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Dubai - United Arab Emirates

**2nd circular**

**March 3rd, 2021**

**To all the members of the AIPPI UAE Group**

**Trademark registration of Alcohol products and related services**

Dear all,

We hope that all of our members are doing well and keeping safe.

We wish to update the AIPPI UAE Group members on an interesting topic that could be of interest to an important group of trademark owners globally and reflect on their strategy for trademark protection in UAE, namely companies that work, manufacture, operate, distribute or market Alcoholic beverages and related services in UAE.

Following the issuance of decree number 15 of 2020, “The Decree” to amend the UAE Penal Code which touches on the consumption of alcoholic beverages, the members of AIPPI’s Communication Committee considered this promising development as an opportunity to revisit a topic that is quite important to brand owners in this field. According to The Decree, the consumption of alcohol is no longer considered a criminal offence similar to what the original text would read.  According to Article 313 (BIS) of The Decree, there shall be no punishment for consuming, possession or trading in alcohol drinks in the situations and at places allowed as per applicable legislations. Although licensed venues used to be permitted to serve alcohol to non-Muslim customers in the past, by law, the individual was required to hold a license to consume alcohol. However, in practice, there was no enforcement of this rule and individuals were only prosecuted or penalized for not holding a license where another offence was committed. Also and earlier in 2020, we noted that tourists were permitted to purchase alcohol from the designated alcohol stores upon showing the entry stamp in their passport which showed more leniency towards consumption of alcoholic beverages.

It is noteworthy that The Decree maintained the right for each Emirate in the UAE to impose its own internal regulations regarding the provision and sale of alcohol. This protects the direction that each emirate wants to adopt and maintains a balance to control and regulate the consumption of this product within each emirate. We have also noticed this for some other products, such as tobacco and Molasses/Shisha consumption, and we do not see any practical difficulty in applying this new arrangement on nationwide.

For trademark owners and despite the fact that filing under International classification class 33 (alcoholic products) is still unavailable at the UAE Trademark Office, the progressive approach and attitude of the UAE Cabinet towards consumption of alcohol seems to have started to permeate to other public offices, including the Trademark Office. Until more recently, the UAE Trademark Office would typically reject any class 43 applications which contained ‘*bar services’*or similar terms that alluded to the provision or sale of alcohol. However, this seems to be changing as we are seeing some examples where those services were allowed and approved and applicants were able to secure registrations for such services under class 43. While it remains at the discretion of the Trademark Office to accept or reject applications that use such terms they now have a better chance of being accepted.

With EXPO2020 at our doorstep and with many international events planned to take place on UAE soil, it is the author’s view that the Trademark Office would be more willing to consider accepting for registration services which will more accurately protect the business activities of alcoholic beverages brand owners in the UAE. It is also possible that we may see amendments the trademark law or regulations to ultimately allow filing a specification amendment to an existing registration or file new applications that include the goods/services that interest the brand owners in this field.

Whilst the above is demonstrative of more leniency shown towards alcohol, given the UAE Federal decriminalization of alcohol products, we may expect further reforms to occur at the Trademark Office that would allow the filing of applications under Class 33 for “Alcoholic Beverages" which would result in a more adequate protection of brand owners’ trademark(s) in the UAE under the relevant class.

Please feel free to contact the Communication Committee members if you like to write further on this topic by way of opinion, follow circular or any other suggestion that can benefit the brand owners.

Thank you,

**The Communications Committee - AIPPI UAE Group**

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