

**Speech of H.E Minister of Economy in the Third Global Congress on
Combating Counterfeiting and Piracy (Geneva, 30-31/1/2007)**

Promoting Better Legislation and Enforcement

Ladies and Gentlemen,

I would like to start by thanking you for inviting me to be part of this Congress. It is always a pleasure to be given the opportunity to share my country's achievements and challenges in the field of combating counterfeiting and piracy.

It is clear that counterfeiting and piracy activities are expanding rapidly and globally. These activities are increasingly sophisticated, in part due to the development and wider availability of new technologies. All economies are facing the problems caused by counterfeiting and piracy, as well as the challenges of measuring these problems. This activity has harmful effects on society as a whole as it destroys the innovativeness and creativity of any society. It also affects consumers because they become confused between original and counterfeited goods and waste their money. It affects a country's economy and its international trade.

The increase in value and volume of intellectual property rights infringements in recent years is a clear indicator that the level of enforcement and the results of the implementation of intellectual property rights enforcement must be improved.

For intellectual property laws to be effective, they must be consistent with the concepts laid out in the main international intellectual property rights Agreements. These concepts must be the guidelines for countries in their national laws which must be drafted in an uncomplicated manner and allow flexible procedures which don't affect the exchange of trade between countries. These rights must be available for everyone in order to encourage local investment and foreign direct investment.

Effective enforcement also needs to be based on the legal concepts in these international Agreements. Although enforcement mechanisms vary from country to country, the enforcement is the completing factor for the legislation. Legislation is useless without effective enforcement that allows the major goals of legislation to be met. We found that establishing inspection teams to stop counterfeiting and pirating of goods to be a priority on the practical enforcement side. These teams handle routine inspections on establishments and stores that sell goods protected by intellectual property rights. They also deal with any complaints of violations in the market.

Another important factor of effective enforcement is border measures. Customs authorities have immediate procedures against the import, export or transit of counterfeit or pirated goods and this contributes to improving IPR enforcement and preventing violations that negatively affect economies. Customs borders are the first line of defense of any country.

Coordination between ports, exchanging customs information, providing the means to know the rights holders, and previous knowledge of goods arriving by the right holders are factors that add to the effective

enforcement of intellectual property rights and prevent the spread of counterfeit or pirated goods.

Immediate administrative, criminal and civil procedures prevent infringement of intellectual property rights. Also, speedy disposal or destruction of pirated or counterfeit goods helps the society to feel safe.

As part of the above legislations that include provision of fair compensation, countries shall include in their legislation the balance between the losses of the right holders and the violations of their rights.

It is also essential to ensure that the legal framework provides for prompt, fair and deterrent sanctions which prevent crimes of piracy and counterfeiting. Public awareness about the negative impact and the risks of these crimes and publication in the media help to prevent such crimes.

The UAE has achieved tremendous progress in the field of Intellectual Property since its accession to WTO in 1996. The UAE has a federal system and consists of seven emirates. The constitution states that the Federal Government will legislate the laws on intellectual property in the UAE -not the individual emirates. Intellectual property in the UAE is protected by the Copyright Law, Patent Law, and Trademark Law. These laws were enacted and amended to be consistent with international Intellectual Property Agreements. We revised our intellectual property laws with WTO in 2001 and the results were positive.

On the practical side, we established inspection teams that handle the issues of piracy and trade fraud through administrative authorities, the Police and the Customs.

All these efforts resulted in creating an appropriate environment to attract investments into the country especially in the free zones. The appropriate legal framework and effective enforcement provide a secure background for the investor in any country which increases the development level in society.

The free zones in the UAE are not excluded from enforcement. If any violations or illegal practice take place there, there are appropriate inspection teams that will proceed in the appropriate procedures.

We use complaints filed to assist in the enforcement of intellectual property rights in the UAE. The Office of Intellectual Property in the Ministry of Economy or the Customs receives the information or complaints that pirated or counterfeited goods will arrive to UAE markets. The competent authorities then detain the suspected goods upon arrival which are then destroyed if proved to be counterfeit or pirated.

In the UAE we believe that protecting intellectual property is a key factor to economic development. For that reason, we look forward to creating a supportive environment for innovators, inventors, and investors to improve our economic development. By way of example, as a step towards simplifying matters for rightholders, we have recently unified all intellectual property rights Departments in one Ministry, the Ministry of Economy. These Departments were previously split between three Ministries.

We will make every effort in cooperation and coordination with other countries and international organizations, establishing centers for exchanging information, cooperation with the private sector and following

appropriate strategies in developing the whole intellectual property field. We have opened lines of communication with the International Trademark Association and with the Brand Owners Protection Group in the UAE.

We are the leader in the region and intend to stay just that. Statistics are usually hard to find but the UAE has been recognized by an independent annual software piracy study as having the lowest software piracy rates in the region with only 34% for 2005 which is in fact lower than most countries in the world.

Finally, it is the responsibility of all of us to seek appropriate solutions to develop intellectual property protection and enforcement and cooperate with each other to provide an economically secure environment for our society.