

### UAE passes the Draft Anti-Commercial Fraud Law

The draft law, on commercial fraud is a big breather for various brand owners in UAE, providing for provisions like dealing with only a single cross emirate enforcement body, instead of multiple ones, a possibility of surge in penalties, confirmation of its application in UAE's Free Zones, seizing of source documents & other information on the infringing activities, among other things.

Such draft law raises quintessential questions regarding many areas of concern which was not specifically provided by the earlier draft through Federal National Council (FNC), including:

- Return of the counterfeit goods by the importers, to the country of its origin, as there is a possibility that counterfeit goods may get re-exported, & get returned to the UAE itself.
- Another provision is related to such re-exports conflicting with the UAE's obligations under the Agreement on Trade- Related Aspects of Intellectual Property Rights (TRIPS), which so restricts in an unaltered state.
- The coverage of the Anti-Commercial Fraud Law with respect to lookalike goods, and those bearing a trademark being identical to a registered one. Earlier the draft law did not purport to cover these abovementioned.
- Providing for higher penalties or not so as to become a stringent deterrent.
- Ambiguity still exists, regarding hefty sums of money with regard to applications to be made to the court, for its sanction for the release of seized counterfeit goods, by way of order within 30 days of the such seizure.

While the areas of concern are to be addressed, such draft law provides for some of positive aspects as well, like:

- The Establishment of a single body to combat trade in counterfeit goods across all emirates in the UAE, instead of dealing with independent authorities in each of the country's seven emirates.
- Where the importer is identifiable, provision for the destruction of the counterfeit goods.
- Duty on infringers to disclose information & documents, relating to the dealings in counterfeit goods. Such a provision in the Draft Anti-Commercial Fraud Law, gives sanction to the authorities of not only the seizure of the counterfeit goods but also the right to obtain the source documents of such goods.

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- Prohibition on the possession of counterfeit goods especially, where no clear evidence exists, of an intention to sell.

Such draft law has to pass through the Ministerial level, for further amendments, if any & finally it will come into effect when the UAE President signs & assents to it & it is published in the UAE official gazette. This law is expected to be in force within six months, but may get delayed.

For detailed information about the above, please [click here](#)

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## **Health Insurance Law for Dubai**

A phenomenal law is to be enacted, with making the Health Insurance compulsory for all the residents and visitors, to Dubai, inclusive of the free zones. Such so carefully made draft law will begin to roll out within a period of eight month's time. In this, the Dubai Government has now announced that in addition to the existing salary of the employees, it will be mandatory for all businesses to provide good-quality health insurance to their respective employees.

It is to be rolled out in phases, & in the first phase of the scheme the companies employing more than 1000 employees is required to provide health insurance to their workers by October.

In the second phase of the scheme, the Companies employing 100 to 999 employees is required to provide health insurance to their workers by the end of July, 2015. Companies with less than 100 employees have to provide this health insurance by the end of June 2016.

The violator of this law will face a bulky fine anywhere ranging between Dh500 and Dh 150,000. In case of continued default maximum fine of Dh 500,000 can be imposed.

The key points to be taken into account are:

- Providing health insurance to their employees is the primarily responsibility of the Employer.
- Individuals who wish to obtain residential status or visit visa has to comply with the health insurance requirements.
- The government of Dubai will be responsible for UAE nationals resident in Dubai.
- The DHA (Dubai Health Authority) has pointed out that this scheme will consist of a mandated minimum coverage, in the form of basic health plan, which will be different for UAE nationals, expats and visitors.
- Only the "Participating Insurers" will be permitted to provide the mandated

minimum health insurance coverage.

Under this new enactment the employer is required to provide direct cover (health insurance scheme) to all its employees except the employee's dependants. But where an employee sponsors dependants then in that case, the employer has to include such dependants in the health insurance scheme. As per the law the employer cannot deduct the insurance cost from the salary of the employee.

By 1st January, 2014 all the payers (i.e. insurers, TPA's (Third Party Administrators) or brokers) should have registered with or obtained a DHA permit in order to continue to deal with DHA registered health care providers. These groups are required to comply with DHA and UAE Authority Requirements in order to get the permit.

This new enactment of the Government is not publically available, but DHA (Dubai Health Authority) has said that it will soon be available on their website. This law was signed on 24th November, but it has yet not been published in the Official Gazette, as a result it will come into effect only after it has been published. The implementation plan is of two and a half years.

For detailed information about the above, please [click here](#) and [here](#)

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## **Abu Dhabi passes the Draft Law on Horse Doping**

June 17, 2014 one of the landmark days in the UAE, as the Federal National Council of Abu Dhabi passed the Anti- horse doping draft law. It is one of the biggest moves to ensure doping free horse racing and promote health, fairness and equality for horses in UAE.

The draft law aims to ensure that all the international sport ethics and standards are met. The basic goal of the law is to ensure that all the people who engage in doping practices are held accountable.

Only the drugs that have been granted license for use by the Ministry of Environment and Water or authorities concerned to treat certain medical conditions are allowed. Otherwise, the law bans all the other drugs.

As per the draft law the violator will face a minimum fine of Dh20,000, but not more than Dh100,000. Repeat offences within three years will carry a fine of up to Dh500,000.

Action may also be taken by cancelling the license, prohibiting the offender from horse racing for a period of three years. Such an offending sports facility may also be forced to shut down, but not beyond the period of three years.

Such Draft law facilitates the reporting of any offence of doping, & prescribes of its

precautions, & improving the control of animal feed of banned substances.

The executive rules, which will be issued within six months from the date the law takes effect, will list banned and controlled substances in horse racing.

The bill provides for the prohibition of any illegal practices by stables which inject their horses with banned steroids in order to improve their racing.

The President is yet to endorse the bill into law performance & the law will commence after its publication in the official gazette.

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