

**(CONFIDENTIAL)**

**The Brand Owners Protection Group – GCC & Yemen**

**The General Meeting- March 27, 2014**

**Media Rotana  
Dubai, United Arab Emirates**

**Attendees**

Chairman – Omar Shetiwi  
Coordinator – Yara K.Khalifah

**Board Members:**

Beiersdorf – Camron Walker  
Nissan – Rashid Khan  
Rouse & Co. International – Basel El Turk

**Members:**

Ahmed Seddiqi & sons – Ghada Qaisi Audi  
Al Suwaidi & CO. – Mohammed Omar  
BAT – Elie Atallah  
BAT – Wael M. Ismail  
Bosch – Fadi Tadros  
Burberry – Lara Ababneh  
Clyde & Co – Rob Deans  
Epoc Messe Frankfurt – Mahmut Gazi  
Epoc Messe Frankfurt – Abdelrahman Kurdieh  
HP – Aziz Mohamed  
JTI – Ali Atani  
LV – Malek Hannouf  
Mann+Hummel – Vinay Vijayakar  
Nike – Mohamed Kamal  
PMI – Kamran Chassebi  
PMI – Ruwaida Ajram  
PMI – Tamer Shabana  
SABA & CO. – Hady Khawand  
SABA & CO. – Rami Abdullah  
SMAS IP – Zahrah Ragbi  
SMAS IP – Fatima Arrad  
SNR Denton – Joby Beretta

**Guests:**

EIPA – Media Director - Mr.Abdulla Hassan Matar AlKhayat  
Consulate-General of Japan - Riki Kishimoto

**MINUTES OF THE MEETING:**

<p>Introduction</p>	<p>The meeting started at 10:15 am with greetings from the BPG Chairman, Omar Shetiwi (OSH)</p>
<p>OSH welcomed and introduced the guests</p> <p>OSH welcomed new members of the BPG</p>	<ul style="list-style-type: none"> <li>• EIPA - Mr.Abdulla Al Khayat</li> <li>• Consulate-General of Japan - Riki Kishimoto</li> <li>• Nike – represented by Mr.Mohamed Kamal</li> </ul>
<p>OSH gave a brief about BPG activities during the year 2013 and the importance of each one.</p>	<ul style="list-style-type: none"> <li>• General &amp; Strategy meetings.</li> <li>• Training sessions UAE &amp; GCC.</li> <li>• Participation in Global IP events.</li> <li>• Participation with strategic partners and support of other IP groups.</li> <li>• Meetings with Law enforcement authorities.</li> <li>• MoU signing.</li> <li>• Exhibitions.</li> <li>• The First IP Forum .</li> </ul>
<p>OSH gave a brief about the Outcome of the first IP Forum held in 11<sup>th</sup> -12<sup>th</sup> December 2013.</p>	<ul style="list-style-type: none"> <li>• Declaration (attached).</li> <li>• IP Book to be issued in cooperation with DEC (Dubai Economic Council).</li> </ul>
<p>A discussion took place with regard to the Book :</p> <ul style="list-style-type: none"> <li>• It is about highlighting the IP laws and regulations with recommendations against some laws.</li> <li>• Timing of issuing this book should be related to the Antifraud law in the pipeline.</li> </ul> <p>A discussion took place about the Commercial Antifraud law which will be announced soon :</p> <ul style="list-style-type: none"> <li>• Re- exportation becoming as a legal act, (this was clearly the principal cause for concern).</li> <li>• the limitation of the draft Law to identical trade marks (ie excluding similar trademarks and lookalikes)</li> <li>• the need to obtain a Court order in all cases (even for administrative actions)</li> </ul>	
<p>Task Force includes :</p> <ul style="list-style-type: none"> <li>• Mr.Abdulla Khayat from EIPA.</li> <li>• Omar Shetiwi – BPG Chairman</li> <li>• Rob Deans – Clyde &amp; Co.</li> <li>• Basel El Turk – Rouse &amp; Co.</li> <li>• Lara Ababneh – Burberry</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Abdulla to investigate to whom we should address the letter with regard to the antifraud law.</li> <li>• Rob to draft the letter by 10<sup>th</sup> April 2014.</li> <li>• To arrange a meeting after submitting the letter to the concerned authority.</li> <li>• Close cooperation with EIPA &amp; DEC.</li> </ul>

<p>Destruction &amp; Recycling of counterfeited products</p>	<p><u>Government concerns :</u></p> <ul style="list-style-type: none"> <li>• Cost.</li> <li>• Turning into a dump tank.</li> <li>• Environment issues.</li> </ul> <p><u>Suggestions :</u></p> <ul style="list-style-type: none"> <li>• Brand Owners' to handle the destruction of their counterfeited products.</li> <li>• Force Counterfeiters to destruct the counterfeited products as part of the penalty.</li> <li>• BPG to arrange a meeting with Recycling companies in the UAE and Municipalities.</li> <li>• Government to partner with privet sector ( profit ).</li> </ul>
<p>Cameron Walker gave a brief about his meeting with EIPA and introduced Mr. Abdulla Khayate</p>	<ul style="list-style-type: none"> <li>• Sign MoU between BPG &amp; EIPA.</li> <li>• Joint events.</li> <li>• Cameron walker is the contact person with EIPA.</li> </ul>
<p>OSH introduced Mr. Riki Kishimoto from Consulate-General of Japan</p>	<ul style="list-style-type: none"> <li>• Mr. Riki Kishimoto gave a brief about : <ul style="list-style-type: none"> <li>◦ IPR Enforcement in UAE.</li> <li>◦ IPR Enforcement in Oman.</li> </ul> </li> </ul>

## Outline of IPR Enforcement in UAE

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Locus	Authority	Enforcement process	Profits for right holders	Conflicts for right holders	Reference
Water-Edge	Customs	<ul style="list-style-type: none"> <li>- <u>Administrative Seizure</u> (Criminal/Civil lawsuit is optional)</li> <li>- No prospect for Ex-officio</li> <li>- Only seizure based on claim from right holder</li> </ul>	<ul style="list-style-type: none"> <li>- Simple process (No court involvement until destruction)</li> </ul>	<ul style="list-style-type: none"> <li>- Waste management problem</li> <li>- Unclear information disclosure</li> <li>- Advance information specify infringer is necessary</li> </ul>	<ul style="list-style-type: none"> <li>- Customs recordation only in Dubai, Sharjah, RAK</li> <li>-&gt; Need it in each emirate</li> </ul>
Market	DED	<ul style="list-style-type: none"> <li>- <u>Administrative raid</u> (Criminal/Civil lawsuit is optional)</li> </ul>	<ul style="list-style-type: none"> <li>- Simple process (No court involvement until destruction)</li> <li>- Hefty fine (App 8,000 USD)</li> </ul>	<ul style="list-style-type: none"> <li>- Unclear information disclosure (DDED starts providing seizure report?)</li> <li>- Waste management problem</li> </ul>	<ul style="list-style-type: none"> <li>- Only Abu Dhabi, Dubai, Sharjah has DED</li> <li>- DDED raid on shop and warehouse</li> </ul>
	Police	<ul style="list-style-type: none"> <li>- <u>Automatic transfer to Criminal court</u> (Attendance as civil plaintiff for indemnity is optional)</li> </ul>	<ul style="list-style-type: none"> <li>- Raid on anywhere</li> <li>- Imprisonment</li> <li>- Reserve evidence from court record</li> <li>- Cooperation with other police or DED</li> </ul>	<ul style="list-style-type: none"> <li>- Law fine (App 1,400 USD)</li> <li>- Bear cost for legal procedure and storage</li> </ul>	<ul style="list-style-type: none"> <li>- Dubai Police and Ajman Police is active</li> </ul>
FTZ	Customs DED Police	<ul style="list-style-type: none"> <li>- Differs by authority</li> <li>- Lobby to Dubai ruler's court or Executive council is optional</li> </ul>	<ul style="list-style-type: none"> <li>- No prospect for active enforcement in FTZ</li> </ul>	<ul style="list-style-type: none"> <li>- Advance information specify infringer is necessary</li> </ul>	<ul style="list-style-type: none"> <li>- JAFZ is not under DED control</li> <li>- Dragon mart under DED control</li> </ul>

# Outline of IPR Enforcement in Oman

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Locus	Authority	Enforcement process	Profits for right holders	Conflicts for right holders	Reference
Water-Edge	Customs (ROP)	<ul style="list-style-type: none"> <li>- <u>Automatic transfer to Criminal court</u> (Civil lawsuit is optional)</li> <li>- No prospect for Ex-officio</li> <li>- Only seizure based on claim from right holder</li> </ul>	<ul style="list-style-type: none"> <li>- No prospect for active enforcement at water-edge</li> </ul>	<ul style="list-style-type: none"> <li>- Advance information specify infringer is necessary</li> </ul>	<ul style="list-style-type: none"> <li>- No recordation system</li> <li>- No IPR database so authenticity judgment relies on MOCI</li> </ul>
Market	MOCI	<ul style="list-style-type: none"> <li>- <u>Automatic transfer to Criminal court</u> (Civil lawsuit is optional)</li> <li>- Police can involve in stage of investigation</li> </ul>	<ul style="list-style-type: none"> <li>- Advance information specify infringer is necessary</li> <li>- No enforcement function Involving PP(Public Prosecution) parallel with MOCI can be an idea</li> </ul>	<ul style="list-style-type: none"> <li>- <u>Receiving claims only from consumers</u> but right holders</li> </ul>	<ul style="list-style-type: none"> <li>- <u>Legally assigned enforcement body.</u> But enforcement function transferred to PACP and DB remains in MOCI</li> </ul>
	PACP		<ul style="list-style-type: none"> <li>- Independent from MOCI in 2011. Malfuction without IPR DB</li> </ul>		
2014 Action Plan :					
<ul style="list-style-type: none"> <li>• <u>BPG Structure :</u></li> </ul>		A discussion took place with regard to the current structure (Clusters), and a decision made to change it to a Task Force structure.			
<ul style="list-style-type: none"> <li>• <u>Training sessions &amp; Exhibitions:</u></li> </ul>		<p><u>Within UAE:</u></p> <ul style="list-style-type: none"> <li>• Dubai Customs, 3 sessions (April, August, November).</li> <li>• Abu Dhabi Customs – Airport (Series of training session starts in April 28<sup>th</sup>).</li> <li>• Northern Emirates.</li> <li>• Sharjah Customs.</li> <li>• DED's.</li> </ul> <p><u>GCC &amp; Yemen :</u></p> <ul style="list-style-type: none"> <li>• Saudi Customs.</li> </ul> <p><u>Exhibitions :</u></p> <ul style="list-style-type: none"> <li>• <u>Automechanika 2014</u></li> </ul>			

<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> IP Forum</li> </ul>	<ul style="list-style-type: none"> <li>• Last quarter of the year 2014 : To hold a round table meeting including BPG members , partners and law enforcement authorities to announce the 2<sup>nd</sup> IP form</li> <li>• The 2<sup>nd</sup> IP Forum to be held in April / May 2015.</li> <li>• Create a task force for the IP Forum : Volunteers are : PMI –Ruwaida Ajram , Burberry – Lara Ababneh , Saba &amp; Co. – Hadi Khawand , Robert Bosch – Fadi Tadros , BAT – Elie Atallah , Nissan – Rashid Khan.</li> <li>• Task force to report its finding to BPG Board.</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Regional &amp; International Participation and visibility.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Interpol event in Qatar.</li> <li>• Participation in INTA event.</li> <li>• Global Congress.</li> <li>• QBPC</li> <li>• BPG Lebanon.</li> <li>• Other Groups in Africa and Turkey .</li> </ul>
<p>Meeting was adjourned at 1:15 pm.</p>	