

## Hologram Trademark between its Essence and Legal Provisions

Dr. Muayad Ahmad Obeidat<sup>1</sup>, Dr. Khalid Mohamed Dganni<sup>2</sup>, Dr. Nada Zuhair Al-Feel<sup>3</sup>

### Abstract

*This study examines one of the new and important topics in the framework of intellectual property rights, in particular non-traditional trademarks, which is the hologram trademark between essence and legal provisions, this study clarified the nature of this trademark from both the technical and legal standpoints, and also identified some of the difficulties facing the registration process. it, it also dealt with the protection of this mark in its civil and penal aspects, and it reached the conclusion that it supports the UAE legislator's approach to stipulating it, due to its importance in light of the technological progress taking place and its ability to distinguish products and goods from their counterparts, it has recommended to this legislator the necessity of detailing the provisions related to it, as much as possible, the matter concerned the registration requirements and its attachments, and the Jordanian legislator recommended the necessity of adopting them and stipulating them explicitly.*

**Keywords:** Hologram Trademark, property rights, legal provisions.

### Introduction

The trademark has become one of the rights that must be protected at the internal and external levels, in order to confront the misinformation that may happen to consumers, due to the role it plays in attracting the consumer public to goods and services, as it is an easy means used by the consumer public in order to identify what they want from these goods and services, and for the brand to fulfill its role, it must be distinctive, new and legitimate.

As a result of the technological progress that has occurred, new types of trademarks have emerged that differ in their essence from the traditional trademarks, these are non-traditional trademarks, which were given attention and created due to the advancement of technology as an exception to the traditional trademarks, the images of these non-traditional trademarks have multiplied, including sound, smell, the three-dimensional trademark, the hologram mark, and others, because of the emergence of these new forms of trademarks, it was necessary for legislation to deal with this new situation and regulate it within the special laws related to trademarks.

Hologram technology has played a major role in embodying some historical figures, and it is also important in displaying the artifacts of museums, archaeological sites, and theaters, some university lectures have also been presented using this technology through holograms of the lecturers, without their presence in front of the students, It has also this technique is used to redesign some realistic three-dimensional models of speeches by

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<sup>1</sup> Professor of Commercial Law, University of Khorfakkan / College of Sharia and Law / Department of Law, E- Mail: Muayad.obeidat@ukf.ac.ae

<sup>2</sup> Associate Professor of Criminal Law, University of Khorfakkan /College of Sharia and Law/Department of Law, E- Mail: khalid.dganni@ukf.ac.ae

<sup>3</sup> Associate Professor of Commercial Law, University of Khorfakkan / College of Sharia and Law / Department of Law, E-Mail: NADA.ALFIL@ukf.ac.ae

leaders in the world, this technique was used in particular in the United Arab Emirates to present a speech by Sheikh Zayed bin Sultan, may God have mercy on him.

Therefore, the Emirati legislator has intervened to regulate this form of non-traditional trademarks, which is the hologram trademark, in accordance with Federal Decree Law No. (36) of 2021 regarding trademarks, this law has singled out and distinguished it by providing a legislative definition for it in the text of Article (1) of the same law. He also mentioned it among the signs or group of signs that can be registered as a trademark within the text of Article (2) of the same law, and what helped this legislator in allowing the registration of this type of marks is that it is no longer stipulated that the registered marks must be represented graphically, but rather they can be registered electronically, which is the case in keeping with the special nature of the hologram brand.

The problem of this study shows that although the UAE legislator has referred to the hologram mark by defining it and mentioning it among the forms of marks that may be registered in Federal Decree Law No. (36) of 2021, it did not establish some special provisions related to it, nor were the provisions contained in this law sufficient to cover the provisions related to the registration of this mark and its requirements, especially if we know that this legislator has referred to the attachments that must be attached to the application for registration of the mark in the executive regulations of federal decree law No. (36) of 2021, and did not mention the necessity of registration or photographing this mark with one or more views as one of the requirements for registration, so that this can be a basis for comparison with other marks that can be applied for registration in the future.

The importance of this study is that it sheds light on a new type of non-traditional trademark (Hologram), in an attempt to explain the concept of this mark from both a technical and legal standpoint, this study also shows the extent of the possibility of conferring legal protection, both civil and criminal type, on this mark, whether it is registered or not registered, in order to give a clear idea about it to the owners of goods and services if they want to choose the hologram mark to distinguish their goods and services from other goods and services.

This study adopted the descriptive analytical research approach to the provisions and rules of the UAE federal decree law No. (36) of 2021 regarding trademarks, and the executive regulations of this law issued pursuant to UAE cabinet resolution No. (57) of 2022, It also relied on the comparative approach with the provisions of Jordanian trademark law No. (33) of 1952 and its amendments, as well as comparison with the provisions of Singapore treaty regarding the trademark Law, with the assistance of jurisprudential opinions as necessary.

This study was divided into three topics, the first of which was devoted to explaining what a hologram is, while topic two dealt with the special provisions for hologram trademark, and topic three examined the provisions for legal protection of the hologram trademark, as follows:

## **TOPIC ONE**

What is a hologram?

Trademarks are currently the most influential in consumer behavior for goods and services, and they also have a major role in used policies in sales operations, as many of the marks for these goods and services have a major role in attracting the attention of consumers, because of the effects they leave in their minds, because of the role that these marks play in conveying clear information about these goods and services, and giving consumers a perception and awareness of them, these marks are similar in their external shapes and specifications, and the same is true in their components, these marks are also

an identification tool for these goods and services in light of their importance to consumers, producers and distributors alike.

Because of the great competition between producers and their desire to create new signs that distinguish their products, they resorted to non-traditional signs such as taste, color, smell and sound, after that, the hologram sign appeared, the concept of which will be defined by dividing this research into two requirements as follows:

Requirement one: The concept of the hologram mark from a technical perspective

This matter will be dealt with successively as follows:

Branch one: The hologram mark is a three-dimensional mark

Holographic images play a major role in every science fiction movie nowadays, these images appeared in Princess Leia's famous cry for help in Star Wars, as well as in the traditional shark attack in (Back to the future), and they also had a major role in reviving Michael Jackson's image in 2014 in order to perform the new hit (release) of his album (Xscape) after his death, it also plays an important role in the process of storing data and processing optical data, laser scanning processes, and 3D screens.

The hologram is one of the applications of the laser to produce a virtual reality in a three-dimensional form, and it was a precedent over the computer in this field, in this regard, it gives imaginary images that are three-dimensional and recorded all the information, technically, it is a process in which the interference of waves emanating from laser rays is recorded on a medium (Holograph) with high sensitivity, and here the laser beam is divided into two beams, one of which is called the source beam and the other is the body beam, and each of them meets on the sensitive medium, which in turn records the interference between these two beams in a form called (interference fringe), so that in cases which the recorded medium is illuminated with the same laser beam, a three-dimensional image of the object will appear.

There is a trend in jurisprudence saw that hologram technology is a technology that relies, in its essence, on a group of light waves that in turn assumes responsibility for three-dimensional imaging of objects with high efficiency, this is achieved through a process in which imaging begins when a collision occurs between these light waves and the target to be photographed, and after that the device The hologram, in turn, creates a plan for the object to be photographed, leading to the transmission of information about this object, and this is only done through elements, namely the laser, wave interference, light diffraction, and the intensity of light radiation, there must also be appropriate lighting in order to record.

Another trend in jurisprudence believes that hologram technology is nothing but a three-dimensional projection, and it can be viewed without the need to use special equipment such as cameras or glasses, the exposed image can be viewed from all angles, and this image can be fixed, such as product images, and it can also be animated, which can be viewed by several people to watch it.

The pharmaceutical company (Glaxo) was the first to use holograms to protect its products, and the first appearance of holograms of currencies was on paper money in both Australia and Austria. A 3D image was used by Johnnie Walker Scotch whiskey to combat counterfeiting in 1988, and since then the use of 3D images spread, and they became used on personal IDs, passports, credit cards, tickets, driver's licenses, etc.

Branch two: The hologram mark is a two-dimensional mark

A side of jurisprudence believes that the representation of the hologram is not through a real three-dimensional image, but rather it is merely a real two-dimensional representation, however, holographic images actually exist, and are widely used in daily life on badges and identity cards, so according to what the people of this trend see, the

hologram, which is a three-dimensional object, must be clearly defined in a two-dimensional document, which will lead to three-dimensionality, and this issue would reflect the different angles of three-dimensional objects, which is an issue that would raise some problems and is difficult to accept, on the basis that having two different images will be seen as an attempt to register multiple trademarks in one application.

Requirement two: Definition of the hologram mark from a legal perspective

In this type, the concept of the hologram mark will be determined through the legislation being compared, and the extent to which Singapore treaty regulates this mark and the extent to which it regulates its provisions will be clarified, which matter will be dealt with successively as follows:

Branch one: The position of the Emirati legislator

In Federal Decree Law No. (36) of 2021 regarding trademarks, the Emirati legislator addressed non-traditional trademarks, this decree law authorized the registration of three-dimensional and hologram marks, and the Emirati legislator included them within the concept of a sign that is used or intended to be used in order to distinguish goods or services to one facility for the goods and services of another facility.

Article (1) of the same law above defined the hologram mark as that photographic recording of a light field, which is used to display a three-dimensional image of the photographed objects in holographic way, the mark may be photographed in a single view of the sign in which the entire holographic effect appears, or in several views, and at different angles when needed.

Which leads us to say that UAE legislator has determined the nature of this mark, considering it to be a three-dimensional mark and not a two-dimensional mark.

The UAE legislator also addressed the hologram mark in Article /2 of the above law, which clarified the forms and types of trademarks, this article stated that hologram marks are trademarks that are used or intended to be used in order to distinguish the goods and services of an establishment from the goods and services of other establishments, or to use them, in order to indicate the performance of a service, or to conduct inspection and monitoring of these goods and services.

The executive regulations of federal decree law No. (36) of 2021 regarding trademarks did not address the hologram mark, which in our view is a necessary need as far as the conditions, controls and procedures related to registering this mark are concerned on the one hand, and on the other hand the data and attachments necessary to request registration of this type of marks, as articles (2,3,4) of these regulations are free of any special requirements related to this mark, especially if we know that article (4) of these regulations stipulates that the musical score be attached, in addition to an (mp3) file in the circumstances, in which the registration request focuses on marks specific to sound, or attaching a written description of the chemical composition of the trademark if the latter is permanent, and here we call on Emirati legislator to give this mark some privacy, like the marks of sound and smell, and that is through the executive regulations as much as possible related to the matter concerns its conditions, controls, registration procedures, and attachments to the registration application.

Branch Two: The position of the Jordanian legislator

As for the Jordanian legislator, in the Trademarks Law of 1952 and its amendments, it defined the trademark in the text of Article /2 as that sign or indication that is used or intended to be used by any person with the aim of distinguishing the goods, products or services belonging to him from other goods, products or services of others.

Here it must be pointed out that the Jordanian legislator did not address this type of mark in this law, and this was clearly stated in the text of article 6, as this article dealt

with some forms of trademarks without a clear mention of the hologram mark, but this article was placed in its first paragraph a general rule that can be measured against, as it stipulated for a trademark to be able to be registered that it must have a distinct characteristic, and it mentioned names, letters, numbers, shapes, and colors, but it did not close the door on these types and added the phrase (or other, or any group of them that is perceptible by sight).

When we try to analyze what is stated in the text of article 6 in its first paragraph, we find that the hologram mark can be registered as a trademark to distinguish products, goods and services from others, and all of this is in light of the application of the rule mentioned in this paragraph, where the hologram mark is classified as having a distinctive characteristic, and it can be perceived by looking at it, It is also not one of the trademarks that the Jordanian legislator has prohibited from registering under the text of article 8 of the Jordanian Trademark Law.

#### Branch Three: Singapore Trademark Treaty

Article Two, in its first paragraph of this treaty, specifies the marks to which this treaty applies, as it gives the contracting states the right to apply this treaty to all marks consisting of signs that can be registered under their national laws, this agreement also specifies the types of marks to which its provisions apply, whether those related to goods or services, and from here we note that this treaty did not address hologram mark by name, but rather referred to it implicitly through the first paragraph of article 2 thereof, considering that the hologram mark is a sign that can be registered.

This agreement included the data or elements that must be included in the trademark registration application or attached to this application, including that there be a single photograph of the mark to be registered, as well as a statement specifying its type, as well as specific requirements that apply to this type of trademark .

This mark was addressed in the executive regulations of the Singapore treaty on the Law of Trademarks, where this agreement mentioned hologram mark, in cases where the registration application includes a statement stating that the registration application focuses on registering a hologram mark, here, it stipulated that this mark be depicted in one or several views of this holographic mark, in a form in which the hologram effect appears completely, and if the registration application does not show the hologram effect in this image by decision of the mark registration authority (the authority competent to register trademarks in the contracting States), then this latter authority may have the right to request that the trademark applicant register the hologram to submit additional images, as these regulations permitted the registration authority and did not make it obligatory to submit a description describing this mark, from our point of view, this came in order to clearly and unambiguously define this hologram mark.

In order to achieve the purposes of article 3 of the Singapore treaty , the executive regulations of this agreement permit the trademark registration authority to request a translation of this mark if it includes a word or words in a language other than the language adopted by this authority for the purposes of registering trademarks.

## TOPIC TWO

### Special provisions for the hologram trademark

The hologram trademark has special features that differ from other traditional and non-traditional trademarks, as far as the tools necessary to manufacture this trademark and the areas of its application are concerned, the process of registering this trademark also faces several difficulties, which will be addressed successively as follows:

#### Requirement one: The mechanism of making holograms

Technological development in the modern era has given rise to the use of new types of non-traditional marks with the aim of distinguishing goods and services, among these marks is the hologram mark, which for registration requires that it be able to be represented graphically, and that it be able to distinguish those goods and services, since trademarks such as the hologram and movement mark will not be allowed to be registered if it consists of letters or shapes only, because the latter do not include specific features.

Here it must be pointed out that the process of making a hologram requires a special technology that is consistent with the special nature of this sign, this may be done in several ways: the most important of which is laser light, which in turn differs in its characteristics from ordinary light in that it is suitable for creating the required interference, and this can also be achieved through lenses, which, in turn, disperses the light and then distributes it over the object to be photographed, this can also be achieved through a light splitter, and its work is demonstrated by its being based on the process of separating the beam falling on the prism into two parts, so the light splitter passes one of these two parts and works to reflect the rest, this can also be achieved through mirrors and understanding holograms.

The Emirati legislator decided the method of manufacturing this mark through federal decree law No. (36) of 2021 regarding trademarks in article 1, when reviewing the legal terminology, that this mark is manufactured by making a photographic recording of an audio field, which is something that the Singapore treaty did not address, nor did it is addressed by the Jordanian legislator.

#### Requirement two : The difficulties facing the process of registering the hologram mark

The difficulties facing the registration of a hologram mark are evident in the fact that it is not a musical note like a sound mark, nor is it a chemical composition like a smell mark, which the executive regulations of federal decree law No. (36) of 2021 regarding trademarks for the United Arab Emirates required that it be among the attachments, which is attached to the registration application submitted to the competent department entrusted with examining registration applications represented by department of trademarks and intellectual works in the ministry of economy. Article Three of these regulations also stipulates that the application for registration of any trademark submitted to this department must include an accurate description of the mark to be registered, which is the case, reflects a lot of difficulty in the registration applicant developing an accurate description of this mark, and this description may not clearly express this mark, therefore, we suggest in this regard that a sixth paragraph be added to the text of article (4) of the executive regulations of decree law No. (36) for the year 2021 includes the attachments that must be attached when submitting an application to register a hologram mark, which is represented by the necessity of attaching the special registration for this mark, through which a three-dimensional image of this mark is displayed in a holographic way, and this image is of one view or several views of the hologram and from multiple angles, this may guarantee, as it seems to us, the difficulty of imitating or counterfeiting this mark in the future for those who wish to infringe it.

In the same context, Singapore treaty stipulated that in cases where the registration includes a statement stating that the mark to be registered is a holographic mark, there must be a photograph of this mark in accordance with the method prescribed in the executive regulations of this treaty, and this depiction shall consist of a view or several views for the mark to be registered, in which the hologram effect must appear completely, provided that if it becomes clear to the registration office that the single view or multiple views submitted by the registration applicant to the registration office do not fully show the hologram effect, then this office may request the registration applicant to submit other views are added to the provided views, this treaty also allows the registration office to

request the registration applicant to provide a description of the holographic mark requested to be registered.

As it seems that the treaty has made this required description a matter of permissibility and not obligatory, because it required the submission of one or several views of this mark that may be sufficient to determine its nature, which does not require the registration office to ask the registration applicant to provide a description of this mark, and as it seems that the treaty came with a precise provision regarding the registration of this mark, which would contribute to defining it in terms of form and content, which would benefit the protection of this mark in the future from imitation or forgery.

It is also worth noting here that submitting a description that defines the nature of the trademark in general and the hologram mark specifically to its registration body is something that would clearly indicate the elements that make up this mark in its final form, as this body cannot register it and give it protection unless this mark was not clearly defined, understood, and had all its elements, and this matter, as it seems, can only be achieved by presenting one or more views of this mark, or providing a description of it, or both, this is a necessary matter through which the registration authority can ensure its ability to distinguish goods and services, for those that are similar or identical to them, it also enables this body to impose its control on the availability of special objective conditions for their registration in terms of novelty, distinctive character and legality.

As for the Jordanian legislator, he did not include a mention of this mark among its texts, but rather established a general rule regarding the registration of trademarks, where it stipulated for the possibility of registering the mark that it be of a distinct characteristic and can be perceived by sight. What is meant by the condition is that the mark be of a distinct characteristic, that is, that it be in a form that ensures differentiation of goods and services.

Since the Jordanian legislator has established this rule that permits the registration of a trademark if it can be perceived visually by representing it with one or more views since it is considered a three-dimensional image, but this legislator did not explain the method of describing this trademark or its image, and this rule leads us to the conclusion as follows: Some jurists see this as meaning that it is not permissible to register a trademark in Jordan that relies on the senses of hearing and smell. therefore, as it seems, it is not permissible to register an audio mark or a smell mark, but a hologram mark can be registered because it can be perceived by sight.

We point out here that the distinction or uniqueness of the hologram mark does not mean that this mark is innovative, but rather it is sufficient that this mark differs from other marks previously registered on goods that are similar or identical to the commodity that this mark is intended to distinguish, with the aim of preventing the consumer from being confused and ambiguous.

We add here that the hologram is a three-dimensional projection, which allows it to be viewed without the use of cameras or glasses, as the image it represents can be viewed from all sides, whether in the form of watching a moving or static image of the products and services it represents, and through hologram technology, some singers have returned such as Umm Kulthum, who appeared in parties in Egypt and the United Arab Emirates, and other singers such as Michael Jackson were embodied, and these are matters with the presence of which we can say that this technology may violate some of these people's personal rights, such as the right to protect individuals' personal images, which is one of the issues, Which the trademark registry may rely on in order to issue its decision to refuse registration.

### TOPIC THREE

Provisions for legal protection of the hologram trademark.

In general, the trademark is considered a means of legitimate competition in all commercial, industrial and service aspects, due to the function it performs in achieving justice when competing for markets, competitors in the markets are, on the one hand, seeking to gain the trust of the consumer of the product or service, and on the other hand, those are keen to improve these products and services.

The issue of trademark protection, including the hologram mark, is considered a very important issue, as the owner of the registered mark enjoys absolute rights represented in preventing others from using it or using a mark similar to it on the same products or services that distinguish this mark uniquely, because this would lead to the possibility of confusion among consumers, which is the matter that in terms of (registration) guarantees the owner of this mark to enjoy a minimum level of rights, and this is an issue that has been emphasized by some international agreements.

In order for the trademark owner to enjoy these rights in a calm manner, international agreements and national legislation have added legal protection to them, both civil and criminal, which will be dealt with successively as follows:

Requirement one: civil protection of the hologram trademark

The hologram trademark is one of the new trademarks of the Emirati legislator, the Emirati legislator has given it a special definition, exclusive of other marks. This leads to say that this trademark enjoys the same protection as the trademarks that the Emirati legislator has allowed to be registered in the United Arab Emirates, and the most prominent aspect of this protection, according to the opinion of the UAE judiciary, is represented by civil protection, which is broader in scope than criminal protection, as this protection is granted to the trademark, whether registered or unregistered, in contrast to criminal protection, which is only granted to registered marks.

This approach of the Emirati judiciary contradicts by Emirati legislator, as the latter gave the right to the owner of the trademark to prevent others from using it or using any sign that is identical or similar to it only if it is registered, especially if the use of this sign is likely lead to confusion among the public consuming of the goods and services.

This leads to say that a hologram trademark does not enjoy civil protection except in cases where it is registered only, and the Emirati legislator did well in this regard, because that would motivate trademark users to register their marks in order to preserve their rights, and the Emirati legislator went further by imposing a penalty of imprisonment for a period not exceeding one year and a fine of not less than fifty thousand dirhams and not exceeding two hundred thousand dirhams, or one of the two penalties, on anyone who uses an unregistered mark unlawfully, whether this occurs on the papers he uses or the commercial documents or the goods or services he owns if this would lead others to believe that this trademark is registered.

This issue supports our opinion regarding the necessity of registering this trademark for the same reasons that we mentioned previously, the Jordanian legislator came explicitly in this regard in the text of article (1/33) of the trademark law, where it prevented any person from filing a lawsuit to claim compensation for any infringement of any trademark, If not registered.

There is a trend in jurisprudence that civil protection is granted to a trademark, whether it is registered or unregistered, because what is meant by civil protection for this trademark is the civil protection established for all rights of any kind, Whoever infringes upon a trademark that is not his own, violates a legal obligation imposed on him not to harm others, so he will be held accountable in accordance with the provisions of tort liability in this case, whether he imitated the mark or provided it or described it on



products or services similar to the products of the owner of the registered or unregistered mark.

Accordingly, it can be said that in cases where the hologram trademark is exposed to any damage resulting from actions carried out by a merchant, manufacturer, service provider, or any other person, its owner may file a lawsuit before the court to demand compensation for the damages he has suffered as a result of the infringement on his mark, and this is achieved through an unfair competition lawsuit, and this lawsuit is not limited to the owner of the mark only, but rather the right to file it extends, as deemed by a jurisprudential trend, to the person licensed to use the mark, and to any person who trades in products or provides services that bear this mark. The consumer can also do this in cases where he suffers harm as a result of the use of this mark by a merchant or service provider who practices unfair competition, and the same applies to the marketer of products that carry an infringed mark.

Requirement two: criminal protection of the hologram mark

The criminal protection of the hologram trademark applies to the registered mark only, not the unregistered mark, and this is achieved without regard to the value of the goods and services that the mark is used to distinguish, therefore, the assessment of the occurrence of an infringement on the mark is achieved as soon as this infringement occurs, and without regard to the benefit that accrues from the infringer to this mark from gains or realizes profits as a result of this violation.

Regarding the spatial restrictions on the protection of this hologram mark, this protection is imposed within the borders of the territory of the country in which it is registered to distinguish goods and services from others, and it is possible to deviate from these limits in protection in cases where the hologram trademark is well-known, where protection is imposed for the hologram mark, this is considered a type of imposition of protection of a special kind for it, even in cases where it is not registered in a country, this protection arises for this mark because it is well-known in the country in which it is intended to be protected, and not because it is registered or used in that country, and it is not required to protect it, this trademark means that the goods or services it carries have been marketed, but it is sufficient for it to be widely known in that country, and from here it can be said that the protection of a trademark is no longer limited to one country in which it is registered, but rather it has become free and unfettered.

The crimes that may be committed against a hologram trademark are summarized in forging or imitating it, in a way that would mislead the public, as far as the goods and services represented by this or similar trademark are concerned, attacking it may also be through the use of a forged mark or an imitation of the hologram trademark with the user's knowledge of this, or the assault may take the form of the infringer placing a hologram mark on his goods and services, and this mark was owned by another person and registered in his name, or through the aggressor obtaining tools and materials with the intention of imitating or forging the hologram trademark, or the offender imports or exports goods bearing a forged trademark or imitation of the registered hologram trademark with his knowledge with that.

The Emirati legislator also listed some types of crimes that may be committed against a trademark, including the infringer selling or offering for sale or trading, or permitting goods with the intention of selling that carry a forged or counterfeit mark, and the same applies in the event of offering services bearing a forged or counterfeit mark, as a punishment for this crime, the UAE legislator combined both imprisonment and a fine.

It must be pointed out here that the issue of discovering a forgery of a hologram trademark is much easier than the process of discovering its imitation, since forgery occurs when the mark is completely transferred or its parts are completely transferred, while imitation focuses on introducing some modifications to the original mark and

without extending that to affect its general appearance, this is achieved by adopting a counterfeit mark that is similar in its entirety to the original counterfeit mark.

## **Conclusion**

The great development in technology has led to the emergence of new forms of trademarks, including the hologram, as it has become possible to rely on this mark to distinguish goods and services from their counterparts, the UAE legislator has explicitly recognized this mark, as it has given the possibility to merchants, manufacturers, and service providers to register this mark, which is something that we did not notice this with Jordanian legislator, and the Emirati legislator followed his approach in this regard in the footsteps of Singapore treaty, which was explicit in permitting the registration of this mark.

This trademark is considered one of the non-traditional trademarks that require advanced technology to manufacture it, and the process of registering it is not as easy as the process of registering traditional trademarks, as registering this trademark requires specific attachments that are appropriate to its special nature, which is something that the UAE legislator has not addressed by regulation, especially in the executive regulations of federal decree law No. (36) of 2021, in contrast to the rules contained in the executive regulations of the Singapore treaty, which stipulated that this mark must be photographed in one or several views in which the hologram effect appears completely, and in cases where the hologram effect does not appear completely in the views submitted to the registration authority, here, this authority may ask the applicant for registration of the hologram mark to submit additional views, It also allows the registration authority to ask the registration applicant to submit a description of the hologram mark.

This study also concluded that there are difficulties when registering this trademark, as it requires special technology related to its manufacture, which is something that we do not notice when registering traditional trademarks, also protecting this trademark, both its civil and criminal aspects, from assault is subject to its registration, and an exception is made from that the famous hologram sign.

This study recommends that the Emirati legislator take into account the provisions of the Singapore treaty on the law of trademarks and its implementing regulations, so that the process of registering this mark is clear and easy for the registration authority, so that the latter can study the application and decide it, leading to approval for the registration of a distinctive, new, and legally legitimate hologram mark and capable of distinguishing goods and services from others, in a way that is unlikely to mislead the public of consuming goods and services, we also call on the Jordanian legislator to introduce this type of non-traditional marks in an explicit and clear manner in the law, because of its major role in keeping pace with the development taking place in technology and trade, as far as the hologram and other unconventional signs such as sound and smell are concerned.

## **References**

First: books

- 1- Iman Nabil Theeb Haddad, *The Applicable Law to Trademarks*, Master's Thesis, Middle East University, Jordan, 2016.
- 2- Hossam El-Din Abdel-Ghani Al-Saghir, *The New in Trademarks*, Dar Al-Fikr Al-Fikr Al-Jami'i, Alexandria, 2008.
- 3- Hamadi Zuber, *Legal Protection of Trademarks*, Al-Halabi Legal Publications, Beirut, 2012.

- 4- Saeed Ali Ahmed Ramadan, Intellectual Property Rights According to UAE Law, Bright Horizons, Sharjah, 2019.
- 5- Imad El-Din Abdel-Hay, Mohamed Morsi Abdo, Intellectual Property Rights, University of Sharjah, Sharjah, 2022.
- 6- Mahmoud Al-Rashdan, Trademarks, Dar Al-Masirah for Publishing, Distribution and Printing, Amman, 2009.
- 7- Haidi Issa Hassan, Conflict of Laws in Intellectual Property Matters, Kunooz Al-Maarifa Publishing and Distribution, Sharjah, 2020.
- 8- Heidi Issa Hassan, Intellectual Property Rights in Comparative Legislation and International Agreements, Treasures of Knowledge for Publishing and Distribution, Sharjah, 2021.
- 9- Hamdi Ghaleb Al-Jaghibir, Trademarks (Crimes Against them and Guarantees of their Protection), Al-Halabi Legal Publications, Beirut, 2012.

Second; Research and university theses

- 10- Rashid Tahseen Al-Jazazi, Master's thesis entitled "Non-traditional Trademarks: A Comparative Study", Al-Ahliyya Amman University, Faculty of Law, 2016.
- 11- Salah Zein Al-Din, research entitled Procedural Protection of Lost Property Rights in UAE Law, Police Thought Magazine, No. 87, Volume 22, October 2013.
- 12- Muayyad Ahmed Obaidat, research entitled "Legal Aspects of Audio Trademark", published in the Journal of Law, University of Bahrain, Volume 15, No. 2, 2018.
- 13- Heba Abdel Mohemen Mohamed Awad, research entitled "Hologram Technology and Visual Arts", published in the Journal of Applied Arts and Sciences, No. 1, Volume 4, Damietta University, January 2017.
- 14- Hawas Mouloud, research entitled Trademark as a Protection Tool, Journal of Economic Studies, Al-Basira Center for Research, Consultation and Educational Services, No. 23, April 2014.

Third: Articles

- 15- Tariq Al-Sayegh, an article entitled "Hologram: What is it? How does it work and what is it used for?" published on the website [kayf.co/hologram](http://kayf.co/hologram).

Fourth; Foreign References

- 1- Tatiana-Eleni synodinou, tlograms and intellectual property review, sweet& max well, and its contributors,2021, Westlaw, Thomson reuters,2021.
- 2- Raed Mohammed Flieh Alnimer, Hologram technology and copyright between evoking the past and the present crisis in lights of copyrights legislations and international agreement, journal of humanities and social sciences volume 4, issue 2,p ,09 July 2021.
- 3- Philippe jougleux, Tatiana-Eleni synodinou, Holograms and intellectual property law: a multidimensional issue ,sweet& maxwell and its contributors,2021.
- 4- V.K.Ahuja, nonraditional trade marks:new dimenstion of trade marks low, Sweet & maxwell,2021.
- 5-John A. Tessensohn, The dawning of non-traditional trade marks in Japan,2021.

Fifth: Treaties, laws and executive regulations

- 1- Singapore Trademark Law Treaty.
- 2- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

- 3- Federal Decree Law No. (36) of 2021 regarding trademarks.
- 4- The Jordanian Trademarks Law of 1952 and its amendments.
- 5- Implementing Regulations of the Singapore Treaty on the Law of Trademarks.
- 6- Executive regulations of Federal Decree Law No. (36) of 2021 regarding trademarks.