

Design Law

Law No. (9) for the year 2002 On Trademarks, Trade Names, Geographical Indications and Industrial Models and Designs.

We, Jassim Bin Hamad Al Thani, Deputy Emir of Qatar Having reviewed:

The amended provisional constitution especially Articles (22), (23), (34) and (51) therein;
Law No. (11) for the year 1962 on the establishment of the Commercial Register System and amendments thereof;
Law No. (3) for the year 1978 on Trademarks and Commercial Data, and amendments thereof;
Law No. (13) for the year 2000 on organizing foreign capital investment in the economic activity;
Law by Decree No. (22) for the year 1993 on organizing the Ministry of Finance, Economy, and Trade and determining its jurisdictions;
Emiri Order No. (1) for the year 2002 on modifying the formation of the Council of Ministers;
The agreement to establish the World Trade Organization and the associated Multilateral Trade Agreements, and Decree No. (24) for the year 1995 ratifying the State of Qatar's WTO membership;
The proposal of the Minister of Economy and Trade; and
The draft law presented by the Council of Ministers.
And after consulting with the Advisory (Shora) Council.

We have decided the following:

Chapter One GENERAL PROVISIONS

Article 1

The following words, expressions and terms shall have the meaning shown against each unless otherwise indicated by the context.

The Ministry: Ministry of Economy and Trade

The Minister: Minister of Economy and Trade

The Department: the Trade Affairs Department in the Ministry

The Office: the Industrial Property Protection Office

Mark: every mark that distinguishes a merchant, a manufacturer or a service provider

Journal: Industrial Property Journal

Trademark: every apparent sign visually perceptible and capable of distinguishing certain products of an enterprise for a merchant, manufacturer or service provider.

Service mark: every apparent sign capable of distinguishing the services of one enterprise from the others.

Collective mark: the mark that different enterprises use or intend to use for their products or services under the supervision or control of the owner of this mark. The owner of a collective

mark can be a private or a public nominal person.

Group marks: a number of identical marks in terms of their essential components which do not differ in a manner substantially affecting their essential nature such as the color of the trademarks, products or services associated with the trademarks provided that such products or services are listed under the same class.

Trade name: the name that identifies and distinguishes the utilizing enterprise owned by natural or nominal people.

Geographical indicator: any expression or sign that indicates geographical name for a country, a region, a province or a place indicates that the origin of a product or the quality, specifications, and reputation related totally or partially to geographical environment or natural and mankind factors in the same origin.

Article (2)

Without prejudicing to international or bilateral agreement and treaties, applicable in Qatar, foreigners shall have the same rights that this Law guarantees for citizens of Qatar as long as they are citizens or residents of countries treating the citizens of Qatar and its residents on the same basis.

Article (3)

The Office shall assume the responsibilities provided for herein.

Article (4)

The Office shall issue a periodical Journal entitled the Industrial Property Journal to publish information required to be published in accordance with the provisions of this Law.

Article (5)

The Office shall establish a register to record all registered trademarks and their owners' data, assignment or transfer notifications, license beneficiary data and assignment, renewal, deletions and cancellation thereof, and all other issues concerning trademarks in accordance with the provisions of the implementing regulations of this Law.

CHAPTER TWO

Protected Trademarks

Article (6)

A mark is considered a registerable trademark if it, in particular, takes any of the following unique forms:

Names, signatures, words, letters, digits, drawings, photos, symbols, imprints, stamps, pictures, embossed engravings or any other sign, or a combination of colors or one nonfunctional color, a sound, an aroma, number of signs, if used or intended to be used either to distinguish products of industrial, vocational or agricultural project, or a special project to utilize forestry or earth outputs, or products sold or services provided in trade.

Article (7)

Without prejudice to the provisions of Article (26) of this Law, the registrant of a trademark is considered to be its exclusive owner. The ownership of a trademark shall not be disputable if

used by the registered owner for at least five consecutive years as of the date of registration. No action may be taken to dispute such ownership of the trademark.

Article (8)

The following may not be registered as a trademark or a component thereof:

1. Signs lacking any distinguishing features, or that are descriptive of the specifications of products or services, or those comprising marks or information that are only normal designations used by the general practice for such products, services or designs.
2. Every expression, design or sign contrary to moral or public order.
3. General logos, flags and other symbols, names or appellations associated with any country or international organization, as well as any imitation thereof unless accompanied by a prior written approval from the competent authority.
4. Official signs and imprints of any country or of its control or assurance of products or services unless there is a prior written approval from the competent authority.
5. Symbols identical or similar to the Red Crescent or Red Cross.
6. Picture, name or logos of a third party unless there is a prior written approval from such party.
7. Information related to degrees of honor if the registrant can not prove his legal eligibility thereof.
8. Identical or similar symbols that may cause public confusion between the current trademark and a previously registered one; or file an application thereof through others for identical or similar products or services or for commonly known signs even if not filed for registration or registered in Qatar, and regardless of the extent of resemblance or similarity among the associated products or services or required to be registered.
9. Signs that may mislead the public or those containing untrue information about the origin of products or services, or about their other specifications; as well as confusing signs because they contain dummy, forfeited or false trade information or names.

CHAPTER THREE

Registration Procedures

Article (9)

1. The application for a trademark registration is to be submitted to the Office on the designated form after paying the approved fees.
2. One application can be filed to register several trademarks after paying the approved fees.
3. Without prejudice to international or bilateral treaties and agreements applicable in Qatar, if the registrant is not a resident of Qatar or has no actual domicile therein, he should apply for the registration through an agent residing in Qatar, provided that the application is accompanied with an authentic power of attorney.

Article (10)

Without prejudice to international or bilateral treaties and agreements applicable in Qatar, the registrant may enjoy the priority right based on a previous application filed in another country subject to the following conditions:

1. The registrant should enclose with his application an acknowledgement indicating the date and number of the previous application and the country where the application has been filed.
2. The other country should be one of the countries treating Qatar on equal basis.
3. The applicant should submit, within six months of the previous application filing date, a copy of the previous application authenticated by the competent authority in the other country according to the approved procedures.

Article (11)

In case the Office has found the application for registration is not in accordance with the provisions of this Law, the Office has to reject the application or impose restrictions and modifications at its own discretion to identify and precisely illustrate the trademark to be registered. The Office should notify the registrant of its caused decision by a registered mail against a receipt within thirty days of the application submittal date.

Article (12)

If the registrant fails to adhere to restrictions and adjustments required by the Office within six months of the notification date indicated in the previous Article, his application will be deemed null and void.

Article (13)

The registrant can contest the decision within sixty days of receiving the notification. A committee formed of three members by a decision from the Minister and headed by a judge shall settle the objection.

Article (14)

The registrant can contest the decision of the committee indicated in the previous Article before the competent civil court within sixty days of receiving the notification by a registered mail against a receipt.

Article (15)

1. If the trademark is accepted or a decision or a ruling is passed in favor of the applicant in accordance with Articles (13) and (14) herein, the Office shall publish the trademark in the Journal.
2. Every concerned party may submit, within four months of the publication date, a written opposition to the trademark registration.
3. The Office shall provide the applicant with a copy of the opposition notice within two months of submission by a recommended letter. The registrant may submit, within two month of the notice, a caused written response to this opposition. If the registrant fails to submit the response within the specified period, he would be considered as relinquished his right to the application.
4. The Office may provide a hearing for the parties or one of them or their attorneys to present their pleadings and statements before settling the objection.
5. The decision of the Office regarding the opposition may be contested before the competent civil court within sixty days of notification to the concerned by a registered mail against a receipt.
6. The trademark is registered and recorded in the register after a final decision or ruling is passed to accept the trademark. The registration shall be effective as from the date of filing the application. The registration of the trademark shall be published in the Journal.

Article (16)

The trademark owner will be given, as soon as the registration process is completed, a certificate issued by the registrar with the following information:

1. Trademark serial number.
2. Application filing date and the registration date, as well as the priority date (if any), and the country where the application was filed and used by the registrant as a basis to claim priority rights.
3. Trade name or the trademark owner's data.
4. A copy of the trademark.
5. List of registered products or services for which the trademark was registered and their respective class number(s).

Article (17)

Any individual may have access to the trademark register free of charge, and may request any information, extracts or copies thereof after paying the approved fees.

CHAPTER FOUR

Term of Trademark Protection & Registration Renewal

Article (18)

The term of protection of a trademark shall be ten years as of the application date. The trademark owner shall have the right to continuous protection for renewed consecutive terms of ten years each, if he renews the registration in accordance with the prescribed regulations in the next Article.

Article (19)

1. The renewal will be effective as soon as the renewal fees are paid.
2. In case of renewal, no modifications by addition may be made whether to the trademark itself or to the product or service list for which it has been registered.
3. a) Payment of the renewal fees should be made within the last year of the valid protection term.
b) An extra six-month grace period shall be granted for the payment of renewal fees after the expiry of the protection term. In this case, the trademark owner shall pay the approved additional fees.
4. The renewal of the registration is published in the Journal.
5. No third party may register a non-renewed trademark for identical or similar products or services except after three years of such non-renewal.

CHAPTER FIVE

Registration Effect

Article (20)

The trademark owner shall have the right to prevent others from using his own trademark or use a similar sign that may mislead customers as to the products or services for which the trademark was registered, or to similar products or services.

CHAPTER SIX

Assignment and Transfer of Registered Trademarks

Article (21)

1. It is allowable to assign or transfer the ownership of a trademark with or without the exploitation enterprise, which uses the trademark to distinguish its products or services.
2. If the ownership of the exploitation project has been transferred or assigned without the trademark, the assignor or ownership transferor shall have the right to continue using the trademark for the registered products or services unless otherwise agreed upon.
3. The assignment of a trademark has to be made in writing and signed by the contracted parties before the competent officer at the Office or otherwise their signatures be officially authenticated before the competent authentication authority. If the ownership is transferred as a result of exploitation enterprises mergers or inheritance, such transfer is evidenced by the relevant document.
4. The assignment or transfer of a trademark is indicated on the register against the approved fees.
5. The assignment or transfer of a trademark shall have no effect towards third parties for priority unless indicated on the register and published in the Journal.
6. The assignment or transfer of a trademark is deemed to be invalid if it may result in misleading or confusing the public, especially for the nature of the products, services, their origin, their manufacturing process, their specifications or their adequacy for use in respect of the trademark or collective trademark intended to be used or actually used.

CHAPTER SEVEN

Licensing Contract

Article (22)

1. The trademark owner may, under a contract, grant any natural or nominal person a license to use the trademark for all or some of the registered products or services. The license term should not exceed the trademark's approved legal protection term. For the contract to be valid, it should be in writing and signed in the manner provided for in Clause (3) of the previous Article. The registered trademark owner must provide continuous control over the licensee with respect to the quality of goods and services associated with the trademark.
2. The license contract shall be recorded in the register after paying the approved fees. The license shall not have any effect towards others except after entry thereof in the register.
3. The cancellation of a license will be indicated on the register upon the request of the trademark owner or the licensee on the expiry of the licensing.
4. The Office shall automatically cancel the licensing entry at its own discretion or upon a request from any concerned party if it is evidenced that the trademark owner fails to meet his obligation to control the licensee in terms of the quality of products and services associated with the trademark in the manner provided for in Clause 1 herein.
5. The trademark owner shall have the right to license the use of the trademark and continue use it at the same time unless otherwise agreed upon under the contract.
6. The license may not be assigned to others. Furthermore, the licensee may not grant a sub-license unless otherwise agreed upon between him and the licensor.

CHAPTER Eight

Repeal, Cancellation and Invalidation

Article (23)

1. The trademark owner may repeal its registration or limit the registration to some of products or services under a written acknowledgement in the manner explained in Clause (3) of Article (21) herein.
2. The registration repeal shall be entered in the register and published in the Journal and will not be effective unless entered in the register and published.
3. If a license is recorded in the trademark register, the registration may not be repealed without the consent of the licensing beneficiary. Such consent shall be made under a written acknowledgement signed by the beneficiary as explained in Clause (3) of Article (21) herein.
4. In case of a trademark registration repeal, the trademark may not be re-registered in favor of others for identical or similar products or services except after at least three years of publishing the repeal.

Article (24)

1. Any concerned party may ask the court to canceling a trademark if not used by its owner himself or by others in Qatar for five consecutive years without reasonable justification.

The application for cancellation may be in relation of all or some of the products or services for which the trademark has been registered. The cancellation action shall not be accepted except after at least one month from a warning from the cancellation applicant to the trademark's owner to use it.

2. The court shall rule for the cancellation after ensuring that the owner has abandoned the use of the trademark without reasonable justification.
3. The final ruling of cancellation shall be notified to the Office and the trademark owner.
4. The cancellation shall be published in the Journal and indicated on the trademarks register. The registration of the trademark shall become void as of the date of non-use.

Article (25)

1. Subject to the provisions of Article (18) herein, the Office shall automatically cancel registered trademarks if their legal protection terms expire and no applications for renewal are filed in accordance with approved situations.
2. The cancellation is published in the Journal and indicated on the trademarks register. The registration shall be void as of the expiry date of legal protection.

Article (26)

Without prejudice to the provision of the previous Article, the Office or any concerned party may request the civil court to rule for the nullification of a trademark registration if illegitimately registered. Such request may be in respect of all or part of the products and services.

The final ruling of cancellation shall be notified to the Office and published in the Journal after indicating same on the trademarks register. The registration of the trademark shall become void as of the date of such indication.

CHAPTER NINE

Collective Trademarks

Article (27)

1. It is permissible, by a decision from the Minister, to register a collective trademark to the party that assumes the supervision or inspection of certain products or services as to their origin, components, manufacturing method, quality and nature, or in terms of the availability of common specifications.
2. The application for the registration of a collective trademark should enclose a document explaining the procedures that the applicant should follow to supervise or inspect the products or services to ensure the common specifications as explained in Clause (1) of this Article in addition to explaining how to use the collective trademark in their respect.
3. Collective trademarks may not be transferred except under a special permission from the Office.
4. A non-renewed collective trademark may not be reregistered in the name of a third party in respect of identical or similar products or services.
5. The provisions of this Law are effective over collective trademarks if not contrary to their nature.

Article (28)

1. The registered owner of a collective trademark shall notify the Office of any changes made to the rules provided for in Clause (2) of the previous Article.
2. Every concerned party may request the competent civil court to cancel the registration of a collective trademark if proved that the registered owner solely uses the collective trademark or allows others to use it in contrary to the rules provided for in the previous Article in a manner misleading business community or the public as to the common specifications that distinguish the product or service associated with the trademark.
3. The ownership of a collective trademark may not be the subject of a licensing contract. Furthermore, no changes may be made thereto without prior approval from the Office.

CHAPTER TEN

Commercial Data

Article (29)

Every explanation directly or indirectly related to the following is considered commercial data:

1. Number, amount, size, quantity, capacity or weight of the products.
2. The territory or country where the products was manufactured or produced.
3. The method of their manufacturing or production.
4. Components used.
5. Manufacturer or producer data.
6. The presence of patent rights, other intellectual property rights or any other concessions, prizes or letters of commendation.

Article (30)

The commercial data must be compatible to the facts in all respects regardless, whatsoever, of the manner used to display the data on the products, shops or stores or in any of them, or on envelops, packages, invoices, letterheads or on any means of media or others.

Article (31)

If the amount, size, quantity, capacity, or weight of the products; the component thereof; or the factors used in their valuation are different, such products shall not be imported, sold or displayed for sale unless they bear one or more of the said data in Arabic.

Article (32)

The manufacturer may not use the name of a party where he has a major factory in relation to products manufactured for him by a third party unless such name is accompanied by the data of the latter third party in a manner to prevent any confusion. The implementing regulations shall determine how the data is displayed on the products.

CHAPTER ELEVEN

Trade Names, Geographical Indications, and Industrial Designs & Models

Article (33)

The trade name enjoys protection in accordance with the provisions of this Law even if not registered.

Article (34)

The ownership of a trade name may not be transferred without the exploitation enterprise. It is also not permissible to use the personal name of a merchant or the name of his successor in the trade if such use would result in misleading the public.

Article (35)

A register shall be established in the Office for the optional registration of trade names. The implementing regulations shall determine the required regulations in this regard.

Article (36)

The owner of a trade name shall have the right to prevent others from using the name or any similar sign that may mislead or confuse the public as to the products and services associated therewith.

Article (37)

The provisions of this Law related to trademarks shall be applicable to trade names if not contrary to their nature.

Article (38)

Geographical indications enjoy protection in accordance with the provisions of this Law even if not registered.

Article (39)

Individuals domiciled in a location specially reputable for producing certain products may prevent those trading in similar products imported from a third source, or to place their own marks thereon

if it would result in misleading the public as to the origin of the products even if the marks do not include the names or addresses of such individuals, unless necessary precautions are taken to prevent any confusion.

Article (40)

Any natural or nominal concerned person may apply for the registration of a geographical indication to protect the origin of a certain product. The acceptance of the registration will not entail any exclusive right to the applicant. It may be used by any one practicing his activity in that geographical origin.

Article (41)

The provisions of this Law related to trademarks shall be applicable to geographical indications if not contrary to their nature. The implementing regulations shall determine the rules for the optional registration of geographical indications and the rule of their use.

Article (42)

Any natural or nominal person shall have the right to register any innovative industrial design or model.

Article (43)

The owner of an industrial design or model shall have the right to prevent others from using, forfeiting or forging it.

Article (44)

The industrial design or model is protected for five years, renewable for two similar terms.

Article (45)

The provisions of this Law related to trademarks shall be applicable to industrial designs or models if not contrary to their nature.

CHAPTER TWELVE

Preventive Measures and Penalties

Article (46)

1. Any concerned person may apply for an order from the competent civil court to take the appropriate preventive measures, especially with regard to:
 - a. Executing an inventory and detailed description of local or imported products, packaging, papers, shop addresses or others, which carry a forged or forfeited trademark or a trademark illegitimately posted or used; or carry any trade data or name, industrial design or model, or unreal geographical indication in contrary to the Law. Furthermore, to have an inventory and description of documents or other material used in committing any of the above mentioned acts.
 - b. Enforcing an apprehension on the items mentioned in the previous Clause, provided that such apprehension may not be enforced unless the applicant makes a deposit to the court's office as determined by the court as an assurance of the application seriousness and to compensate the subject of the apprehension if necessary.

2. This case may include assigning an expert or more to help in the inventory work and in taking the preventive measures.
3. After enforcing the apprehension, any concerned party may dispute the adequacy of the deposit made by the apprehension requestor by filing a lawsuit before the competent court.
4. In all cases, the preventive measures taken become invalid and void just like if not followed by a civil or penal lawsuit against the subject of these measures within the ten days following the issue date of the order.
5. The subject of the apprehension may file a lawsuit to claim compensation for the apprehension. The lawsuit shall be notified to both the requester and the office of the competent civil court within ninety days from the lapsed deadline provided for in the previous Clause, or from the date of passing a final decision to reject the apprehension.
6. The deposit is refunded to the requester in the following cases:
 - a. If a final ruling in his favor is passed.
 - b. If the ninety-day legal period provided for in Clause (5) herein expires and the subject of the apprehension have not filed a lawsuit claiming compensation for the apprehension.
 - c. If a final ruling rejecting the lawsuit of the subject of the apprehension is passed.

Article (47)

Without prejudice to any harsher penalty provided for by any other law, a penalty of no more than two years of imprisonment and a fine of no more than twenty thousand Riyals, or either of these two penalties, shall be imposed on any one who commits one or more of the following acts:

1. Forge or forfeit a registered trademark, forge or forfeit a trade name, geographical indication or an industrial design or model in a manner misleading or confusing the public.
2. Used in ill-faith a forged or forfeited trademark, trade name, geographical indication, or an industrial design and model.
3. Placed in ill-faith on his products; or used in respect of his products or services a trademark, trade name or geographical indication owned by others.
4. Sold, displayed for sale or circulation, or acquire for the purpose of illegal sale products that carry a forged or forfeited trademark, trade name, geographical indication, or an industrial design or model.
5. Presented or offered services while intentionally and illegitimately utilizing a registered trademark, or a trade name, geographical indication or an industrial design or model.

Article (48)

Without prejudice to any harsher penalty provided for by any other law, a penalty of no more than one year of imprisonment and a fine of no more than ten thousand Riyals, or either of these two penalties, shall be imposed on any one who commits one or more of the following acts:

1. Uses a non registered trademark in cases as provided for in Clauses (2) to (10) of Article (8) herein.
2. Violates the provisions of Articles (30) and (31) here.
3. Illegitimately indicates on his products, services, business papers or others any thing that may lead to the wrong belief that a trademark, a trade name or an industrial design or model is registered.

Article (49)

In case of recurrence, the penalties provided for in Articles (47) & (48) herein are doubled. The verdict shall combine imprisonment and fine under the Law.

Article (50)

In all specified cases provided for in Articles (47), (48) & (49) herein, the court's verdict shall include the publishing of the verdict at the expense of the convict in one or more daily newspapers, the closure of the enterprise for a period not less than fifteen days and not more than six months, and the confiscation of equipment and tools used in the reproduction or forgery; as well as confiscating the forfeited or forged products even in the case of not-guilty verdict.

Article (51)

Any concerned party shall have the right to refer to the competent civil court to stop the violation prospected in Articles (47) and (48) herein, or to prevent its occurrence, in addition to claiming for entitled compensation.

Article (52)

1. The competent civil court may rule for confiscation of the seized goods, and the closure of the enterprise for a period not less than fifteen days and not more than six months. The ruling shall be published at the expense of the convict in one or more daily newspapers.
2. The court may decide to dispose of forfeited or forged trademarks, geographical indications, trade names, industrial designs or models, the products displaying them, or products illegitimately carrying false data or data in violation of the Law, even in the case of not-guilty verdict.

CHAPTER THIRTEEN

Final Provisions

Article (53)

Due fees shall be determined upon initiating the procedures related to the implementation of this Law by a decision from the Council of Ministers based on the Minister's recommendation.

Article (54)

The Minister shall issue within two months of placing this Law into effect the implementing regulations thereof. Until such time when such implementing regulations are applied, the current valid implementing regulations shall continue to apply as long as they do not contradict with the provisions of this Law.

The implementing regulations shall determine the procedure for the timed protection of trademarks associated with products or services offered in exhibitions organized inside or outside Qatar.

Article (55)

The employees who are assigned by a decision from the Minister shall have the authority of Judicial Inspectors in apprehending and substantiating crimes committed against the provisions of this Law.

Article (56)

The Law No. (3) for the year 1978 indicated above shall be canceled. Additionally, any provision that is not compatible to the provisions of this Law shall also be cancelled.

Article (57)

All competent authorities, each in its area of jurisdiction, must implement this Law. The Law shall be published in the Journal.

Enacted in the Emiri Court on 15/ 6 / 2002

Jassim Bin Hamad Al Thani
Deputy Emir of Qatar