



**International Journal of Economics and Business Research**

ISSN online: 1756-9869 - ISSN print: 1756-9850

<https://www.inderscience.com/ijebr>

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**DOI:** [10.1504/IJEER.2025.10075210](https://doi.org/10.1504/IJEER.2025.10075210)

**Article History:**

Received:	29 December 2024
Last revised:	27 October 2025
Accepted:	11 November 2025
Published online:	06 January 2026

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## The legal protection of the creative economy: the case of UAE

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**Abstract:** The research where the meaning of the creative economy was explained, which is based on the creativity of human thought in various fields to create non-material works that have moral value and are translated into creative assets that have financial value. The role of the creative economy in achieving sustainable development goals was also explained, as creative industries generate income through trade and create job opportunities for small and medium-sized companies. Finally, the legal protection provided by the UAE legislator to owners of creative products was explained, through intellectual property rights laws, which include the protection of creative products that are considered intellectual property rights. Artificial intelligence applications were also employed, such as the InstaBlock service, which aims to reduce violations to which owners of creative products are exposed, which demonstrates the extent of the state's commitment to updating its legal framework and enhancing its global competitiveness.

**Keywords:** creative economy; creative products; intellectual property rights; sustainable development; United Arab Emirates; UAE.

**Reference** to this paper should be made as follows: Kameel, T. and Elrefae, G.A. (2025) 'The legal protection of the creative economy: the case of UAE', *Int. J. Economics and Business Research*, Vol. 29, No. 19, pp.38–56.

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## **1 Introduction**

The creative economy has emerged in recent years as a significant tributary of the global economy and a major driver of the growth of countries and societies. This economy is based on the production and distribution of knowledge, and the use and exploitation of its products and achievements so that this knowledge constitutes a major source of wealth for society and the achievement of its well-being by transforming creative ideas into goods and services that can be published, displayed, traded and consumed.

Many countries worldwide, including the United Arab Emirates, have become aware of the importance of the creative economy as a new way of thinking about investment and the means by which creativity is translated into economic value. This is after these countries realised the importance of developing their creative economy system as a driving factor for economic growth and sustainable development. To achieve this, these countries sought to build their policies and legislation to keep pace with the developments in the world of the creative economy. They also made sure to conduct the necessary studies on the reality of the cultural, creative, intellectual and artistic industries in them, with the aim of discovering the strengths that characterise their creative economy to maximise and strengthen them, and to identify the weaknesses and challenges that could hinder the progress of this economy to avoid and address them.

Promoting and enhancing the creative economy and maximising its role will drive the economy, which will inevitably lead to opening new investment areas. There is no doubt that this requires developing appropriate initiatives and incentives that ensure the success of this economy and its sustainability and develop the incubating environment for it. There is no doubt that achieving this requires the availability of a set of factors necessary to stimulate this economy, which will positively reflect on economic growth rates in general, and the reality of creative industries in particular. Perhaps the most important of these factors is the existence of policies, strategies and legislation that support the creative industries sector on the one hand and encourage the practice of activities based on innovation on the other hand and protect the intellectual property rights of creators and entrepreneurs on the third hand. This is in addition to increasing awareness among members of society about the importance of investing in the creative sector, and clarifying its vital and important role in stimulating other economic sectors, as well as attracting creators, talented people, institutions and creative companies and providing them with the facilities that enable them to establish and settle their creative projects in a flexible environment that allows them to exploit their creativity in available investment opportunities.

Creativity is an opportunity for development and seeing things from a different perspective. Every person has a certain creative ability that they can develop to some extent. A creative person can discover original and novel solutions and leverage them effectively. For creative individuals to present new ideas or technologies, appropriate

conditions must be created in an open creative environment. Therefore, it has become necessary to provide legal, economic, technological, social, and cultural guarantees that ensure the advancement of this economy. This paper aims to answer questions surrounding the reality of the creative economy in the United Arab Emirates (with Dubai as a model) and its importance in achieving the sustainable development goals the country seeks to achieve.

This paper aims to maximise the benefits of creative economies under current circumstances, as well as to demonstrate the adequacy of local legislation in the United Arab Emirates in providing the necessary protection for creative industry owners. To answer these questions, we will follow a descriptive and analytical approach to analyse the reality of the creative economy in the United Arab Emirates from both the economic and legal perspectives, to arrive at useful results and recommendations. The research has been divided into the following axes:

- first: the concept of the creative economy
- second: the role of the creative economy in achieving sustainable development in the United Arab Emirates
- third: legislative protection of the creative economy in the United Arab Emirates.

## **2 First: the concept of the creative economy**

It is known that creativity has become an important element in reassembling elements to produce new technologies and products, and thus it contributes effectively to achieving economic development. The creative economy arises because of the reflection of creative ideas and opinions of people in daily life and converting them into economic value.<sup>1</sup>

Creative people are the source of the creative economy, which is based on ‘human intellectual capital’ more than ‘material capital’, as individuals develop their innovative ideas and opinions through information and communications technology and get the opportunity to market them, which gives them economic value [Boğa and Topcu, (2016), p.152].

It is worth noting that the creative economy is called the orange economy, which emerged as a term used to express it through colours as a type of economy, which refers to economic activities that depend on the combination of talent, creativity, technology and culture, in which ideas are transformed into cultural goods and services, meaning that the creative economy occurs when individual creativity is the main source of value and the main reason for the transaction.

The definition of creativity is based on the interaction between human creativity and ideas, intellectual property, knowledge, and technology, while the creative economy includes all sectors that revolve around creative activities. The concept of the creative economy is closely related to the ‘knowledge economy’, which plays a major role in stimulating development through investment in human capital [UNCTAD, (2022), p.1].

The Inter-American Development Bank (2017) defines the creative economy (or orange economy) as “the set of activities that enable the transformation of ideas into cultural and creative goods and services of protected or protectable value under intellectual property rights laws”.

The United Nations Conference on Trade and Development (UNCTAD) (2018, p.16) defined the creative economy as “that type of economic activity based on the exploitation of creative assets that can generate economic growth and lead to economic development”. Accordingly, the creative economy is based on the creation of non-material works that have moral value, because of the creativity of human thought in various fields, which made it an important sector that contributes to the total gross domestic product and must be strengthened to drive comprehensive development, and it has commercial and cultural value. This dual value has prompted governments around the world, including the government of the United Arab Emirates, to expand and develop their industries that are based on creativity as part of the economic diversification strategy, and the efforts made to stimulate economic growth, prosperity, and well-being.

It can be said that the creative economy is the economy that is based on generating and marketing creativity, because of the interaction between three basic elements: human creativity, the use of technology, and investment in knowledge.

Creative industries are the focus of the creative or orange economy, which generates income through trade and intellectual property rights and creates new opportunities, especially for small and medium-sized enterprises. Creative work enhances basic rights such as respect for human dignity, equality, and democracy, all of which are necessary for living in peace [UNCTAD, (2018), p.19].

In confirmation of the above, some have pointed out that the creative economy includes a wide range of industries, crafts and creative contributions that are expanding day after day, even including new sectors such as games, entertainment products and cultural tourism services, media, and visual arts. Information and communication technologies have also achieved significant development in creative industries. This development came at the level of production technologies, and at the level of content development at the same time [Centárová, (2020), p.3].

Creative content has become a large and ever-increasing share of e-commerce via the internet. With these developments in the concept, a change in the term occurred, turning into the creative economy instead of creative industries, perhaps related to the new forms of creative production that absorb the forms of the industrial revolution era and go beyond them at the same time, as the information technology revolution has given broad capabilities to creators and creative products that are not restricted by the methods of the traditional industrial era, so the term creative economy has become more expressive of the reality of the situation [Abu Ghazi, (2021), p.5].

UNCTAD defines creative industries as cycles that include the creation, production and distribution of goods and services based on creativity and intellectual capital as two main inputs. It includes a set of knowledge-based activities that produce tangible goods and intangible intellectual or artistic services with creative content, economic value, and market objectives [UNCTAD, (2022), p.1].

In this concept, the creative economy is the meeting point between culture and the economy, by transforming artistic works and cultural ideas into creative investment opportunities and commercial projects that contribute to enhancing economic and social development, supporting the cultural status of countries and directing the energies of young people and creators towards owning creative projects based on knowledge and innovation.

UNESCO also defines creative cultural industries as a set of organised activities that play a major role in producing, reproducing, promoting, distributing or marketing goods,

services and content activities derived from the country's cultural or artistic heritage. [UNESCO, (2013), pp.1–2].

While the European Parliament considered creative industries as those industries that are based on values, cultural diversity, collective and individual creativity, skills and talents, with the capacity to generate innovation, wealth and jobs through the creation of economic and social value from intellectual property (Domenech et al., 2021).

As we are in the era of the digital economy, the creative industries in this era are also called digital content industries and digital creative industries, which are an extension of the creative industries. UNESCO's definition of creative industries emphasises the combination of creative activity and advanced technology. Digital creative content is increasingly replacing physical goods such as books, films, music, and video games. Digitisation also supports emerging business models such as live streaming and digital platforms and fosters collaboration between industries (for example, between video game companies, musicians, publishers, and film studios) [UNCTAD, (2024), p.24].

Some have defined the digital creative industry as “an industrial form of the creative cultural industry that relies on cultural resources, the use of modern digital technology, network technology, modern communication technology and comprehensive dissemination technology, including mainly activities in which people use their intellectual effort and skills as a stimulus for creativity, dissemination and trade through digital and interconnected production methods. It also includes activities that use cultural creativity and new technologies to improve the added value of the traditional cultural industry” (Zhou and Xia, 2007).

Some have also defined the creative industries in the digital economy era as “an industry that relies on creative resources, using modern digital technology, network technology and mass communication technology. Cultural value is created and disseminated through modern technological means and interconnected production methods by institutions concerned with creativity” (Wang and Zhang, 2018).

According to the above, we can define the creative economy as the activity in which creative industries form the basis of its existence, which is based on the exploitation of all industries based on skills and talents that are based on personal creativity and produced by people as a result of their intellectual and mental effort, translated it into intangible assets that have material value, and thus consists of a group of economic activities that combine talent, creativity, technology, culture and heritage. It includes a huge wealth consisting of the combination of talent, heritage, intellectual property rights and technology, and is an important sector of the economy, and has become a strong contributor to the gross domestic product and the promotion of comprehensive development, as creative industries generate income through trade and create job opportunities for small and medium-sized enterprises.

UNCTAD, in agreement with UNDP, has shown the characteristics of the creative economy [UNCTAD, (2022), p.8], as follows:

- a it is an advanced concept based on creative assets that are likely to generate economic growth and development.
- b it can enhance income growth, create job opportunities, and export revenues while enhancing social integration, cultural diversity, and human development.
- c it includes the economic, cultural, and social aspects related to technology and intellectual property.

- d it is a group of knowledge-based economic activities with a developmental and comprehensive dimension at the macro and microeconomic levels.
- e it is a practical development option that calls for innovative multidisciplinary responses.

We believe that the most important characteristics of the creative economy are that it is a relatively new concept that relies heavily on human thought and advanced technology, which can boost income growth and reduce unemployment. It is highly flexible and able to withstand economic fluctuations and provide sustainable development that extends for years to come. It can offer an endless variety of creative goods and products, but it may be surrounded by a degree of risk resulting from uncertainty in the demand for creative goods and products, which may lead to creative people accepting lower wages than traditional jobs or professions provide.

### **3 Second: the role of the creative economy in achieving sustainable development in the United Arab Emirates**

The creative economy has recently been able to impose itself on the global scene, as a new branch of economic sciences, based on a deeper understanding of the role of knowledge and human capital in the development of the economy, the progress and well-being of societies, and improving the quality of life. This economy is characterised by high flexibility and the ability to confront economic fluctuations and provide sustainable growth that extends for many years. The creative economy is an advanced economic model and is based on the employment of intellectual talents, cognitive abilities, and innovative energies as basic components in the production process after knowledge has become a great economic engine, as the relationship between knowledge and the economy has become an inseparable relationship of interconnection and integration, so the new economy in our time has become the economy based on knowledge, ideas, and creativity [Boğa and Topcu, (2016), p.151]. These elements have become the main players, controlling the market economy, and are the main drivers for achieving sustainable development goals<sup>2</sup> to eradicate poverty by overcoming the unemployment problem and opening new horizons for businesses based on creativity and innovation (goal 1), and developing the industry based on innovation and creativity by providing the necessary infrastructure to encourage attracting creative people at the local and global levels (goal 8), which will raise the rate of GDP resulting from creative products (goal 9). The United Arab Emirates has become aware of the importance of creative industries and their impact on achieving the goals of sustainable development, which we will show through the following:

#### *3.1 Reality and prospects of the creative economy in the United Arab Emirates*

Knowledge has become a centre for economic and social development, and an entry point for enhancing the sustainable development of modern societies and economies. It has become the most important solution that countries resort to in order to confront the problems of poverty and unemployment, by creating new and promising economic sectors that contribute to providing many job opportunities, given the wide scope it

provides in diversifying sources of income. Therefore, the world has begun to witness a gradual transformation in economic patterns, as it witnesses a transition from the traditional economy based on the material elements of production to the knowledge economy based on creativity and innovation, and the employment of human capital. Since the creative economy is one of the fastest growing and most active sectors, it has become at the forefront of the means that countries and governments resort to in order to overcome the economic challenges and difficulties they face. There has become an urgent need to follow this economic pattern to diversify sources of income, accelerate growth rates, and leap to a prosperous and promising economic future, by exploiting the latent energies in society (Boccellaa and Salernob, 2016).

The United Arab Emirates in general, and the Emirate of Dubai in particular, have a huge heritage of culture and arts and have fertile ground to build a system of creative economy based on knowledge, innovation, and creativity. Therefore, within the framework of its commitment to achieving the goals of sustainable development, the Government of Dubai, represented by the Culture Authority, has sought to increase the attractiveness of the emirate to creators and entrepreneurs, by preparing the legislative and investment environment necessary for the prosperity and enrichment of the creative sector and increasing its ability to attend and compete, and providing an appropriate and stimulating climate for creators.<sup>3</sup>

The journey of the creative economy in the Emirate of Dubai began with the establishment of several advanced creative projects and complexes in various sectors, such as: Dubai Internet City, Dubai Media City, Dubai Production City, Dubai Studio City and Dubai Design District.

Establishing such cities will play a major role in enhancing Dubai's ability to create an incubator environment for cultural activities and creative industries, thus increasing the contribution of the creative economy to the gross domestic product. Perhaps one of the most prominent projects launched by the Government of Dubai to support and stimulate the creative economy is the establishment of an integrated creative complex that attracts talented people, creators and entrepreneurs wishing to invest in various creative economy fields from all over the world and to create the necessary climate to enable them to present their best ideas and innovations, within an integrated system that contributes to transforming the Al Quoz Creative Zone into a unique model for the creative community capable of leading the global cultural scene, which includes:

- incentives for creators, private residences, shared creative spaces and multi-use studios
- an integrated creative complex that meets the needs of creators from all countries of the world
- Al Quoz Creative Membership, which provides an exclusive and diverse set of services and incentives
- creative spaces for living, working, and creating and a digital platform to facilitate renting at symbolic prices
- establishing a unified and integrated centre for creative services
- providing multi-use studios

- granting multi-activity permits to workers in creative sectors and permits for freelance work.

In 2021, the Dubai Government also worked to develop a comprehensive, integrated and innovative strategy for the creative economy with the aim of making Dubai a global capital of the creative economy by 2026, doubling the number of establishments operating in the sector, attracting talents and creators to establish and develop their innovative projects, and providing new jobs in the cultural and creative sector, raising the average income of workers in the creative sector, and increasing the volume of exports of creative products and services.

The Dubai Creative Economy Strategy included six main creative cultural sectors, including natural and cultural heritage, books and journalism, performing arts and celebrations, audio, visual and interactive media, visual arts and crafts, and design and creative services, from which 27 sub-sectors emerge, such as cultural education, music and performing arts, photography, fine arts, crafts and writing, through the film and video industry, electronic games, fashion design and product design, and other sub-sectors and intersecting fields. Implementing the creative economy strategy will make the emirate a global centre for knowledge and an incubator for creativity and innovation, a meeting place for talents, and a preferred destination for creators and entrepreneurs from all over the world, in various fields [see Dubai Creative City Guide, (2021), p.27].

According to a study conducted by the Dubai Culture and Arts Authority (Dubai Culture) in partnership with the Dubai Statistics Center for 2022, it indicates the growing competitiveness of Dubai on the global stage as a global capital of the creative economy, while consolidating its position as a home for creative energies and a hub of attraction for them from all over the world in light of the components it enjoys that qualify it to occupy this position. The study indicates an increase in cultural and creative industries institutions in Dubai by 27% between 2018 and 2019 and by 12% between 2019 and 2020. The study indicated the success of Dubai's strategy in supporting cultural and creative industries and attracting leaders, skills, and entrepreneurs. The study worked to monitor the performance of the cultural and creative sector in Dubai, identify its components and create a database for the sector, which enhanced the process of formulating and making strategic decisions and setting future plans and targets based on data analysis and statistical indicators. This will have a clear impact on key sectors such as industry, construction, real estate, and traditional trade, so the creative economy strategy aims to attract investments that go beyond traditional economic activities.

The study added that the performance of the cultural and creative sector in Dubai has been largely positive over the past period, as the contribution of cultural and creative industries has maintained its share of the emirate's GDP at 4.02%, the same percentage it achieved in 2019.

The statistical data and results provided by the study show the success of Dubai's strategy in supporting the cultural and creative industries sectors and attracting creative capital, skills, and creative entrepreneurs, as the past period has witnessed a steady growth in the number of profitable institutions operating in the cultural and creative field. The growth rate in the number of creative companies in 2019 was about 27% (from 10,351 establishments in 2018 to 13,144 establishments in 2019) and 12% in 2020, reaching 14,771 establishments in 2020 according to data issued in 2020. These establishments, in turn, contributed to providing promising job opportunities, as employment within the sector reached 100,486 in 2018, with an increase of 7.5% in 2019

to reach 108,019 employments. Despite the global pandemic, employment witnessed an increase of about 0.4% in 2020 to reach 108,444 jobs.

The employment rate within the creative economy sectors relative to the total employment in economic activities, in general, witnessed promising growth, as the contribution of the creative sector to employment in the Emirate of Dubai increased, contributing 3.4% in 2018, 3.6% in 2019, and reaching 4.1% in 2020.

The creative sector is one of the most important sectors that provide job opportunities for the youth, in particular. One of the most important characteristics of this sector is that its players have an entrepreneurial spirit, as small and micro enterprises constitute the vast majority (98%) of the total number of creative enterprises.

The number of small and micro enterprises operating in the creative industries reached 10,112 in 2018, increasing by 27% in 2019 to 12,884, and by 12.5% in 2020 to nearly 14,500. This is an indication of the soundness of Dubai Culture's approach to supporting entrepreneurs and small and medium-sized enterprises (SMEs) and facilitating the process of establishing companies, supported by a set of incentives, including opening the door for creatives to obtain long-term creative residencies, to attract human capital represented by creative talent. It is also worth noting in this regard that the UAE legislature amended Companies Law No. 32 of 2021, allowing foreign ownership of companies, no longer restricting ownership to citizens. This is evidence of the UAE legislature's openness to attracting and encouraging foreign investment across various sectors, which will increase the flow of foreign investment into this business sector without hindrance.

In terms of contribution to the emirate's overall economy, the creative industries sector contributed 4% of the emirate's GDP in 2019, with an added value of AED 17.6 billion, compared to approximately AED 17 billion in 2018.<sup>4</sup>

The Dubai Creative Economy Strategy aims to increase the number of creative and cultural companies and institutions to 15,000 companies, providing 140,000 jobs in various creative economy sectors, by 2026, and the creative economy's contribution to 5% of the emirate's GDP. The strategic national initiatives, well-thought-out development policies that support business, and the diverse and multicultural population structure in Dubai contribute to preparing an exceptional creative community. All of these factors played an effective role in Dubai joining the UNESCO Network of Creative Cities of Design in 2017 and attracting foreign direct investment to the creative sector, making it the first to receive this title at the regional level among the 180 cities from 72-member countries of the network, which confirms the move towards creating a real boom in the creative sector at the regional and global levels.<sup>5</sup>

The Dubai Government has worked to launch new creative industries with high economic value, such as the design industry. Many creative activities have received great attention from the government, including cultural events, art exhibitions, and film festivals, such as the Dubai International Film Festival, the Dubai Youth Music Festival on 31 October 2024, and Dubai Fashion Week, which was held in its first edition in Dubai Design District.<sup>6</sup> The Emirate of Dubai is moving forward with rapid and confident steps towards building a creative economy in it, characterised by flexibility and sustainability. The ability to keep pace with the rapid development and growth witnessed by the world in all different areas of life.

### *3.2 Employing modern technology and artificial intelligence applications in the creative economy industry*

The expansion of the scope of adopting the latest technological innovations such as artificial intelligence [Nuseir et al., (2025), p.2], the third generation of the web and virtual reality will create promising opportunities in the creative economy and play an important role in diversifying sources of growth based on young and emerging skills.

According to the 'Creative Digital Economy Report for 2024' [UNCTAD, (2024b), p.13], expectations indicate that the global digital creative economy will record a compound growth of 11% annually, with an expected value of 27 trillion dirhams by 2030. This model reflects the average total expected size of the global design and media markets, in addition to other sectors, which are determined according to the UAE and international standards, including books, audio-visual media, culture, heritage, visual arts, fashion and product design.

The use of the fourth industrial revolution technology also provides new opportunities for the creative economy to reach new horizons in terms of production, distribution, and consumption of creative products. This will bring about a significant positive change in existing business models today and demonstrate the impact of the rapid growth of emerging technology on skills and services, from fashion design and architecture to visual arts, advertising, and events [UNCTAD, (2022), p.11].

Artificial intelligence, the third generation of the Web 3, virtual reality, 3D printing, blockchain technology, and the internet of things are all contributing to the vision of new and promising horizons for the future media sector. We believe that such a technology-based sector naturally requires a deep and comprehensive understanding of the potential impacts of such emerging technologies. This presents today's content creators with a promising reality rich in unlimited opportunities, while technological innovations continue to impact all aspects of our daily lives.<sup>7</sup>

The strategic support provided by Dubai aims to enable the creative sector to reach new horizons and make the most of its latent potential. This is clearly reflected in the Dubai Creative Economy Strategy, which aims to enhance the contribution of creative sectors to the emirate's GDP to 5% by 2025.<sup>8</sup>

The global trend also plays a role in enabling the creative economy to advance the content industry and focus business operations on customers, considering the interest of global creative talents in benefiting from the potential of generative AI technologies to implement their work automatically or enhance their efficiency and innovation. More than 42% of design experts and 46% in the media, who participated in the opinion poll on the sidelines of preparing the Creative Digital Economy Report 2024, expect emerging and advanced technology and AI solutions to have a significant impact on their fields of work in the coming years. Most of the design (83%) and media (77%) professionals participating in the survey agree on the vital role played by the Dubai government in providing modern infrastructure that supports excellence in the creative sector.<sup>9</sup>

The UAE has made great strides towards supporting the digital content production sector and investing in its components to increase its contribution to the country's economy. These steps were one of the main axes of the 'National Strategy for Cultural and Creative Industries' and came to complete a series of initiatives and events to attract workers in the creative industries, creative content creators, and develop the digital content business system over the past ten years with the aim of increasing its contribution to 5% of the gross domestic product by 2031.<sup>10</sup> Anyone who follows the UAE's

achievements in this regard will find that it has occupied a competitive position to provide an ideal and supportive environment for creative industries and the digital content industry and has become a destination for its pioneers from companies, influencers, and workers in the field. Among these achievements is also the Emirate of Dubai occupying the first place globally in attracting foreign direct investment projects in cultural and creative industries in 2022.

The size of the global content industry today amounts to about \$250 billion, and will reach about half a trillion dollars by 2027 according to Goldman Sachs, which doubles the size of its contribution to the gross national product of the countries of the world and explains the secret behind the competition of major countries to lead it and invest in its current and future opportunities, which we witness with the UAE hosting the largest gathering of content creators and influencers in the world through the Billion Followers Summit organised by the New Media Academy on 10 and 11 January 2024 at the Emirates Towers and the Museum of the Future in Dubai. The report on 'Entertainment and Media Prospects in the Middle East and North Africa 2020–2024' issued by 'Strategy&' shows that digital content is expected to account for 46% of the projected value of media spending of \$22 billion in the Middle East and North Africa region in 2024.<sup>11</sup>

Leading events such as Dubai Fashion Week, launched by Dubai Design District in February 2023 in collaboration with the Arab Fashion Council, have contributed significantly to consolidating Dubai's creative position on the global stage. Leading national strategies such as the Dubai Economic Agenda D33, the Dubai Creative Economy Strategy, and the Dubai Annual Plan to Accelerate the Adoption of Artificial Intelligence Applications, as well as the Dubai Virtual Assets Regulatory Authority, the first of its kind in the Gulf region, play a prominent role in accelerating the pace of integrating AI technology into various economic activities.

#### **4 Third: legislative protection of the creative economy in the United Arab Emirates**

Creative products are intangible assets produced by humans as a result of their mental effort and therefore can be classified under intellectual property rights<sup>12</sup> that grant their owner financial, moral or literary rights, and he has the right to exploit and invest them directly and indirectly and protect them from any infringement that may occur to them.

Providing legal protection for intellectual property rights in the Emirate of Dubai and in the United Arab Emirates, in general [Kameel et al., (2023), p.512], is an important factor in developing creative industries that will achieve sustainable development in the economic, cultural and social fields, as previously stated, as they have become the cornerstone of protecting creative expression and technological progress. There is a set of laws established by the state to form the legal framework for protecting intellectual property rights that are consistent with international agreements such as the Paris Convention, the TRIPS Agreement, the Berne Convention, and others. Among these laws are Federal Decree-Law No. 38 of 2021 regarding copyright and related rights, and Federal Law No. 11 of 2021 regarding the regulation and protection of industrial property rights. These laws play an important role in protecting the rights of creators, inventors and companies. The United Arab Emirates has also been keen to employ artificial

intelligence technology in combating acts that constitute an infringement of intellectual property rights, which we will discuss through the following:

#### *4.1 The legislative framework for the protection of intellectual property rights*

The UAE legislator has issued many legislations that work to protect intellectual property rights. Federal Law No. 11 of 2021 regarding industrial property regulates patents and industrial models or designs. Article 1 of the law defines the meaning of an invention as a creative idea that the inventor arrives at in any of the technical fields and relates to a product or manufacturing method or both that practically leads to providing a new addition or solving a specific problem in any of these fields. It also defines the meaning of industrial design as any two- or three-dimensional decorative or aesthetic formation that gives a special design that can be used as an industrial or craft product. Invention and industrial design are among the creative ideas that a person may arrive at and constitute a place for creative products and industries. Therefore, the legislator worked to provide the necessary protection for them by stating the procedures for registering, using, exploiting, and assigning them to others in a way that ensures the support of knowledge and innovation and enhances competitiveness at the national and international levels.<sup>13</sup>

Article 5<sup>14</sup> of the law has defined the conditions for granting a patent, the first of which is that the invention is new and has not been preceded by anyone, resulting from an innovative idea or innovative improvement. It constitutes a creative and industrially applicable step. The UAE legislator also clarified the rights enjoyed by the inventor, such as the right to exploit the invention and benefit from it financially, either directly or by licensing others to exploit it. The legislator also made the legal protection of the inventor extend for a period of 20 years starting from the date of submitting the application to obtain patent right.<sup>15</sup> In the event of an infringement on the invention, its owner has the right to claim compensation for the damage he suffered from the competent court, in addition to requesting the imposition of a precautionary seizure on anyone who uses or exploits any type of protected industrial property in the event of an infringement or illegal act in accordance with the provisions of law.<sup>16</sup> This is in addition to imposing a penalty of imprisonment and a fine of no less than 100,000 dirhams and no more than one million dirhams, or one of them, on anyone who attempts to forge documents or provides incorrect information or imitates an invention or manufacturing method or intentionally infringes on any of the industrial property rights guaranteed by the legislator.<sup>17</sup> The legislator also gave the court the authority to confiscate the seized items and to order the destruction or removal of traces of the act in violation of the law.<sup>18</sup>

The UAE legislator also regulated copyright and related rights under Federal Decree-Law No. 38 of 2021, extending the scope of protection to a wide range of innovative literary, artistic and scientific creative works, which include all innovative production in the field of literature, arts or sciences that are characterised by innovation based on originality and distinction, regardless of their type, method of expression, importance or purpose.

The UAE legislator has expanded the scope of protection for works, which include, but are not limited to, authors of books, brochures, articles and other written works, smart applications, computer programs and their applications, databases, musical and mime works, audio or visual works or both, architectural works, drawings and engineering plans, works of drawing with lines or colours, sculpture, engraving and printing on stone,

fabrics, wood or metals and others in the fine arts, photographic works, works of applied and plastic art, and three-dimensional works related to geography, topography, architectural designs, etc. The protection also includes the title of the work if it is innovative, as well as the innovative idea written for the radio program.<sup>19</sup>

In order for the author and the owners of related rights to enjoy protection, their rights must be registered in the data registry of the works of the Ministry of Economy in the country, as the registry includes all data related to the work and the author himself, including exclusive rights, their scope, duration of exploitation, purpose for which they are intended, and other actions that affect those rights.

The legislator granted the owner of the work literary or moral rights and financial rights over his work. Literary rights grant the owner and his heirs the right to publish the work for the first time, the right to attribute the work to its author, and the right to object to any modification of the work if it would distort or misrepresent the work or harm the reputation of its author, as well as the right to defend his work and stand in the face of attempts that lead to distorting or misrepresenting it by submitting a request to the competent civil court. These rights are not subject to prescription or waiver.<sup>20</sup> The legislator also specified the elements of financial rights<sup>21</sup> and the methods of exploiting the work and making it available to the public in any form of commercial exploitation. The author has the right to protect his financial rights throughout his life and they continue after his death for a period of 50 years.<sup>22</sup>

The legislator also explained the procedures for protecting copyright and related rights, which are represented by following precautionary measures that aim to quickly stop violations of their rights by going to the judge of urgent matters in the competent civil court<sup>23</sup>, as well as demanding compensation for damage in accordance with the rules of civil liability in its contractual and tortious aspects. The UAE legislator also explained the acts that constitute a crime punishable under Articles 39 to 42, where the penalty ranges between a fine, imprisonment, confiscation, and closing the violating facility for a period not exceeding 6 months.

It is noted from the above that the UAE legislator, although it did not work to establish specific legal texts under the name of creative products, it did establish general texts to protect intellectual property rights in general, which include the protection of creative products that are considered intellectual property rights and constitute the backbone of the creative economy.

#### *4.2 Employing artificial intelligence applications in protecting intellectual property rights*

With the aim of combating intellectual property rights violations, the Ministry of Economy in the United Arab Emirates launched in March 2024 the 'InstaBlock'<sup>24</sup> service. It is a new service designed to address intellectual property rights violations that are broadcast or published on websites. This service aims to block or prevent websites that violate the rights of authors and creators immediately with the help of artificial intelligence, as it works to block violating websites quickly using artificial intelligence.<sup>25</sup> InstaBlock also includes the 'Live Ban' service, which enables users to report cases of copyright infringement they encounter on live-streaming sites for sports and artistic content.

Since the service was activated in March 2024, strict measures have been taken against copyright piracy to protect intellectual property rights by blocking

1,117 websites. The intellectual property rights of leading media platforms that produce/distribute entertainment, sports and artistic content under Abu Dhabi Media Network, MBC, OSN Network and BeIN Media Group were preserved. These sites were found to be illegally broadcasting or publishing copyrighted works. The implementation of this service has contributed to raising awareness of the importance of accessing creative works through approved platforms that hold the original copyrights instead of unknown and potentially risky sites.

InstaBlock aims to promote innovation and support the UAE's goal of becoming a global innovation hub by 2031. This initiative demonstrates the country's commitment to modernising its legal framework and enhancing its global competitiveness. Believing that the protection of intellectual property rights is a priority on its agenda and that intellectual property is the cornerstone of sustainable development in the United Arab Emirates.

The new system is based on four main axes, which are enhancing the comprehensive protection of intellectual property rights, reducing violations against patent holders and innovators, resolving disputes, and developing the services provided by the Ministry of Economy to individuals and institutions wishing to register patents. It also relies on artificial intelligence technology, which allows supporting the growth of research and development-based projects and exploiting the fruits of intellectual property protection and marketing them as national exports to foreign markets.

What distinguishes this system or application is that it provides a real-time response, as InstaBlock uses advanced technology to monitor and address copyright violations as soon as they occur, ensuring immediate action is taken against violators, cooperating with internet service providers to implement effective blocking measures, and ensuring rapid compliance with legal requirements, as the blocking is done using an automated system to detect and block violating live broadcasts.

We believe that activating this system will provide deterrence by preventing copyright infringement, promoting respect for intellectual property rights, and quickly restricting access to unauthorised live broadcasts, as well as protecting the creative and financial interests of content creators and ensuring that their work is not distributed illegally, which enhances the provision of an appropriate atmosphere for creativity and innovation, which is in line with the UAE's overall goals of rising in the global innovation index and developing into a major centre for the new economy around the world. It remains to be noted that the integration of artificial intelligence and speed are key features of InstaBlock, but it raises questions about the fairness of the service that enables it to block or prevent access to a website immediately without providing sufficient opportunity to verify the validity of the action when it is taken, because the effectiveness of the artificial intelligence system depends largely on the programming of the data on which it is trained. This does not mean that all artificial intelligence systems do not have a margin of error, as they may sometimes make mistakes, which makes human intervention often required to ensure accuracy. Since we do not know how much InstaBlock will rely solely on AI (i.e. without human checks and balances), the risks of over-reliance on automation are unclear but worth a look.

## 5 Conclusions

The research reached a set of results and recommendations that can be summarised as follows.

### 5.1 Results

This research shows us the importance of the creative economy, which is based on the moral assets produced by the human mind, and which are based on creativity and innovation. It is based on human imagination as its main driver, which made creative products contribute significantly to achieving the goals of sustainable development, as the latter emerges as the ultimate goal of the creative sector, which made it receive the attention of the United Arab Emirates, especially the Emirate of Dubai. It has made strenuous efforts to strengthen its creative economy and advance this vital and important sector, as one of the engines of economic growth. This has strengthened its cultural standing regionally and globally, and it has harnessed all available resources to develop a highly efficient knowledge and creative industry.

Since creative products are intangible assets produced by humans through their mental effort, they can therefore be classified as intellectual property rights, which grant their owners financial, moral, or literary rights. They are entitled to exploit and invest them directly and indirectly, and to protect them from any infringement.

The UAE legislator has provided legal protection for owners of creative products, and this is inferred from the laws of intellectual property rights, which include within them the protection of creative products that are considered intellectual property rights.

### 5.2 Recommendations

Among the factors that must be taken into account in building the creative economy are the establishment of creative regions, communities and knowledge incubators, providing them with appropriate infrastructure, promoting creative professions, and creating a real and effective partnership between the public and private sectors, leading to the consolidation of the role of the creative industries sector as a contributor to the gross domestic product, and meeting the needs of entrepreneurs to develop their creative projects.

To provide protection for owners of creative products, legal frameworks must be continuously improved to enable and protect creators, address what advanced technology produces. Public awareness plays a crucial role in educating consumers about the importance of intellectual property rights and the repercussions of piracy, while encouraging ethical consumption of creative products, by providing legal assistance and tools to product owners, as well as creating places to report any infringement of their rights, enabling them to protect their economic and creative interests. It is important to establish regular evaluation and feedback systems to assess the performance of initiatives such as InstaBlock. This would enable continuous improvement based on input from stakeholders. We believe that implementing incentives, such as tax exemptions or recognition programs, for ISPs and other stakeholders to commit to anti-piracy measures would enhance support and participation in these initiatives. Such intensive efforts would create a conducive climate for creativity and innovation, in line with the UAE's goal of

becoming a global hub for the emerging economy. Finally, the creative economy has become a new and vital economic sector, which requires the Arab world to pave the way for its growth by continuing to establish platforms and more specialised academies, supporting the infrastructure and developing laws and legislation that ensure that this industry is a factor of construction and progress, while considering the specificity of creative work. It also requires decision makers to develop a strategic vision for how to invest in and develop talents and build partnerships between them and relevant institutions and bodies.

### 5.3 Future studies

Protecting the creative economy requires conducting the necessary studies to ensure that laws remain effective in combating new types of violations that may be exposed to them, and therefore resources must be allocated to implement advanced technology solutions to monitor and detect piracy that would enhance the ability to identify unlicensed creative products and prevent their dealing immediately. Also, looking for prospects must also be explored to enhance international cooperation, enabling the development of a coherent global strategy to preserve optimal resources and protect them from any potential attacks.

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## Notes

- 1 The term creativity appeared in economics at the beginning of the twentieth century, through the term creative destruction by Joseph Schumpeter to describe the way in which old traditional ways of doing things are eliminated internally and replaced with new ones. See Loesche and Torre (2020, p.227).
- 2 The sustainable development goals (SDGs), adopted by all United Nations member states in 2015, are a set of 17 interconnected global goals designed to address the world's most pressing social, environmental and economic challenges. The goals are a universal call to action to end poverty, protect the planet and ensure prosperity for all by 2030. From ending hunger and promoting gender equality to ensuring access to clean water and combating climate change, the SDGs provide a comprehensive framework to guide governments, organisations and individuals towards creating a more equitable, sustainable and resilient world for present and future generations. The SDGs emphasise cooperation, innovation and inclusive approaches to development that see economic growth, social inclusion and environmental stewardship as interdependent and essential components of a better future. See the United Nations

Commission on International Trade Law website for more information on the SDGs. <https://uncitral.un.org/en/about/sdg>.

- 3 The UAE strengthens its leading position as a global destination for the creative economy <https://www.wam.ac/ar/article>.
- 4 A study confirms the success of Dubai's strategy in supporting cultural and creative industries and attracting capital, skills and entrepreneurs. Published on <https://www.wam.ac/ar/details/1395303038692> (accessed 11 October 2024).
- 5 <https://u.ac/ar-AE/about-the-uae/strategies-initiatives-and-awards/strategies-plans-and-visions/finance-and-economy/Dubai-Creative-Economy-Strategy>. Visited on 20/9/2024
- 6 The 'Digital Creative Economy 2024' report, which was prepared by Dubai Design District and Dubai Media City, in partnership with 'Monstar Lab', collected data and observations through communicating with more than 20 industry leaders, and surveying the opinions of 400 design and media professionals in the UAE and the world, to provide a comprehensive overview of the opportunities available to enhance the growth of the digital creative economy at the global level. See: AED 27 trillion worth of the global digital creative economy by 2030, published on <https://www.wam.ac/ar/article/b5dqkof> (accessed 4 October 2024).
- 7 <https://u.ac/ar-AE/about-the-uae/strategies-initiatives-and-awards/strategies-plans-and-visions/finance-and-economy/Dubai-Creative-Economy-Strategy> (accessed 10 October 2024).
- 8 *AED 27 Trillion, the Value of the Global Digital Creative Economy by 2030* [online] <https://www.wam.ac/ar/article/b5dqkof> (accessed 3 October 2024).
- 9 *The Digital Content Industry is a Modern Economic Sector that Meets the Conditions for Its Growth in the UAE* [online] <https://www.wam.ac/ar/article/b115kn2> (accessed 15 September 2024).
- 10 Intellectual property can be defined as the product of human thought, such as creations and innovations, such as inventions, industrial models, trademarks, books, songs, symbols, names... Intellectual property rights are no different from other property rights, as they enable the owner of the right to benefit in various ways from his work, which was just an idea and then crystallised until it became a product.
- 11 Article 2 of Federal Decree-Law No. 11 of 2021 regarding the regulation and protection of industrial property rights stipulates that "This law aims to achieve the following:
  - a Protect industrial property and regulate the procedures for its registration, use, exploitation and assignment in a manner that ensures the support of knowledge and innovation in the country.
  - b Enhance the country's competitiveness in the field of industrial property rights in accordance with international best practices."
- 12 The first paragraph of Article 5 of the Federal Decree-Law on the Regulation and Protection of Industrial Property Rights stipulates that "a patent shall be granted for every new invention resulting from an innovative idea or innovative improvement, representing a creative step and capable of industrial application."
- 13 See Article 18 of Federal Decree-Law No. 11 of 2021 on the Regulation and Protection of Industrial Property Rights.
- 14 See Articles 67 and 68 of Federal Decree-Law No. 11 of 2021 on the Regulation and Protection of Industrial Property Rights.
- 15 See Article 69 of Federal Decree-Law No. 11 of 2021 on the Regulation and Protection of Industrial Property Rights.
- 16 See Article 70 of Federal Decree-Law No. 11 of 2021 regarding the regulation and protection of industrial property rights.
- 17 The works performed by performing artists, producers of audio recordings, broadcasting organisations, actors, singers, musicians, dancers, and producers of audio recordings, and any work that would convey those works by any means, whether through direct contact or otherwise, such as acting, displaying audio or visual works (drawings, sculptures, and other visual works), artistic theatrical performances, playing musical instruments, and reading

literary works, whether recorded or live, as well as popular folklore, which includes every expression of oral, musical, kinetic, or tangible folklore in distinct elements that reflect the traditional artistic heritage that originated or continued in the country and that cannot be attributed to a known author. For more, see Article 1 of Federal Decree-Law No. 38 of 2021 regarding copyright and related rights.

- 18 For more information, see Article 2 of Federal Decree-Law No. 38 of 2021 regarding Copyright and Neighboring Rights.
- 19 See Article 2 of Cabinet Resolution No. (47) of 2022 regarding the Executive Regulations of Federal Decree-Law No. (38) of 2021 regarding Copyright and Neighboring Rights.
- 20 See Article 5 of Federal Decree-Law No. 38 of 2021 regarding Copyright and Neighboring Rights.
- 21 See Article 7 of Federal Decree-Law No. 38 of 2021 regarding Copyright and Neighboring Rights.
- 22 See Article 20 of Federal Decree-Law No. 38 of 2021 regarding Copyright and Neighboring Rights.
- 23 See Article 35 of Federal Decree-Law No. 38 of 2021 regarding Copyright and Neighboring Rights.
- 24 It is an immediate service provided by the Ministry of Economy in cooperation with the Telecommunications Regulatory Authority and the Digital Government. It is concerned with complaints related to copyright infringement in relation to live broadcasting over the Internet, and the rapid enforcement of intellectual property rights protection in this regard.
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