

Article

Legal Framework of Geographical Indications in Saudi Arabia and UAE

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Abstract: Current study explores the specific legal architectures and institutional arrangements of Geographical Indications (GIs) in Saudi Arabia and UAE. The comparative analysis reveals two fundamentally different highly effective models for adapting the global legal instrument of GIs. Both countries share the fundamental idea that the creation of economic value in the 21st century stems not only from oil wells or high-tech laboratories but also from the collective memory and craftsmanship of their respective territories. By transforming this knowledge into protected and exploitable economic assets through GI protection, they are entering innovative domain. Both countries can face challenge of maintaining delicate balance between commercialization and preservation.

Keywords: geographical indications; Gulf Cooperation Council; SAIP; Saudi Patent law; UAE Geographical Indications Act

1. Introduction

Geographical indications (GIs) help protect traditional indigenous products from extinction and illegal exploitation. GI protection ensures product quality, prevents consumer deception, promotes rural regions, preserves traditional knowledge, and creates sustainable brand value beyond industrial standardization (Bramley 2021; Barham 2003). Besides the legal and economic framework, GIs are an important symbolic political function. Saudi Arabia (SA), with its rich cultural heritage, unique geography and biodiversity, inherits a wealth of products eligible for GI protection. The GI range of UAE combines the maritime heritage of Dubai (pearls) with the mountainous heritage of Ras al-Khaimah (goats) and the Bedouin heritage of the interior (Al-Sadu). This construct an integrated national narrative that bridges the often emphasized tribalistic or emirate-specific differences and projects an image of cultural maturity and depth, a deliberate antidote to the cliché of “petro-modernity” (Koch 2021).

Successful GIs such as “Parmigiano Reggiano” or “Champagne” have permanently linked the image of their countries of origin with quality, craftsmanship, and enjoyment. The GI protection diversifies global image of both Gulf Cooperation Council (GCC) states from the one-dimensional association with oil, luxury, and extravagance, towards an association with authenticity, artisanal quality, and cultural roots. The often-intuitive connection between place and product is scientifically substantiated. Geochemical fingerprints (isotope analyses), metabolomic profiling of dates, or microbiological studies of fermented products prove the territory connection and protect GI specifications. GIs can be source of a secure, prestigious, and profitable income, and a key tool in combating rural exodus strengthening social cohesion and pride in local heritage in both SA and UAE. GI tagged products are more valued globally as shown in table 1.

Current study explores the GI framework of SA and UAE. This study helps understand how resource-rich transition economies adapt modern IP instruments to protect traditional values while opening up new economic paths.

2. The GI system of Saudi Arabia

The establishment of the Saudi Authority for Intellectual Property (SAIP) in 2018 by resolution of the Council of Ministers (Council of Ministers Resolution No. 496) integrated previously scattered responsibilities (including those of the Ministry of Commerce and Industry) under the umbrella of an independent, efficient authority for all industrial property rights represented a quantum leap (SAIP 2023). Since then, SAIP is playing a key role in strategic orientation, examining GI

Citation: Abdulwahab Abdullah Al-Maamari and Amel Boulghab. 2026. Legal Framework of Geographical Indications in Saudi Arabia and UAE. *Trends in Intellectual Property Research* 4(1), 29-32. <https://doi.org/10.69971/tipr.4.1.2026.97>



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applications, registration, maintaining the public register, and coordinating enforcement. This centralization signaled a significantly increased political prioritization of the issue of intellectual property.

Although Saudi Arabia integrated GI protection into its national legal system at a relatively early stage, it has only recently strengthened and expanded it through targeted institutional reforms and more active policies. Chapter Five (Articles 39–42) of the Saudi Patent Law (Royal Decree No. M/27 of 17 Dhul-Qa'dah 1423H / 2002G) is the legal basis of GI system of SA. This law is the first comprehensive Saudi regulation on the protection of geographical indications and was enacted in the course of Saudi Arabia's accession to the WTO and the associated obligation to implement the TRIPS Agreement (Al-Suwailem 2019). Article 2 of the law defines a geographical indication, closely following TRIPS Article 22.1, as a name that identifies a product as originating in a particular territory, state, or region, “provided that a given quality, reputation, or other characteristic of the product is essentially attributable to its geographical origin” (Kingdom of Saudi Arabia 2002). Its inclusion in the Saudi Patent Act reflects GI as a related IP right to industrial property rights. The core of the GI application is the product specification document which describes the unique sensory, physical, or chemical characteristics of the product and the precise geographical boundaries of the area of origin, ideally using maps. Both natural factors (climate, soil, water) and human factors (traditional knowledge, specific production methods) must be described and their interaction demonstrated (Al-Suwailem 2019). The specific production or cultivation methods that must be followed.

Registered GIs enjoy protection against any abusive, misleading, or unfair use, including use by third parties, even if the true origin of the goods is indicated or the designation is used in translated form or accompanied by expressions such as “kind,” “type,” or “imitation” (Kingdom of Saudi Arabia 2002). Protection is unlimited in time, as long as the conditions laid down in the specification exist in the area of origin. Enforcement is carried out through a combination of civil law claims (injunctive relief, damages) and criminal prosecution. The SAIP works closely with the customs authorities of the Kingdom of Saudi Arabia to prevent the import of goods with false GIs as part of border protection.

Despite its strengths, GI system of SA does not clearly distinguish between geographical indication (broader) and appellation of origin (stricter, requiring all stages of production to take place in the region). This may cause confusion in application. It does not clearly specify whether services or intangible products (such as cultural tourism associated with a region) are covered by protection. There is no clear mechanism for alerting the public when a new indicator is registered, which may harm the rights of bona fide prior users outside the geographical area.

3. The GI system of the United Arab Emirates (UAE)

UAE established its GI protection later, but with a separate piece of legislation and remarkable operational momentum based on a clear strategic vision. The relevant legislation is Federal Law No. 8 of 2019 on Geographical Indications (United Arab Emirates 2019). A separate GI law indicates a high level of political appreciation and enables more detailed regulation tailored to the specific needs of GIs. It reflects a more mature, GI-specific legal approach. The Federal Ministry of Economy (MoE) is in charge, steering GI policy within its broader economic policy remit. The MoE reviews applications, maintains the national register, promotes marketing, and coordinates enforcement measures. UAE does not primarily view GI as an agricultural policy tool, but rather as a comprehensive economic and identity policy instrument. It serves to document and commercialize the national heritage in all its facets, strengthen local identity within the federation, and promote authentic cultural tourism that goes beyond shopping malls and luxury hotels (Koch 2021). GI system of UAE serves to document and commercialize the national heritage in all its facets, to strengthen local identity within the federation, and to promote authentic cultural tourism that goes beyond shopping malls and luxury hotels (Koch 2021).

A systematic comparison of the systems in Saudi Arabia and the UAE reveals conceptual similarities but clear differences in tactical orientation. UAE uses the GI instrument more aggressively and experimentally as a marketing and differentiation tool in the global competition between nations and destinations. Saudi Arabia, on the other hand, focuses on depth and exclusivity, with an emphasis on securing and economically leveraging its unique, non-replicable religious-agricultural capital. In fact both follow two paths, with one instrument (Table 1).

Table 1. Comparative Analysis of GI system of Saudi Arabia and UAE.

Aspect	Saudi Arabia	UAE
Legal Form	Integration into a comprehensive patent law (2002)	Independent, modern special law (2019)
Institution	Specialized authority (SAIP), part of IP governance.	Ministry of Economy (MoE), embedded in economic policy.
Strategic Focus	Agricultural and cultural-religious deepening: Monetization and protection of agricultural and religious heritage. Strengthening of inland regions.	Broadly diversified and identity-building: Nation branding, promotion of cultural tourism, economic diversification. Strengthening of Emirati identity
Product Range	Concentrated, dominated by date varieties (Ajwa, Sukkari, Khalas) and a few other agricultural products.	Extremely diverse: agricultural products, animal breeds, handcrafted textiles, historical goods (pearls), almost all sectors of traditional production
Internationalization	Member of the Lisbon Agreement (Geneva Act) since 2021; strategic use of international registries.	Active international presentation, but not (yet) a member of the Lisbon Agreement; focus on bilateral agreements and WIPO engagement.

Political Narrative	Embedded in the pillars of “Vision 2030”: “Vibrant Society,” “Thriving Economy.” Emphasis on authenticity and religious integrity.	Embedded in “UAE Centennial 2071” and local development plans. Emphasis on cultural diversity, heritage, and “soft power.”
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The national GI systems of SA and UAE do not exist in a vacuum, but within the economically integrated but politically sovereign space of the Gulf Cooperation Council (GCC). The cultural and ecological homogeneity of both Arab countries indicates that many traditional products do not take modern national borders into account. The Khalas (or “Qalās”) date variety is cultivated and appreciated equally in the oases of al-Ahsa (Saudi Arabia), al-‘Ain (UAE/Abu Dhabi), and various regions of Oman. Unilateral registration as a GI by one country, e.g., Saudi Arabia for “Khalas al-Ahsa” can be perceived by neighboring countries as “biopiracy” or an appropriation of a shared heritage and lead to trade conflicts (Bélanger 2020). There is a risk of “geographical indication divides” emerging, which would hinder regional trade.

A promising solution is offered by cross-border GIs model, as provided for in the Lisbon Agreement and practiced, for example, for “Café de Colombia” or certain types of cheese in the EU. Joint registration of “Gulf Khalas” or “Khalas of the Arabian Peninsula” by several GCC states would recognize the common origin, combine market power, and defuse regional conflicts. However, this requires a high degree of political will and administrative cooperation that goes beyond the current level of GCC cooperation. The GCC Patent Office (GCCPO) theoretically has a mandate to harmonize regional IP regulations. However, it has so far focused almost exclusively on patents. An initiative to create a voluntary GCC GI registry or a framework for mutual recognition could significantly strengthen the position of regional products on the global market and simplify enforcement against extra-regional counterfeits.

4. Challenges

Further development depends on the ability to leverage technological innovations and anchor the systems socially and ecologically. The integration of blockchain technology for tamper-proof certificates of origin and IoT sensors in palm groves or workshops for the automatic recording of climate and process data can revolutionize traceability (Khan et al. 2022, 106739). A QR code on the packaging can offer the end consumer a digital provenance journey from the tree in Medina to the shelf in Jakarta, which creates trust and makes counterfeiting virtually impossible. For the GCC member states, this instrument is particularly relevant in the context of their ambitious economic and social transformation programs, led by Saudi Arabia’s “Vision 2030” and the diversified development plans of the UAE.

The practical implementation of GI systems in the highly dynamic, sometimes contradictory contexts of SA and the UAE reveals fundamental areas of tension. The inherent value of a GI lies in its roots in traditional, often small-scale and labor-intensive practices. At the same time, both countries are under enormous pressure to increase economic growth, export volumes, and efficiency, values that are more commonly associated with industrialization and economies of scale. The challenges of “McDonaldization” of GI is real, under the protective shield of an authentic designation of origin, production methods could be streamlined, traditional varieties replaced by higher-yielding hybrids, and control shifted from cooperatives to large agro-industrial enterprises (Rangnekar 2011, 75). The product specification must therefore be understood as a living document that rigorously protects essential traditional parameters, while allowing non-essential process steps to be modernized.

The credibility of an entire GI stands with the effectiveness of its conformity assessment system. Who ensures that every product sold as “Ajwa” or “Al-Sadu” actually originates from the defined area and has been produced according to the specified methods? In both countries, these systems are still under development and face challenges, e.g., high costs for small producers, a lack of independent, accredited control bodies, logistical difficulties in inspecting remote farms, and the risk of corruption (Allaire, Casabianca, and Thévenod-Mottet 2011). Promoting water-intensive crops such as date palms under the label of sustainability and regionality is a fundamental paradox in one of the driest regions in the world. GI policy must be integrated with national water and sustainability strategies (e.g., Saudi Arabia’s “National Water Strategy 2030”). This offers the opportunity to expand GI specifications to include binding ecological criteria of commitment to drip irrigation, ban on certain pesticides, preservation of traditional, water-saving irrigation systems. Such a “green GI” could further increase market value and make production future-proof.

5. Conclusions

Current study highlights the key points of GI systems of SA and UAE. While GI laws of both countries have their own strengths and challenges, Saudi Arabia is pursuing a path of vertical deepening and cultural consolidation. With focused precision, it protects and monetizes the priceless values of its religious-agrarian heritage, thus anchoring its transformation agenda in the depths of history and faith. Its approach is conservative-implementing and aims to strengthen its domestic regions in a sustainable manner. UAE is pursuing a path of horizontal expansion and identity politics. As GI products are tagged, many new avenues will become evident for further improvement in GI laws of both SA and UAE.

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