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INTRODUCTION

On 12 January 1992, the new Trademark Law of the United Arab Emirates (UAE) came into force.1 The publication of the Implementing Rules is expected any day. The development in the UAE concerning the protection of industrial property is closely related to development in other Gulf States and the world in general. Therefore some general remarks on the situation concerning the protection of industrial property in the region may be applied to the UAE Trademark Law as well.

Trademark protection outside the member states of the Trademarks Agreement of Madrid2 is only operative in such countries in which they were registered. Among Arab countries only Morocco, Algeria, Tunisia, and Egypt joined the Madrid Trademarks Agreement.3

None of the Gulf countries joined that agreement. In those countries separate applications for registration have to be filed in compliance with national legislation. For the export of products which are protected through trademarks, it is highly recommended that they be registered in the actual as well as in the future export markets in the Gulf Region.

For years the USA has lamented enormous damages caused by the distribution of

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1 Issued on 28 September 1992, it was published on 12 October, 1992 in the Official Gazette and went into force three months after publishing according to Art. 50.
cheap imitations, in particular in Saudi Arabia and the UAE. An economic commission of the US Government stood in permanent contact with the Gulf-States' Governments in order to push for improved legal protection—successfully. The UAE recently promulgated its Federal Trademark Law as the last state of the Gulf Co-operation Council (GCC).

Recently considerable progress has been made, not only within the legislature but also in practice. In November 1992 the arrest of a large number of falsifications of well-known proprietary articles was ordered by a court in the Emirate of Sharjah. In January 1993 the Board of Grievances in Jeddah ordered on the request of an American pharma group seizure of falsifications produced by a Saudi company. The order included seizure of means of production.

In the Emirate of Dubai officially announced was a tough stance against the imitation of proprietary products. It is felt that supporting the original producer is more appropriate than permitting a market for fakes and imitations. Therefore it can be expected that, based on the new Trademark Law, legal protection will improve the market for genuine products in continuity with recent development.

Due to the lack of uniform rules within the GCC, a trademark which is not registered at all, or only in some of the Gulf States, may be registered by a third party even for the same class of products, which may become a particular hindrance to the registration of one's own mark.

The new Trademark Law now offers an opportunity to rearrange protection by registering trademarks in the UAE. Until then publications of newly-registered trademarks are to be carefully followed so one is not precluded from using one's own trademarks by a third party trademark registration. The new Law only allows 30 days notice for the filing of objections starting on the day of publication of the trademark's registration.

Apart from that problem, further legal obstacles may arise impeding the registration of a trademark which is accepted abroad. Such obstacles may even prevent it from being registered in the Gulf States at all. Infractions against the Islamic religion or against the Boycott of Israel Laws, even if they were made unintentionally, may be an obstacle for a registration in the Gulf States.

In addition to legal aspects, practical and economic questions concerning the use of a trademark in the Gulf should not be neglected and should be discussed with the representative or local customers. One of the practical requirements for a trademark registered abroad is, for example, the pronunciation of the brand name for potential customers. Names are to be translated phonetically. As foreign as the Arabic language sounds to English speaking people, English sounds foreign to Arabs, and many English words or names cannot be pronounced by them. Other brand names may be similar to Arab words and therefore may cause unpleasant associations. Such ambiguities even occur within Western countries. The British company Rolls Royce may serve as an example. It once intended to register one of its models in Germany under the name

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