. prior consent to use has been obtained.
8. Particulars pertaining to titles of honor which registration applicant cannot prove that he is lawfully entitled thereof.
9. Marks which may mislead the public or which contain false data as to the origin or the source of products or services, or about their other characteristics, as well as marks containing an imaginary, imitated or forged trade name.
10. Marks owned by natural or legal persons, with whom dealing with is prohibited.
11. Mark, the registration of which for some classes of products or services may diminish the value of other products or services distinguished by such mark.

12. Marks containing the following words or phrases: .Privilege., .Privileged., .Registered., .Registered drawings., .Copyright. or .Imitation is forgery. or similar words and phrases.

13. National and foreign decorations and metal and paper currencies.

14. A trademark considered as a translation of a famous mark or another previously registered trademark if registration of that mark will result in confusing the consumer public as to the goods distinguished by the mark or other similar goods.

Cancellation of the Mark

The trademark can be cancelled in the following cases:

1. The marks which are similar of identical to and Israeli mark.
2. By an order from the concerned civil court if it is proved that the trademark has not been used for five consecutive years.
3. Upon the trademark's owner's request.
4. The mark which has been unlawfully registered.