

**Cabinet Decision No. 6/2022**  
**On the Implementing Regulation of Federal Law No. 11/2021 on the**  
**Regulation and Protection of Industrial Property Rights**

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The Council of Ministers,

After perusal of the Constitution;

Federal Law No. 1/1972 on Competencies of the Ministries and Powers of the Ministers and its amendments;

Federal Law No. 11/2021 on the Regulation and Protection of Industrial Property Rights; and

Based on the proposal of the Minister of Economy and the approval of the Council of Ministers,

Hereby issues the following Decision:

### **Article 1 - Definitions**

The definitions contained in Federal Law No. 11/2021 here above mentioned, shall be applied to this Decision. Also, the following term shall have the meaning against it unless the context requires otherwise:

- Law: Federal Law No. 11/2021 on the Regulation and Protection of Industrial Property Rights.

### **Article 2 - Computation of time-limits**

The time-limits stipulated in this Decision shall be computed as follows:

- 1- If the time-limit is expressed in days, the first day of the period shall not be counted.
- 2- If the last day of the time-limit prescribed for industrial property procedures is an official holiday, the period shall be extended until the first following working day.
- 3- If the last day of the time-limit prescribed for the protection for industrial property rights is an official holiday, the said time-limit shall expire on that day.

### **Article 3 - Extension of the time-limits specified by the Ministry**

1- If the Law or this Decision stipulates a minimum time-limit for an industrial property procedure, the Minister or whomever he authorises may determine this time-limit on his own or upon a written request from the applicant, provided that the Ministry determines the appropriate time-limit in a manner that does not unjustifiably prejudice the interest of any other party to the procedure.

2- When the Chairman of the Committee sets a date for the commencement of an industrial property procedure, he may change that date upon a written request or on his own, in a manner that does not unjustifiably prejudice the interest of any interested party.

### **Article 4 - Stay, suspension, and resumption of procedures**

1- The industrial property procedure that is under consideration at the Ministry shall be stayed for a period up to (6) six months if any of the following cases apply thereto:

- a- Upon the death of the physical person, party to the procedure.
- b- If the juristic person, party to the procedure, ceases to exist.
- c- If any party to the procedure loses the legal capacity to sue.

2- Upon the stay of a procedure that is under consideration by the Ministry in accordance with Clause (1) of this Article, the physical or juristic person provided for in the following paragraphs shall file a written application to resume the procedure as follows:

- a- The successor of the deceased, the guardian of the estate, or any other person legally authorised to follow the procedure where Paragraph (a) of Clause (1) of this Article is applicable.
- b- The juristic person resulting from the merger process where (b) of Clause (1) of this Article is applicable.
- c- The party that has restored its capacity to file a lawsuit or the person who becomes the legal representative of the party, where Paragraph (c) of Clause (1) of this Article is applicable.

3- If the procedure stayed has not been resumed in accordance with Clause (2) of this Article within (6) six months from the first date of the stay thereof, the procedure shall be resumed on the next day after the expiry of the (6) six-month period.

4- If an application has been submitted to resume a stayed procedure or if the procedure has been resumed, the Ministry shall notify all concerned parties of the procedure.

5- If the Ministry considers that one of the parties is unable to resume the procedure due to persistent obstacles for an indefinite period, the Ministry may take a decision to suspend the procedure. In this case, it may resume the suspended procedure when it deems it appropriate.

6- If an industrial property procedure has been stayed or suspended, the whole period shall start to run again upon resumption of the procedure.

### **Article 5 - Delivery of documents**

- 1- Any document sent by the Ministry shall be received by the parties concerned with the procedure.
- 2- If the party concerned with the procedure has a legal representative in the country, the Ministry may deliver the document to its legal representative or to the same party, as the case may be.
- 3- If the Ministry sends a document through an electronic means of communication, the document shall be deemed to have been delivered to the party concerned with the procedure upon receipt of the document by the electronic communication system.
- 4- The electronic communication system shall include a system through which the concerned party notifies the Ministry or the official electronic service account at the Ministry.
- 5- If the Ministry does not have any means available to notify the party concerned with the procedure, it may publish the information to be notified in the Industrial Property Bulletin, and the information shall be deemed to have been delivered to the party after (30) thirty days from the publication.

### **Article 6 - Appointment of the representative**

- 1- A party may appoint a registration agent as its legal representative at any time for the industrial property procedure.
- 2- If a party appoints two or more representatives, any of them may represent the party independently.

### **Article 7 - Consent to the acts of persons lacking legal capacity**

When a person lacks legal capacity files an industrial property procedure, the person with legal capacity may consent to that procedure on a later date and the procedure shall have a retrospective effect.

### **Article 8 - Representation of two or more persons**

- 1- Where two or more persons jointly file an industrial property procedure, each of them shall be considered a representative of all persons.
- 2- None of the acts stipulated in the following paragraphs may be carried out except by all persons who have instituted the industrial property procedure or by the person who has been entrusted by them to do the following:
  - a- Assignment or abandonment of the industrial property right and any application pertaining thereto.
  - b- Abandonment of any application.

### **Article 9 - Microorganism Depository Authority**

- 1- The Ministry may register any entity in the country as a Microorganism Depository Authority under the "Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure" if it fulfils all of the following requirements:
  - a- The entity shall have the human resources and equipment necessary for the safe preservation and storage of microorganisms.
  - b- The entity shall set plans for performing services related to the storage and supply of deposited microorganisms.
  - c- The entity shall have a security system to maintain confidential information about microorganisms.
- 2- Any entity wishing to register as a Microorganism Depository Authority shall file an application with the Ministry and shall be recorded in the register.

### **Article 10 - Deposit of microorganisms**

- 1- The Ministry may require the applicant for a patent to deposit the microorganism with any of the following authorities before filing a patent application relating to microorganisms unless a person skilled in the relevant art can easily obtain that microorganism:
  - a- The Microorganism Depository Authority registered with the Ministry in accordance with Article (9) of this Decision.
  - b- An International Depository Authority under the "Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure".
- 2- The applicant shall mention the deposit information in the description of the application and submit the document evidencing the deposit of the microorganism.
- 3- The applicant shall notify the Ministry upon a change in the deposit number and furnish it with a copy of the new deposit certificate.

### **Article 11 - Provision of microorganisms**

1- A person who wishes to obtain a deposited microorganism for the purposes of testing or scientific research may apply with the Ministry to issue a certificate to provide the deposited microorganism after publication of the patent application relating to this microorganism. The Ministry shall examine the application and decide on it.

2- A person authorised by the owner of the deposited microorganism may receive the microorganism.

3- A person who receives a microorganism under Clauses (1) and (2) of this Article shall not authorise another person to use the microorganism.

### **Article 12 - Applications relating to the sequence of nucleotides and amino acids**

Where the patent application contains disclosure of nucleotide and amino acid sequences, they shall be represented in a sequence listing, and the applicant shall provide a sequence listing in a searchable electronic format and complying with the standard provided for the World Intellectual Property Organisation.

### **Article 13 - Determining the invention related to the security and military industries**

1- The Ministry determines the patent applications for the security and military industries submitted by the applicant residing in the country according to the classification chosen by the Ministry.

2- The Ministry bases its classification mainly on the Strasbourg Agreement Concerning the International Patent Classification or other classifications that the Ministry deems appropriate.

3- Upon receiving an application related to the security and military industries, the Ministry shall submit a copy of the application and its attachments to the concerned department of the Ministry of Defence.

### **Article 14 - Review by the Ministry of Defence**

1- The Ministry of Defence shall review the application and its attachments as received from the Ministry under Clause (3) of Article (13) of this Decision within a period specified by the Ministry of no less than (90) ninety days.

2- In the event that the Ministry does not receive the results of the Ministry of Defence's review of the application stipulated in Clause (1) of this Article within the period specified by the Ministry, this shall be considered as the Ministry of Defence's unwillingness to maintain the confidentiality of the invention or to prevent the inventor from submitting an application regarding it to a foreign country based on Article (15) of this Decision.

### **Article 15 - Prohibition of applying to a foreign country and maintenance of confidentiality**

1- The Ministry of Defence may prevent the owner of an invention related to the security and military industries from submitting an application to a foreign country to obtain any of the industrial property rights.

2- The Ministry of Defence may decide to keep the invention confidential for the period it deems necessary.

3- The owner of the invention may request from the Ministry of Defence a fair compensation for losses arising from compliance with the provisions of Clauses (1) and (2) of this Article.

### **Article 16 - Compulsory transfer of the invention to the rightful owner**

1- The rightful owner of the invention who requests the transfer of a patent application, a patent, or a utility certificate to himself in accordance with Article (9) of the Law shall furnish the Ministry with the following documents:

- a- A written application to transfer the application, the patent, or the utility certificate to himself.
- b- Supporting documents proving that he is the rightful owner of the invention.

2- The Ministry shall notify the other party of the application, furnish him with a copy of the supporting documents furnished by the rightful owner of the invention and invite him to submit his observations and supporting documents within a period specified by the Ministry of no less than (30) thirty days from the notification. After the expiry of this period, the Ministry shall raise all documents and observations submitted by the two parties.

3- The committee shall consider the application and issue a decision thereon. Any party concerned with the decision may file an appeal against it before the court within (30) thirty days from the date of receiving the committee's decision.

### **Article 17 - Undisclosed invention**

1- In the event that the invention is disclosed to the public by the inventor or others who viewed the invention with or without the permission of the inventor, the applicant may request the Ministry to exclude this disclosed invention from prior art. The applicant shall submit a copy of this disclosed invention with evidence that it has been disclosed within (12) twelve months prior to the filing date.

2- The applicant may not file the application in accordance with Clause (1) of this Article if the invention has been disclosed in the Industrial Property Bulletin, to any foreign and regional patent authority, or to the World Intellectual Property Organisation.

## **Article 18 - The principle of priority claims**

1- If more than one application is filed for the same invention, the right to the grant of a patent or a utility certificate lies with the first person to file the application for protection of that invention.

2- In the event that more than one application for the same invention is filed on the same date and the Ministry is unable to confirm the exact chronological order of the applications, the Ministry shall do the following:

- a- The right to the grant of a patent or a utility certificate, as the case may be, lies with the applicant who has been approved by all applicants.
- b- In the event that the applicants for a patent or a utility certificate do not reach an agreement between them, none of the applicants for a patent or a utility certificate is entitled to be granted a patent or a utility certificate, as the case may be. In this case, the Ministry shall request the patent or utility certificate applicants to furnish a signed written agreement within (90) ninety days from the date of the application, failing which the applicants for the patent or the utility certificate shall be considered as being unable to reach an agreement among themselves.

## **Article 19 - Application for patent or utility certificate and its attachments**

1- An application for a patent or a utility certificate shall contain the following information:

- a- The title of the invention.
- b- The name and address of the applicant.
- c- The name and address of the inventor.
- d- The legal representative and his address, if any.
- e- An abstract of the invention, not exceeding (500) five hundred words. The abstract merely serves the purpose of technical information as part of the bibliographic information of the application.
- f- The international application number and filing date in the event that the application is in the national filing phase in the country for an international filing under the Patent Cooperation Treaty in accordance with the Patent Cooperation Treaty.
- g- The original application's number and filing date if the application is divisional or a conversion of the previous application filed in the country.
- h- The number and date of the prior-filed application and the office that received it in the event that the applicant claims a right of priority on the basis of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the "Paris Convention").

2- The applicant shall provide a description of the invention in a manner sufficient to identify the subject matter of the invention on the filing date. The description may include the following information:

- a- An explanation of the technical field to which the invention relates.
- b- The prior art which, as far as known to the applicant, can be regarded as useful for the understanding of the invention.
- c- An explanation of the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.
- d- The best mode contemplated by the applicant for carrying out the invention claimed; this can be done in terms of examples and with reference to the drawings, if any.
- e- Details of the industrial application of the invention, including its manufacture and use, and the results achieved by the invention.
- f- A brief description of the drawings, if any.

3- The applicant may furnish drawings and an illustration, and he may not furnish or amend the drawings in a way by which he submits a new feature that was not submitted on the filing date. The Ministry may choose the illustration if necessary.

4- The applicant shall define in the claim or claims the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

5- The applicant shall provide the following documents, as the case may be:

- a- A copy of the commercial register extract or an official extract of the partnership contract or establishment title deed, as the case may be, if the applicant is not a physical person.
- b- The document that proves the applicant's entitlement to the invention if he is not the inventor.
- c- Power of attorney if the application is submitted by a person other than the applicant.
- d- A copy of the Emirates ID card if the applicant or his representative is residing in the country.

6- The documents stipulated in Paragraphs (a), (b), (c) of Clause (5) of this Article shall be approved in accordance with the Ministry's instructions.

7- The Ministry does not request ratification of the document stipulated in Paragraph (b) of Clause (5) of this Article if it is recognised by the World Intellectual Property Office during the international filing procedures under the Patent Cooperation Treaty.

8- The documents stipulated in Clauses (2), (3), (4) of this Article shall be submitted in both Arabic and English.

9- If the application is in the national filing phase in the country for an international filing under the Patent Cooperation Treaty, the documents filed in accordance with Clauses (2), (3), (4) of this Article shall be within the scope of the description, protection claims, and drawings contained in the international application filed on the international filing date.

10- An application for a utility certificate may not be submitted except for a facility with a tangible form or structure.

#### **Article 20 - Verification of the application**

1- The applicant shall submit, as a minimum, a description of the invention in accordance with Clause (2) of Article (19) of this Decision on the day of filing, either in English or Arabic, failing which the Ministry shall reject the application without allowing the applicant to complete the purported application by furnishing the missing part or to amend the application.

2- The applicant may provide the Ministry with a declaration indicating that he has furnished all the necessary documents in accordance with Article (19) of this Decision, and the Ministry may, in this case, expedite the examination of the application.

#### **Article 21 - Submission of missing documents and legal examination**

1- The applicant shall furnish the documents stipulated in Clauses (4) and (5) of Article (19) of this Decision or any necessary document requested by the Ministry within the period specified by the Ministry of no less than (90) ninety days from the date of the application, failing which the application shall be considered as void *ab initio*.

2- The applicant shall furnish a translation of the documents stipulated in Clauses (2), (3), (4) of Article (19) of this decision if they were submitted in one of the Arabic or English languages within the period specified by the Ministry of no less than (90) ninety days from the date of the application, failing which the application shall be considered as void *ab initio*.

3- If the Ministry finds any defects, it shall invite the applicant to correct or amend the application. The applicant shall file the required correction or amend the application within the period specified by the Ministry of no less than (90) ninety days from the date of the application, failing which the application shall be considered as void *ab initio*.

4- Notwithstanding the provisions of Clauses (1), (2), (3) of this Article, the applicant may re-file the application after paying the re-filing fees and additional delay penalty within (9) nine months from the date the application, failing which the application shall be considered as void *ab initio*.

5- The Ministry may reject the application without giving an opportunity to file the required correction or amend the application in the event that the application contains a serious defect that cannot be addressed through the amendment permitted in Article (26) of this Decision.

#### **Article 22 - Drafting claims for protection**

In drafting protection claims, the following shall be observed:

- a- The subject of the claim shall be a product or an industrial method.
- b- The number of the protection claims shall be reasonable in consideration of the nature of the invention claimed. The number of protection claims shall not exceed (50) fifty for a patent and (10) ten for a utility certificate.
- c- Protection claims shall be mentioned in the form of independent claims, and it is permissible to add dependent claims to independent claims in order to reduce the number of independent claims or increase the identification of independent claims. It is also permissible, if necessary, to add other dependent claims to reduce or increase the identification of those dependent claims.
- d- A protection claim which refers to another protection claim shall state the number of the claim referred to, and in this case, the protection claim referred to shall precede the protection claim it is referred to.
- e- Any dependent claim which refers to more than one other claim shall refer to such claims in the alternative only.
- f- Each protection claim shall be entered on a new line, and the serial numbers shall be presented in the order of entries.
- g- If a protection claim refers to more than one other protection claim, the protection claim referred to may not refer to two or more other claims. The same rule applies if the aforementioned protection claim refers to one other protection claim, which in turn refers to two other claims or more.

#### **Article 23 - Format of drawings**

1- The drawings shall observe the following:



- a- Drawings shall be clear enough to reflect the technical feature in the best possible way and can be supported in colour if possible.
- b- Letters and numbers used to refer to parts of the drawing shall be written clearly, and the same letters and numbers shall be used in all drawings. If these letters and numbers are written outside the drawing, they shall be linked in precise lines to the parts they refer to.
- c- In the event that more than one drawing is shown on one sheet of paper, a sufficient space shall be placed between each drawing and another, and each drawing shall be numbered consecutively.

2- The patent or the utility certificate may not be cancelled through an *ex parte* re-examination or invalidation due to non-compliance with the drawings' controls stipulated in Clause (1) of this Article.

#### **Article 24 - Claims' priority**

1- The applicant may request, add, or amend the priority claim before publishing the application or registering the patent, or within (16) sixteen months from the dates specified in Paragraphs (a) to (d) of Clause (2) of Article (32) of this Decision, whichever is earlier. After the expiry of this period, the applicant may only cancel the priority claims in whole or in part.

2- Notwithstanding the provisions of clause (1) of this Article, where the application is a national filing for an international application under the Patent Cooperation Treaty, the applicant may not claim priority other than that accepted by the International Bureau under the Patent Cooperation Treaty.

3- The Ministry may invite the applicant to furnish a copy of the previous application within the period it specifies, provided that it be not less than (60) sixty days.

4- The Ministry may invite the applicant to provide a translation of the previous application within the period it specifies, provided that it be not less than (60) sixty days, if the previous application was not written in one of the English or Arabic languages, and the translation is necessary for substantive examination.

5- The priority claim shall be considered void if the applicant fails to fulfil the requirements of the preceding clauses of this Article.

#### **Article 25 - Register of patents and utility certificates**

The patent and utility certificate register contains the following:

- a- The information stipulated in Clause (1) of Article (19) of this Decision.
- b- Information related to the examination, acceptance, or rejection of the application.
- c- Information related to patent registration.
- d- Information related to the withdrawal and abandonment of patents, if any.
- e- Payment of the annual instalment and the legal status in the Ministry.
- f- Information related to *ex parte* re-examination, grievance, appeal, and nullity, if any.
- g- Rights related to the application or the registered patent, including licensing and undertaking, if any.
- h- Any other information that the Ministry deems appropriate.

#### **Article 26 - Scope of correction and amendment of the application**

1- The applicant may correct any literary or arithmetic errors in the application and its attachments.

2- The amendment may not include any new feature outside the scope of the disclosure submitted to the Ministry on the date of submission.

3- In the event that the application is a national filing in the country for an international application under the Patent Cooperation Treaty, the applicant may amend the application and its attachments within the scope of the description, claims, and drawings of the international application submitted on the international filing date.

4- In the event that the application is divisional or a conversion of a previous application, the applicant may amend the application and its attachments within the scope of the description, claims, and drawings of the original application at the original filing date.

5- In the event that the applicant amends the substantive issues of the application, the applicant shall provide an explanation of the amendment that refers to the amended elements and clarify that the amendment does not include any new matter outside the scope provided for in clauses (2), (3), (4) of this Article. If an explanation for the amendment has not been furnished, or if the Ministry finds that the explanation is insufficient, the Ministry may invite the applicant to provide an explanation for the amendment within a period of no less than (60) sixty days.

6- In the event that the amendment substantially includes a new feature that exceeds the scope stipulated in Clauses (2), (3), (4) of this Article, the Ministry shall reject the amendment, and the amendment shall be considered as void *ab initio*.

7- In the event that the applicant fails to provide an explanation for the amendment in accordance with Clause (5) of this Article, and this failure causes a problem in conducting the substantive examination, the Ministry may reject the amendment, and the amendment shall be considered as void *ab initio*.

8- Correction or amendment shall not be ratified until after payment of the relevant fees.

### **Article 27 - Issuance of a certified copy of the priority claim application**

A certified copy of the application with the filing date shall be issued only to the applicant or a person who has the right to file a patent application outside the country.

### **Article 28 - Related inventions**

1- In order to submit an application relating to a group of related inventions as stipulated in Article (15) of the Law, the following conditions shall be met:

- a- The inventions shall be technically related to each other.
- b- The inventions shall have the same or equivalent technical features and considered as a whole, makes over the prior art.

2- The Ministry may require the applicant to choose one group of inventions at any time before granting a patent. In the event that the applicant does not choose a group of inventions, or if the Ministry considers that the group of inventions is outstanding compared to other groups, the Ministry may choose a specific group of the inventions and may modify protection claims on its own.

### **Article 29 - Division and conversion of the application**

1- An applicant for a patent or a utility certificate may divide the application into a certain number of divisional applications within the scope of the original application in accordance with Clauses (2) and (3) of Article (26) of this Decision while the original application is pending at the Ministry.

2- An applicant for a utility certificate may convert the application into a patent application and *vice versa* in accordance with Clause (3) of Article (6) of the Law within the scope of the original application as stipulated in Clauses (2), (3), (4) of Article (26) of this Decision while the application is pending at the Ministry. The original application shall be considered withdrawn at the time of conversion.

3- The divisional or conversion application shall be deemed filed at the date of the original application.

4- The applicant for division or conversion of the original application shall determine the priority claim in accordance with Paragraph (h) of Clause (1) of Article (19) of this Decision, failing which, the applicant may not benefit from the right to claim priority provided for in the original application.

5- The person claiming priority in the division or conversion of the original application may mention the documents filed in the original application.

### **Article 30 - Withdrawal of the application**

1- The applicant or his legal representative may request, by means of a written application, the withdrawal of his application at any time while the application is pending at the Ministry.

2- In the case of joint ownership of the application, the application shall be withdrawn by agreement between them, and a written agreement shall be produced to the Ministry to withdraw the application.

### **Article 31 - Voluntary transfer of application and patents to third parties**

1- A patent applicant or patent owner may transfer his application or patent to a third party by filing a written application to this effect with the Ministry.

2- In the case of joint ownership of the application or the patent, the person who wishes to transfer his share in the patent in whole or in part to a third party shall produce evidence to the effect that such transfer does not cause harm to the remaining owners.

3- The Ministry may refrain from registering the transfer in the register if it deems that it would prejudice an industrial property right or harm commercial competition or give rise to other issues related to industrial property rights.

4- In the event that the Ministry refrains from registering the transfer for the reasons set forth in Clause (3) of this Article, it shall give the applicant or the patent owner the opportunity to present his observations and defences to the Ministry within a period specified by the Ministry of no less than (90) ninety days from the date of his invitation to provide his observations.

### **Article 32 - Publication of the patent application**

1- The Ministry may publish the patent application and the information relating thereto, in whole or in part, to lay it open to public inspection after the lapse of (18) eighteen months, or at the request of the applicant, even prior to the expiry of this period.



2- The (18) eighteen-month period stipulated in Clause (1) of this Article shall start to run as of the date specified in any of the following clauses, as the case may be:

- a- The date of filing the application with the Ministry.
- b- The original application filing date if the application is divisional or a conversion of the original application.
- c- The international application filing date if the application is a national filing in the country for an international application under the Patent Cooperation Treaty.
- d- The earliest acceptable priority date for the application if the application is accompanied by a priority claim under the Paris Convention.

3- Notwithstanding the provisions of Clause (1) of this Article, the Ministry may not publish or disclose the application in accordance with Clause (2) of Article (15) of this Decision.

4- After publication, the applicant may serve a warning to the person who uses his invention commercially, through a written warning to the effect that he has filed a patent application.

5- The court may order the person who has received the written notice in accordance with Clause (3) of this Article to pay compensation equivalent to an amount normally paid under contractual licence to the patent holder for the period in question as of the date of the written notice to the date of the patent registration. Such compensation shall only be claimed after the patent has been registered on condition that the competent court rules that the use of the invention has infringed the registered patent.

6- The application for compensation under Clause (4) of this Article shall not affect the exercise of the right of the registered patent.

### **Article 33 - Invitation to substantive examination**

1- The Ministry invites the applicant to pay the examination fees after completing the legal examination of the application.

2- The Ministry may invite the applicant to pay the re-examination fees if the application was not accepted in the previous examination or re-examination.

3- In the event that the Ministry discovers only minor errors in the description, claims or drawings and considers the claimed inventions to be new, innovative, and industrially applicable, the Ministry may invite the applicant to pay a reduced re-examination fee. The applicant may amend the application with respect only to errors indicated by the Ministry, failing which any other amendment shall be considered as void *ab initio*.

4- The applicant shall pay the examination or re-examination fees within (90) ninety days of being instructed to pay the fee, failing which the application shall be considered as void *ab initio*.

5- Notwithstanding to by Clause (4) of this Article, the applicant may restore the application by paying the restoration fee and additional delay penalty within (9) nine months from the date the application was deemed null.

### **Article 34 - Submission of the result of examination by other patent authorities**

The Ministry may require the applicant to produce the results of the examination conducted in any of the foreign or regional patent authorities if necessary. The Ministry may suspend the examination until after the applicant furnishes the required document.

### **Article 35 - General examination**

1- Any person may provide information and opinions about the inadmissibility of the application by the Ministry, prior to the Ministry's decision accepting the application.

2- The Ministry shall review the information and opinions received in accordance with Clause (1) of this Article, and the Ministry shall publish the outcome of this review in the result of the examination, in the event that the Ministry finds that the information and opinions provided are useful for examination.

3- The Ministry may seek the assistance of an expert in the relevant technical field if the Ministry considers that this expertise is necessary to complete the examination. In the event that the application has not been published at the time of the consultation, the expert shall undertake to maintain the confidentiality of the application until disclosure of the application to the public or the lapse of the period stipulated in Clause (1) of Article (32) of this Decision.

### **Article 36 - Assignment to search relevant prior art**

The Ministry may assign a foreign patent authority or a local or foreign institute specialised in searching for relevant prior art in order to submit the following:

- a- Searching relevant prior art and providing a written opinion on patentability based on the search.
- b- Establishing a patent classification code.
- c- Other services that the Ministry deems necessary for examining the applications.

### **Article 37 - Application for amendment**

1- The Ministry may invite the applicant to correct any formal defects, complete full payment of outstanding fees, or amend protection claims or fees as stipulated in Article (22), Paragraphs (a), and (b), and Article (23) of this Decision at any time prior to a decision accepting the application.

2- The applicant shall correct or amend the application at the request of the Ministry within (90) ninety days, otherwise the application shall be considered null.

3- If the Ministry finds that the correction or amendment application has not been made, the Ministry shall re-invite the applicant to file the required correction and amendment, failing which the application shall be considered as void *ab initio*.

4- Notwithstanding Clauses (2), (3) of this Article, the applicant may restore the application by paying the restoration fee and additional delay penalty within (9) nine months from the date the application was deemed null.

### **Article 38 - Summary examination**

1- The Ministry may expedite the study of the application at the request of the applicant or on its own.

2- If the applicant wishes to expedite the examination of his application, he shall file a written application to this effect with the Ministry and pay the relevant fees.

### **Article 39 - Substantive examination**

1- The Ministry shall examine the patent application or the utility certificate and its attachments to verify the following:

- a- Submission of the application by a national physical or juristic person, or by a foreigner who is entitled to file the application in accordance with the provisions of any agreement or international agreement to which the State is a party, or who holds the nationality of a country that maintains the principle of reciprocity with the State in accordance with Article (3) of the Law.
- b- Submission of the application by the rightful owner of the invention.
- c- Submission of the application jointly by all the joint owners if the right of the invention is jointly owned.
- d- Description, protection claims, and drawings within the scope of the disclosure made on the application filing date or the international filing date in accordance with Clauses (2) and (3) of Article (26) of this Decision.
- e- Description, protection claims, and drawings within the scope of the original application stipulated in Clause (4) of Article (26) of this Decision, if the application is divisional or a conversion of the original application.
- f- Documents referred to in Clauses (2), (3), (4) of Article (19) of this Decision with their most identical translations.
- g- The invention does not contain matters that are not permissible as specified in Clause (1) of Article (7) of the Law.
- h- The invention is new, innovative, and industrially applicable.
- i- An application for the same invention has not been previously filed with to the Ministry, or the applicants for the invention have submitted a written agreement in accordance with Clauses (1) and (2) of Article (18) of this Decision.
- j- Protection claims are formulated in a clear and concise manner, and the claimed inventions are supported by a description in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art in accordance with Clauses (5), (6), (7) of Article (11) of the Law.
- k- The claimed inventions are related to the inventions under Article (15) of the Law and Article (28) of this Decision.
- l- The protection claims and the drawings of application fulfil the conditions stipulated in Articles (22) and (23) of this Decision.
- m- The protection claim for a utility certificate application is in accordance with Clause (10) of Article (19) of this Decision.

2- The Ministry shall inform the applicant of the reasons for refusing the application in case the applicant does not fulfil the conditions stipulated in the preceding paragraph. The Ministry may invite the applicant for re-examination to present his justifications with the necessary amendment, if any.

3- The Ministry may reject the application without inviting the applicant for re-examination if it deems that the applicant has been given sufficient opportunity for re-examination at least twice, and the applicant has not addressed the reasons for rejection.

### **Article 40 - Automatic amendment**

1- The Ministry may, if it finds a clear written error in the description, protection claims, and drawings of the application, to correct this written error on its own when it decides to accept the application.

2- Where the Ministry makes an amendment on its own in accordance with the preceding paragraph, the Ministry shall notify the applicant of the amendment it has made on its own.

3- If the applicant does not accept all or some of the amendments made by the Ministry on its own, he may reject the amendment that it has made on its own by submitting a written notice to the Ministry before paying the registration fees.

4- In the event that the applicant rejects the amendment made by the Ministry on its own, this amendment shall be considered as void *ab initio*, and the Ministry shall cancel its decision to accept the application. The Ministry shall re-examine the application without the amendment it made on its own, and it may not collect re-examination fees for reconsideration of the case.

#### **Article 41 - Decision of registration and publication thereof**

1- The Ministry shall accept the application, if it finds that the requirements stipulated in Clause (1) of Article (39) of this Decision have been fulfilled and invite the applicant to pay the registration fee within (60) sixty days from the date of his notification of payment. The Ministry shall publish the registration in the Bulletin Industrial Property, and it may also publish a copy of the description, protection claims, and drawings, as the case may be.

2- The applicant shall pay the unpaid annual fee before or with the payment of the registration fee.

3- In the event that the applicant does not pay the registration fee on time, the application shall be considered as void *ab initio*.

4- Notwithstanding Clause (3) of this Article, the applicant may restore the application by paying the restoration fee and additional delay penalty within (9) nine months from the date the application was deemed null.

#### **Article 42 - Ex parte re-examination**

1- Any person may file with the Ministry an application for an *ex parte* re-examination to request cancellation of the registration in whole or in part of a registered patent or a utility certificate that does not meet any of the requirements stipulated in Paragraphs (a) to (j) of Clause (1) of Article (39) of this Decision, within (90) ninety days from the publication of the registration.

2- The interested party who has a substantial interest may request an *ex parte* re-examination in accordance with Clause (1) of this Article on a later date after the lapse of (90) ninety days from the date of publication of the registration. The applicant for an *ex parte* re-examination shall prove that he has a substantial interest in a patent registered invention or utility certificate. In the event that the said requirements are not met, the Ministry shall reject the application without an *ex parte* re-examination.

3- A person filing an application for an *ex parte* re-examination under Clauses (1) and (2) of this Article shall provide the reason for partial or complete cancellation of the registration accompanied with the supporting evidence and proof of payment of the relevant fees.

4- The Ministry shall record the application for *ex parte* re-examination and the decision issued therein the register and notify the relevant authorities of the progress of the *ex parte* re-examination procedures with a copy of the relevant documents.

5- The *ex parte* re-examination shall be re-considered by a group of at least three examiners with sufficient experience to ensure the correctness of the registration.

6- Notwithstanding Clause (1) of Article (44) of this Decision, the issuance of the registration certificate shall be suspended until after the group of examiners decides, after completing the *ex parte* re-examination, that the registration is valid.

7- If the group of examiners cancels the registration, the registration shall be considered as void *ab initio*.

8- Any party related to the *ex parte* re-examination may file a petition with the committee to seek the cancellation of the decision of the group of examiners within (60) sixty days from the notification of the decision to the parties concerned.

#### **Article 43 - Amendment after grant**

1- The owner of a patent or a utility certificate may correct any literary or arithmetic errors in the description, protection claims, and drawings on a later date after registration and payment of the due fees. The correction may not include a change in the description, protection claims, and drawings.

2- The owner of the patent or the utility certificate may amend only the protection claims after registration, after payment of the due fees by cancelling one or more protection claims or reducing the scope of the protection claims as a whole. The amendment shall not change or expand the scope of the protection claims as a whole.

3- A group of examiners shall review the correction and amendment to ensure that the amendment fulfils the requirements stipulated in the preceding clauses of this Article. If the group of examiners rejects the correction or amendment, the correction or amendment shall be considered as void *ab initio*, and the Ministry shall record the decision of the group of examiners in the register.

4- If the group of examiners agrees to the amendment, the Ministry may publish the amended protection claims in the Industrial Property Bulletin.

#### **Article 44 - Certificate of registration**

1- The Ministry shall issue patent registration certificate or a utility certificate after (90) ninety days from the publication of the registration and it shall contain the following information:

- a- The number and filing date of the application.
- b- The number and date of the ministerial decision issued to grant the patent registration.
- c- The patent registration number.

- d- The owner's name and address.
- e- The name of the inventor unless he declares in writing that he does not wish to reveal his name.
- f- The title of the invention.
- g- The number and filing date of the original application if the application is divisional or a conversion of the original application.
- h- The number of the international application and the date of the international application if the application is a national filing in the country under the Patent Cooperation Treaty.

2- The patent certificate shall be signed by the Minister or his authorised representative.

3- In the event of any discrepancy between the patent certificate and the register, the Ministry shall correct the certificate and re-issue it upon request or on its own.

#### **Article 45 - Annual fees**

1- The applicant shall pay the annual fees at the beginning of each year starting from the year following the filing date of the application. The applicant may pay the annual fees in advance for the whole or part of the protection period in accordance with the instructions of the Ministry.

2- In the event that the application is a national filing in the country for the international application under the Patent Cooperation Treaty, the applicant shall pay the annual fee as of the international filing date.

3- In the event that the application is divisional or a conversion of the original application, the applicant shall pay the annual fee from the original application date.

4- In the event that the applicant fails to pay the annual fees on time, the applicant may pay the annual fees within (3) three months after the specified time without imposition of any delay penalty thereon. After the lapse of (3) three months, the applicant may pay the unpaid annual fees with a delay penalty until the application registration date.

5- Annual fees shall be paid for the registered patent or utility certificate. If the annual fee has not been paid within the time specified after registration, the owner of the registered patent or utility certificate may pay the annual fee within an additional (3) three months without delay penalty. Another (9) nine-month grace period shall be granted to pay the annual fee with the delay penalty.

6- If the registered owner of the patent or utility certificate fails to pay the annual fees in accordance with Clause (5) of this Article, the registration of the registered patent or utility certificate shall expire on the next day following the lapse of the (9) nine-month grace period. The registered patent or utility certificate may not be re-registered upon expiry of the registration.

7- The Ministry shall publish the expiry of the patent registration or the registered utility certificate in the Industrial Property Bulletin, the Industrial Property Digital Library or the Ministry's website. Any delay in publication or non-publication shall not affect the expiry of the registration of the patent or the utility certificate.

#### **Article 46 - Scope of protection**

The scope of protection for a registered patent shall be determined according to the protection claims.

#### **Article 47 - Assignment of rights**

1- The owner of the right shall produce the written agreements entered into with all concerned parties registered in the Register in order to assign the same under Article (34) of the Law, failing which the Ministry shall reject the claim.

2- If the assignment of the right in accordance with the preceding paragraph was partial, the written application shall indicate the claims for protection that will be abandoned, otherwise the assignment shall be considered complete.

3- The assignment shall enter into force on the date of submitting the application after the approval of the Ministry.

4- The Ministry shall record the assignment in the register.

#### **Article 48 - Compulsory licence issued by the court**

1- The court shall ensure that the applicant for a compulsory licence satisfies the requirements stipulated in Article (25) or Article (31) of the Law through court litigation procedures, taking into account the relevant laws and regulations.

2- The court may hold hearing sessions by inviting the persons concerned and the necessary experts recommended by the parties or appointed by the court on its own, before the issuance of the judgment.

#### **Article 49 - Registration and publication of the licence**

1- The compulsory licence shall be registered in the Register in accordance with Articles (29), (30), (31) of the Law and shall include the following information:

- a- The name and address of the licensing party and the licensee.
- b- The scope and duration of the licence.

- c- The terms and conditions of the licence.
- d- Other relevant information, if any.

2- The Ministry shall publish the information stipulated in Clause (1) of this Article of the compulsory licence in the Industrial Property Bulletin, the Industrial Property Digital Library, or the Ministry's website.

3- The licensing party or the licensee through a contractual licence may request the Ministry to enter the licensing contract in the register, and the licensing party or the licensee shall submit a copy of the licence and the written agreement to register the contractual licence signed on behalf of the licensing party and the licensee.

4- The licensing party or the licensee through a contractual licence may request the Ministry to issue a licence certificate that states the date of registration, the name of the licensing party and the name of the licensee with a copy of the licence contract stamped by the Ministry.

#### **Article 50 - Grievance before the Committee**

1- Any interested party may file a petition with the Committee to cancel the Ministry's decision issued in implementation of the Law and this Decision within (60) sixty days.

2- Any concerned party may file an appeal against the committee's decision before the court within (30) thirty days from the date of receiving the committee's decision.

#### **Article 51 - Mandatory ex parte re-examination before filing a grievance with the committee**

1- As an exception to Clause (1) of Article (50) of this Decision, any person who objects to the registration of an industrial property right shall apply with the Ministry for an *ex parte* re-examination in accordance with Clause (1) of Article (42) of this Decision before filing a grievance with the committee.

2- With regard to the registration of an industrial property right, the party concerned with an *ex parte* re-examination may file a grievance with the Committee only with respect to the result of the *ex parte* re-examination made by the group of examiners.

#### **Article 52 - Cancellation by court**

1- Pursuant to Articles (35) and (74) of the Law, a concerned party with a substantial interest may file an application with the court to invalidate the patent for each individual protection application or patent related rights at any time after the registration of the patent or related rights.

2- The party who resorted to the court in accordance with the preceding paragraph of this Article shall prove with the evidence that:

- a- He has a substantial interest in registering a patent or related rights.
- b- The registered patent does not fulfil any of the conditions stipulated in Paragraphs (a) to (j) of Clause (1) of Article (39) of this Decision in the event of filing an application to invalidate the registered patent.

3- The patent-related right has been granted unlawfully in the event of filing an application to invalidate the patent-related right.

#### **Article 53 - National registration of the international filing in the country**

1- If the applicant wishes to enjoy the effect of an international application provided for in Clause (3) of Article (11) of the Patent Cooperation Treaty, the applicant shall file a national application by doing the following within (30) thirty months from the international filing date or the earliest priority date, whichever is earlier:

- a- Submit an application to identify the information stipulated in Paragraph (f) of Clause (1) of Article (19) of this Decision.
- b- Furnish the documents stipulated in clauses (2), (3), (4) of Article (19) of this Decision.

2- In the event that the applicant fails to file a national application in the country in accordance with the preceding paragraph, the international application loses its distinctive effect under Clause (3) of Article (11) of the Patent Cooperation Treaty and shall be considered a new national application.

3- In the event that the applicant does not abide by the time-limit stipulated in Clause (1) of this Article, the Ministry may restore the effect of the international application specified in Clause (3) of the Patent Cooperation Treaty, provided that the applicant submits evidence of the following:

- a- Delay in meeting the time limit was unintended or occurred despite taking due care.
- b- The applicant files a written application to restore the effect of the international filing with the Ministry, with an explanation of the reasons for having not been able to file a national application in the country, within two (2) months from the date the reason is no longer available, or after twelve (12) months from the date of expiry of the period stipulated in Clause (1) of this Article, whichever is earlier.



- c- The applicant submits the required declaration or the documents supporting the application in accordance with the Ministry's instructions.

4- If the Ministry finds reasons for rejecting the application submitted in accordance with Clause (3) of this Article, the Ministry shall invite the applicant to present his justifications before rejecting the application.

#### **Article 54 - International filing with the Ministry**

1- Any of the following persons, whether physical or juristic, may file an international application with the Ministry as a receiving office under the Patent Cooperation Treaty:

- a- Nationals of the country.
- b- Foreigners residing or who have a place of work in the country.
- c- Persons who are not included in paragraphs (a) or (b) of this clause, and who file an international application through a person who falls under paragraphs (a) or (b) of this clause.

2- The person submitting an international application shall file the application with the description, protection claims, drawings, and abstract in English or Arabic in accordance with the instructions of the Ministry.

3- An international filing under Clause (2) of this Article shall stipulate the following:

- a- An indication that the application is an international application filed under the Patent Cooperation Treaty.
- b- The designation of the Patent Cooperation Treaty Contracting State in which protection for the invention is desired on the basis of the application (hereinafter referred to as "designated States").
- c- A reference to the grant of a regional patent under the Patent Cooperation Treaty.
- d- A reference to the exclusion of some of the Contracting States from the designated States.
- e- The name, occupation, address or place of business and nationality of the applicant, or the name and address of the inventor in the case where the national law of a designated State requires that only the inventor be the applicant.
- f- The name and address of the inventor.
- g- The name, address, or workplace of the agent, if any.
- h- The title of the invention.

4- The description in Clause (2) of this Article shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

5- The protection claim provided for in Clause (2) of this Article shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description

#### **Article 55 - International filing fee**

A person intending to file an international application shall pay the applicable fees, including international filing fees, search fees, referral fees, and any other fees.

#### **Article 56 - Application of provisions in the absence of a special provision**

The provisions of the patent shall apply to the utility certificate unless it is specifically provided for in his Decision.

#### **Article 57 - Industrial design registration application**

1- The industrial design registration application shall include a set of data, including:

- a- The title of the design.
- b- The name and address of the applicant.
- c- The name and address of the designer.
- d- The agent, if any, and his address.
- e- The distinctive feature of the design that identifies the elements to which the design is applied.
- f- The number and filing of the original application, if the application is division of the original application.
- g- The number of the prior-filed application, the date of its filing, and the name of the office to which the previous application was submitted if the applicant is claiming priority based on the Paris Agreement.

2- The following documents shall be attached to the application at the time of filing or at the time of division of the application, if any, as follows:

- a- Drawings.



- b- Description of the drawings.
- c- An illustration. The Ministry may choose the illustration.

3- The applicant shall submit the following documents, as the case may be:

- a- A copy of the commercial register extract or an official extract of the partnership contract or establishment title deed, as the case may be, if the applicant is not a physical person.
- b- The document that proves the applicant's entitlement to the design if he is not the designer.
- c- Power of attorney if the application is filed by a person other than the applicant.
- d- A copy of the Emirates ID card if the applicant or his representative is a physical person residing in the country.

4- The documents stipulated in Paragraphs (a), (b) and (c) of Clause (3) of this Article shall be duly certified in accordance with the instructions of the Ministry.

5- The documents stipulated in Clause (2) of this Article shall be submitted in both English and Arabic. The fundamental difference between the documents in English and Arabic is a reason for rejection by the Ministry, cancellation by the group of examiners, and invalidation by the court.

6- The Ministry may invite the applicant to produce any document it deems necessary within the specified period of no less than (90) ninety days.

### **Article 58 - Verification of the design application**

1- The applicant shall submit at least drawings illustrating the design on the filing date either in English or Arabic, failing which the Ministry would not be able to verify the design application, and it shall reject the application without allowing the applicant to complete the purported application by furnishing the missing part or to amend the application.

2- The applicant may submit a declaration to the Ministry that he submitted all the necessary documents in accordance with Article (57) of this Decision, during the application filing period or during the examination, and the Ministry may, in this case, expedite the examination of the application.

### **Article 59 - Submission of missing documents and examination**

1- The applicant shall submit the documents stipulated in Paragraphs (b) and (c) of Clause (2) and Clause (3) of Article (57) of this Decision within the specified period of no less than (90) ninety days from the application, failing which the application shall be considered as void *ab initio*.

2- The applicant shall submit a translation of the documents stipulated in Clause (2) of Article (57) of this Decision, if the documents are in Arabic or English only, within the specified period of no less than (90) ninety days from filing the application with the Ministry, failing which the application shall be considered as void *ab initio*.

3- The Ministry may invite the applicant to correct or amend the application, and the applicant shall file the required correction and amendment within a specified period of no less than (90) ninety days from the date of the application, otherwise the application shall be considered as void *ab initio*.

4- As an exception to Clauses (1) to (3) of this Article, the applicant may restore the application by paying additional recovery fees and delay penalties within (9) nine months from the date the application was deemed null.

### **Article 60 - Format of industrial design drawings**

The following shall be observed in the industrial design drawings:

- 1- Each design shall contain black and white drawings with a sufficient number of passages drafted in a clear and complete manner, to serve as the full visual disclosure of the claimed design.
- 2- As an exception to Clause (1) of this Article, the applicant may submit black and white photographs if the photographs are the only practical means of illustrating the design. If the applicant submits both drawings and photographs, the drawings shall be relied on.

### **Article 61 - Claiming design priorities**

1- The applicant may add or amend the priority claim before publishing the application or registration.

2- The applicant shall submit a copy of the prior-filed application or its attachments issued by the competent office with which it was filed submitted within the specified period of no less than (90) ninety days from the date of its request by the Ministry.

3- The priority claim shall be considered void when the applicant fails to fulfil the requirements of the preceding clauses of this Article.

### **Article 62 - Number of designs and division of the application**

1- The industrial design application shall include one design only.

2- As an exception to Clause (1) of this Article, an applicant may file an industrial design application with more than one design if the designs belong to one group of items of the same class.

3- An industrial design applicant may divide the application into a certain number of divisional applications within the scope of the original application while the original application is pending at the Ministry.

### **Article 63 - Examination of industrial design applications**

1- The Ministry shall examine the industrial design application to verify that it meets the following conditions:

- a- Submission of the application by a national physical or juristic person, or by a foreigner who is entitled to file the application in accordance with the provisions of any agreement or international agreement to which the State is a party, or who holds the nationality of a country that maintains the principle of reciprocity with the State in accordance with Article (3) of the Law.
- b- Submission of the application by the rightful owner of the design.
- c- Submission of the application jointly by all joint owners if the right to design is jointly owned.
- d- The documents referred to in Clause (2) of Article (57) of this Decision with and their most identical translations.
- e- The design is not considered an impermissible matter as specified in Clause (2) of Article (43) of the Law.
- f- An application for the same design has not been previously submitted to the Ministry, or the applicants for the designer have submitted a written agreement as stipulated in Clauses (1) and (2) of Article (18) of this Decision.
- g- The industrial design is new, innovative, and ornamental and can be used as an industrial or craft product.
- h- The drawings shall not include any new matter outside the scope of the substantive requirement submitted at the time of filing the application.
- i- The drawings shall be within the scope of the original application if the application is a division of the original application.
- j- The application includes only one design or designs belonging to one group of items in accordance with Clauses (1) and (2) of Article (62) of this Decision.
- k- The application drawings shall be drawn up if the conditions stipulated in Article (60) of this Decision are fulfilled.

2- In the event that the application does not fulfil the requirements stipulated in Clause (1) of this Article, the Ministry shall notify the applicant of the reasons for rejecting the industrial design registration application and invite the applicant to request a re-examination with his justifications and amendment if necessary.

3- The Ministry may reject the application without submitting an invitation to the applicant to be re-examined again if it considers that the applicant has been given a sufficient opportunity for re-examination at least once and the applicant was unable to address the reason for rejection.

### **Article 64 - Application of provisions in the absence of a special provision**

1- The provisions of the patent shall apply to the industrial design, taking into consideration the nature of the industrial design, unless otherwise stipulated by a special provision in this Decision.

2- The industrial design registered in the *ex parte* re-examination in Article (63) Clause (1) Paragraphs (j), (k) of this Decision.

3- Article (32) of this Decision does not apply to the publication of an industrial design application, and it is not permissible to publish an industrial design prior to registration except upon a request from the applicant.

### **Article 65 - Refusal to register the contractual licence**

1- If the Ministry finds that the contractual licence abuses an industrial property right or harms commercial competition in the country as stipulated in Clause (2) of Article (54) of the Law, it shall refer it to the department concerned with competition affairs in the Ministry for an opinion thereon.

2- If the department concerned with competition affairs finds that the contractual licence harms sound commercial competition, the Ministry shall request the holder of the protection document to amend the contractual licence terms to remove the reasons for rejection.

3- In the event that the reasons for rejection persist after the amendment to the contractual licence, the Ministry completely refuses to register the contractual licence.

### **Article 66 - Application for registration of a layout design for integrated circuits**

1- Any person who has created a layout-design for integrated circuits or his legal successor may file with the Ministry an application to register the layout-design within two years from the date of commercial use of the layout-design.

2- The layout design registration application shall include the information requested by the Ministry, including the following:

- a- The name of the layout design.
- b- The name and address of the applicant.

- c- The name and address of the designer.
- d- The representative and his address, if any.
- e- The date the layout design was created.
- f- The first date on which the layout design was used commercially.

3- The layout design application shall be accompanied with the following documents at the application filing date:

- a- An electronic file in a computer-readable format with two- or three-dimensional structures of the layout design.
- b- Explanation of the layout design.

4- The applicant shall submit the following documents, as the case may be:

- a- A copy of the commercial register extract or an official extract of the partnership contract or establishment title deed, as the case may be, if the applicant is not a physical person.
- b- The document that proves the applicant's entitlement to the layout design if he is not the designer.
- c- Power of attorney if the application is submitted by a person other than the applicant.
- d- A copy of the Emirates ID card if the applicant or his representative is a physical person residing in the country.

5- The documents stipulated in Paragraphs (a), (b) and (c) of Clause (3) of this Article shall be duly certified in accordance with the instructions of the Ministry.

6- The document stipulated in Paragraph (b) of Clause (3) of this Article shall be submitted in both English and Arabic.

7- The Ministry may invite the applicant to produce any document it deems necessary within the specified period of no less than (90) ninety days.

#### **Article 67 - Submission of missing documents**

1- The applicant shall furnish the documents stipulated in Clause (4) of Article (66) of this Decision within the specified period of no less than (90) ninety days from the date of the Ministry's request, failing which the application shall be considered as void *ab initio*.

2- The applicant shall submit a translation of the documents stipulated in Paragraph (b) of Clause (3) of Article (66) of this Decision if the documents are in Arabic or English only within the specified period of no less than (90) ninety days from the date of the Ministry's request, failing which the application shall be considered as void *ab initio*.

3- The Ministry may invite the applicant to correct or amend the application. The applicant shall file the required correction or amend the application within the period specified by the Ministry of no less than (90) ninety days from the date of the application, failing which the application shall be considered as void *ab initio*.

4- As an exception to clauses (1) to (3) of this Article, the applicant may restore the application by paying additional restoration fees and delay penalties within (9) nine months from the date the application was deemed null.

#### **Article 68 - Examination of applications for layout design of integrated circuits**

1- The Ministry shall examine the application and its attachments to verify the following:

- a- Submission of the application by a national physical or juristic person, or by a foreigner who is entitled to file the application in accordance with the provisions of any agreement or international convention to which the State is a party, or who holds the nationality of a country that maintains the principle of reciprocity with the State in accordance with Article (3) of the Law.
- b- Submission of the application by the person who has the full right to submit the application.
- c- Submission of the application jointly by all the joint owners if the right of the layout design is jointly owned.
- d- The original layout design is original as set forth in the text of Clauses (1) and (2) of Article (55) of the Law.
- e- Submission of the application within the period stipulated in Clause (1) of Article (66) of this Decision.

2- In the event that the application does not fulfil the requirements stipulated in Clause (1) of this Article, the Ministry shall notify the applicant of the reasons for rejecting the application and invite him to request a re-examination with his justifications and the amendment if necessary.

3- The Ministry may reject the application without inviting the applicant for re-examination if it deems that the applicant has been given a sufficient opportunity for re-examination at least once.

#### **Article 69 - Confidentiality of the layout design of the integrated circuit**

The Ministry shall take the necessary measures to ensure the integrity and confidentiality of the documents submitted under Paragraphs (a), (b) of Clause (3) of Article (66) of this Decision.

### **Article 70 - Application of provisions in the absence of a special provision**

- 1- The provisions of the patent shall apply to the layout design, taking into consideration the nature of the layout design, unless otherwise stipulated by a special provision in this Decision.
- 2- As an exception to Article (32) of this Decision, the layout design application shall not be published.
- 3- As an exception to Clause (1) of Article (41) of this Decision, the documents stipulated in Paragraphs (a), (b) of Clause (3) of Article (66) of this Decision may not be disclosed when registering the layout-design.

### **Article 71 - Conditions for protection of undisclosed information**

- 1- Undisclosed information is protected against illegal use, disclosure, or publication by third parties if the undisclosed information has been previously published or laid open to public inspection by any means.
- 2- Subject to the provisions of Article (63) of the Law, the legal owner of undisclosed information shall take measures to maintain the confidentiality of undisclosed information, taking into account the circumstances and nature of the information to be protected, including the following:
  - a- Keeping documents or any other media containing undisclosed information in a way that ensures that they are not viewed by others without permission.
  - b- Managing the workplace so that employees do not view undisclosed information.
  - c- Not allowing third parties to visit the workplace except with the prior permission of the owner and in his personal presence or his authorised representative.
  - d- Prohibiting a visit program that would allow the visitor to view undisclosed information.
  - e- In the event that the owner of undisclosed information concludes an employment contract with an employee, the contract shall impose on the employee not to disclose any element of undisclosed information obtained during the course of his work, and not to use or exploit this information for his benefit or the interest of any third party, either directly or indirectly, during the period of his work or after his termination for any reason without the prior permission of the employer.
  - f- In the event that the owner of the undisclosed information concludes an agreement to assign some of the business of his company to any third party, which may allow the latter to view some elements of the undisclosed information, the agreement shall stipulate that said party is required not to disclose any element of the undisclosed information obtained through the exercise of the agreement, and not to use or exploit such information for his benefit or for the benefit of any third party directly or indirectly during the term of the agreement or after its termination for any reason without the prior permission of the owner of the undisclosed information.
  - g- In the event that the owner of the undisclosed information enters into a contract to assign the undisclosed information or license the undisclosed information to a third party, the contract shall require the owner and the third parties and their employees not to disclose any element of the undisclosed information either directly or indirectly before assigning undisclosed information.

### **Article 72 - Registered Agents**

Only registration agents whose names are listed in the roll of registration agents are allowed to practice the profession of registration agent, and they shall not represent each other.

### **Article 73 - Application for registration of the registration agent**

- 1- A physical person who wishes to be listed in the roll of registration agents maintained by the Ministry shall submit a written application to the Ministry with the following documents:
  - a- A copy of a valid Emirates ID card.
  - b- A copy of a valid trade licence.
  - c- A bachelor's or higher degree.
  - d- Certificate of good conduct and behaviour.
  - e- Certificate of practical experience or professional qualifications related to industrial property.
- 2- A company or a partnership that specialises in industrial property and has a headquarters or branch in the country may act as a registration agent. In this case, its manager shall submit the documents stipulated in Clause (1) of this Article, and in the event that no manager has been appointed for the company, its owner or partner shall submit the documents stipulated in Clause (1) of this Article.
- 3- The Ministry may request an additional test to ensure that the applicant as a registration agent has the necessary experience.

#### **Article 74 - Registration of registration agents**

- 1- The Ministry records the information related to the registration agent's registration application, including the filing date and the Ministry's decision, in the register.
- 2- The registration of the registration agent shall be valid for a period of (3) three years, and the registration agent who wishes to renew the registration shall file a written application to this effect at least (3) three months before the expiry of the registration period, failing which he may not renew the registration.
- 3- In the event that the Ministry discovers any defect in the registration or renewal agent registration application, the Ministry shall invite the applicant to correct the defect within a specified period of no less than (30) thirty days, and if the applicant fails to fulfil the Ministry's request in the specified time limit or fails to meet the conditions stipulated in Article (73) of this Decision, the Ministry shall reject the application.
- 4- An applicant whose application for registration or renewal as a registration agent was rejected, or who did not submit the renewal application within the time specified in Clause (3) of this Article, may file a petition with the Ministry to cancel the decision within (60) sixty days from the date of receiving the decision.

#### **Article 75 - Publication of registered agents**

- 1- The Ministry discloses the list of registered agents in the roll of registration agents, which shall be laid open to public inspection for easy access.
- 2- The registration agent who requests to be registered in the roll of registration agents or to renew his registration shall pay the fees due, otherwise he shall be considered unregistered.

#### **Article 76 - Duties of Registration Agents**

- 1- Registration agents registered in the register shall observe the following:
  - a- Notify the Ministry immediately of any change in the headquarters address, e-mail, phone number, or any other information related to his profession.
  - b- Mention his name and his registration number in all correspondence and documents issued by him.
  - c- Exercising his work in accordance with the principles of the profession and the provisions of the Law and this Decision.

#### **Article 77 - Investigation and deregistration of registration agents**

- 1- The Ministry may, on its own or based on a complaint filed therewith, conduct an investigation to verify whether the registration agent has violated the provisions of the Law, this Decision, or the principles of the profession, or if he does not fulfil any of the registration or renewal requirements.
- 2- The Ministry may cancel the registration of the registration agent based on the outcome of the investigation and notify him of the cancellation. In this case, the registration agent whose registration has been deleted may file a petition with the Ministry for re-registration within (60) sixty days from the date of the issuance of the decision.
- 3- In the event that the Ministry finds that the incident attributed to the registration agent constitutes a criminal offense, it shall inform the police or the Public Prosecution thereof.

#### **Article 78 - Deletion from the register**

- 1- The registration agent shall be deleted the roll of registration agents in the event of his death, suspension of his work as an agent, invalidity of his registration, deletion of his registration, or the Ministry's request to delete his name from the register of registration agents.
- 2- In the event that a registration agent is deleted from the register of registration agents, the Ministry may publish the cancellation to the public and notify the relevant authorities of the registration agent who has been deleted from the register by any available means.

#### **Article 79 - Fees**

- 1- The Ministry shall take the appropriate measures to refund the fees to its payers and upon the request of the payer of the fee, in any of the following cases:
  - a- Fees paid in error.
  - b- Parts of the annual fees for the years following the year in which the protection bond or the decision to cancel or invalidate was completely abandoned and the protection bond becomes final and conclusive.
  - c- Substantive examination fees if the application is withdrawn voluntarily by the applicant, provided that the Ministry has not started the examination or the prior art search. However, the Ministry may refuse to refund the substantive examination fee depending on the circumstances.

2- The Council of Ministers shall issue a decision on the payable fees stipulated in the Law and this Decision, and any reductions or exemptions from paying the fees.

### **Article 80 - Perusal and reproduction of documents**

1- The Ministry may allow any person to peruse information related to any industrial property available in the Ministry upon request, in the presence of the responsible employee at the Ministry after the information becomes publicly available under the Law or this Decision.

2- The Ministry shall allow any person to peruse the information related to the patent or the utility certificate upon his request, after publishing the application, after registration, or after (18) eighteen months from the date specified in Paragraphs (a) to (d) of Clause (2) of Article 32 of this Decision, whichever comes first, and this provision does not apply to industrial design, undisclosed information, and layout-design of an integrated circuit.

3- Any person may, after paying the due fees, obtain copies of the documents containing the information referred to in the previous clauses, or extracts thereof.

### **Article 81 - Industrial Property Bulletin**

1- The Industrial Property Bulletin includes the following:

- a- Decisions and documents attached thereto.
- b- Publication of applications.
- c- Registration of industrial property rights.
- d- Forfeiture, abandonment, or invalidation of industrial property rights.
- e - Rights related to industrial property rights.
- f- Committee decisions.
- g- Court rulings related to industrial property rights.

2- It is prohibited to publish in the Industrial Property Bulletin any topics that would disturb public order or public morals or harm public health.

3- The Industrial Property Bulletin may be issued in paper or electronic form.

4- In the event that the Industrial Property Bulletin is issued in electronic form, it shall be published on a publishing server that can be accessed through the website of the Ministry or through the mechanism specified by the Ministry.

### **Article 82 - Publication and enforcement of the decision**

This Decision shall be published in the Official Gazette and shall come into force after (90) ninety days from the date of its publication.

Issued by us:

On 9 Rajab 1443 H,

Corresponding to: 10/02/2022

**Mohammed bin Rashed Al-Maktoom**

**Prime Minister**

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