

Law No. 9 of 2002 with respect to Trademarks, Trade Indications, Trade names, Geographical Indications and Industrial Designs and Templates 9 / 2002

Number of Articles: 57

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We, Jassim bin Hamad Al-Thani, Deputy Emir of Qatar;
Having reviewed the Amended Provisional Constitution, in particular Articles 22, 23, 34 and 51 thereof;
Law No. 11 of 1962 establishing the Commercial Registration System, as amended,
Law No. 3 of 1978 regarding trademarks and trade data, as amended,
Law No. 13 of 2000 regulating the investment of foreign capital in the economic activity,
Decree-Law No. 22 of 1993 organising the Ministry of Finance, Economy, and Trade and specifying its functions,
Emiri Order No. 1 of 2002 amending the formation of the Council of Ministers,
Decree No. 24 of 1995 ratifying the accession of the State of Qatar to the Convention establishing
the WTO and the Multilateral Trade Agreements annexed hereto,
The proposal of the Minister of Economy and Commerce,
The bill submitted by the Council of Ministers,
After taking the opinion of the Shura Council,
Hereby promulgate the following law:

Chapter One

General Provisions

Article 1

In the application of the provisions of this Law, the following words and expressions shall have the meanings assigned to each, unless the context requires otherwise:

“Ministry” means the Ministry of Economy and Trade

“Minister” means the Minister of Economy and Trade

“Department” means the Department of Commercial Affairs at the Ministry.

“Office” means the Office for the Protection of Industrial Property

“Mark” means any mark that distinguishes a trader, manufacturer or service provider.

“Gazette” means the Industrial Property Gazette

“Trademark” means any clear visible sign that can distinguish the goods of a specific enterprise of a trader, manufacturer or service provider.

“Service Mark” means any clear sign that can distinguish the services of one enterprise from another.

“Collective Mark” means a mark used or intended to be used by different enterprises for their goods or services under the control or the inspection of the owner of the mark, who may be a private or public legal person.

“Group of Marks” means a group of marks the essential elements of which are identical and which do not differ in a manner that substantially affects their identity, such as the colour of the marks or the goods or services to which the mark relates, provided that such goods or services are included in the same class.

“Trade Name” means the name or designation identifying the enterprise owned by a natural or judicial person.

“Geographical Indication” means any expression or sign that denotes the geographic name of any country, region, territory or site, and indicates the origin of the product or that its quality, characteristics or reputation is due in whole or in part to the geographical environment or natural and human factors in this origin.

Article 2

Without prejudice to the provisions of international or bilateral treaties and conventions effective in Qatar, foreigners shall have the same rights under this Law as nationals of the State of Qatar, provided that they are nationals of or residents in states that grant the nationals of and residents in Qatar reciprocal treatment.

Article 3

The Office shall be responsible for carrying out the duties stipulated in this Law.

Article 4

A regular gazette called the “Industrial Property Gazette” shall be issued from the Office in which the particulars which must be advertised in accordance with the provisions of this Law shall be published

Article 5

The Office shall keep a register wherein shall be entered all registered marks with the details of their owners, notifications of assignments or transfers, the details of licensees, renunciations, renewals, nullities, and such other matters relating to marks as may be prescribed in the executive bylaw of this Law.

Chapter Two

Protected Trademarks

Article 6

A mark shall be considered worthy of registration in particular if it takes a distinctive form of any of the following:

Names, signatures, words, letters, numerals, designs, pictures, symbols, stamps, seals, vignettes, reliefs and any other sign or a variety of colours, a non-functional single colour, sound, or smell, or a combination of signs, if used or intended to be used to distinguish the products of enterprises in the fields of industry, handicraft or agriculture, or private enterprises in the fields of forestry or mining or to distinguish goods sold or services performed in the course of trade.

Article 7

Without prejudice to the provision of Article 26 of this Law, the person who registered the mark shall be deemed to be the absolute owner thereof. The ownership of a mark cannot be contested if the person in whose name the mark is registered has made uninterrupted use of it for a period of at least five years after the date of registration without the initiation of any claim against him in dispute of his ownership thereof.

Article 8

The following cannot be registered as marks or as elements thereof:

- 1 - Signs free of any distinctive character, or which are a mere description of the characteristics of goods or services or which consist of marks and indications that are the normal designations in use for such goods or services or their normal designs.
- 2 - Any term, design or sign contrary to morality or public order.
- 3 - Public emblems, flags and other symbols and names or designations relating either to a country or international organization, as well as any imitation of the above unless with the prior written approval of the relevant authority.
- 4 - Official signs and hallmarks of any country or relating to its control and guarantee of goods or services, unless with the prior written approval of the relevant authority.
- 5 - Symbols which are identical or similar to the Red Crescent or Red Cross.
- 6 - The picture, name or emblems of a third party unless with his prior written approval.
- 7 - Indications of honorary distinctions to which the applicant cannot prove that he is legally entitled.
- 8 - Signs which are identical or confusingly similar to the public, to a mark already registered or for which an application was filed by a third party for identical or similar goods or services, or signs that are widely famous even though an application was not filed for them or they were not registered in Qatar, regardless of the extent to which the associated goods or services or those for which a registration application was made are identical or similar.
- 9 - Signs likely to deceive the public or which contain false details as to the origin or other characteristics of the goods or services, as well as signs that create confusion due their containing a fictitious, falsified or counterfeit indication or trade name.

Chapter Three

Registration Procedures

Article 9

- 1 - The application for the registration of a mark shall be filed with the Office on the form prepared for this purpose, after payment of the prescribed fees.
- 2 - A single application for registration may be filed for a group of marks after payment of the prescribed fees.
- 3 - Without prejudice to the provisions of international or bilateral treaties and conventions effective in Qatar, if the applicant is not domiciled or does not have a real and actual establishment in the State of Qatar, he shall file the application for registration through an agent domiciled in the State of Qatar, provided that the application is accompanied by a certified power of attorney.

Article 10

Without prejudice to the provisions of international or bilateral treaties and conventions effective in Qatar, the applicant for registration of a mark may enjoy a right of priority on the grounds of an earlier application filed in another State, on the following conditions:

- 1 - The applicant shall append to his application a declaration indicating the date and number of the earlier application and the state in which it was filed.
- 2 - The other State shall be among those which grant Qatar reciprocal treatment.
- 3 - The applicant shall file, within a period of six months after the date of submission of the earlier application, a copy of the earlier application certified by the relevant authority in the other State in accordance with the conditions prescribed.

Article 11

If the Office finds that the application for registration does not comply with the provisions of this Law, it may reject it or impose whatever restrictions and modifications it deems necessary for defining and clarifying the mark to be registered more accurately.

The Office shall notify the registration applicant of its decision, by registered mail with acknowledgement of receipt, indicating the grounds thereof, within thirty days of the submission of the application.

Article 12

If the applicant fails to comply with the requirements or amendments imposed by the Office, within six months from the date of the notification referred to in the preceding article, he shall be deemed to be null and void.

Article 13

The applicant may within 60 days from the date of his notification thereof, appeal against the decision of the Office. The appeal shall be decided by a Committee formed by a resolution of the Minister which shall consist of three members under the chairmanship of a judge.

Article 14

The applicant may appeal against the decision of the Committee referred to in the preceding Article to the relevant Civil Court, within 60 days from the date he is notified of the decision by registered mail with acknowledgement of receipt.

Article 15

1 - In the event the mark is accepted or the resolution or decision issued under Articles 13 and 14 of this Law is in favour of the applicant the Office shall publicize the mark in the Gazette.

2 - Any person concerned may submit to the Office, within four months after the mark is publicized, a notice in writing of his opposition to the registration of the mark containing his reasons for opposition.

3 - The Office must send a copy of the notice of opposition to the applicant, by registered mail, within two months from the date the opposition is submitted.

The applicant may, within two months from being notified, furnish the Office with a written reply to such opposition, stating his reasons. If no reply is received during that period, the applicant shall be deemed to have abandoned the application.

4 - Before deciding on the opposition, the Office may hear the statements of both parties or either of them, or their agents.

5 - The decision of the Office regarding the opposition shall be subject to appeal to the relevant Civil Court within a period of 60 days after the date of the notification of such decision to the persons concerned by registered mail with acknowledgement of receipt.

6 - The mark shall be registered and recorded in the Registry after the final resolution or decision of its acceptance is issued. The registration shall have effect as from the date of filing the application, and shall be publicized in the Gazette.

Article 16

On registration of a mark, a certificate shall be issued to the owner containing the following information, as recorded in the Trademarks Registry:

1 - The serial number of the mark.

2 - The filing date of the application, the date of registration, the date of priority, if any, and the name of the State wherein the application was filed and on the basis of which the applicant enjoys the right of priority.

3 - The trade name or the details of the owner of the mark.

4 - A copy of the mark

Article 17

Any person may consult the Trademarks Registry free of charge and request, on payment of the prescribed fees, for details, extracts and copies.

Chapter Four

Duration of Protection of the Mark & Renewal of Registration

Article 18

The duration of the protection of a mark shall be ten years from the date of filing the application for registration. The owner of the mark shall have the right to the continuation of the protection for further consecutive periods of ten years each by a renewal of the registration in conformity with the rules stipulated in the following article.

Article 19

- Renewal of the registration of a mark shall be effected merely by paying the renewal fees.
- 2 - In the event of renewal, no inclusion of any change by addition may be made in the mark or in the list of goods or services in respect of which the mark is registered.
- 3- a) The renewal fee must be paid in the course of the final year of the current protection period.
- b) - A grace period of six months shall be granted for the payment of the renewal fee after the expiry of the current protection period. In such instance the owner of the mark shall be liable for payment of the prescribed additional fee.
- 4 - Renewal of the registration shall be published in the Gazette.
- 5 - A mark which is not renewed cannot be registered by a third party in respect of identical or similar goods or services until at least three years have elapsed after it was not renewed.

Chapter Five

Effect of Registration

Article 20

The owner of a registered mark shall have the right to prohibit third parties from using his mark, or any sign resembling it in such a way as to be likely to mislead the public, in respect of goods or services for which the mark is registered or for similar goods or services.

Chapter Six

Assignment and Transfer Of Ownership Of a Registered Mark

Article 21

- The ownership of a registered mark may be assigned or transferred with the enterprise in respect of which the mark is used to distinguish its goods or services or without it.
- 2 - If the ownership of an enterprise is assigned or transferred without the mark, the assignor or transferor may, in the absence of agreement to the contrary, continue to use that mark for the goods or services for which it was registered.

3 - The assignment of a mark must be in writing and must be signed by the contracting parties before the relevant officer at the Office or their signatures must be officially endorsed before the relevant verification authority. If the transfer of ownership takes place through a merger of enterprises or by way of succession, the transfer shall be established by the document furnishing evidence thereof.

4 - The assignment and transfer of ownership of a mark shall be noted in the Registry on payment of the prescribed fee.

5 - Assignments and transfers of ownership of marks shall have no effect against third parties until they have been noted in the Registry and publicized in the Gazette.

6 - Assignments and transfers of ownership of registered marks shall be null and void if they are likely to mislead or create confusion in the public, especially with regards to the nature of the goods or services, or their origin, method of manufacture, characteristics or suitability for use, in relation to the mark or collective mark intended to be used or already in use.

Chapter Seven

License Contract

Article 22

The owner of a mark may, by contract, grant to any other natural or legal person a license to use the mark for all or part of the goods or services in respect of which the mark is registered. The duration of the license cannot be longer than the legal protection period stipulated for the mark. The license contract must be in writing and must be signed in the manner indicated in Clause 3 of the preceding article. The owner of the mark must continuously monitor the licensee with regards to the quality of the goods and services associated with the mark.

2 - The license contract must be recorded in the Registry on payment of the prescribed fee. Licensing shall have no effect against third parties until it has been recorded in the Registry.

3 - The recording of a license shall be removed from the Registry on the request of the owner of the mark or the licensee, when the license expires.

4 - The Office must remove the record of the license itself or on the request of any person concerned if it is established that the owner of the mark did not fulfil his obligation to monitor the licensee with regards to the quality of the goods and services associated with the mark in the matter contained in Clause 1 of this Article.

5 - In the absence of agreement to the contrary in the contract, the owner of the mark shall have the right to grant license for use of the mark and continue to use it himself.

6 - A license may not be assigned to a third party and the licensee may not grant sub-licenses, unless there is agreement between him and the licensor to the contrary.

Chapter Eight

Renunciation, Cancellation and Nullity

Article 23

The owner of a mark may renounce the registration of his mark or restrict the registration thereof to certain goods or services, by virtue of a written declaration to that effect in the manner indicated in Clause 3 of Article 21 of this Law.

2 - Renunciation of registration shall be recorded in the Registry and publicized in the Gazette. It shall only become effective after it has been recorded in the Registry and publicized.

3 - If a license is recorded in the Trademarks Registry, registration may not be renounced except by consent of the licensee, upon submission of a declaration in writing to be signed by the licensee in the manner indicated in Clause 3 of Article 21 of this Law.

4 - In the case of renunciation of the registration of a mark, the mark cannot be re-registered for the benefit of a third party in respect of identical or similar goods or services until three years have elapsed after the renunciation is publicized.

Article 24

Any person concerned may request the court to cancel the mark if the owner has failed to use the mark or to cause it to be used by a third party in Qatar for five consecutive years without reasonable justification.

The request for cancellation may apply to the whole or part of the goods or services for which the mark was registered. The case for cancellation shall not be only be accepted after at least one month has elapsed from the date the applicant for cancellation notified the owner of the mark regarding the use thereof.

2 - The court shall issue a ruling of cancellation after confirming that the owner has abandoned the use of the mark without reasonable justification.

3 - The final decision issued for the cancellation of a mark shall be communicated to the Office and the owner of the mark.

4 - Cancellation shall be publicized in the Gazette and noted in the Registry. Registration of a mark shall be deemed to have never existed as from the date it ceased to be used.

Article 25

Subject to the provisions of Article 18 of this Law, the Office shall automatically cancel registered marks if the legal protection period expires and no application for renewal was made in accordance with the conditions prescribed.

2 - Cancellation shall be publicized in the Gazette and noted in the Registry. Registration of a mark shall be deemed to have never existed as from the date of expiry of the legal protection period.

Article 26

Without prejudice to the provision of the preceding article, the Office or any person concerned may request the Civil Court to declare the registration of a mark null and void if the mark had been registered without a valid reason. The request may apply to the whole or part of the goods or services.

The Office shall be notified of the final decision issued for the nullity and it shall be publicized in the Gazette after being noted in the Registry. Registration of a mark shall be deemed to have never existed as from the date of this notation.

Chapter Nine

Collective Marks

Article 27

- Anyone undertaking the control or inspection of certain goods or services as to their origin, components, manufacturing process, quality, identity or as to the existence of any other common characteristics may, by a decision of the Minister, be authorized to register a collective mark.

2 - The application for the registration of a collective mark must be accompanied by a document containing the rules which the applicant for registration will follow in the control or inspection of the goods or services to verify the common characteristics in the manner set forth in Clause 1 of this article, together with an indication of the manner in which the collective mark is to be used in connection therewith.

3 - The ownership of a collective mark can be transferred only by the special authorization of the Office.

4 - A collective mark which is not renewed cannot be registered for the benefit of a third party in respect of identical or similar goods or services.

5 - The provisions of this Law are applicable to collective marks in so far as they are not in conflict with their special nature.

Article 28

The registered owner of a collective mark shall notify the Office of any changes that are made to the rules stipulated in Clause 2 of the preceding articles.

2 - Any person concerned may request the relevant Civil Court to cancel the registration of a collective mark, if it is established that the registered owner is using the collective mark on his own, or allows others to use it in violation of the rules stipulated in the preceding article, such that it is likely to mislead the business community or the public, with respect to the common distinguishing characteristics of the goods or service associated with the mark.

3 - The ownership of a collective mark may not be the subject of a license contract, nor may any amendment be made therein except with prior approval by the Office.

Chapter Ten

Commercial Indications

Article 29

A commercial indication is considered to be any description related directly or indirectly, to the following:

1 - The number, quantity, size, capacity, power or weight of the goods.

2 - The place or the country in which the goods were manufactured or produced.

3 - The method of manufacture or production of the goods.

4 - The elements entering into the composition of the goods.

5 - Details of the manufacturer or producer.

6 - The existence of patents or other intellectual property rights, or of any privileges, awards or certificates of appreciation.

Article 30

Any commercial indication placed in any manner whatsoever on or in goods, shops or warehouses, or on signboards, packaging, invoices, writing paper, advertising materials or other means must correspond, in all respects, with reality.

Article 31

If the quantity, size, capacity, power, weight or elements entering into the composition of the goods are relevant factors in the appreciation of their value, then the importation, sale or offer for sale of such goods shall not be allowed unless they bear one or more of the said indications in the Arabic language.

Article 32

A manufacturer may not use the name of the place in which he has a main factory on goods that are manufactured for him in another place, unless this name is accompanied by an indication of the latter place in a manner that precludes any confusion.

The Executive Bylaw shall specify the manner in which these indications shall be placed on the goods.

Chapter Eleven

Trade names, Geographical Indications and Industrial Designs and Templates

Article 33

A trade name shall enjoy protection in accordance with the provisions of this Law, even if it is not registered.

Article 34

A trade name may not be transferred without the enterprise, nor may the personal name of the trader or the name of his predecessor, in the field of trade, be used if that is likely to mislead the public.

Article 35

A register shall be created at the Office for voluntary registration of trade names. The Executive Bylaw shall determine the laws necessary in this regard.

Article 36

The owner of the trade name shall have the right to prevent others from using the same, or using any sign resembling it in such way as to be likely to mislead the public or create confusion in respect of the goods or services associated to it.

Article 37

The provisions of this Law related to trademarks shall be applicable to trade names in so far as they are not in conflict with their special nature

Article 38

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

Article 39

Persons residing in a place particularly renowned for the production of certain goods may prevent those trading in similar goods from another place, or from placing their marks on them, if it is likely to mislead the public in relation to the source of those goods, even if these marks do not contain the names of these persons or their addresses, as long as measures to ensure the prevention of any confusion are not taken.

Article 40

Any natural or legal person concerned may apply for the registration of a geographical indication to protect the origin of a particular commodity. Acceptance of the registration will not result in any exclusive right to the applicant and any person who engages in activity in that geographical origin may use the same.

Article 41

The provisions of this Law related to marks shall be applicable to geographical indications in so far as they are not in conflict with their special nature. The Executive Bylaw shall determine the rules for voluntary registration of geographical indications and the rules for the use thereof.

Article 42

Any natural or legal person shall have the right to register any innovative industrial design or template.

Article 43

The owner of an industrial design or template shall have the right to prevent others from using, imitating or forging the same.

Article 44

An industrial design or template shall be protected for a period of five years which shall be renewable for two similar periods.

Article 45

The provisions of this Law related to marks shall be applicable to industrial designs or templates in so far as they are not in conflict with their special nature.

Chapter Twelve

Precautionary Measures and Sanctions

Article 46

Any person concerned may obtain an order, based upon a petition, from the relevant Civil Court for the appropriate preventive measures to be taken, including in particular the following:

a) The recording of a detailed descriptive inventory of local or imported goods, packaging, papers, signboards or other articles bearing a forged, imitated or wrongfully affixed or used mark, or bearing any false or unlawful indication or trade name, or any industrial design or template, or geographical indication, as well as of documents or materials used in committing any of the said acts.

b) Imposition of a distraint of the articles mentioned in the preceding Clause, provided that such distraint does not take place until the applicant deposits with the Clerk of the Civil Court a security determined by the court, to guarantee the seriousness of the application and to indemnify the distrainee if required.

2 - The order may include the nomination of one or more experts to assist in the preparation of the inventory and in taking the preventive measures.

3 - After the imposition of the distraint, the extent of the adequacy of the value of the security submitted by the distrainor may be contested by any person concerned by lodging an action before the relevant court.

4 - In all cases the preventive measures taken shall fall away and become null and void unless followed, within ten days after the date of the order, by a civil or criminal action initiated against the party in respect of whom those measures were taken.

5 - The distrainee may initiate an action for damages for the imposition of the distraint. The action shall be notified to the distrainor and the Clerk of the relevant Civil Court within 90 days after the expiry of the period indicated in the preceding clause or from the date that the ruling for dismissal of the distrainor's action is deemed final, otherwise the distrainee shall forfeit his right to initiate such an action.

6 - The security shall be restored to the distrainor in the following cases:

a) If a final decision has been issued in his favour.

b) If the period of 90 days provided in Clause 5 of this Article has elapsed during which the distrainee has not initiated an action for damages for imposition of the distraint.

c) If a final decision has been issued to reject the distrainee's action.

Article 47

Without prejudice to any more severe sanction provided for by any other law, a sanction of imprisonment not exceeding two years, and a fine of not more than twenty thousand riyals, or either of these sanctions, shall be imposed on any person who does one or more of the following actions:

1 - Forges a registered mark or imitates it, or imitates or forges a trade name, geographical indication or an industrial design or template, in a manner that is likely to mislead or confuse the public.

2 - Fraudulently uses a forged or imitated mark, trade name, geographical indication or an industrial design or template.

3 - Fraudulently affixes to his goods or uses in connection with his goods or services a mark, trade name or geographical indication belonging to another person.

4 - Unrightfully and knowingly sells or offers for sale or trade, or holds for the purpose of sale, goods bearing a forged or imitated mark, trade name, geographical indication or industrial design or template.

5 - Unrightfully and knowingly provides or offers services making use of a forged or imitated mark, trade name, geographical indication or industrial design or template.

Article 48

Without prejudice to any more severe sanction provided for by any other law, a sanction of imprisonment not exceeding one year, and a fine of not more than ten thousand riyals, or either of these sanctions, shall be imposed on any person who does one or more of the following actions:

1 - Uses an unregistered mark in the cases provided for in Clauses 2 to 10 of Article 8 of this Law.

2 - Violates the provisions of Articles 30 and 31 of this Law.

3 - Falsely indicates on his goods, services or business papers anything that leads to the belief that a mark, trade name or industrial design or template has been registered.

Article 49

In the case of repetition the sanctions provided for in Articles 47 and 48 of this Law shall be doubled, and the ruling for imprisonment and a fine together shall be mandatory.

Article 50

In all cases provided for in Articles 47, 48 and 49 of this Law, the court shall rule for the publication of the judgement at the expense of the convicted person 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 confiscation of the equipment and tools used for the imitation or forgery, in addition to the confiscation of the imitated or forged goods even in the case of acquittal

Article 51

Any person concerned shall have the right to resort to the relevant Civil Court to prevent the continuation of the transgression contemplated in Articles 47 and 48 of this Law or prevent its occurrence, in addition to the claim for due compensation.

Article 52

The relevant Civil Court may rule that the distrained items be confiscated, the enterprise be closed for a period not less than 15 days and not more than six months, and that the judgment be published in one or more newspapers at the expense of the convicted party.

2 - The court shall pass judgement for the destruction of the forged or imitated marks, indications, trade names and industrial designs and templates, the goods on which they are placed, or those that falsely bear incorrect or unlawful details, even in the case of acquittal.

Chapter Thirteen

Final Provisions

Article 53

The fees payable when carrying out the steps related to the implementation of the provisions of this Law shall be determined by a resolution of the Cabinet based on the proposal of the Minister.

Article 54

The Minister shall issue, within two months of this law coming into effect, the Executive Bylaw for the same. Until such time that this bylaw comes into effect, the Executive Bylaw and resolutions currently in force and which do not conflict with the provisions of this Law shall continue to be in effect.

The Executive Bylaw shall determine the procedures related to temporary protection of marks associated with goods or services provided at exhibitions within Qatar or abroad.

Article 55

The employees delegated by a resolution of the Minister shall have the capacity of law enforcement officers in enforcing and establishing the occurrence of

crimes committed in violation of the provisions of this Law.

Article 56

Law No. 3 of 1978 referred to above is repealed as is any provision that contradicts the provisions of this law.

Article 57

All relevant authorities, each within its own jurisdiction, shall implement this law which shall be published in the Official Gazette.

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