

UNESCO
WORLD ANTI PIRACY OBSERVATORY

UNITED ARAB EMIRATES

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I. Legislation

1. Copyright laws

Copyright is protected in the United Arab Emirates (UAE) through international Agreements, [Federal Law No. 7 of 2002](#) (م 2002 لسنة (7) قانون اتحادي رقم) concerning Copyrights and Neighboring Rights (Copyright law), as well as other legislation related to enforcement of copyright or affecting copyright protection.

The copyright law was enacted on July 1st, 2002, published in the official gazette (No. 7) on 14 July, 2002 and entered into force on the date of its publication.

[The Federal Law No. 7 of 2002](#) abolished all previous legislation contrary to its provisions including the Federal Law No. 40 of the year 1992 relating to copyright.

2. Other laws

The other laws and regulations pertaining anti-piracy measures and copyright enforcement are:

- The Federal Law No. 5 of 1985 regarding the Civil Code
- The Federal Law No. 5 of 1985 regarding the promulgation of the Civil Transactions Law as amended by the Federal Law No. 1 of 1987.
- The Federal Law No. 3 of 1987 regarding the Penal Code
- The Federal Law No. 10 of 1992 regarding the Law of Evidence in Civil and Commercial Matters
- The Federal Law No. 11 of 1992, regarding the Code of Civil Procedure
- The GCC Unified Customs Law No. 10 of 2003
- The Customs Law Implementing Regulation No. 200 of 2003
- The Customs Instructions No. 50 of 2003.

3. Latest developments and perspectives

The Dubai International Financial Center (DIFC) has issued on January 2009 a number of draft intellectual property laws including Copyright Law and Intellectual Property Rights Authority Law. DIFC will present the Law to Dubai's Ruler after the collection of people's opinion about the possible amendments that could be made to improve the law. The new Law will be applicable by all bodies operating in the Dubai International Financial Centre (The DIFC is a financial free zone located in the emirate of Dubai which is set up on the basis of its own stand-alone laws and regulations).

http://www.difc.ae/press_centre/archive/2009/595.html

4. Summary of legislation

- *Works protected by copyright*

Copyright applies to any original (created) literary, artistic or scientific creation, whatever its type, mode of expression, significance or purpose of its creation. This includes Books, booklets and any other written works; computer software and applications; databases and similar works; lectures, speeches, and any other oral works; dramatic works and pantomimes; music compositions with or without words; audiovisual works and photographs; works of architecture; drawings, sculpture, lithography, printing on textile

and any other similar works of fine arts; works of applied and plastic arts; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science; derivative works, provided they do not prejudice to the rights in the work from which they have been derived; titles of the works provided they are original; and original written concept for broadcasting programs (Articles 1 and 2 of the Law on Copyrights and Neighboring Rights).

A derivative work is a work that derives from a previously existing work such as translations, compilations of literary and artistic works as well as collections of expressions of folklore, which, by reason of the arrangement and selection of their contents, are considered as original works (Article 1 of the Law on Copyrights and Neighboring Rights).

- *Exclusive rights of the authors and of the owners of neighbouring rights*

The author, his universal successor or the copyright holder have the exclusive right to authorize or prevent any form of exploitation of his work, particularly through reproduction including electronic loading and storage; acting by any means; broadcasting, public performance, communication to the public, translation, adaptation, rental, lending or making the work available to the public in any manner, including through computers, the internet, other communication networks or any other means (Article 7 of the Law on Copyrights and Neighboring Rights).

In addition to the economic rights listed above, the author and his universal successor enjoy over the work perpetual and inalienable moral rights which include the right to make the work available to the public for the first time; the right to claim authorship; the right to prevent any modification considered by the author as distortion or mutilation of the work or prejudicial to his reputation; and the right to withdraw the work from circulation in case serious and legitimate reasons existed for this withdrawal, provided third parties are compensated for the damages resulting thereof (Article 5 of the Law on Copyrights and Neighboring Rights).

Related/ Neighboring rights are protected under Articles 16 to 19 of the Law on Copyrights and Neighboring Rights. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; radio and television broadcasting organizations in their radio and television programs.

Performers have the exclusive right to authorize or prohibit the broadcasting and communication to the public of their live performance; the fixation of their unfixed performance in sound recordings; the reproduction of their performance fixed in sound recordings; the exploitation of their performances in any manner without their prior written consent, in particular the fixation of their live performance on a medium, the rental of their performance for direct or indirect commercial profit, the broadcast or making available to the public of their performance through any means (Article 17). Performers or their universal successors enjoy also perpetual and inalienable moral rights which include the right to claim authorship of their performances and to object to any alteration or modification that would be prejudicial to their reputation to their performances (Article 16).

Producers of sound recordings have the exclusive right to authorize or prohibit the exploitation of their recordings in any manner, without their prior written consent, in particular the reproduction, rental, broadcast, re-broadcast of such recordings or the

making available to the public through computers or any other means; and the publication of their sound recordings by wire or wireless means or through computers or any other means (Article 18).

Radio and television broadcasting organizations have the exclusive right to authorize or prohibit the exploitation of their broadcast recordings and programs; and the communication to the public, without their prior written consent, of their broadcast recordings and programs, in particular the fixation, reproduction, re-copying the recordings, or communication to the public of such programs through any means (Article 19).

- *Allowed use of a work without the permission of the owner of the copyright*

Limitations to exclusive rights are provided in Articles 22 and 23 of the Law on Copyrights and Neighboring Rights provided that they do not prejudice the moral rights of the author and they are not carried out for commercial purposes. These limitations include copying for personal use; making a single copy or an adaptation of a computer program for archiving purposes or for replacing a lost, destroyed or invalid original copy provided the original or adapted copy is destroyed upon expiration of the property title; use in judicial or administrative procedures; making a single copy of a work, in limited cases, through public libraries, non-commercial documentation and archiving centers, or bookshops; use for purposes such as research, criticism, review, advertisement or news reporting; use in a private family context or student gathering in educational institutions; reproduction in limited cases of written, sound or audio-visual short excerpts for cultural, religious, educational or vocational training purposes, provided that license for copying was unobtainable; and publication by newspapers, periodicals or broadcasting organizations of excerpts of a work legally made available to the public, speeches or statements delivered in public sessions of legislative or administrative bodies and scientific, literary, artistic, political, social or religious meetings, as well as extracts of an audio, visual or audiovisual work made available to the public in the course of covering current events.

However, it is not allowed without the authorization of the author or his successors the reproduction or copying of works of architecture and works of fine arts, applied arts or plastic arts unless they were displayed in a public places and the reproduction or copying of all or a substantial part of a database or computer program.

The aforementioned limitations apply also to neighboring rights (Article 24 of the Law on Copyrights and Neighboring Rights).

Excluded from copyright protection are mere ideas, procedures, systems, modes of operation, mathematical concepts, principles, and scientific facts if not expressed in an original form; official documents, whatever their source or target language (such as laws, regulations, resolutions and decisions, international conventions, court decisions, award of arbitrators and decisions of administrative committees having judicial competence); news on current events that are mere media news; and works that have fallen in the public domain. However, collections of the above may be protected if the selection of such collection is creative by virtue of its arrangement or any other personal effort deserving protection (Article 3 of the Law on Copyrights and Neighboring Rights).

A compulsory license can be granted to any interested party to copy and/ or translate any work protected under the Copyright Law, against a fair compensation paid to the

author or his successors provided the license is requested from the competent Ministry for the purpose of meeting teaching requirements of all kinds and levels or for archives or public libraries needs and that it is not in contradiction with the normal exploitation of the work or it does not unduly prejudice the legitimate interests of the author or the copyright holders. Compulsory licenses for translation may only be requested after three years of the publication of the work (Article 21 of the Law on Copyrights and Neighboring Rights).

- *Ownership of Copyright*

The owner of the copyright is the person who creates the work.

The person whose name is indicated on, or attributed to, the published work is considered to be its author, unless there is a proof to the contrary (Article 1 of the Law on Copyrights and Neighboring Rights).

The author may publish his work anonymously or under a pseudonym, provided that the identity of the author can be established without any doubt. In case of doubt, the publisher or producer of the work, whether a natural or a legal person shall be the representative of the author in the exercise of his rights unless the author has appointed another agent or revealed his identity and his capacity (Articles 1 and 28 of the Law on Copyrights and Neighboring Rights).

In case of a joint work where more than one person have participated in the production of the work in such a manner that it is impossible to distinguish the contribution of each of them, all participants shall be considered jointly and equally as authors of the work, unless there is a written agreement to the contrary. In such a case, none of the co-authors may exercise copyright without the written consent of the other authors. In the case of a joint work in which a number of contributions constitute separate and independent works in themselves, each of the joint authors shall be considered the author of his own contribution and hence shall have the right to exploit independently his part, without prejudice to the exploitation of the work of joint authorship, unless there is a written agreement to the contrary (Article 25 of the Law on Copyrights and Neighboring Rights).

In the case of a collective work, the natural or legal person that took the initiative to create the work and supervise its execution shall have alone the right to exercise the author's rights with respect to that work (Article 26 of the Law on Copyrights and Neighboring Rights).

In the case of an audio-visual, audio or visual work, are considered co-authors of the work the author of the scenario; the person who makes an adaptation of an existing literary work for an audiovisual production; the author of the dialogue; the composer of the music if composed specifically for the work; the director who positively contributes from the intellectual point of view to the making of the work; and the author of the preexisting work if the work is based on a preexisting work.

In the case of the exploitation of an audio-visual, audio or visual work, the producer shall be the representative of the authors of the work and their successors in any agreement for the exploitation of the said work, without prejudice to the rights of the authors literary or musical works, and unless there is a written agreement to the contrary. The producer shall be considered as the publisher of the work and shall enjoy the publisher's rights

with respect to the work and copies thereof, within the limits of its commercial exploitation (Article 27 of the Law on Copyrights and Neighboring Rights).

In case of transfer of authorship, the copyright holder is the person to whom the work was transferred.

- *Protection of the foreign works*

In addition to the works of UAE authors (wherever they reside) and works of all other authors residing in the UAE, the protection of the copyright law covers works, performances, phonograms, broadcasting programs related to foreigners on conditions of reciprocity, and without prejudice to the provisions of the international agreements applied in the UAE (Article 44 of the Law on Copyrights and Neighboring Rights).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years from the 1st of January of the year following the author's death; 50 years from the 1st of January of the year following the death of the last surviving author in the event of co-authored works; 50 years from the 1st of January of the year following the first authorized publication or making available to the public, whichever comes first, for collective works of legal persons (other than works for applied art) - or the lifetime of the author and 50 years from the 1st of January of the year following his death or the death of the last surviving author if the author is a natural person(s); 50 years from the 1st of January of the year following the calendar year of the authorized publication for anonymous or pseudonymous works - or 50 years from the 1st of January of the year following the author's death when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; and 25 years from the 1st of January of the year following the first authorized publication of the work for works of applied arts. Moral rights are protected in perpetuity (Articles 5 and 20 of the Law on Copyrights and Neighboring Rights).

Rights of performing artists last for 50 years from the 1st of January of the calendar year following the year of first performance - or 50 years from the end of the year following the first fixation of the sound recording should the performance have been fixed on a sound recording; rights of producers of sound recordings last for 50 years from the 1st of January of the calendar year following the year of the publication of the sound recording - or 50 years from the 1st of January of the year following the first fixation of the sound recording should the sound recording not have been published; and rights of broadcasting organizations last for 20 years from the 1st of January of the calendar year following the year of first broadcast (Article 20 of the Law on Copyrights and Neighboring Rights).

- *Registration*

Copyright protection does not depend on formalities. Failure to deposit the work or any act of disposal relating to it does not prejudice the author's rights provided for under the Copyright Law and related legislation (Article 4 of the Law on Copyrights and Neighboring Rights).

Copyright holders or their universal successors who wish to make a deposit must submit to the competent ministry an application duly completed. Details relating to deposit or registration of works and any act of disposal thereof are provided in the implementing regulation of the Copyright Law.

5. International treaties

UAE is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- [WIPO Copyright Treaty \(WCT\)](#)
- [WIPO Performances and Phonograms Treaty \(WPPT\)](#)
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#)
- Arab Agreement for the Protection of Authors' Rights

The UAE signed the [Arab Copyright & Neighboring Rights Convention](#) on December 3, 2004, but did not ratify it yet:

II. Measures and Remedies

1. Copyright infringement

There is no clear definition of copyright infringement under the Emirates legislation. However, definition can be deduced from several provisions of the Copyright Law (Articles 37 to 39 and 41 of the Law on Copyrights and Neighboring Rights). Accordingly, the following constitute copyright and neighboring rights infringements:

- Violating the provisions of the law on the Protection of Intellectual Property Rights and related regulations in particular the violation of any moral or economic copyright or related right.
- Making available to the public a protected work, sound recording or broadcast program through computer networks, Internet, information networks, communication networks and any other means without the prior written authorization of the author or the owner of the related right.
- Selling, renting or putting into circulation, under any form, a protected work, sound recording or broadcast program without the prior written authorization of the author or the owner of the related right.
- Unlawfully manufacturing or importing for sale, rental or circulation of any work or pirated copies, or any device, means or tool designed or made specifically for circumventing technological measures used by the author or the owner of the neighboring right to broadcast, put into circulation, organize or administer copyrights and neighboring rights or for the preservation of the purity of the copies.
- Unlawfully restricting or impeding any technological protection measure or electronic data intended to organizing and administering rights stipulated in the copyright and neighboring rights law.

- Uploading or storing any software or its applications or databases in the computer without the prior written authorization of the author, the right holder or their successors.
- Using a computer program or its applications or databases without the prior written authorization of the author, the right holder or their successors.

2. Remedies to protect copyright holders

The Copyright law, the Code of Civil Transactions, the Penal Code, the Code of Evidence in Civil and Commercial Matters, and the Code of Civil Procedures provide for a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to stop infringement of copyright and related rights, including drawing up of a detailed description of the work; suspending the publication, exhibition, or manufacturing of the work; establishing the proof on the public performance and prohibiting the continuation of the show or forbidding it in the future; seizing the original and infringing copies and any material used in re-publication or reproduction provided that such material can be used only for such re-publication of the work, performance, sound recording or the broadcasting program.; assessing and confiscating the revenues resulting from the publication or the exhibition in all cases; and establishing the infringement of the protected right. Customs authorities may also act ex-officio or at the request of the author, in cases where there is a fear of copyright or neighboring rights infringement at the borders (Articles 34, 36 and 40 of the Law on Copyrights and Neighboring Rights and Article 135 of the GCC Unified Customs Law).
- Legal action may be instituted at the request of the author, the copyright holder or their successors, including fair and equitable civil judicial procedures (Articles 34 and 35 of the Law on Copyrights and Neighboring Rights).
- Seizure of the original and pirated copies of the goods as well as the material used for the re-publication or reproduction provided that such material can be used only for such re-publication (Articles 34, 36 and 40 of the Law on Copyrights and Neighboring Rights and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law).
- Confiscation and destruction of the infringing goods as well as equipment and devices used to commit the infringement (Articles 34, 36 and 40 of the Law on Copyrights and Neighboring Rights, Article 82 of the Penal Code and Article 152 of the GCC Unified Customs Law).
- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the extent the infringer benefited by exploiting the work (Article 18, 19, and 42 of the Code of Evidence in Civil and Commercial Matters, Articles 133 to 136 of the Code of Civil Procedures and Articles 282, 290 to 293, 295 to 297, 304, 308 of the Code of Civil Transactions in Civil and Commercial Matters).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of tow months and/or a fine varying from 10,000 to 50,000 Dirham. Sanctions shall be multiplied according to the number of infringed goods. In case of recidivism, the person who committed the crime should be sentenced to a minimum term of six months and/ or a fine not less than

50,000 Dirham. Sanctions are higher in specific cases (Articles 37 to 41 of the Law on Copyrights and Neighboring Rights).

- Closure of the establishment where the crime was committed for a period not exceeding three or six months depending on the infringing case (Articles 39 and 40 of the Law on Copyrights and Neighboring Rights).
- Publication of a summary of the judgment in one or more local newspapers at the expense of the convicted person (Article 40 of the Law on Copyrights and Neighboring Rights and Article 422 of the Penal Code).

3. Provisional measures

The Copyright Law permits the court, based on a request submitted by the author, the copyright holder or their successors, to stop infringement of copyright and related rights (Article 34 of the Law on Copyrights and Neighboring Rights).

In such a case, the competent court, upon a request made by the author, the copyright holder or their successors, may order, by petition, the necessary provisional measures in particular, drawing up of a detailed description of the work; suspending the publication, exhibition, or manufacturing of the work; establishing the proof on the public performance and prohibiting the continuation of the show or forbidding it in the future; seizing the original and infringing copies and any material used in re-publication or reproduction provided that such material can be used only for such re-publication of the work, performance, sound recording or the broadcasting program.; assessing and confiscating the revenues resulting from the publication or the exhibition in all cases; and establishing the infringement of the protected right.

In all cases, experts may be designated by the court to assist the bailiff in charge of the execution of such measures.

The plaintiff should deposit with the court an adequate financial guarantee.

The merits of the case should be submitted by the plaintiff to the competent court within 15 days from the date of the issuance of the court order to carry out any of the provisional measures otherwise the order will cease to have effect.

The defendant may, within 20 days from the date of the issuance of the order, appeal to the president of the court who issued the order. The court may confirm or revoke the order totally or partly or designate a custodian for the re-publication, exploitation, exhibition, manufacturing or reproduction of the work, sound recording or broadcast program. The resulting income shall be deposited in the court's treasury until the dispute has been settled (Article 35 of the Law on Copyrights and Neighboring Rights).

Customs authorities may also act ex-officio or at the request of the author, in cases where there is a fear of copyright or neighboring rights infringement at the borders. The application should be decided within three days of its submission duly completed and the applicant should be notified as soon as the decision about the suspension of the release of the goods has been issued by the Customs. Details relating to the requirements, limitations and procedures of the request of the suspension of the release of infringing goods, as well as the required documents to be enclosed, the amount of the adequate guarantee to be deposited with the Customs authorities and the requirements for inspecting the detained goods by interested parties are provided in the implementing

regulation of the Copyright Law (Article 34 of the Law on Copyrights and Neighboring Rights).

See also Article 135 of the GCC Unified Customs Law.

4. Penalties for copyright infringement

The Copyright law, the Code of Civil Transactions, the Penal Code, the Code of Evidence in Civil and Commercial Matters, and the Code of Civil Procedures provide for penalties to be applied in case of copyright or related rights infringements. These penalties are the following:

- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the extent the infringer benefited by exploiting the work (Article 18, 19, and 42 of the Code of Evidence in Civil and Commercial Matters, Articles 133 to 136 of the Code of Civil Procedures and Articles 282, 290 to 293, 295 to 297, 304, 308 of the Code of Civil Transactions in Civil and Commercial Matters).
- Trial expenses including judicial fees, witnesses' compensations, fees charged by experts, fees of trial proceedings, and attorney's fees may be imposed (Article 18, 19, and 42 of the Code of Evidence in Civil and Commercial Matters, Articles 133 to 136 of the Code of Civil Procedures and Articles 282, 290 to 293, 295 to 297, 304, 308 of the Code of Civil Transactions in Civil and Commercial Matters).
- Seizure of the original and pirated copies of the goods as well as the material used for the re-publication or reproduction provided that such material can be used only for such re-publication (Articles 34, 36 and 40 of the Law on Copyrights and Neighboring Rights and 135 to 137 of the GCC Unified Customs Law).
- Confiscation and destruction of the infringing goods as well as equipment and devices used to commit the infringement (Articles 34, 36 and 40 of the Law on Copyrights and Neighboring Rights, Article 82 of the Penal Code and Article 152 of the GCC Unified Customs Law).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of two months and/or a fine varying from 10,000 to 50,000 Dirham. Sanctions shall be multiplied according to the number of infringed goods. In case of recidivism, the person who committed the crime should be sentenced to a minimum term of six months and/ or a fine not less than 50,000 Dirham. Sanctions are higher in specific cases. Penalties may also be imposed against co-conspirators and criminal groups engaged in intellectual property rights criminal offences (Articles 37 to 41 of the Law on Copyrights and Neighboring Rights and Article 51 of the Penal Code).
- Closure of the establishment where the crime was committed for a period not exceeding three or six months depending on the infringing case (Articles 39 and 40 of the Law on Copyrights and Neighboring Rights).
- Publication of a summary of the judgment in one or more local newspapers at the expense of the convicted person (Article 40 of the Law on Copyrights and Neighboring Rights and Article 422 of the Penal Code).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in UAE courts. UAE courts have jurisdiction over cases brought against a foreigner who has a domicile or a residence in UAE with the exception of real estate rights cases where the real estate is located outside UAE (Article 20 of the Code of Civil Procedures).

UAE courts have jurisdiction over cases brought against a foreigner who has no domicile or residence in UAE provided he has a chosen place of residence in UAE; the case relates to a good existing in UAE; the case relates to an obligation that was initiated or executed or was to be executed in UAE; the case relates to a bankruptcy declared in UAE; or if any of the defendants has a domicile or a residence place in UAE (Article 21 of the Code of Civil Procedures).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The police, public prosecutors, the judiciary, and customs officials are the competent authorities responsible for enforcing the copyright law and combating piracy in the UAE (Articles 34 to 36 of the Law on Copyrights and Neighboring Rights and Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

The Copyright law (Article 45) states that The Minister of Justice, Islamic Affairs and Waqfs, in agreement with the Minister of Information and Culture, shall issue a decision specifying the Law Enforcement Bodies that have police powers with regard to the implementation of the provisions of the Law.

The judiciary and public prosecutors act under the authority of the Ministry of Justice, the police under the Ministry of Interior, and Customs official under the Ministry of Finance.

b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases

Customs authorities are empowered, on their own initiative (*ex-officio*) or based on a request made by the author, the copyright holder or their successors, to order by a reasoned decision the suspension, for a maximum period of twenty days, of the release into free circulation of any goods infringing copyright or neighboring rights. The application should be decided within three days of its submission duly completed and the applicant should be notified as soon as the decision about the suspension of the release of the goods has been issued by the Customs. Details relating to the requirements, limitations and procedures of the request of the suspension of the release of infringing goods, as well as the required documents to be enclosed, the amount of the adequate guarantee to be deposited with the Customs authorities and the requirements for inspecting the detained goods by interested parties are provided in the implementing regulation of the Copyright Law (Article 34 of the Law on Copyrights and Neighboring Rights and Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

c) Courts dealing with copyright cases

The United Arab Emirates (UAE) has a federal judiciary encompassing all the emirates except Dubai and Ras Al Khaimah. Unlike the other emirates, Dubai and Ras Al Khaimah have their own court systems, which are not subject to the federal Supreme Court. There are no specialized courts for copyright or intellectual property rights (IPR) in UAE. Civil matters are dealt with by the federal judiciary structure of UAE. The competent courts are the regular courts (civil, criminal and Islamic). The court having jurisdiction over civil remedies is the competent court of first instance in charge of civil cases located in each of the emirates. The court having jurisdiction over criminal offence is the competent court of first instance in charge of criminal cases located in each of the emirates (Articles 26, 28 and 30 of the Law on Civil Procedures).

In principle, the competent court is that of the place where the defendant is resident unless otherwise stipulated by the law. If the defendant is a natural person, it is the court of the place where he is domiciled or resident. If the defendant has no domicile in UAE, then the jurisdiction is given to the court where he/she has a residence place. If the defendant has no domicile or residence in UAE, and it was not possible to locate the court that has jurisdiction over the case, then the court with jurisdiction over the case is the court where the plaintiff resides. If the plaintiff has no domicile or residence in UAE then Abu Dhabi (the Capital) court would have jurisdiction over the case (Articles 31 and 40 of the Law on Civil Procedures).

In cases related to legal persons (companies, institutions, and associations), the court that has jurisdiction over the case is the court where the headquarter is located. If the case is related to one of the legal person branches then the court where such branch is located will have jurisdiction over the case (Article 33 of the Law on Civil Procedures).

In cases that include a provisional measures request, the court with jurisdiction is the court of first instance. However, this does not preclude the jurisdiction of the Court ruling on the merits of the case court in dependency cases (Article 28 of the Law on Civil Procedures).

2. Enforcement at the border

Customs authorities are empowered, on their own initiative (ex-officio) or based on a request made by the author, the copyright holder or their successors, to order by a reasoned decision the suspension, for a maximum period of twenty days, of the release into free circulation of any goods infringing copyright or neighboring rights. The application should be decided within three days of its submission duly completed and the applicant should be notified as soon as the decision about the suspension of the release of the goods has been issued by the Customs. Details relating to the requirements, limitations and procedures of the request of the suspension of the release of infringing goods, as well as the required documents to be enclosed, the amount of the adequate guarantee to be deposited with the Customs authorities and the requirements for inspecting the detained goods by interested parties are provided in the implementing regulation of the Copyright Law (Article 34 of the Law on Copyrights and Neighboring Rights).

Imports for personal use of a non-commercial quantity and new items and things acquired for personal use will not be detained by Customs (Article 103 of the GCC

Unified Customs Law, Articles 19 and 20 of the Customs Law Implementing Regulation No. 200 of 2003 and Article 31 of Customs Instructions No. 50 of 2003).

IV. Public Awareness

1. Awareness campaigns and actions

Information not available

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

- Arabian Anti-Piracy Alliance (AAA)

The Dubai-based Arabian Anti-Piracy Alliance is dedicated to curbing piracy in the Middle East through a comprehensive anti-piracy program involving public awareness campaigns, aggressive lobbying, and legal action against IPR offenders. The Alliance, which evolved from the anti-piracy program established by the Motion Picture Association in 1996, currently has full time operations in the UAE, Saudi Arabia, and Kuwait, where its Operations Managers closely coordinate with governments to safeguard against copyright and trademark infringements. http://www.aaa.co.ae/main_aboutus.htm/

- ICC-UAE Commission on Intellectual Property

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual Roadmap on Current and Emerging IP Issues for Business and other publications. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where ICC has observer status. <http://www.iccwbo.org/policy/ip/id2465/index.html/>

- Brand Owners Protection Group

The Brand Owners Protection Group (BPG) is a group of world leading Brand Owners and Legal Consultants who are alarmed at the continuous illicit replication of genuine goods and interested in the enforcement of Intellectual Property Rights. BPG is a non-profit organization working under license from the Dubai Department for Economic Development since 2005. It aims to use all legal means at its disposal to reach soaring brand protection levels. These include education of the business community, consumers, media and interaction/collaboration with authorities – local, regional, and international - to strengthen the

enforcement of those of intellectual property laws, copyright, patent, and trademark protection, and licensing laws in order to protect consumers from counterfeits and all other forms of illicit trade. <http://www.gulfbpg.com/index.php/>

- **Saba & Co. Intellectual Property**

Saba is the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, UAE, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- **Arab Society for Intellectual Property**

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies. <http://www.aspip.org/Default.aspx?&lang=en>

4. Best practices

Information not available

V. Capacity-building

1. Training

- UAE signed MOU with France on January 15, 2008

UAE and France signed an intellectual property memorandum of understanding (MOU) on January 15, 2008. The purpose of the MOU is to strengthen bilateral cooperation between both countries in the field of intellectual property including exchanging information on the legislative front; conducting specialized training to governmental enforcement agencies; and holding regular meetings between government officials from both countries to discuss and exchange the latest intellectual property issues.

2. Establishment of specialized units and intersectoral groups

Information not available

3. Best practices

Information not available

Other

4. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) through imposing criminal sanctions on any person who commits any of the following acts:

- Unlawfully manufacturing or importing for sale, rental or circulation of any work or pirated copies, or any device, means or tool designed or made specifically for circumventing technological measures used by the author or the owner of the neighboring right to broadcast, put into circulation, organize or administer copyrights and neighboring rights or for the preservation of the purity of the copies.
- Unlawfully restricting or impeding any technological protection measure or electronic data intended to organizing and administering rights stipulated in the copyright and neighboring rights law.

The person who commits the violation should be sentenced for a period of not less than three months of imprisonment and/ or by a fine varying between 50,000 and 500,000 Dirham. In case of recidivism, the person who committed the crime should be sentenced to a minimum term of nine months and/ or a fine not less than 200,000 Dirham (Article 38 of the Law on Copyrights and Neighboring Rights).

5. Licensing Schemes

Information not available

6. Optical Discs

Information not available

7. Hotlines

Information not available

8. Relevant contacts and links

Government Agencies

Copyright Office

Office of Intellectual Works - Ministry of Economy (Supervisory Ministry)

Adresse: P.O. Box 901, Abu Dhabi, UAE

Tel: + 971.2 446.61.45 (ext. 603/463)

Fax: +971.2 443.63.31

E-mail: copyright@mail2uae.com

Sources for Information on National Laws

Ministry of State for Cabinet Affairs

E-mail: moca@uae.gov.ae

Contact Point for information on trade in infringing goods (TRIPS, Article 69)

Ministry of Economy and Commerce - World Trade Organization Division

Adresse : P.O. Box 901, Abu Dhabi

Tel:+971 2 626 50 00

Fax: +971 2 626 00 00

E-mail: economy@emirates.net.ae

Arab IP Center of the League of Arab States: <http://www.arabipcenter.org>