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LEGAL TRAINING

Institute adopts best judicial practices

By BASSAM ZAKA
Senior Reporter

Dubai Dubai Judicial Institute (DJI) has reinforced its position as a leading regional centre for excellence in legal studies through adopting the best judicial practices, said DJI's Director General yesterday.

Speaking during DJI's organisation for the International Judiciary Training Programme (IJTP) from the University of Georgia yesterday, Dr Jamal Al Sumaiti, the Director General, said: "Organising this programme is in line with our vision and strategy to implement the best judicial practices and reinforce our position as the region's leading centre for excellence in legal studies. We have become the first Middle Eastern institute to offer this specialised training programme in judicial studies."

The participation of director generals of UAE courts and the Ministry of Justice and Islamic Affairs in Bahrain reflects the significance of this training programme to further enhance the quality of judiciary in the region, added Dr Al Sumaiti.

The programme shared the US experience in case-flow management and judicial leadership to assist in the development of the country's judiciary.

The event was held under theme, 'Case flow Management — USA Experience'. The training sessions marked the first time that IJTP partners with a foreign organisation (DJI) and provided training outside the US.

"Our partnership with the University of Georgia brings us a step closer to establishing the DJI as a premier regional and international education and training institution for aspiring judges and public prosecutors," said DJI's Director General.

During yesterday's event which was held at DJI's headquarters, the speakers included Judge Doris Downs, Chief Judge, Fulton County Superior Court, Judge David Emerson, Current member of the Georgia Supreme Court Technology Advisory Committee and member of the Judicial Counsel of Georgia, and Mark Beer, Registrar of the Dubai International Financial Centre Courts.

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DJI holds judicial training programme

BY A STAFF REPORTER

THE Dubai Judicial Institute (DJI), a leading centre of law studies and judicial training in Dubai, is organising the International Judiciary Training Program (IJTP) from the University of Georgia from Nov.10 to 12 at the Institute's Sheikh Mohammed Bin Hasher Hall. The programme will share the US experience in caseload management and judicial leadership to assist in the development of the emirates' judiciary.

To be held under the theme, "Caseload Management — USA Experience," the training sessions mark the first time that IJTP is

partnering with a foreign organisation (DJI) and providing training outside the US. The prominent speakers will include Judge Doris Downs, Chief Judge, Fulton County Superior Court, Atlanta Judicial Circuit; Judge David Emerson, Current member of the Georgia Supreme Court Technology Advisory Committee and member of the Judicial Counsel of Georgia; and Mark Beer, Registrar of the Dubai International Financial Centre Courts.

The event will usher in a new age in the UAE's judicial system, bringing to the fore the best technologies and techniques for optimising and expediting the dispensation of justice.

معهد دبي القضائي يستعرض التجربة الأمريكية في مجال إدارة القضايا



تصوير: منير السعيدني

جانب من البرنامج التدريبي

دبي - يمامة بدوان:

التجربة الأمريكية، خارج الولايات المتحدة بالتعاون مع معهد دبي القضائي، كما يستعرض موضوع الإدارة الروتينية للقضايا المدنية أو الجنائية، وكيفية التعامل معها، وتطبيق اقتصاد المعرفة في الممارسات القضائية، وبناء وإدارة الشؤون المالية لإدارة القضايا والدور الإداري للقاضي، إضافة إلى دمج التكنولوجيا في العمل القضائي، وواجبات القضاة الأخلاقية والقيم القضائية وإدارة القضايا والسياسات.

وقال الدكتور جمال السميطي، مدير عام معهد دبي القضائي، يمثل هذا الحدث المهم بداية مرحلة جديدة للنظام القضائي في دولة الإمارات نظراً لكونه منصة متكاملة توفر أفضل الاستراتيجيات ووسائل التكنولوجيا الحديثة التي من شأنها أن تسهم في الارتقاء باليات تطبيق القانون والعدل. وذكر أن تجربة محاكم دبي (المحاكم العمالية) تعد تجربة ناجحة، مشيراً إلى أنه ولتطبيق مفهوم إدارة القضايا يحتاج إلى قرار سياسي.

تنظم معهد دبي القضائي برنامج التدريب القضائي الدولي (IJTP) بالتعاون مع جامعة جورجيا صباح أمس ويستمر البرنامج ثلاثة أيام في مقر المعهد بمشاركة القاضي الدكتور جمال السميطي المدير العام لمعهد دبي القضائي والقاضي ديفيد اميرسون كبير القضاة في المحكمة العليا في مقاطعة فولتون وعضو دائرة القضاء في أتلانتا والقاضي دوريس داونس عضو اللجنة الاستشارية في المحكمة العليا وعضو المجلس القضائي في جورجيا ومارك بير مسجل محاكم مركز دبي المالي العالمي، وبحضور نحو 30 قاضياً.

ويستعرض البرنامج التجربة الأمريكية في مجال إدارة القضايا وقيادة العمل القضائي بما يسهم في تنمية وتطوير الجهاز القضائي في دولة الإمارات، حيث إن جامعة جورجيا وللمرة الأولى تنفذ برنامج تدريب قضائي، تحت عنوان إدارة القضايا -



د. جمال السميطي

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تأهيل برنامج تدريب قضائي من جامعة جورجيا

نظم معهد دبي القضائي برنامج التدريب القضائي الدولي من جامعة جورجيا من 10 ولغاية 12 نوفمبر 2009 في قاعة الشيخ محمد بن حشر في مقر المعهد.

ويستعرض البرنامج التجربة الأميركية في مجال إدارة القضايا وقيادة العمل القضائي بما يسهم في تنمية وتطوير الجهاز القضائي في الدولة. ومن المقرر أن يشارك في هذا البرنامج مجموعة من المتحدثين البارزين بمن فيهم القاضي ديفيد إيررسون، كبير القضاة في المحكمة العليا في مقاطعة فولتون وعضو دائرة القضاء في أتلانتا، والقاضي دوريس داونس، عضو اللجنة الاستشارية في المحكمة العليا

ومارك بير، مسجل محاكم مركز دبي المالي العالمي. وقال الدكتور جمال السميطي، مدير عام معهد دبي القضائي إن الحدث المهم بداية مرحلة جديدة للنظام القضائي في الإمارات نظراً لكونه منصة متكاملة توفر أفضل الإستراتيجيات ووسائل التكنولوجيا الحديثة التي من شأنها أن تسهم في الارتقاء باليات تطبيق القانون والعدل. وبالتأكيد ستلعب شركتنا مع جامعة جورجيا دوراً حيوياً في تعزيز مكانتنا كمركز إقليمي ودولي رائد في مجال تدريب وتأهيل الكوادر البشرية وفق أعلى المعايير العالمية لتولي أعمال القضاء والنيابة العامة.

(البيان)

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Programme to help boost judicial system

BY A STAFF REPORTER

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The programme will share the US experience in caseload management and judicial leadership to assist in the development of the Emirates' judiciary.

To be held under the theme "Caseload Manage-

ment - USA Experience," the training sessions mark the first time that IJTP is partnering with a foreign organisation (DJI) and providing training outside the US.

Prominent speakers will include Judge Doris Downs, Chief Judge, Fulton County Superior Court, Atlanta Judicial Circuit; Judge David Emerson, Current member of the Georgia Supreme Court Technology Advisory Committee & member of the Judicial Council of Georgia and Mark Beer, Registrar of the Dubai International Financial Centre Courts.

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HER PICTURES TELL A STORY

Palestinian artist Laura Boushnak captures a literacy movement with her camera **LIFE 16**



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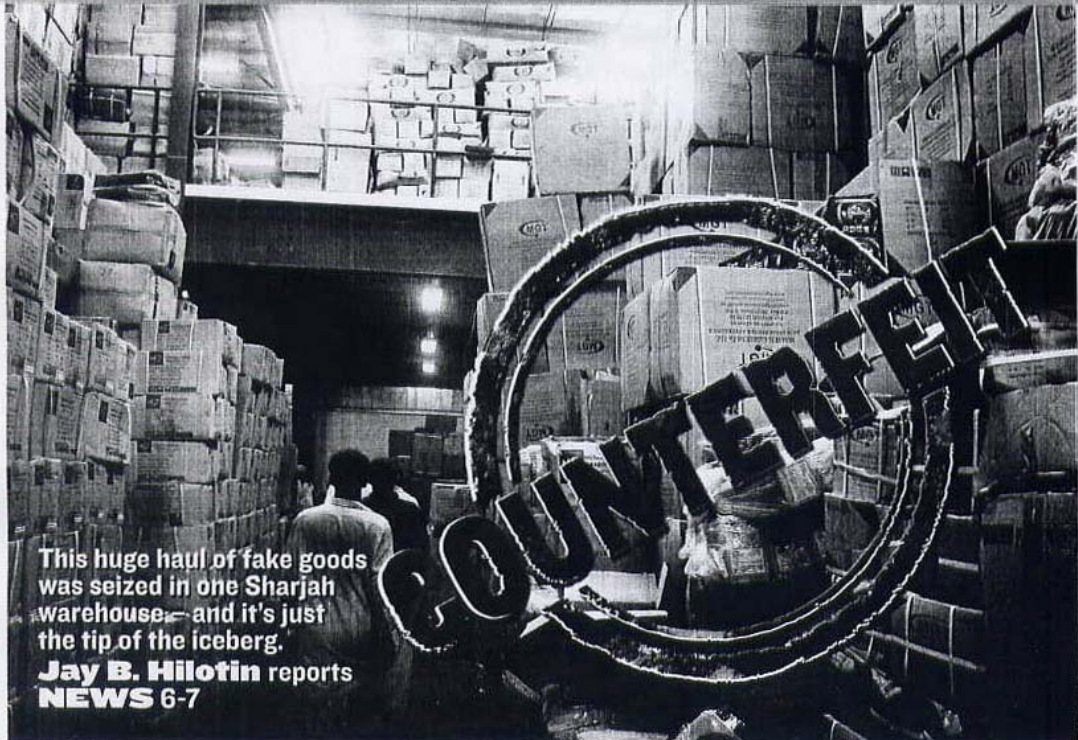
OUT EVERY THURSDAY

LIFE IS BEAUTIFUL Works of four special needs UAE artists selected for embossing on coffee cups in unique charity initiative **NEWS 4**

BAD BILL Group of angry expatriate women go online to voice grievance over 'unexpected' surge in water and electricity charges **NEWS 5**

BOAT AFLOAT Participants use creativity to fashion crafts from recycled material - all for a race aimed at creating environmental awareness **LIFE 15**

EARTH MARSHALS The general with a volunteer army who will ensure the first Dubai World Golf Championship runs smoothly **SPORT 28**



This huge haul of fake goods was seized in one Sharjah warehouse - and it's just the tip of the iceberg.

Jay B. Hilofin reports
NEWS 6-7

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PHONEY BUSINESS

FAKE ENCOUNTER

Fines of Dh5,000 will not stop gangs who make millions from counterfeit and often dangerous goods, says the Brand Owners' Protection Group. **Jay Hilotin** has the story

COVER STORY

DUBAI Lack of strict deterrence is impeding the UAE's battle against counterfeit goods, claim industry experts.

And because strict action is rarely taken against offenders, counterfeiting activities have assumed frightening proportions in the country. Bizarrely, many of them involve the same gangs.

Industry experts reckon that up to 15 per cent of those caught with knock-off goods are "repeat offenders".

Omar Shteiwi, Chairman of the 33-member Brand Owners' Protection Group (BPG), feels that the "kid-glove treatment" meted out to counterfeiters enables them to continue defying the law with impunity by trading unabatedly in fake goods.

REPEAT OFFENDERS

Dr Jannat Al Sumaiti, Director General of Dubai Judicial Institute, said: "In cases of repeat offenders, we can consider submitting possible changes to relevant laws to the review committee at the Ministry of Justice to toughen the punishment, especially since such offenders have a negative impact on the economy."

The UAE Trademark Law, passed in 1992, stipulates a jail

term and/or a fine of not less than Dh5,000 for a person who infringes a legally registered trademark or imitates a trademark. The fine is doubled to Dh10,000 for repeat offenders.

Shteiwi reckons this is no longer enough. "The law was amended in 2002 and 2006, but the minimum penalty hasn't changed once. A fine of Dh5,000 may have been a deterrent way back in 1992, not in this age," he said.

Malek Khalifeh, an intellectual property (IP) rights lawyer with Al Shaali and Co representing over 80 brands in the Middle East, believes that fines are hardly a deterrent and called for stricter measures.

"At least a one-month jail term for violators would make a big difference," he said, recalling a talk he had with a counterfeit goods trader who was willing to pay \$2 million (Dh735 million) in fines in exchange for a one-month jail term.

Omar M. Obeidat, partner at one of the country's biggest law firms, Al Tamimi & Co, said his encounters with "repeat offenders" have "come by the dozen".

"We've reached a point where we are not progressing in the Trademarks Law implementation,"



SPOT THE DIFFERENCE. They may look similar down to the individual detail, but the items on the right are fakes. Below, Rawan Sunna, a lawyer, shows a counterfeit product seized in raids.



"THE MINIMUM PENALTY HASN'T CHANGED. A FINE OF DH5,000 MAY HAVE BEEN A DETERRENT WAY BACK IN 1992, NOT IN THIS AGE"
OMAR SHTEIWI, CHAIRMAN, BRAND OWNERS' PROTECTION GROUP

said Obeidat. "Up until 2005, the courts handed out good deterrent penalties. Offenders were sent to jail for a period ranging from one to three months. Suddenly, we're back to square one, where all the judgments were confined to fines."

Obeidat cited a 2007 case when the Dubai Court of First Instance

BAD MEDICINE

In September 2007, Dubai Customs seized five million tablets of counterfeit stimulants and sedatives worth more than Dh20 million from a warehouse in Jebel Ali Free Zone. The seizure included 192,000 fake Plavix tablets (used to treat hypertension), as well as fake tablets of Lipitor by Pfizer, GlaxoSmithKline's Augmentin and Bayer's Levitra pills. Early this month, 86 boxes with 1.75 million fake Viagra tablets were seized at the Ghuweifat crossing on the UAE-Saudi border.

handed a one-month jail term to an offender, along with a Dh5,000 fine, only to reduce the fine to Dh1,000 and scrap the jail term following an appeal in 2008.

Rawan Sunna, an IP rights lawyer said shops in Karama, Nalf and DragonMart are flooded with counterfeit goods.

According to her, most brand

FAKE

HITACHI
IGNITION COIL
800 12V

PHILIPS
RECHARGEABLE BATTERY
2300mAh

EPSON
INK CARTRIDGE

AILYO
CIGARETTES
CR2

WHAT THE LAW SAYS

Federal Law No 37 of 1992 as Amended by Law No 8 of 2002
CHAPTER 6, Article 37
 - Imprisonment and Fines (not limited). The penalty shall be a jail term and a fine of not less than Dh5,000, or either, for a person who:
 1. Infringes a legally registered trademark or imitates a trademark in such a manner as to confuse the public as to the goods and services distinguished by the original trademark or similar trademark, and a person who knowingly uses a counterfeit or imitated trademark.
 2. In bad faith uses on his products a trademark that has been registered, or unlawfully uses such a trademark.
 3. Knowingly sells, offers to sell or distribute or intends to sell products bearing a counterfeit, imitated or unlawful trademark.

CONSUMER HOTLINES:

Ministry of Economy, Consumer Protection Department Toll free No: 600-522 225
 Ministry of Health, Drug Control Division: 02-833 0000, 04-398 0000
 Department of Planning and Economy, Abu Dhabi, Consumer Protection Department: 600-8811, 02-872 7200
 Dubai Department of Economic Development (DED), Commercial Protection Department: 04-202 0220

CHINA
 IS RESPONSIBLE FOR 60 PER CENT OF COUNTERFEIT PRODUCTS IN THE WORLD. CIGARETTES ARE THE NUMBER ONE MOST COUNTERFEITED PRODUCT, WHILE MEDICINES ARE THE SECOND MOST COUNTERFEITED PRODUCT. INDIA IS A TOP SOURCE OF COUNTERFEIT MEDICINES IN THE WORLD.
 SOURCE: AL SHAALI & CO. IP DIVISION

CRUSHING BLOW: Counterfeit goods seized in raids across the city being destroyed

RAID HOT: Seized counterfeit items stored in a Jebel Ali warehouse pending a court case

FAKE CALL: This consignment of spurious Nokia goods was caught before it reached the market

"WE ARE NOT PROGRESSING IN THE TRADEMARKS LAW IMPLEMENTATION... UP UNTIL 2005, THE COURTS HANDED OUT GOOD DETERRENT PENALTIES"
 OMAR M. OBEIDAT, PARTNER, AL TAMIMI & CO

5,000

DIRHMS IS WHAT COUNTERFEITERS ARE FINED IN MOST CASES

owners are reluctant to take them on because it's not cost-effective. Similar views are expressed by Shteiwi. "If a brand owner spends Dh50,000 on a case and in the end the offender is simply asked to pay a Dh5,000 fine - it's clear who the winner is," he said.

MAJOR SHIPPING POINT
 According to a European Union report, Dubai is the world's third-highest shipping point for counterfeit medicines into Europe. Global sales of counterfeit medicines - of which much ends up in poor African countries - are estimated to reach \$75 billion (Dh275 billion)

by next year, nearly twice the 2005 figure, according to US government data.
 Dubai Customs reported that trademark infringement cases jumped 36 per cent to 64 cases from January to March this year, from 47 cases in the same period last year. Mobile telephones and accessories were among the top items for which counterfeiting cases were filed this year - 14 - followed by auto spare parts and cigarettes, which accounted for six and five cases, respectively.
 Part of the battle against counterfeit goods is education. In the last quarter of 2009, BPG aims to

train over 700 customs officers in three Gulf countries, including 500 in the UAE.

Scott Butler, Chief Executive Officer of Arabian Anti-Piracy Alliance (AAA), which represents the motion picture and satellite TV industries, said Dubai's infrastructure makes it attractive for copyright violators.

"Dubai is a major transit/distribution point for counterfeit products. Imprisonment is the only deterrence. A fine of Dh5,000 to Dh10,000 is viewed as the cost of doing business."

GRIM EXAMPLES
 In 2007, a massive raid on a Dubai-based Chinese trader's warehouse in Sharjah yielded a dozen 10-foot truckloads of fake vehicle parts. The items were seized and destroyed and the errant company was slapped with a Dh1 million fine. The company never paid the fine. Instead, they continued doing business as usual, discovered investigators in

March 2009 when they seized 20 truckloads of fake auto parts from the same owners involving the same warehouse.

Also in 2007, Dubai authorities caught members of an Arab-Pakistani counterfeit medicines syndicate. Three were jailed, but remnants of the syndicate have regrouped and are active again, according to XPRESS sources.

THE AUTHOR IS CHIEF REPORTER, XPRESS WITH INPUTS FROM SALAM AL AMIR, REPORTER

YOU SPEAK
 ■ What action would you advocate against counterfeiters?
 ■ Have you come across fake goods/medicines?
 ■ What can authorities do to stem the inflow of fake goods into the UAE?
 Tell us what you think.
 ■ news@alnisrmedia.com
 ■ SMS 6361

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