WIPO TRAINING OF TRAINERS PROGRAM ON EFFECTIVE INTELLECTUAL PROPERTY ASSET MANAGEMENT BY SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)

IP Law and Administration in the State of Qatar
by
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The State of Qatar has been member to WTO since 1995,

The agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) was published in the Official Gazette issue No. 13 of December 31, 2008.

May 2006, Civil Case No. 1313/2005
Main IP Laws

1. Law No. 7 of 2002 on Copyrights and Related Rights
2. Law No. 9 of 2002 on Trademarks, Trade names, Commercial Indications, Industrial Designs and Geographical Indications
3. Law No. 5 of 2005 on Trade Secrets
4. Law No. 6 of 2005 Integrated Circuits
5. Law No. 30 of 2006 on Patents
6. Emiri Decree No. 53 of 2009 establishing the Intellectual Property Center “The new Centre has been tasked with framing fresh policies and legislation in line with the international conventions for protecting intellectual property rights that the country is signatory to.”
Relevant Ministerial Decisions and Provisions in other Laws

1. **Ministerial Decree No 28 of 2007** amending the specialties of the Criminal Investigations Department

2. **Criminal Law No. 11 of 2004 - Article 388**: Any person violating the intellectual property rights of a third party will be imprisoned for a period not exceeding three years and/or fined QR20,000 as far as these rights are protected by Law or under the obligations of an international treaty to which the State of Qatar is a member; a judgment should include as well confiscation of the infringing items.

3. **Law No. 13 of 2000** on organizing Foreign Investment inside Qatar “**Article 1**[...] Foreign Invested Capital includes inter alia “[...] **5. Rights in Licenses, patent right and trade marks registered in the State (Qatar)”**.

4. **Trade Law No. 27 of 2006**
   - **Article 36** “A store assets include all tangible and tangible items [...] as well as trademarks, commercial indications, patents, licenses and industrial designs and utility models”
   - **Article 37** “Trademarks, industrial designs, utility models, patents and other industrial property and intellectual property types are regulated by their respective laws and by-laws”
   - **Article 290** “A commercial agency contract must refer[...] to the trademark that is the subject of the contract”
   - **Article 310** “It is not permissible for the commercial agent to change the trademark fixed on the products subject of the commercial agency contract....”
Implementing regulations not issued. Implementing regulations of old law are used.

What may be protected and registered as a trademark? Names, signatures, words, letters, numerals, designs, pictures, symbols, stamps, seals, vignettes, reliefs, or any other sign or a combination of signs.

Documents required? a local agent?

Classification of Goods and Services

Single-class system

Examination

Response to office actions

Opposition

Protection term

Cancellation

Madrid System – Not member
Trademark Application

Filing

Examination

Conditional Acceptance

- Conditions Answered
  - If conditions are not answered, then the application is terminated.

Acceptance

Rejection

- Rejection Appealed
  - If Appeal is rejected, then the application is terminated.

Publication

- If no opposition is filed, then the application will proceed to registration.

Registration
Enforcement

- **Cease and Desist** letter
- Lodging an **administrative complaint** with the Head of Industrial Property Office (IPO) in the Ministry of Business and Trade (Article 55 of Trademarks Law No. 9, 2002).
- File an **infringement action** with the concerned civil court (Articles 46-52 of Trademarks Law No. 9, 2002).
- **Preliminary injunction** is provided for under Article 46 of the trademarks law. A bank guarantee has to be submitted beforehand. The judge of the concerned court will decide the amount of this guarantee. This procedure should be followed (within 10 days from the date the impoundment is effected) by an infringement action as mentioned in Para 2 above.
- **Unfair Competition Laws**: such laws have not been enacted in Qatar yet.
- **Customs recordal of IPRs and Customs Seizures of infringing goods**: such laws have not been enacted in Qatar yet.
A separate office will receive applications to register patents as soon as the regulations implementing said law are drafted.

A patentable work must be (i) new (ii) useful (iii) novel

A patent application may be filed in respect of a product or a process.

Inventions which contradict with Islamic teachings, public code and/or are against national security will be rejected. These exceptions are provided for under Article 27.1 of TRIPs.

National Treatment Clause: Treatment accorded to the nationals of other countries is no less favorable than that accorded to Qatari nationals with regard to the protection. (Article 3 of TRIPs)

Protection term is for 20 years from the grant date.

The rights granted to a patentee include, *inter alia*, the right to transfer fully or partially his rights in the patent to other parties, the right to prevent others from infringing on his rights in the patent and to litigate any party committing such infringements.

The law gives the right to the patentee to initiate criminal and civil actions against any infringing party. Sentences include monetary fines up to QR 10,000 and/or a 24-month imprisonment both of which will be doubled in case of repetition.

**GCC Patent Law 2002**

**In January 2011, the Qatari Cabinet approved Qatar's accession to the Patent Cooperation Treaty (PCT).** This means that the Qatari authorities are now required to deposit the instrument of accession to WIPO. However, the Qatari authorities must first amend the law to include provisions related to national phase PCT application and should complete the set up of patent office in order to receive patent applications.
Law No. 5 of 2005 on Trade Secrets

- **Definition**: according to the Qatari Law, the information is considered secret only if it is not generally known among, or readily accessible to, circles that normally deal with the kind of information in question. It must have commercial value because it is a secret. It must have been subject to reasonable steps by the rightful holder of the information to keep it secret. (Article 39.2 of TRIPs)

- **National Treatment Clause**: Treatment accorded to the nationals of other countries is no less favorable than that accorded to Qatari nationals with regard to the protection. (Article 3 of TRIPs)

- Protection term is indefinite.

- The Qatari authorities shall ensure that maximum protection is given to the data against unfair commercial use when these authorities require as a condition of approving the marketing of pharmaceutical or of agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data. (Article 39.3 of TRIPs)

- The rights granted to a Trade Secret owner include, inter alia, the right to transfer fully or partially his rights in the Trade Secret to other parties, the right to prevent others from disclosing any part of the Trade Secrets without his prior consent, the right to litigate any party committing a manner contrary to honest commercial practices.

- The law gives the right to the Trade Secret owner to initiate criminal and civil actions against disclosing any part of the Trade Secrets without his prior consent and against other acts that are contrary to honest commercial practices which shall mean at least practices such as breach of contract, breach of confidence and inducement to breach, and includes the acquisition of undisclosed information by third parties who knew, or were grossly negligent in failing to know, that such practices were involved in the acquisition. **Sentences include monetary fines up to QR 50,000 and/or a 12-month imprisonment both of which will be doubled in case of repetition.**
Definitions: An “integrated circuit” is defined as a product, which is intended to perform an electronic function, in its final or intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and, (ii) “lay-out design” means the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture, (iii) “holder of the right” means the natural person who, or the legal entity which is to be regarded as the beneficiary of the protection as outlined in this law.

National Treatment Clause: Treatment accorded to the nationals of other countries is no less favorable than that accorded to Qatari nationals with regard to the protection. (Article 3 of TRIPs).

A layout-design is registrable if it is (i) Original, that is, the result of the creators own intellectual effort and it is not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of its creation.(ii) Where the layout-design has already been commercially exploited anywhere in the world, the application for its registration must be filed within two years.

Protection term is for ten years from the filing date or from the first date of commercial exploitation anywhere in the world. (Article 38 of TRIPs).

The rights in a registered layout-design can be assigned to other parties.

The law provides for criminal and civil actions against acts of infringement. Sentences include monetary fines up to QR 50,000 and/or a 12-month imprisonment, both of which will be doubled in case of repetition.
Each Member has **the right to grant compulsory licences** and the freedom to determine the grounds upon which such licences are granted.

Each Member has **the right to determine what constitutes a national emergency or other circumstances of extreme urgency**, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.

We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement.

We reaffirm the commitment of developed-country Members to provide incentives to their enterprises and institutions to **promote and encourage technology transfer to least-developed country Members** pursuant to Article 66.2.
The Supreme Council of Information and Communication Technology ictQATAR announced the launch of the Qatar Domains Registry on March 2, 2011 following the decision of the Internet Corporation for Assigned Names and Numbers (ICANN) back in 2010 to allow for Internationalized Domain Names in non-Latin scripts.

**The Sunrise phase** for trademark owners will start on May 2011 and last until August 2011.

**The Landrush phase** will follow and will allow anyone to apply for the registration of domain names of high commercial value.

Local presence will not be required.

No regulations issued re domain name infringements
THANK YOU