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MIDDLE EAST – ASIA – AFRICA

AVIP

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By Sarmad Hasan Manto
Managing Partner - Audiri Vox

CAN POST-DATED OVERSEAS TRADEMARK REGISTRATIONS AND DOMESTIC BUSINESS REGISTRATION JUSTIFY RESPONDENT'S DOMAIN OWNERSHIP IN UDRP COMPLAINTS?

Case No. DME2025-0005
Domain Name Dispute Resolved in Favor of the Complainant represented by Audiri Vox

In a recent decision under the Uniform Domain Name Dispute Resolution Policy (UDRP), the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center ordered the transfer of the infringing domain name to the Complainant, a company based in the United Arab Emirates. The decision, issued in case number DME2025-0005, concluded a contentious dispute between the Complainant and the Respondent.

In this matter, the Complainant was represented by Audiri Vox. Following the required procedural steps, including verification of registrar details and opportunities for both parties to submit filings and responses, a three-member Panel was constituted on the Respondent's request.

Throughout the proceedings, both the parties submitted multiple rounds of filings. The Panel issued two procedural orders to clarify important details, such as the timeline of the Respondent's business activity and domain name use.

The Dispute: A Summary of the Facts

The Complainant is the intellectual property arm of a well-established online real estate advertising platform. Its roots trace back to as early as 1995, with increasing use and visibility in the real estate sector and online advertising. The Complainant owns multiple trademark registrations in the UAE and abroad related to advertising and real estate services.

The Respondent registered the impugned domain name on July 21, 2008, but according to evidence from the Wayback Machine, the domain remained inactive or for sale until at least late 2021. It was only in April 2024 that the domain began resolving to a functioning real estate website. The Respondent subsequently incorporated companies in several jurisdictions under the disputed name, including in the UAE, and filed for trademarks in countries other than the UAE. This clearly showed bad faith of the Respondent and his attempt to legalize the infringing use of the impugned domain name. The Complainant argued that registering a company name does not confer rights to use a domain name when a registered trademark, such as the ones held by the Complainant in the UAE, already existed. This has been established through several precedents. Please see [WIPO Case No. D2021-4018]; [WIPO Case No. D2021-2187]; [WIPO Case No. D2022-0376]; [WIPO Case No. D2021-3458]. Accordingly, it could be inferred that adoption of an identical domain and mark for similar services was intended to capitalize on the reputation and goodwill of the Complainant's well-known trademark.

Jurisdictional Challenge Rejected

The Respondent initially contested the Panel's jurisdiction, asserting that both parties operate in the UAE and that only UAE courts had authority. The Panel dismissed this argument, pointing out that the Respondent had agreed to be bound by the UDRP when registering the domain name. This constituted consent to the administrative process, which operates independently of the national court systems.

PANEL FINDINGS

The Panel considered the three core elements of the UDRP:

Identical or Confusingly Similar:

The Panel found that the impugned domain name is identical to the Complainant's registered trademarks. Disregarding the ".me" country code top-level domain, the domain consists solely of the trademarked term. The Panel also rejected arguments that the Complainant's

trademark is merely descriptive, noting its successful registration as a trademark in the UAE and other countries.

No Rights or Legitimate Interests:

The Complainant made a prima facie case that the Respondent lacked rights or legitimate interests in the domain. The Respondent's reliance on company registrations and trademark applications was undermined by the fact that these actions took place many years after the Complainant had established its brand. Moreover, the Panel was not convinced that the Respondent's use of the domain, initiated after the Complainant's brand was well-established, qualified as bona fide use. The Panel found no evidence of independent rights favouring the Respondent, predating the Complainant's trademark use.

Registered and Used in Bad Faith:

The Panel concluded that the Respondent likely registered and used the domain name to exploit the Complainant's trademark reputation. The timing of the Respondent's business launch, combined with the nature and scope of its services, suggested deliberate targeting of the Complainant's mark and clientele. Given the Complainant's extensive use and registration of the trademark in the UAE and region, the Panel deemed it improbable that the Respondent was unaware of the Complainant's brand.

Decision

Having satisfied all three elements required under the UDRP, the Panel ordered the transfer of the impugned domain name to the Complainant.

Conclusion

This decision reinforces the importance of trademark rights in domain name disputes and the risks of adopting domain names that mirror established brands. The decision clarifies that mere registration of a company in the concerned jurisdiction or a trademark in a foreign jurisdiction, after the Complainant's trademark has become well-known, is not sufficient to establish Respondent's bona fide. It also highlights the robustness of the UDRP process in resolving such disputes fairly and efficiently.

By Divyendu Verma
Global Head of Patents/Designs Dept.
Audiri Vox

INDIA'S 2025 CRI GUIDELINES V 2.0: A STEP FORWARD IN PATENT CLARITY

On July 29, 2025, the Indian Patent Office published its new Guidelines for the Examination of Computer Related Inventions (CRIs), ushering in a transformative era for technology and software patent applications in India. These guidelines address the evolving technological landscape and respond to the global demand for higher clarity, consistency, and predictability in the patenting process for innovations in software, artificial intelligence (AI), machine learning (ML), blockchain, and other cutting-edge fields.

Background: Why New CRI Guidelines?

India's previous guidelines, issued in 2017, faced criticism for inconsistent interpretation - especially around Section 3(k) of the Indian Patents Act, which bars patents on computer programs "per se." The rapid pace of tech development, especially in AI and blockchain, underscored the need for rules that could keep pace with innovation while offering legal clarity to inventors and stakeholders.

KEY FEATURES OF THE 2025 GUIDELINES

1. Comprehensive Legal Foundation: The guidelines consolidate and clarify legal principles from 19 important court cases, offering much-needed direction on how patent examiners should approach CRIs. They emphasize a "technical effect or technical contribution" assessment, ensuring that claims are not rejected merely for involving software but evaluated on their substantive technical impact.

2. Detailed Stepwise Examination Process: A new stepwise methodology, supported by detailed flowcharts and scenario-based illustrations, guides examiners and applicants in determining the allowability of claims. The process aids in distinguishing between patent-eligible inventions and those excluded as abstract computer programs, algorithms, or business methods.

3. Specific Guidance for Emerging Technologies: For the first time, dedicated sections address AI, ML, deep learning, blockchain, and quantum computing. These sections highlight the requirements for adequate disclosure and list scenarios when such inventions might be considered patentable or excluded under Section 3(k). This move aims to create better alignment with international standards and best practices, while still reflecting India's unique legal landscape.

4. Clarification of System and Method Claims: The guidelines confirm that both "system" and "method" claims may be permissible, provided they are properly supported in the specification. This brings Indian practice closer to other global patent offices, offering greater protection flexibility to inventors of technology solutions.

5. Expansive Annexures and In-Depth Examples: With over 60 annexed examples, including those specifically for AI, ML, and blockchain, the guidelines illustrate what constitutes patentable and non-patentable subject matter under various scenarios. These real-world examples address longstanding ambiguity and help applicants structure their claims to enhance the chance of acceptance.

PRACTICAL IMPACTS FOR STAKEHOLDERS

Improved Predictability for Innovators and Industry: Startups and tech firms seeking Indian patents can now more confidently draft their disclosures and claims, supported by clarity on how terms like "technical effect" and "technical contribution" are assessed.

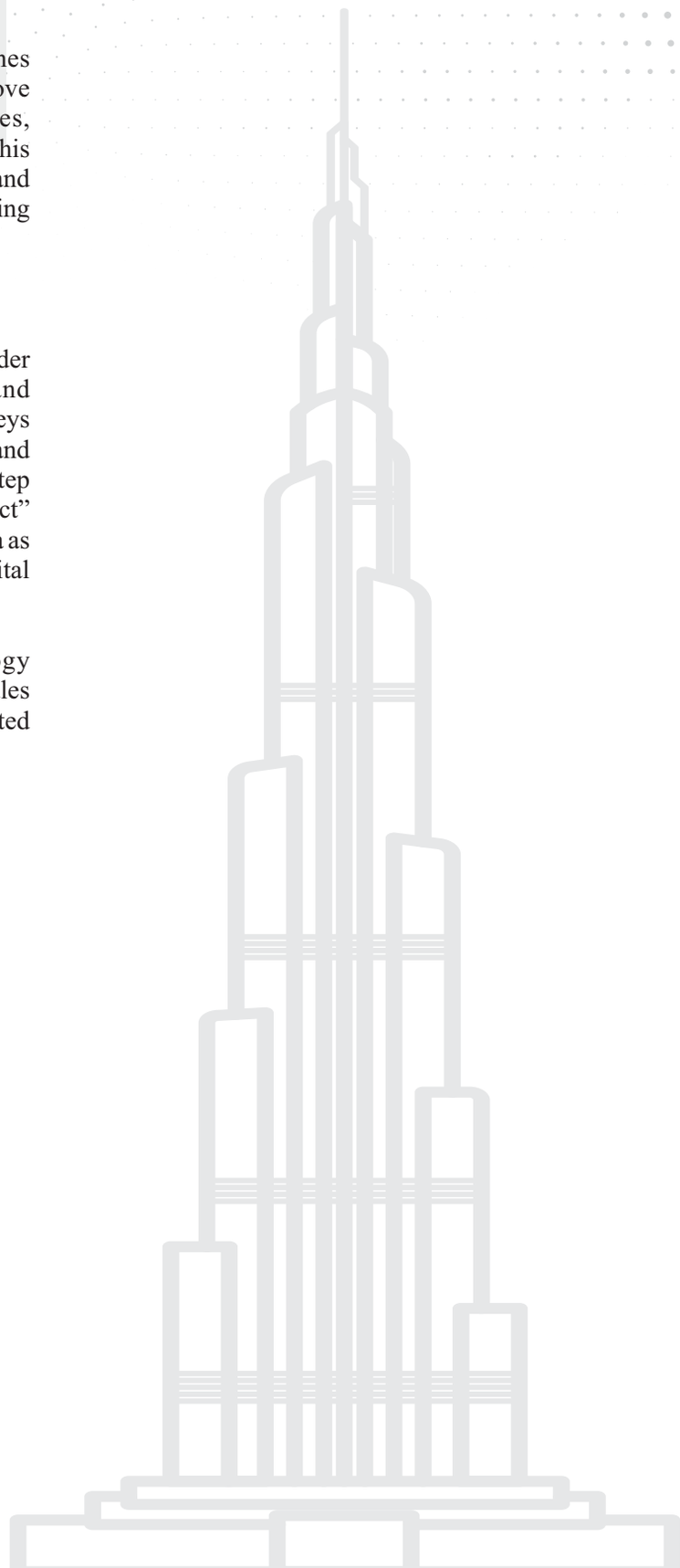
Higher Disclosure Standards: Applicants must provide detailed enabling disclosures for inventions in AI, ML, or emerging tech spaces—demonstrating specifics on architecture, training data, and problem-solution narratives. Overly broad or abstract filings are much less likely to succeed, raising the quality bar for CRIs.

International Alignment: While India's guidelines reflect local legislation and jurisprudence, they move closer to US, European, and Japanese approaches, especially in handling software and AI inventions. This harmonization helps global innovators understand and anticipate Indian requirements without a steep learning curve.

WHAT'S NEXT:

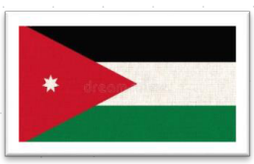
The 2025 CRI Guidelines followed extensive stakeholder feedback and are set to evolve as technology and jurisprudence advance. Patent applicants and attorneys should ensure compliance with heightened disclosure and drafting requirements. The publication is an important step in supporting genuine innovation, discouraging "abstract" or purely business-method patents, and positioning India as a competitive destination for patent protection in the digital era.

For inventors, legal professionals, and technology businesses, understanding and adapting to these new rules will be crucial in turning innovative ideas into protected intellectual property.



IP UPDATES

JORDAN:
AGRICULTURAL REGULATION CHANGES EFFECTIVE AUGUST 16, 2025



The Ministry of Agriculture in Jordan has enacted new regulations affecting agricultural operations, effective as of August 16, 2025. One of the most significant changes involves the annuity payment schedule. Previously, payments were accepted from January through April; under the new rules, all annuity payments must now be made strictly between December and the end of January each year.

Additionally, the plant variety registration process has been streamlined. While earlier regulations restricted the eligibility of certain varieties, the updated rules now allow the registration of all plant varieties except those explicitly prohibited from production and distribution under Jordanian law.

LIBYA:
TEMPORARILY HALTS TRADEMARK OFFICE OPERATIONS DURING ADMINISTRATIVE TRANSITION

Tripoli – The Libyan Council of Ministers has issued Decision No. 366 of 2025, officially transferring administrative oversight of the Trademark Office (TMO) to the Commercial Registration Authority, effective early August 2025. While the TMO will continue to operate under the Ministry of Economy and Trade, this transition necessitates a temporary suspension of its services.

During this period, the TMO will not be accepting new trademark applications. However, any pending deadlines that fall within the suspension window will be preserved and automatically extended. All affected transactions will be processed once operations resume. Stakeholders are advised to stay informed on further updates regarding the TMO's reopening timeline.

ETHIOPIA:
JOINS THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Addis Ababa – Ethiopia has officially acceded to the Paris Convention for the Protection of Industrial Property, with the agreement entering into force on 15 August 2025. This marks a significant step forward in the country's ongoing efforts to strengthen its intellectual property (IP) regime and align with international standards.

By joining the Convention, Ethiopia demonstrates its commitment to fostering innovation and supporting economic development. The move aims to create a more predictable, transparent, and internationally recognized IP framework, encouraging both domestic inventors and foreign investors.

UAE:
IMPORTANT NOTICE FROM THE MINISTRY OF ECONOMY & TRADE – INDUSTRIAL PROPERTY DEPARTMENT

The UAE Ministry of Economy & Trade (MoET) has issued an important clarification regarding procedures linked to amendment orders and related service requests (such as ownership changes, inventor/designer data modifications, agent designation/dismissal, etc.). Please note the following key points:

- Once an amendment order is issued during the legal or substantive examination phase, the system automatically begins a 90-day countdown. If no voluntary amendment is submitted within this timeframe, the application will be automatically withdrawn in line with statutory regulations.
- Service requests such as changing ownership or modifying agent information are not automatically reflected in ongoing examinations. Examiners will not be aware of these unless explicitly notified. These requests are handled independently and do not pause or reset amendment order deadlines.
- Even if you've submitted a service request that indirectly addresses the issues in the amendment order, you must still respond directly to the order. Alternatively, you may contact the legal examiner in advance to explain the situation and request a manual review.
- Failure to act within the 90-day window either by submitting a voluntary amendment or proactively contacting the examiner will result in automatic withdrawal of the application. Restoration will only be possible through a formal request and payment of the applicable restoration fee.

ZANZIBAR:
ZIPO FEE ADJUSTMENTS EFFECTIVE AUGUST 11, 2025

The Zanzibar Industrial Property Office (ZIPO), under the Zanzibar Business and Property Registration Agency (BPRA), has introduced a revised schedule of official fees for a wide range of intellectual property services. These changes covering trademarks, patents, industrial designs, and geographical indications came into effect on August 11, 2025, as announced in the Zanzibar Government Gazette (Vol. CXXXIV No. 7369) on July 18, 2025.

The updated fee structure includes both increases and the introduction of new fees for certain services. Importantly, the revised fees apply retrospectively to all new and pending applications where payment had not been made prior to the effective date.

QATAR :
QATAR TRADEMARK OFFICE EMBRACES DIGITAL TRANSFORMATION

As part of its ongoing commitment to modernizing intellectual property services, the Qatar Trademark Office (TMO) has officially launched a digital transformation initiative starting August 2025. This development aligns with Qatar's broader e-government strategy, aimed at streamlining administrative procedures and enhancing access to trademark services for both local and international rights holders.

Key Highlights of the Digital Transition:

- The Trademark Official Gazette is now being published in both electronic and hard copy formats.
- The Trademark Office will begin issuing electronic trademark registration and renewal certificates, replacing the traditional practice of mailing physical copies.
- This hybrid system marks a transitional phase as the TMO tests and refines its digital infrastructure. During this period, both electronic and physical documents will be issued to ensure continuity and reliability. The dual format will remain in place until the digital system is fully operational across all trademark services.

PATENT CASE

ITC LTD (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: IPDPTA/6/2024
DECIDED ON: July 24, 2025

The appellant filed an appeal against the respondent for rejecting the appellant's patent application on the grounds of non-patentability under section 3(b), lack of inventive step under section 2(1)(j) of the Patent Act and for lack of industrial application. The appellant stated that the respondent relied on several document and material while passing the impugned order without providing an opportunity to the appellant to be heard thereby violating the principle of natural justice. The appellant argued that the respondent also failed to provide any reference as to why the application was not patentable under section 3(b).

The Hon'ble Calcutta High Court observed that the hearing notice does not explain as to how and why the prior art cited by the respondent discloses the parameters similar to as in the claimed application. The Hon'ble Court also noted that the respondent failed to provide the appellant an opportunity to present views and arguments which is ex facie in violation of the principles of natural justice. The Hon'ble Court concluded by setting aside the impugned order and remanded the matter back for fresh hearing.

TRADEMARK CASES

PERNOD RICARD INDIA PRIVATE LIMITED & ANOTHER (Appellants) vs KARANVEER SINGH CHHABRA (Respondent)

CASE NO.: CIVIL APPEAL NO. 10638 OF 2025 [Arising out of SLP (C) No. 28489 OF 2023]
DECIDED ON: 14th August 2025

In the present suite the Appellants owners of **"BLENDERS PRIDE", "IMPERIAL BLUE"**, and house mark **"SEAGRAM'S"** sued respondent. Appellants alleged that the respondent sold whisky as **"LONDON PRIDE"** using a name deceptively similar to **BLENDERS PRIDE**, packaging/trade dress mimicking **IMPERIAL BLUE**, and **SEAGRAM'S**-embossed bottles, amounting to infringement, passing off, and copyright violation. Appellants sought a permanent injunction and, at the

interim stage, a temporary restraint. Both the Commercial Court (26.11.2020) and the High Court (03.11.2023) refused interim relief then appellants appealed to the Hon'ble Supreme Court.

The plaintiff alleged that the defendant's mark **"LONDON PRIDE"** copied the essential features of its mark **"BLENDERS PRIDE,"** while the overall packaging imitated **"IMPERIAL BLUE"** through the blue-and-gold colour scheme, dome device, and layout. The plaintiff further argued that the use of the **"SEAGRAM'S"** embossing evidenced bad faith. The defendant, on the other hand, contended that the marks and trade dress were dissimilar, that "PRIDE" is a generic, laudatory term and publici juris, and that premium whiskies are purchased by discerning consumers. It was submitted that sealed box packaging and distinct labels eliminate confusion, no exclusive right exists in the shape of the bottle, and no prima facie case or irreparable harm had been established.

The Hon'ble Supreme Court held that marks must be compared as a whole and the common element **"PRIDE"** cannot be dissected in isolation. Hon'ble Court noted that the dominant elements **"BLENDERS," "IMPERIAL,"** and **"LONDON"**are distinct, while **"PRIDE"** is a commonplace expression, incapable of monopoly with no proof of secondary meaning. The Hon'ble Court further observed that the appellants had produced no cogent evidence, such as consumer surveys or recognition studies, to demonstrate that **"PRIDE"** identifies their goods; turnover and advertising figures alone were insufficient. The Hon'ble Court found that the packaging, labels, and bottle shapes were materially different, and there was no registered shape mark. The claim regarding the **"SEAGRAM'S"** embossing was also unsubstantiated on record. Considering that premium and ultra-premium whiskies are purchased with greater attention, the likelihood of confusion was further diminished.

The Hon'ble Supreme Court reiterated that there can be no "mini-trial" at the interim stage. Finding that the courts below had applied the correct legal tests, the Supreme Court dismissed the appeal and refused interim injunction. Hon'ble Supreme Court directed the Commercial Court to expedite the trial and dispose of the suit within four months, clarifying that the present observations were confined to the interlocutory stage, with no order as to costs.

PITAMBARI PRODUCTS PRIVATE LIMITED (Plaintiff) vs SAWARIYA COLLECTION DELHI (Defendant)

CASE NO.: IA (L) NO. 25035 OF 2025 IN COMM IPR SUIT (L) NO. 24983 OF 2025
DECIDED ON: 14th August 2025

The present suit was filed by the plaintiff a well-known FMCG company, against the defendant for **disparagement and trademark violation.** The defendant had uploaded a viral video on Instagram & YouTube (July 2025) claiming that Pitambari's cleaning powder contained harmful chemicals and was unfit for cleaning religious idols.

Plaintiff contented that the video was false, malicious, and misleading, aimed at damaging Pitambari's goodwill and reputation. Their product is government-approved, safe, and has been used by consumers for decades.

The Hon'ble Bombay High Court noted plaintiff's **strong goodwill and registered trademark rights** (in use since 1983) and held that the impugned video clearly disparaged and denigrated the product. The Hon'ble Court emphasized that while businesses may praise their own goods, they cannot **ridicule or degrade competitors' products.** The Hon'ble Court granted an **ex-parte ad-interim injunction**, restraining the defendant from circulating, sharing, or broadcasting the impugned video or any similar content, and from disparaging plaintiff's products in any manner.

MOONDUST PAPER PVT LTD. (Petitioner) vs VINAY SHAW AND OTHERS (Respondents)

CASE NO.: IA NO. GA-COM/1/2024 In IP-COM/44/2024
DECIDED ON: 8th August 2025

In the present suit, the petitioner instituted proceedings against multiple respondents for trademark and copyright infringement as well as passing off, based on its registered marks **"CAPTAIN GOGO"** and **"GOGO"** and associated artwork. During raids, the respondents were found stocking look-alike products under marks such as **"GOGA," "GO N GO," "GO THREE," and "CAPTAIN COCO."**

The plaintiff argued that the defendants were selling identical goods through the same trade channels under visually and phonetically similar marks, thereby causing consumer confusion. The defendants failed to appear before the Court.

The Hon'ble Calcutta High Court held that the respondents' marks were visually and phonetically similar to the plaintiffs, and that consumer perception in India was a crucial factor. Finding a clear likelihood of deception, the Hon'ble Court applied the classic principles of passing off laid down in Cadila Healthcare Limited v. *Cadila Pharmaceuticals Limited (2020) 5 SCC 73 and Laxmikant V. Patel v. Chetanbhai Shah (2002) 3 SCC 65.* Observing a strong prima facie case, the Hon'ble Court granted an ex-parte injunction restraining the defendants from infringing the plaintiff's trademarks and copyright.

IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT. LTD. (Plaintiff) vs M/S. DVG SOCIALS BAR AND KITCHEN THROUGH ITS PROPRIETOR (Defendant)

CASE NO.: CS(COMM) 797/2025 & I.As. 18906-09/2025

DECIDED ON: 05th August 2025

In the present suit, the plaintiff filed a suit against the defendant for using the marks "DVG SOCIALS / **SOCIALS DAVANAGERE / DVG SOCIALS BAR & KITCHEN"** and the domain name "dvgsocials.com," alleging trademark infringement. The plaintiff contended that **"SOCIAL"** is its registered trademark across various classes, employed in a unique location-prefixing format *(e.g., area + SOCIAL),* and backed by significant turnover and advertising expenditure. It was alleged that the defendant had copied the dominant element **"SOCIAL"** along with the location-prefix scheme, despite being served with multiple cease-and-desist notices.

The Hon'ble Delhi High Court held that the defendant's marks were deceptively similar, observing that **"SOCIAL"** is arbitrary and fanciful in relation to restaurants, and that the plaintiff, has built substantial goodwill in the mark. The Hon'ble Court found that the plaintiff's registration established a prima facie case of infringement, with the balance of convenience and irreparable harm tilting in its favour. Accordingly, an ex parte ad-interim injunction was granted, restraining the defendant from using **"SOCIAL,"** its confusing variants, or engaging in allied infringing acts. The matter was directed to be listed for further proceedings.

RAHUL MISHRA & ANR. (Plaintiffs) vs NISHCHAIY SAJDEH & ORS. (Defendant)

CASE NO.: CS(COMM) 786/2025

DECIDED ON: 04th August 2025

IMPUGNED PRODUCT	PLAINTIFF'S ORIGINAL ART WORK
	

The plaintiffs filed a suit against defendants for copyright infringement and passing off. The plaintiffs alleged unauthorized copying of their

("Tigress Artistic Work") and imitation of the distinctive floral motifs and overall get-up from their luxury **"Sunderbans"** couture collection. Plaintiffs alleged that the defendants were intentionally replicating embroidery patterns and floral motifs, selling cheap imitations online and offline, thereby diluting brand value and deceiving customers. Plaintiffs copyrighted artistic work was being exploited without authorization. Some defendants on the other hand admitted ignorance, apologized, and removed the products and others remained silent or unresponsive. Defendant No. 2 was alleged to be the main supplier of infringing fabrics to others.

The Hon'ble Delhi High Court found a prima facie case of infringement and passing off, noting that the defendants' products were deceptively similar to plaintiff's couture works, leading to consumer confusion. The Hon'ble Court also acknowledged admissions from several defendants who had already removed infringing content. The Hon'ble Court granted an *ex-parte ad-interim injunction*, restraining all defendants from manufacturing, selling, advertising, or dealing in products featuring the **"Tigress Artistic Work"** or similar motifs. Defendants were also directed to take down infringing listings and preserve sales records.

COPYRIGHT CASES

PHONOGRAPHIC PERFORMANCE LIMITED (Plaintiff) vs URBAN MAYABAZAR AND ORS. (Defendants)

CASE NO.: I.A. (L) NO. 13646 OF 2025 IN COMM IP SUIT (L) NO.11705 OF 2025

DECIDED ON: 8th August 2025

The present suit was filed by the Plaintiff against defendants for copyright infringement. Plaintiff alleged unauthorized public performance of sound recordings from its licensed repertoire without obtaining a license.

Plaintiff contended that the defendants played copyrighted songs at their restaurants and events (including New Year's Eve 2024), despite repeated notices demanding license fees. Video evidence confirmed unauthorized commercial exploitation. Defendants did not appear in court or respond to legal notices, indicating disregard for copyright compliance.

The Hon'ble Bombay High Court held that PPL, being an assignee of copyrights from music labels, had exclusive rights to grant licenses. Defendants' conduct of continuing public performance without license, despite prior notice, amounted to prima facie infringement. The Hon'ble Court issued an ad-interim injunction restraining defendants, their partners, employees, agents, and event managers from publicly performing or communicating plaintiff's sound recordings at their premises or events without obtaining proper licenses.

SPORTA TECHNOLOGIES PVT. LTD. (Plaintiff) vs JOHN DOE AND ORS (Defendants)

CASE NO.: CS(COMM) 807/2025 & I.As. 19316-20/2025

DECIDED ON: 8th August 2025

The present suit has been filed seeking dynamic injunction restraining the Defendants for infringing broadcast reproduction rights (Section 37, Copyright Act) in multiple live sports properties and for Trademark infringement by using **"FanCode"**. Plaintiff contended that they holds exclusive India and world broadcast rights via multiple agreements. Defendants misuse the plaintiff mark **"FanCode"** during live telecasts due to which piracy spikes causing major revenue loss to the plaintiff.

The Hon'ble Delhi High Court noted that the documents on record demonstrated the plaintiff's exclusive broadcast rights, while the screenshots established unauthorized streaming and misuse of the **"FanCode"** marks. The Hon'ble Court held that this prima facie case, if left unchecked, would cause irreparable harm to the plaintiff. Accordingly, the defendants were restrained from disseminating pirated sports content covered under the plaintiff's agreements, as well as from using the **"FanCode"** trademarks. The Hon'ble Court also contemplated dynamic relief to address mirror websites and pop-ups.

309 Churchill Tower Business Bay, P.O. Box 415116Dubai-Untited Arab Emirates
+971 4 582 6655
global@audirivox.com

www.audirivox.com

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