

Documents required for filing complaints against commercial counterfeit & deceit, and trademark's infringements

Required Documents:

- *An official complaint letter in Arabic if possible.*
- *A copy of trademark/agency registration.*
- *A power of attorney authorising the complaint.*
- *A list of the complained against.*
- *An original sample.*
- *A fake sample.*
- *A list of similarities/differences.*
- *Others...*

With the compliments of

Commercial Protection Section



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TO
Commercial Protection

**COMMERCIAL PROTECTION SECTIONS
GUIDE AND CHART OF FINES**

An Informative Publication for the General Public

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With the compliment of the Commercial Protection Section

International trade is considered an important pillar for countries that adopt free market economies. In the United Arab Emirates in general, and in Dubai in particular, international trade has developed substantially in all aspects, and as a result, domestic trade has also developed and Dubai has become a regional hub for business and finance.

This has led the Department of Economic Development to assume the role of the guardian of the movement of trade, and to create a commercial environment conducive to a stable and trustworthy atmosphere for everyone dealing in business, and by doing so it aims to achieve the required development which in the end will turn Dubai into an international trading center.

For this reason, the DED has concentrated its attention on the protection of Dubai's markets through the establishment of a separate section (The Commercial Protection Section) which works within the Compliance Division, and has given its employees full authority to enforce full compliance and reduce the negative effect of commercial fraud, trademark infringement, and counterfeiting through the application of commercial protection laws and local orders. The employees of CPS draw their authority as inspectors from those laws and local orders.

The duties and function of the CPS are as follow:

- Combating fraud, infringement of trademarks, and commercial agencies.
- Receiving complaints from the general public and businesses pertaining to the above violations.
- Checking violations of the relevant laws.
- Confirming the validities of the said complaints and writing reports pertaining thereto including the relevant recommendations and actions.
- Execution of administrative procedures such as attachment and confiscation of goods in violation of the said laws in collaboration -as required-with other government departments and ministries.
- Execution of administrative procedures and action pertaining thereto.
- Informing the businesses and the general public of the means of how to identify fraudulent goods and infringed trademarks and how to distinguish them from the original.

1. Fraud and Deceit: Commercial fraud is defined as the faking of goods so that they do not comply with the specifications of the originals. It is also defined as the cheating or intending to cheat or mislead one of the parties in contractual dealings as pertaining to the specification, origin, description.. etc of the sold goods and services, or presenting misleading information about the goods as pertaining to its origin, specifications contents..etc

Misleading information refers to any information pertaining to the following:

- 1/1. The number of sold or advertised goods, its quality, measurement weight, capacity, carat or description.
- 2/1. Country of origin, i.e. the country where the goods were manufactured. The source of the goods. i.e. where they came from.
- 3/1. The means of production/manufacturing.
- 4/1. The ingredients.
- 5/1. Type, origin and source.
- 6/1. Name or description of the manufacturer/producer.
- 7/1. Trademarks, patent, or anything related to intellectual property rights.

Deceit: Any actual or intended act whereby a contractual partner is subjected to deception in any way possible for the purpose of showing the sold goods/services in a form other than what they actually are.

2. Trademarks: A trademark refers to any thing that takes a distinguished form such as names, words, signatures, letters, number, drawing, emblems, address, seals, stamps, picture, inscription, or any marking or a collection of marks that are used to distinguish goods, products or services, (Regardless of its origin.), or to indicate the owner of the mark as a result of an invention, inheritance, renting, etc, Sound can be considered as part of a Trademark if it accompanies it.

3. Consumer Protection: 1/3. A Consumer is any person who purchases or signs a legal contract to obtain goods, money, or services for the sake of satisfying his/her consumptive needs or the needs of his/her immediate family members (ex. wife/husband, son/daughter.)

2/3. Consumer protection refers to the collective, organized efforts, undertaken by the Commercial Protection Section to inform and protect the consumer against commercial fraud and its negative effect on the economy and the society.

3/3. Consumer Protection laws refer to a collection of commercial laws used to provide protection against commercial fraud.

The Commercial Protection Section uses several laws, edicts, and local orders, which aim at combating commercial fraud and provide protection against infringement of trademarks and commercial agencies.

These are:

- Federal law (4) 1979 on combating commercial fraud.
- Federal law (18) 1988 on infringement of commercial agencies.
- Federal law (37) 1992 on infringement of trademarks.
- Federal law (18) 1993 on compliance of precious metals.
- The revised Federal law # (8) 2000 on infringement of trademarks.

Below is a description of acts of violation of trademarks laws, commercial fraud law and law# (18) 1993 on precious metals including the amounts of the fines which are imposed according to the following:

- A. The seriousness of the violation. (e.g. the sale of substances unsuitable for human/animal use or consumption, effecting modification on scales, weight, stamps, carats, etc.)
- B. Whether the products were imported, brought in, or bought from the local market.
- C. Recurrence of the acts, i.e. for the first time or being repeated.

List of Acts of Violation

No.	Acts of Violation	Fines in Dhs.		
1	Importation, bringing in, buying from unlicensed vendors, or selling of fake / counterfeit goods in the markets of Dubai,	5,000	15,000	20,000
2	Marketing of fake / counterfeit goods brought from the local market and sold in the local market.	500	5,000	10,000
3	Sale of attached goods that are kept in the violator's warehouse for future action by the DED. *	5,000	15,000	20,000
4	Refusing to sign the samples form, the attachment order, or the confiscation papers.	1,000	2,000	3,000
5	Manufacturing, offering for sale, or selling packaging materials or containers to be used for sale of fake / counterfeit goods /products or goods that are unfit for human/animal use or for sale of farm or industrial products.	15,000	30,000	50,000
6	Possessing for sale of goods of no country of origin or supporting documents.	5,000	15,000	20,000
7	Inserting misleading commercial information on the sold / offered for sale goods, or on the shop, or on the package.	10,000	20,000	30,000
8	Use or possession for use of measurement or weight tools/device such as scales, weight, ... etc, bearing misleading or inaccurate measure or having been manipulated or played with so that the indicated reading does not actually reflect the real one.	15,000	20,000	30,000

* If the value of the goods exceeds the amount of the fine, the former will be charged as a fine.

List of Acts of Violation

No.	Acts of Violation	Fines in Dhs.		
9	Effecting modification on weighing or measuring tools or devices... etc. which may render them inaccurate.	15,000	20,000	30,000
10	Sale offering for sale, or dealing in any way in any gold products that are not affixed with an official stamp.	20,000	30,000	40,000
11	Affixing precious metals products or unwrought such products with unofficial stamps, or selling, possessing / offering for sale of such products.	20,000	30,000	40,000
12	Effecting modification on precious metal products after being affixed with official stamp so as to modify or alter the products whether by adding or by any other way which may render them uncomplying with the affixed stamp, and selling, offering for sale, or possessing for the purpose of selling them.	20,000	30,000	40,000
13	Sale or offering for sale, or dealing in any way in any product with a low karatage and not stamped in a way to show the % of the metals it contains.	20,000	30,000	40,000

Important Notice:

Violator's premises will be closed after 2nd violation of any of the above 13 acts of violations, plus the DED reserves the right to file a criminal case against the perpetrator / perpetrators

Below are the initial fees to be charged against the following complaints:

Commercial fraud and trademarks infringement :AED 2,000 (file opening and study fees)
Violation of commercial agencies :AED 2,500

In addition to the above, there are inspection fees to be charged according to the number of shops in the complaint as follows:

Nos. of Shops/Warehouse	Due amount of fee
From: 1-5 S. /W.	Dhs 500
From: 6-11 S. /W.	Dhs 1,500
From: 11-15 S. /W.	Dhs 2,500
From: 16-20 S. /W.	Dhs 3,000
From: Above 21 S. /W.	Dhs 5,000

Plus the following special fees charged in case of complaints filed by commercial agents or representatives of commercial federations (local, regional or international) and pertaining to infringements of registered trademarks covering one type of products of a class according to the following No. of trademarks:

# of trademarks	Due amount of fee
From: 2 - 5 T.M	AED 3,000
From: 6 -10 "	AED 6,000
From: 11-15 "	AED 9,000
From: 16 -20 "	AED 15,000
From: 21 and above	AED 20,000