



Dear Friends and Clients,

Now we are also trademark agents. It's always good to have young, dynamic lawyers in old firms (Strohal Legal dates back to 1871) because it opens new doors of consultancy. So please come along, if you don't have a trademark yet we can also design one for you, or if you have one and you are doing business in the GCC, apply for registration immediately because Oman and Bahrain, being members of the Madrid Agreement and Protocol, are the only GCC states where trademarks registration through WIPO (World Intellectual Property Organization) is possible. In other GCC states, like the UAE, trademarks can only be registered with the local authorities by a trademark agent.

Furthermore, the UAE is not protecting trademarks registered in other countries, but they accept priority if applied within 6 months after the 1st registration in another WIPO country.

No more fun with VPN? Honestly, which expat hasn't used VOIP by going through a VPN tunnel? It is difficult to understand that a developed country like the UAE still supports a monopoly of government owned telecommunication providers and to protect their income they have prohibited a modern way of telecommunication. Of course the everlasting argument would be: You don't pay taxes so the government must see how to cover their expenses. So, dear expat living in the UAE, you need to understand that some costs are higher than in other developed countries. Pay it and stay or don't pay it and leave. But be aware, if you circumvent the laws and look at pages you shouldn't or make cheap or free VOIP calls, you are subject to arrest, fines and deportation.

Finally, we recommend registering your business with the EXPO 2020. It will be the greatest event the UAE has ever hosted. And doing business here gives you the opportunity to be part of this event and make yourself and your products known to a huge audience.

Yours,

Theodor Strohal

Strohal Legal Consultants are Trademark Agents

Currently there are more than 350,000 Small and Medium Sized Businesses (SMEs) in the UAE, among them similar companies with equal goods and services. A trademark can be used to distinguish your company as well as your products and services from the competitors and to create a unique identification in a competitive market. A trademark registration will empower you with the exclusive rights to use your mark as a unique identification for your goods and services in the whole UAE. The Strohal Legal Group recently registered as a UAE Trademark Agent with the Ministry of Economy to assist you with your trademark registration and to provide you with additional services to support your successful business in the UAE.

VPN (Virtual Private Network) – What is allowed?

The amendment of Article 9 of UAE's Cybercrime Law (Federal Law No.5 of 2012) caused uncertainty in dealing with the VPN. However, the elements of offense ultimately remained unchanged as illustrated in our August newsletter.

The *Telecommunications Regulatory Authority (TRA)* of the UAE explained that the law only "targets those who misuse virtual network services and will not affect any legitimate activity consistent with UAE laws".

Operating a VPN is not illegal by itself, but using it to access banned services or content is prohibited. It is not allowed to use VPN for VOIP services, online gambling, indecent or obscene materials, derogatory political content, or terror-motivated content. Furthermore, it is not permitted to access and view television content which is not licensed for use in the UAE.

Considering the fact that by using a VPN, the individual will not have to work around any censorship, there won't be a warning either regarding which content is allowed and which is illegal. Therefore, the use of a VPN must be handled with maximum caution.

UAE bankruptcy law to improve business confidence

The UAE Cabinet has approved the final draft of a bankruptcy law on Sunday, 4 September 2016. HH Sheikh Mohammed bin Rashid, UAE Vice President and Prime Minister and Ruler of Dubai, confirmed the ratification of the law and said on Twitter: "We passed the final version of the new Federal Law on bankruptcy, which aims to promote both investment and ease of doing business."

The International Monetary Fund and several other government and financial bodies, including Dubai SME and the UAE Banks Federation (UBF), have been campaigning for an insolvency legislation that will provide a lifeline for businesses in distress by decriminalizing bounced cheques and facilitating corporate bankruptcies. Legal experts say the law, which has been in the pipeline since 2009, will have a major impact on easing the business ecosystem in the country. It is expected to enable both listed and privately-owned companies that get into difficulties the option of restructure and rescue rather than being forced to wind up.

There have long been calls from senior figures in the financial sector for a bankruptcy law following numerous cases involving small business owners fleeing the country over unpaid debt and the fear of going to prison. The implementation of a law, which is understood to just be a matter of months away following the cabinet's approval of the draft law, will be a positive step, particularly for small business owners or those considering starting a business.

How to do fund-raising in the UAE without landing in jail

The Islamic Affairs and Charitable Activities Department (IACAD) has warned the public against taking up fund-raising campaigns individually, as such practices are strictly regulated in the UAE. The warning came days after the reported arrest of an Australian-British national for violating the law. The Dubai resident was arrested for allegedly promoting a US-registered charity raising money for refugees in Afghanistan via Facebook without any permission or authorization from the IACAD.

Decree No. 9 of 2015 prohibits collecting donations or advertising fund-raising campaigns through all forms of media without obtaining prior written approval from the IACAD. Violations of the law could result in two months to one year in jail and a fine ranging from Dh5,000 to Dh100,000 depending on the court's ruling. Furthermore, Article No. 27 of Federal Law No. 5 of 2012 on combating cyber-crimes stipulates that establishing or managing a website and using any other IT or electronic means to promote the collection of donations without a permit from the specialized bodies is punishable by imprisonment and/or a fine ranging from Dh250,000 - Dh500,000.

Therefore, a person planning to carry out a fund-raising event for a specific cause should contact one of the nine charity organisations licensed by IACAD, which are authorized to collect donations and oversee charity events in Dubai.

Dubai Expo 2020 and its opportunities for SMEs

Expo 2020 Dubai will run from October 20, 2020 to April 10, 2021. It is expected to attract 25 million people, with 70 per cent of visitors anticipated to come from outside the UAE.

The Expo 2020 Dubai Bureau announced that it will allocate 20 per cent of the expo's total direct and indirect spending of the Dh25 billion, representing more than Dh5 billion in contracts, to local and international SMEs. The contracts will be for work before and during the expo. Furthermore, Federal Law No. 2 of 2014 stipulates that 10 per cent of all federal government contracts should be allocated to SMEs. In addition, firms in which the government owns a 25 per cent stake must contract SMEs for at least 5 per cent of their total purchasing, servicing and consulting needs.

Vendors and suppliers interested in taking part in the Expo can register on the Expo 2020 Dubai eSourcing portal (<https://esource.expo2020dubai.ae>), which features announcements on upcoming tenders, gives details on awarded packages related to goods and services, and provides further opportunities to integrate into the supply chain through indirect procurement and collaboration.

DIFC on track to meet 2024 targets

Dubai International Financial Centre (DIFC) is on track to meet its 2024 targets as it achieved major milestones of over 21,000 employees and over 1,500 firms in the centre during first half of this year, its top official says.

"We are making strong progress against our 2024 targets which are to have 50,000 employees, 1,000 financial firms, 5.5 mil. square feet of occupied space, \$250 billion of assets under management and a balance sheet of over \$400 billion," said Arif Amiri, chief executive officer of DIFC Authority.

DIFC aims to facilitate the financial services sector to contribute an estimated 18 per cent to the emirate's GDP (gross domestic product) by 2024, for which the centre undertook several initiatives. The DIFC has focused on facilitating business transactions, trade and investments across the South-South corridor. The DIFC has also undertaken a number of highly successful roadshows to international markets, such as China, India, and Singapore as well as London and Luxembourg. To achieve this goal, the DIFC has over 90 Memorandums of Understanding (MoUs) in place with jurisdictions in the region and around the world.

Khalifa Port expansion to bring capesize vessels to Abu Dhabi

Nearly four years after it first opened for business, Abu Dhabi's vast Khalifa Port container terminal is to be expanded to accommodate the world's largest ships. Abu Dhabi Ports, the government-owned company that runs the US\$7 billion terminal, has announced plans to expand the port's quay wall so that it can handle more cargo and to dredge the port to make it two metres deeper.

As per the plans, Abu Dhabi Ports will add a 1000-metre quay wall to Khalifa Port and deepen its channel and basin to 18 metres. The new quay wall will add an additional 600,000 square metres for cargo handling. The project is scheduled to be completed in mid 2018.

Khalifa Port's current capacity is 2.5 million TEUs (twenty foot equivalent units/containers) and 12 million tonnes of general cargo. In the future, Khalifa Port will be able to handle 15 million TEUs and 35 million tonnes of general cargo per year.

Ras Al Khaimah visitors up 7 %

Total visitor arrivals to Ras Al Khaimah between January and July 2016 increased by seven per cent, compared to the same period in 2015, the Ras Al Khaimah Tourism Development Authority (RAK TDA) has revealed. In addition to the emirate receiving more visitors, the length of stay during the first seven months of this year also increased. Total guest nights grew by 15.2 per cent year-on-year, while the average length of stay in the Ras Al Khaimah's hotels climbed 7.7 per cent.

Ras Al Khaimah's core international markets of Germany, UK, Russia, and India continue to grow. Compared to last year, tourism from Europe to Ras Al Khaimah has grown by 45 per cent, led by strong growth from Germany at 68 per cent and the UK at 33.2 per cent. Additionally, Europeans are staying longer, with a growth of 38.2 per cent in average length of stay equaling 6.2 days.

TUI, Dertour and FTI offer various holidays to Ras Al Khaimah's luxurious 4 and 5 star hotels and Qatar Airways has provided flights to Ras Al Khaimah Airport since autumn 2015. Tourism in Ras Al Khaimah is booming and will further develop. Currently, Ras Al Khaimah offers more than 5,000 hotel rooms across 41 properties, with more than 3,000 rooms in the pipeline across 12 properties by 2019. Additionally, 20 new hotels are planned to be built during the next years and the hotel capacity is expected to increase to 20,000 rooms by 2025. Many of them will be on Al Marjan Island.

Furthermore, the highest mountain of the UAE, Jebel Jais, which is currently a well-known place of excursions in Ras Al Khaimah, will be one of the main tourist attractions in the future. Adventurous zip lines, hiking trails and special routes has been planned to make mountain biking at Jebel Jais even more fun.

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