



## QATAR

### Law no. 9 of 2002 Pertaining to Trademarks, Commercial Indications, Trade Names, Geographical Indications, and Industrial Designs and Models

#### **General Provisions**

##### Article 1:

Unless otherwise required by the context, the following words, terms and expressions shall have the meanings hereby respectively assigned to them:

Ministry: Ministry of Economy and Commerce.

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Department: Department of Commercial Affairs in the Ministry.

Office: Industrial Property Protection Office.

Mark: Any sign that distinguishes a merchant, a manufacturer or a service provider.

Bulletin: Industrial Property Bulletin.

Trademark: Any visible sign that can distinguish the goods of an enterprise or a merchant or a manufacturer or a service provider.

Service mark: Any visible sign that can distinguish the services of one enterprise from those of other enterprises.

Collective mark: 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 this mark, who may be a private or public legal person.

Group of marks: A group of marks the essential elements of which are identical, their differences being confined to matters not substantially affecting their identity, such as the color of the Marks or the goods or services, to which the marks relate, provided that such goods or services are included in the same class.

Trade name: The name identifying and distinguishing the exploitation enterprise owned by a natural or juridical person.

Geographical Indication: Any expression or sign indicating the geographical name of a country, region, locality or place which serves to designate the origin of the product or to indicate that the quality, characteristics or renown of the product of which are due exclusively or partly to the geographical environment or the natural and human factors in such origin.

Article 2:

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

Article 3:

The Office shall take on the responsibilities contained in this law.

Article 4:

The Office shall issue a periodical called "Industrial Property Bulletin" wherein the data that must be advertised under the provisions of this law shall be published.

Article 5:

The Office shall keep a Register, wherein shall be entered all the registered marks, particulars of their owners, notifications of assignments or transfers of ownership, the particulars of licensees as well as renunciations thereof, renewals, cancellations, invalidations and all other matters relating to the mark, pursuant to the provisions of the Implementing Regulations of this law.

## **Protected Trade Marks**

Article 6:

Any of the following, especially when having a distinctive form are deemed to be marks eligible for registration:

Names, signatures, words, letters, numerals, designs, pictures, symbols, stamps, seals, vignettes, reliefs, and any other sign or combination of colors, a single nonfunctional color, a sound, a smell or a combination of signs, if used or intended to be used to distinguish the products of an industrial, occupational or agricultural enterprise forest exploitation or mining enterprises or goods sold or services offered in the course of trade.

Article 7:

Without prejudice to the provisions of Article 26 of this Law, the person who registered the mark is deemed to be the absolute owner thereof. Ownership of a mark cannot be contested where the mark has been in continuous use by the registrant for at least five years from the date of registration without the initiation of proceedings challenging his ownership.

Article 8:

The following shall not be registered as a trademark or as part of a trademark:

1. Signs destitute of any distinctive character, or which are merely a description of characteristics of the goods or services or which are only the normal appellations given by usage to such goods or services, or the normal designs thereof;

2. Any expression, design or sign contrary to morals or to public order;
3. Public emblems, flags and other symbols and names or denominations relating to any state or international organization, as well as any imitation thereof unless a prior written consent is obtained from the competent authority.
4. Official signs and hallmarks of any state or relating to its control or guarantee of goods and services, unless a prior written consent is obtained from the competent authority.
5. Symbols, which are identical with or similar to the Red Cross or Red Crescent.
6. The picture, name or emblems of an individual unless a prior written consent is obtained there from.
7. Indications of honorary distinctions, which the applicant fails to prove that he is legally entitled.
8. Signs which are confusingly identical or similar to a mark previously registered or filed by a third party for identical or similar goods or services or well-known signs even if not registered or applied for registration in Qatar irrespective of the identification or similarity of the related goods or services for which registration is sought.
9. Signs likely to deceive the public or which contain false indications as to the origin or other characteristics of the goods or services, as well as signs that might create confusion for containing a fictitious, falsified or counterfeit commercial indication or trade name.
10. Marks identical or similar to religious symbols.

## **Registration Procedures**

### Article 9:

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

### Article 10:

Without prejudice to the provisions of international or bilateral agreements and treaties valid in Qatar, the applicant may enjoy a right of priority based on an earlier application filed in another state, provided that:

1. The applicant appends 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 is among those, which grant Qatar reciprocal treatment.
3. The applicant submits within six months after the date of submission of the earlier application, a copy thereof certified by the competent authority in the other State in accordance with the determined conditions.

Article 11:

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

The Office shall notify the applicant, by a recorded delivery mail, of its justified decision within thirty days from the date of filing of the application.

Article 12:

If the applicant fails to comply with the restrictions or modifications imposed by the Office, within six months from the date of the notification referred to in the preceding Article, his application shall be deemed as if it never existed.

Article 13:

The applicant may appeal against the decision of the Office within 60 days from the date of the notification thereof. The appeal shall be resolved by a Committee formed by a decision of the Minister, composed of three members and headed by one of the judges.

Article 14:

The applicant may appeal against the decision of the Committee referred to in the preceding Article to the competent Civil Court, within 60 days from the date of his notification of the decision, by a recorded delivery mail.

Article 15:

1) Where a mark is accepted or a decision or ruling under Articles (13) and (14) in favor of the applicant is issued, the Office shall publish the mark in the Bulletin.

2) Any concerned person may within four months from the publication date oppose in writing the registration of the Mark, stating his grounds for opposition.

3) The Office shall notify the applicant with a copy of the notice of opposition, within two months from the date of submission thereof by registered letter.

The applicant may, within two months from being notified, furnish the Office with a justified written reply to such opposition. The applicant shall be deemed to have abandoned his application, if he failed to submit his reply within that period.

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

5) The Decision issued by the Office regarding the opposition might be subject to appeal to the competent Civil Court within 60 days following the notification of such decision to the person concerned, by a recorded delivery mail.

6) The mark shall be registered and entered in the Register upon the issuance of its final judgement or decision of acceptance. The registration shall have effect as from the date of filing the application, and shall be advertised in the Bulletin.

**Article 16:**

The owner of the mark, once its registration is achieved, shall receive a certificate from the Trade Mark Registry that contains the following particulars:

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 corresponding application was filed and on the basis of which the applicant claims the priority rights.
3. Trade name or particulars of the owner of the mark.
4. Specimen of the mark.
5. A list of the goods or services for which the mark is registered and the class or classes to which they belong.

**Article 17:**

Any person may consult the Register of Marks free of charge and apply, on payment of the prescribed fees, for extracts or copies.

### **Term of the Trade Mark Protection & Renewal of Registration**

**Article 18:**

The term of the protection of a mark shall be ten years from the date of filing of the application for registration. The owner of the mark may ensure the continuation of the protection for further consecutive periods of ten years by a renewal of the registration in conformity with the rules provided for in the following Article.

**Article 19:**

- 1) Renewal of the registration shall be effected merely by paying the renewal fees.
- 2) At the time of renewal, amendment of addition shall not be allowed neither to the Mark nor to the list of goods or services in respect of which the Mark was registered.
- 3) a) The renewal fees must be paid during the last year of the valid protection period.  
b) A grace period of six months shall be granted for the payment of the renewal fee after the expiration of the valid protection period. In this case, the owner of the mark shall pay the prescribed surcharge.
- 4) Renewal of the registration shall be published in the Bulletin.
- 5) A mark, which is not renewed, cannot be re-registered in favor of third parties in respect of identical or similar goods or services before the lapse of three years from the date of non-renewal.

## **Effects of Registration**

Article 20:

The owner of the registered mark shall have the right to prevent third parties from using his mark or any sign that is likely to deceive the public in respect of the goods or services for which the mark has been registered or similar goods or services.

## **Assignment and Transfer of Ownership of Registered Marks**

Article 21:

1) The ownership of a registered mark may be assigned or transferred with or without the enterprise in respect of which the mark is used to distinguish its products or services.

2) If the ownership of an enterprise is assigned or transferred without a given mark, the assignor or the transferor may, in the absence of agreement to the contrary, continue to use that mark for the goods and services for which it was registered.

3) The assignment of a mark shall be in writing and shall be signed by the contracting parties before the competent officer of the Office. Or if the transfer of ownership is made through a merger of enterprises or by way of succession, it may be proved by the document furnishing evidence of the transfer of ownership.

4) The assignment and transfer of ownership of the mark shall be recorded in the Register upon payment of the prescribed fee.

5) Assignments and transfers of ownership of marks shall have no effect against third parties until they have been recorded in the Register and published in the Bulletin.

6) The assignment or transfer of the ownership of a mark shall be considered as null if it is likely to deceive and mislead the public, specifically, with regard to the nature, origin, manufacturing process, characteristics or usability of the goods or services of which the trademark or the collective mark is intended to be used or which is actually used.

## **License Agreement**

Article 22:

1) The owner of a mark may, by contract, grant 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 exceed the statutory protection term of the mark.

The license agreement shall be in writing and must be signed by the contracting parties as indicated in item 3 of the preceding Article. The owner of the registered mark shall undertake to continuously monitor the licensee in respect of the quality of the goods and services related to the mark.

2) The license agreement shall be recorded in the Register upon payment of the prescribed fee. Licensing shall have no effect against third parties until it has been recorded in the Register.

3) The license shall be removed from the Register on the request of the owner of the mark or the licensee, upon its expiration.

4) The Office shall be obliged, on its own or on the request of a concerned party, to cancel the recordation of a license if it was proved that the owner of the mark failed to adhere to his obligation to monitor the quality of the goods or services related to the Mark in the manner included in item (1) here above.

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

6) In the absence of a provision to the contrary in the license agreement a license shall not be assignable to third parties and the licensee shall not be entitled to grant sub-licenses.

### **Renunciation, Cancellation and Invalidation**

#### Article 23:

1) The owner of the Mark may renounce the registration of his mark or restrict it to certain goods or services, by virtue of a written declaration as indicated in item (3) of Article 21 of this Law.

2) Renunciation of registration shall be recorded in the Register and published in the Bulletin. It shall be effective only after it has been recorded in the Register and published.

3) If a license is recorded in the Register of marks, registration may not be renounced except by consent of the licensee, upon submission of a declaration in writing to be signed by the licensee as indicated in item (3) of Article 21 of this Law.

4) In the case of renunciation of the registration of a mark, the mark shall not be registered for the benefit of a third party in respect of identical or similar goods or services before the lapse of three years from the publication of the renunciation.

#### Article 24:

1) Any concerned person may request the court to cancel the Mark if, during five consecutive years, the owner has failed, without a reasonable excuse, to use the mark or to cause it to be used by a third party in the State of Qatar. Cancellation shall apply to the whole or part of the goods or services for which the Mark was registered. The cancellation action shall not be accepted before the lapse of one month at least from the date in which the cancellation applicant alerted the owner of the Mark about its lack of use.

2) The court shall order the cancellation after verifying that the owner refrained from using the Mark without a reasonable excuse.

3) The final decision of cancellation shall be communicated to the Office and the trademark owner.

4) Cancellation shall be published in the Bulletin and recorded in the Register. Registration of the mark shall be deemed to have never existed as from the date it ceased to be used.

Article 25:

1) Notwithstanding the provisions of Article (18) of this Law, the Office shall remove, ex officio, registered marks if the duration of the statutory protection term has expired without applying for its renewal in accordance to the determined procedures.

2) Cancellation shall be published in the Bulletin and recorded in the Register. Registration of the mark shall be deemed to have never existed as from the date of expiration of the statutory protection term.

Article 26:

Without prejudice to the provisions of the preceding Article, the Office or any interested person may request the Civil Court to declare the registration of a mark null and void if the mark had been illegitimately registered. Nullity may apply to the whole or part of the goods and services.

The final decision declaring the registration of a mark null and void shall be communicated to the Office and published in the Bulletin and recorded in the Register. Registration of the mark shall be deemed to have never existed as from the date of such recordation.

## **Collective Marks**

Article 27:

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

2) The application for 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, so as to verify the common characteristics in the manner indicated in item (1) hereto, and an illustration of the manner in which the collective mark is to be used in connection therewith.

3) The ownership of a collective mark cannot be transferred without the special authorization of the Office.

4) A collective mark, which is not renewed, cannot be re-registered in favor of third parties in respect of identical or similar goods or services.

5) The provisions of this Law are applicable to collective marks without prejudice to their special character.

Article 28:

1) The registered owner of the collective mark shall notify the Office of any changes made in the rules provided for in paragraph (2) of the preceding Article.

2) Any concerned person may request the competent Civil Court to cancel the registration of the collective Mark if it was proved that the registered owner is



exercising a solitary use of the collective mark, or allows third parties to use it in contradiction to the rules provided for in the preceding Article in a manner that is likely to deceive the commercial circles or the public with regard to the common characteristics distinguishing the commodity or service related to the Mark.

3) The ownership of a collective mark may not be the subject of a license agreement and changes thereto shall not take place without the prior consent of the Office.

### **Commercial Indications**

Article 29:

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

- (a) The number, quantity, size, capacity, power or weight of the products.
- (b) The place or the country in which the goods were manufactured or produced.
- (c) The manufacturing process or method of production.
- (d) The components elements therein.
- (e) The particulars of the manufacturer or the producer.
- (f) The existence of patents or other rights or of any privileges, awards or certificates of distinction.

Article 30:

Any commercial indication figuring either directly on goods, or in shops, warehouses, signboards, packaging, invoices, writing paper, or any other means of advertising, must correspond, in all respects, with reality.

Article 31:

If the quantity, size, capacity, power, weight or component elements of the goods are relevant elements in the appreciation of their value, they may not be imported, sold or offered for sale unless one or more of the said indications in Arabic Language are affixed thereon.

Article 32:

The manufacturer may not use the name of the place where he has a principle factory with respect to goods manufactured for his benefit in another place, unless such a name is accompanied by an indication of the latter place in a manner that prevents any confusion.

The Implementing Regulations shall define the manner in which such indications are to be affixed on the products.

### **Trade Names, Geographical Indications, Industrial Designs, and Models**

Article 33:

A Trade Name shall be protected by the provisions of this Law even if not registered.

Article 34:

Ownership of a trade name cannot be transferred without the related project of exploitation. Furthermore, the personal name of the merchant or his predecessor may not be used in trade if it was likely to deceive the public.

Article 35:

The Office shall maintain a register for the voluntary registration of trade names; the Implementing Regulations shall provide for the necessary procedures therefore.

Article 36:

The owner of a trade name shall have the right to prevent others from using it or the use of any similar sign that might deceive the public or create confusion with regard to the products or services related thereto.

Article 37:

The Trade Marks related provisions of this Law shall apply on trade names without prejudice to their special character.

Article 38:

Pursuant to the provisions of this Law geographical indications shall be protected even if not registered.

Article 39:

Persons residing in a place reputed for the production of certain products may restrain others from trading in similar products originating in other places, or from affixing their marks on such products, if it was likely to deceive the public with regard to the origin of these products, even if the marks do not contain the names or addresses of such persons, unless the appropriate measures to prevent any confusion are taken.

Article 40:

Any interested person whether natural or legal may apply for the registration of a geographical indication to protect the origin of a certain product; acceptance of the registration shall not grant any exclusive rights to the applicant, and it may be used by any person who has an activity in that geographical origin.

Article 41:

The Trade Marks related provisions of this Law shall apply on geographical indications without prejudice to its special character.  
The Implementing Regulations shall provide for the rules of the voluntary registration of geographical indications and its use.

Article 42:

Any natural or legal person is entitled to register any invented industrial design or model.

Article 43:

The owner of an industrial design or model is entitled to prevent third parties from using, imitating or counterfeiting it.

Article 44:

The industrial design or model shall be protected for a period of five years renewable for a further two similar periods.

Article 45:

The Trade Marks related provisions of this Law shall apply on industrial designs and models, without prejudice to their special character.

## **Preventive Measures & Penalties**

### Article 46:

1) Any interested person may obtain from the competent Civil Court, by a petition, an order directing the implementation of the appropriate preventive measures including, in particular, the following:

(a) The establishment of a detailed descriptive inventory of goods manufactured locally or imported, packaging, papers, sign-boards or other articles bearing a counterfeit, imitated or wrongfully affixed or used mark, or any false or unlawful indication, trade name, industrial design or model or geographical indication, as well as a report counting and describing documents or material used in the commitment of any of the aforementioned acts.

(b) Distrainment of articles mentioned in the preceding paragraph, provided that such distrainment does not take place until the applicant deposits a security to the Office of the Court, on the basis of an estimate made by the court to prove the seriousness of the petition and to indemnify the distrainee when necessary.

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

3) After distrainment, the adequacy of the security deposited by the distrainor may be contested by concerned persons by lodging an action before the competent court.

4) The preventive measures shall, in all cases, become null and void unless followed by a civil or criminal action initiated against the party in respect of whom the measures were taken within ten days from the date of the court order.

5) The distrainee may initiate an action for damages when distrainment takes place. The action shall be notified to the distrainor and the Office of the competent Civil Court within 90 days from the expiration of the period indicated in the preceding paragraph or after the final dismissal of the distrainor's action, 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 ruling in his favor was taken.

(b) If the period of the 90 days provided for in paragraph 5 of this Article has elapsed, during which the distrainee has not initiated an action for damages for the seizure,

(c) If a final ruling has been taken rejecting the distrainee's action.

### Article 47:

Without prejudice to any severer penalty provided for in another Law, persons committing one or more of the following acts shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding 20,000 Riyals or to either of those penalties:

1. Any person counterfeiting or imitating a registered trademark, trade name, geographical indication or industrial design or model in a manner that is likely to deceive or confuse the public.

2. Any person maliciously making use of a counterfeit or imitated mark, trade name, geographical indication or industrial design or model.

3. Any person fraudulently affixing an or using in connection to his goods or services, a mark, a trade name or a geographical indication belonging to another person.

4. Any person who knowingly sells or offers for sale or distributes, or holds for the purpose of sale, goods bearing a counterfeit, imitated or wrongfully affixed or used mark, trade name, geographical indication or industrial design or model.

5. Any person who knowingly and unlawfully offers services under a registered mark, trade name, geographical indication or industrial design or model.

#### Article 48:

Without prejudice to any severer penalty provided for in another Law, persons committing one or more of the following acts shall be punished by imprisonment for a term not exceeding one year, and to a fine not exceeding 10,000 Riyals or to either of these penalties:

1. Any person using an unregistered mark in the cases prescribed in paragraphs 2 to 10 of Article 8 of this Law.

2. Any person violating the provisions of Articles 30 and 31 of this Law.

3. Any person falsely indicating on his goods, services, business papers or other materials any information that might lead to believe that the mark, trade name or industrial design or model has been registered.

#### Article 49:

In case of recurrence, the penalties provided for in Articles 47 and 48 herein shall be doubled and both penalties of imprisonment and fine shall become inevitable.

#### Article 50:

In all cases provided for in Articles 47, 48 and 49 of this Law the court shall order the publication of the verdict in one or more daily newspapers at the expense of the convicted party and the closure of the enterprise for a period not less than fifteen days and not more than six months, the confiscation of the equipment and material used in the counterfeiting or imitation as well as the confiscation of the counterfeit or imitated products, even in case of the acquittal.

#### Article 51:

Any concerned person may initiate an action in front of the competent Civil Court to prohibit the continuation of the infringement provided for in Articles 47 and 48 herein or to prevent its occurrence as well as claiming the rightful indemnifications.

#### Article 52:

1) The competent Civil Court may order the confiscation of the seized products and the closure of the enterprise for a period not less than fifteen days and not exceeding six months. The ruling shall be published in one or more daily newspapers at the expense of the convicted party.

2) The court shall order the destruction of the counterfeited or imitated marks, indications, trade names or industrial designs or models or the products bearing the aforementioned or which unlawfully bear false or illegal indications, even in case of the acquittal.

## **Final Provisions**

### Article 53:

The fees payable upon the commencement of proceedings related to the execution of the provisions of this Law shall be fixed by a Cabinet decision based on the Minister's proposal.

### Article 54:

The Minister shall issue the related Implementing Regulations of this Law within two months from its commencement; until then the existing Implementing Regulations and decisions shall apply without prejudice to the provisions of this law.

The Implementing Regulations shall provide for procedures related to the temporary protection for marks connected with goods or services presented in exhibitions held in or outside the State of Qatar.

### Article 55:

The Officers appointed by an Order from the Minister shall have the status of judicial police for proving the offenses committed in violation of the provisions of this law.

### Article 56:

Law No. 3 of 1978 is repealed as well as every provision inconsistent with the provisions of this Law.

### Article 57:

All parties concerned, each within its competence, are charged with the implementation of this Law and it shall be published in the Official Gazette.