



The Offices, 02 Building  
One Central  
Dubai World Trade Centre  
PO Box 9204  
Dubai - United Arab Emirates

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To all the Members of the AIPPI - UAE National Group

9<sup>th</sup> Circular/ 2026

**Subject: The Importance of Trade Mark Descriptions in the UAE: Small Details, Big Impact**

We are pleased to share our 9th circular for 2026, authored by Mona Saleh, highlighting an often underestimated but important aspect of trade mark practice; the importance of carefully and accurately describing marks in applications.

When filing a trade mark in the UAE, one of the most overlooked, yet critical, elements is the description of the mark. At first glance, it may seem like a simple exercise; describe what the logo or word mark looks like. In reality, the way a mark is described can directly impact the scope of protection and future enforceability.

Unlike many jurisdictions, the UAE requires a clear description as part of the main filing requirements. While the Trade Mark Office may not always scrutinise descriptions in detail during examination, in practice, these details can later define the extent of rights granted.

This issue becomes particularly important when filing a white trade mark or a stylised word mark presented in white on a black background. After all, how else could the mark be shown clearly if not on a contrasting background? This raises a key question: is the background part of the mark? If it is inadvertently included as part of the mark, protection may be unintentionally limited to that specific presentation. Conversely, failing to accurately describe the distinctive elements can weaken enforcement. Understanding how the mark is actually used in commerce and gathering client input, is therefore critical.

This is where strategic guidance makes a real difference. As IP advisors, we look beyond the visual representation to consider how the mark is perceived by consumers and applied in practice. In the UAE, for example, filing in black and white can cover all colour variations, providing broader protection. Similar to a standard word mark in black, this does not restrict use to black but allows flexibility across colours.

For example, a description might clarify:

- The core distinctive elements of the mark;
- That the mark is filed in black and white to cover all colour variations; and
- That any background is included for contrast only and does not form part of the mark.

This last point is often underestimated. In practice, backgrounds are frequently added simply to make elements (especially white text or logos) visible. Without clarification, however, they risk being interpreted as part of the mark. A simple statement can preserve flexibility and avoid unnecessary limitations.

In some jurisdictions, this can be supported through disclaimers added within the descriptions such as in the US. While less formalised in the Middle East, similar concepts can, and should, be addressed within the description itself. For example:

- confirming that colour is not claimed; or
- clarifying that certain elements are shown for illustration purposes only.

This becomes particularly relevant for position marks or stylised logos, where additional elements are used to demonstrate placement or contrast rather than form part of the mark itself.

Ultimately, a well-drafted description does more than satisfy a procedural filing requirement. It defines the legal boundaries of the mark. It ensures protection aligns with actual use, avoids unintended limitations and strengthens the brand owner's position in case of opposition or enforcement scenarios.

Written by: **Mona Saleh**

Verified by: **Ziad Sunna**