

# UNITED ARAB EMIRATES

## INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

### 2025 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

**Special 301 Recommendation:** IIPA recommends that the United Arab Emirates (UAE) be placed on the Watch List in 2025.<sup>1</sup>

**Executive Summary:** The UAE made legislative improvements to its copyright law in 2021. However, further amendments are necessary to fully implement the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) (collectively, the WIPO Internet treaties) and ensure UAE's standards for copyright protection and enforcement meet international norms and best practices. The UAE government has supported establishing a music collective management organization (CMO) since 2021, and while delays are primarily due to structural government changes, it is not for the lack of political will. The Ministry of Economy (MoE) recently took a positive step towards establishing a music CMO by registering a local entity, the Emirates Music Rights Association (EMRA), and it is anticipated that EMRA's application for a license to undertake collective management will be issued imminently. Addressing these concerns and unharmonized copyright enforcement procedures are necessary to overcome market access barriers and weaknesses in enforcement that enable diverse methods of piracy to persist and prevent local and foreign rights holders from protecting and leveraging their creative works. IIPA urges the UAE to bring its laws and practices in line with international obligations, norms, and best practices.

#### **PRIORITY ACTIONS REQUESTED IN 2025**

##### **Enforcement**

- Encourage more transparency and effective enforcement from federal and individual emirate-level enforcement authorities.
- Engage with intermediaries through the Telecommunication and Digital Government Regulatory Authority (TDRA) and the MoE to require effective action to deter infringement.
- Ban the importation of illicit streaming devices (ISDs).
- Harmonize requirements for enforcement with international norms.

##### **Legal Reforms**

- Revise the Copyright Law to fully implement the WIPO Internet treaties.
- Amend the Copyright Law to align the term of protection for works and sound recordings with international norms.
- Address inconsistencies between Executive Regulation No. 47/2022 and international standards and best practices.
- Provide additional mechanisms that ensure Internet service providers can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities.

##### **Market Access**

- Enable rights holders to establish a music CMO and permit that CMO to commence meaningful operations in the UAE, while still allowing for rights holders to license music directly.
- Clarify residency requirements for online intellectual property (IP) enforcement systems.

#### **ENFORCEMENT**

<sup>1</sup> For more details on UAE's Special 301 history, see previous years' reports at <https://iipa.org/reports/reports-by-country/>. For the history of UAE's Special 301 placement, see <https://www.iipa.org/files/uploads/2025/01/Appendix-C-2025.pdf>.

- **Encourage more transparency and effective enforcement from federal and individual emirate-level enforcement authorities.**

IP enforcement in the UAE continues to be a long-standing challenge. This is primarily because IP enforcement occurs at the emirate level and each of the seven emirates has three separate IP enforcement entities—a police, an economic, and a customs entity—with unharmonized and often changing procedures. For example, in 2023, the Dubai Department of Economy and Tourism (DET), formerly the Department of Economic Development, suddenly stopped accepting copyright complaints through their electronic portal. Dubai DET claims they can no longer receive these complaints and instead refers these cases to Dubai Police. This abrupt new practice and similar issues across all emirates constitute significant challenges to copyright owners attempting to enforce their rights.

There is also limited IP enforcement coordination between emirates, even though cross-emirate IP crime is common. Until recently, the UAE’s federal system played little role overseeing IP enforcement across emirates and any intra-emirate IP enforcement coordination between police, economic, or customs entities or coordination between entities in different emirates required working with the Emirates IP Association (EIPA), a non-governmental organization (NGO). Procedural and coordination challenges grow when UAE’s IP enforcement entities must work with other agencies, including, for example, the TDRA to order Internet service providers (ISPs) to restrict websites based on criminal offenses and the UAE’s Free Trade Zones (FTZs) to assist rights holders in attempting to seize pirated content or piracy devices in these areas. Additionally, some IP enforcement agencies are not allowed to correspond with organizations outside of the UAE, such as social media service providers, FTZs, or neighboring countries’ IP enforcement entities, without a court order - a particular concern given that piracy operations are often transnational and UAE’s FTZs are regional transshipment hubs. However, the appointment of the UAE’s first Assistant Undersecretary of IP within the UAE MoE in 2023 was a welcomed development. IIPA and its members strongly encourage the Assistant Undersecretary of IP to harmonize IP enforcement procedures and promote more reliable, accessible, and transparent IP enforcement coordination across emirates, agencies, and neighboring countries.

There have been some positive IP enforcement developments in the UAE over the past few years. For example, in 2021, the Dubai Higher Criminal Court issued a judgment against an administrator of the torrent website *arabscene.org* to block the website because it exhibited exclusively licensed TV channels without permission. In addition, the administrator, a foreign national, was fined and deported out of the country. This case is significant because the website was hosted outside the UAE, setting a strong precedent for other similar offenders. In addition, criminal courts in Abu Dhabi and Sharjah have found defendants guilty in cases relating to piracy through Internet protocol TV (IPTV) apps. Dubai’s IP enforcement entities have recently collaborated with the Alliance for Creativity and Entertainment (ACE), conducting five raids in 2024 against sellers of ISDs, also referred to as IPTV set-top-boxes, in Dubai’s Dragon Mart. In June 2024, the MoE and the Campeonato Nacional de Liga de Primera División, more commonly known as “La Liga,” signed an MOU to launch an ‘Anti-Piracy Lab’ project to block websites violating IP rights. Most recently, in October 2024, the International Federation of the Phonographic Industry (IFPI) was successful in its first website blocking application, which targeted the stream ripping site *y2mate.com*, one of the most popular pirate sites in the country.

Enforcement authorities were reluctant to act against infringement for a long time, but then the Prime Minister called on officials to cooperate as much as possible with companies to encourage investment. This call was misunderstood, however, and the effect was that enforcement authorities waived or reduced fines against IP violators. For example, the Dubai DET reduced fines by up to 50%. IP rights holders would like to see this reduction applied to complainants (the brand owners) instead of infringers. Additionally, the Dubai DET’s failure to inspect markets absent a complaint from copyright holders encourages infringers to trade in illicit products, including ISDs containing IPTV apps for pirating paid TV channels.

- **Engage with intermediaries through the TDRA and the MoE to require effective action to deter infringement.**

UAE ISPs normally ask rights holders to contact TDRA (the governmental body that monitors the operations of the ISPs in the UAE) for enforcement actions against IP-violating websites. TDRA investigates and may order ISPs to implement website blocks. Additionally, in 2023, the MoE, which has the authority to instruct TDRA to restrict violating websites, began accepting copyright complaints directly through its online portal.<sup>2</sup>

The government has an important role to play in promoting piracy prevention efforts and should encourage ISPs to restrict access to illegal IPTV services and intermediaries that facilitate the operation of such services, such as (i) advertisement providers and payment providers that actively and intentionally support piracy sites and services; (ii) websites that offer gift cards or redeemable vouchers to buy or refill personal accounts to illegal IPTV services; (iii) helpdesk support numbers for these illegal services; and (iv) illegal virtual private network (VPN) Internet protocol addresses dedicated to streaming content to hybrid set-top boxes. *Etisalat* and *Du*, the two primary ISPs in the UAE, cooperate with rights holders to a limited degree when responding to notice and takedown requests. These ISPs currently have special platforms on their websites for reporting IP violations, but do not publish any statistics related to the takedown rates.<sup>3</sup> Moreover, it takes the ISPs far too long, around 10-14 days, to take down infringing content after receiving a complaint from a rights holder. The MoE and TDRA must encourage ISPs to act more expeditiously and publish take down statistics. Finally, more transparency and procedural certainty is needed regarding how the MoE and TDRA implement their existing website blocking program. Addressing these issues would greatly improve the enforcement environment in the UAE.

- **Ban the importation of ISDs.**

The use of ISDs is an ongoing concern for copyright owners in the UAE. These devices can either receive the free-to-air (FTA) channels—which is a legal act—or pirated TV channels or access pirated video-on-demand (VOD) by installing certain IPTV applications. These ISDs are known to be commonly used for notorious pirate IPTV and VOD services, such as *UKTV Abroad*, *King-iptv.net*, and *Kingiptv.org*. ISDs and the channels or content they carry are marketed, promoted, and illegally sold to consumers in high volumes through several channels in the UAE, such as door-to-door, Internet sales, social media accounts, or small retailers, such as those in Dubai’s Dragon Mart. Because the device’s hardware is not necessarily illegal under current law, it is often difficult to prevent the importation and sale of these devices in the UAE. However, in practice, offenders often install infringing IPTV applications on devices after importation, including within the UAEs FTZs. Since the importation of these types of hardware is subject to approval from TDRA, TDRA should coordinate more closely with the Federal Authority for Identity, Citizenship, Customs & Port Security, and individual emirate-level customs authorities to inspect these devices and seize all ISDs entering the UAE or transshipped through its FTZs.

- **Harmonize requirements for enforcement with international norms.**

Dubai DET now requests UAE copyright registration certificates before allowing rights holders to proceed with any action for copyright infringement. This requirement is a detrimental change from its old policy, which permitted a copyright infringement case to be heard if the plaintiff had a copyright registration certificate in any country that is a member of the Berne Convention, and, as applied to Berne member authors and producers, is a violation of Article 5(2) of Berne and equivalent provisions, such as Article 20 of WPPT. Such restrictions limit the power of rights holders to protect themselves from infringement and hinder their ability to thrive in the UAE market.

## **LEGAL REFORMS**

- **Revise the Copyright Law to fully implement the WIPO Internet treaties.**

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<sup>2</sup> See UAE Ministry of Economy Website, <https://id.moec.gov.ae/>.

<sup>3</sup> The special platforms for reporting IP violations include <https://www.du.ae/surfsafely> and <https://www.etisalat.ae/en/generic/contactus-forms/web-block-unblockn.jsp>.

The Decree-Law 38 of 2021 on Copyrights and Neighboring Rights introduced several improvements to the UAE's copyright legal framework, including criminalizing the acts of electronically storing illegal copies of copyrighted works (Article 40), which should allow for actions against cyberlockers hosted in the UAE. These cyberlocker services often provide infringing content to piracy sites and services. Consistent with the WPPT, Article 18 provides producers of sound recordings with exclusive rights of reproduction, distribution, rental, and making available to the public. Further, Article 18(5) provides sound recording producers with the exclusive rights of broadcasting and communication to the public. However, to ensure that the UAE's copyright legislation is fully compliant with the WIPO Internet treaties and international copyright norms and best practices, the UAE should make the following amendments to its copyright framework:

- **Limit the scope of copyright exceptions and limitations:** Confine the exceptions and limitations outlined in Article 22 to the three-step test, including: the private copying exception, libraries and archives exception, the exception for performance of a work in meetings with family members or by students in an educational institution, and the transient and incidental copies exception.
- **Provide adequate protections for technological protection measures (TPMs) and electronic rights management information (RMI):** Article 40 provides for civil and criminal liability for “[u]nlawfully disrupting or impairing any technical protection or electronic data aiming at regulating and managing the rights prescribed by this Decree-Law” and increased penalties for repeat offenders. While this is a welcome step, to meet the obligations of the WPPT, the UAE should add provisions, including definitions for “technological protection measures” and “rights management information,” to ensure adequate protections for TPMs and RMI.<sup>4</sup>
- **Clarify that registration of copyright works is voluntary:** Article 4 states that “registers of the Ministry shall be considered a reference for the data of the Work and its ownership.” It should be clarified that the registration of works is voluntary and not a formal requirement, consistent with international treaties including Article 5(2) of the Berne Convention and Article 20 of the WPPT, both of which prohibit formalities on both the enjoyment and the exercise of rights.
- **Clarify the jurisdiction of the Grievances Committee for Copyrights and Neighboring Rights (Grievances Committee):** Pursuant to Article 37, the Grievances Committee—which consists of one specialized judge and two specialists—established under the MoE has jurisdiction to “adjudicate grievances filed by the interested parties against the decisions issued by the Ministry.” However, the article states that the Grievances Committee’s decisions can be challenged only before the “Competent Court,” which is defined in Article 1 as the “Federal Court of Appeal,” instead of the First Instance Courts. Article 37 should be clarified to ensure: (i) the scope of jurisdiction of the Grievances Committee is limited to disputes between a CMO and its members and/or its licensees; (ii) the Grievances Committee shall hear and determine matters referred to it expeditiously; and (iii) parties may appeal the decisions on procedural grounds to the First Instance Courts.
- **Amend the Copyright Law to align term of protection for works and sound recordings with international norms.**

UAE currently grants authors copyright protection for a period of life-plus-50 years and producers of sound recordings protection for 50 years after publication, which is substantially less time than UAE's international counterparts. UAE should increase the term of protection for works and sound recordings in Article 20 from life-plus-50 years to life-plus-70 years for works or in cases in which term is calculated based on publication, to the term of 95

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<sup>4</sup> See Articles 18 and 19 of the WPPT requiring “adequate legal protection and effective legal remedies” against the circumvention of technological protection measures (TPMs) and the removal or alteration of rights management information (RMI) without the permission of rights holders.

years (but in any case, no less than 70 years) and for sound recordings from 50 years to at least 70 years from the date that the recording is made or, if published, from that date, in keeping with international norms.

- **Address inconsistencies between Executive Regulation No. 47/2022 and international standards and best practices.**

While the priority is for the UAE to establish a music CMO, Executive Regulation No. 47/2022 on Implementing Federal Decree-Law No. 38/2021 contains several provisions addressing collective management that should be amended to be consistent with international standards and best practices, while still allowing for rights holders to license music directly, including:

- **Amend the definition of collective management organizations (CMOs):** Amend the definition of “collective management organizations” in Article 1 to ensure: (i) CMOs are non-profit and owned or controlled by their member rights holders (whether local or foreign), so that rights holders are able to control the exercise of their rights and to ensure that the CMOs are operating according to good standards of transparency, accountability, and governance; (ii) rights holders are able to, without restriction, determine the scope (rights, uses, repertoire, and territory) and character (exclusive or non-exclusive) of the rights mandates they give to the CMOs; (iii) CMO tariffs are determined by the CMOs in negotiation with users (or their representatives), reflecting what would be negotiated between a willing buyer and willing seller; and (iv) rights holders have fair and balanced voting powers in their CMOs that reflect the value of their rights under management.
- **Extend the time for renewal of CMO permits:** Under Article 15(6), CMO permits are renewed annually. Instead, to provide the legal certainty that justifies the substantial investment and allows for the long-term planning required to set up a CMO, permits should be renewed only every three years, at a minimum.
- **Ensure CMO members have the power to determine CMO operating costs:** Article 15(10) states that a CMO “. . . may deduct a percentage of the total funds collected in return for managing the collection and distribution of the financial remuneration for use, provided that the deduction percentage does not exceed 25% of the total amounts collected. This percentage is only for administrative expenses, and the Ministry may reduce this percentage whenever it deems so.” However, it should be up to CMO management to budget, plan, and obtain the agreement of rights holders regarding acceptable and reasonable spending at the outset. The 25% administration cost cap should be removed.
- **Clarify registration of copyrighted works is voluntary:** Article 2 on copyright registration should clarify that the registration of copyrighted works is voluntary and not a formal requirement, consistent with international obligations that prohibit formalities on both the enjoyment and the exercise of rights, including Article 5(2) of the Berne Convention and Article 20 of the WPPT. Further, the data and documents requirements for an application of registration of a copyright work in Article 2(6), particularly the requirement for “a copy of the passport or identity card of each applicant, author, and transferee” in subsection h, should be removed, because they are burdensome and interfere with the enjoyment and exercise of rights.
- **Remove formalities regarding the importation and distribution of works:** Article 5 contains burdensome requirements for the importation and distribution of copyright works, particularly that the Copyright Register “shall contain all data regarding the names of importers and distributors and the rights related therein, including the document proving their rights to import or distribute works in the country, and data relating to their activities and the authorities that authorized them to import or distribute works as set out in the Register.” Such requirements should be removed, because they are incompatible with the WIPO Internet treaties and the Berne Convention.

- **Ensure compulsory licenses for the reproduction or translation of copyright works for educational purposes are appropriately narrow:** Article 7 states, “Any person may apply to the Ministry to obtain a license to reproduce and/or translate a work protected by law, in order to meet the needs of education of all kinds and levels, or the needs of public libraries or archives, and in accordance with the conditions set forth in this Decision.” Such a broad compulsory license violates rights holders’ exclusive rights, interferes with contractual freedoms, undermines legal certainty, and is outside the scope of the three-step test governing exceptions and limitations to copyright protections. Any compulsory license for reproduction or translation should be appropriately narrow and strictly conform to the Berne Convention Appendix.<sup>5</sup>
- **Provide additional mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders’ applications to appropriate authorities.**

To complement the existing website blocking program operated by the MoE and TDRA, legislation should introduce additional mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites (both those hosted in the UAE and those hosted in other countries but available in the UAE) on a no-fault basis, upon rights holders’ applications to appropriate authorities. Such mechanisms would help tackle piracy and support the growth of the market for copyrighted works and sound recordings in the UAE.

## **MARKET ACCESS**

- **Enable rights holders to establish a music CMO and permit that CMO to commence meaningful operations in the UAE, while still allowing for rights holders to license music directly.**

Since 2021, the UAE has supported establishing its first music CMO. While delays since are primarily due to internal changes related to the governmental oversight of IP protection and enforcement, it is not for a lack of political will. In 2023, the local entity EMRA was registered with the UAE Ministry of Community Development (MoCD) as the first UAE music CMO. After acquiring its MoCD registration, EMRA subsequently applied to the MoE to obtain a license to provide collective management services to music rights holders. While EMRA’s application remains pending, it is anticipated the application will be granted imminently and EMRA will be issued a license to begin the collective management of music rights holders’ broadcast and public performance rights. Granting this eventual music CMO a license also will allow rights holders to continue licensing music directly.

In May 2022, IFPI and the MoE signed an MOU to work together to support local recorded music, including by creating a copyright framework that aligns with international standards and enforcing, collecting, and protecting the rights of record producers. The music industry estimates that the revenue a CMO would collect from broadcasting and public performance of music in the UAE (such as in hotels, restaurants, shops, discos, bars, dance schools, and airlines) would be in the tens of millions of U.S. dollars if the government accredited a CMO and allowed such collection. Revenue generated by CMOs through the licensing of broadcast and public performance rights is an essential element in supporting the development of local artists and in developing the UAE as a hub for music production in the region.

- **Clarify residency requirements for online IP enforcement systems.**

Copyright holders may submit complaints directly to TDRA, and in 2023, the MoE established a new online portal for receiving copyright infringement complaints. Unfortunately, it remains unclear whether the MoE and TDRA require users of their services to be UAE residents and have access to UAEPASS, a digital identity solution launched

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<sup>5</sup> In 2004, when the UAE joined the Berne Convention, the government availed itself of the Berne Appendix. See “Berne Convention Members,” World Intellectual Property Organization, available at [https://www.wipo.int/wipolex/en/treaties/ShowResults?search\\_what=C&treaty\\_id=15](https://www.wipo.int/wipolex/en/treaties/ShowResults?search_what=C&treaty_id=15).

by the UAE government, allowing residents and citizens to securely access various government services online. Uncertainty regarding this residency requirement creates burdensome obstacles for copyright owners who are not UAE residents to submit infringement complaints thereby limiting access to the market.