



Law No. 7 of 2014 Promulgating the Law (Regulation) of Trademarks in the GCC Countries 7 / 2014

Number of Articles: 57

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We, Tamim Bin Hamad Al-Thani, Emir of the State of Qatar,
Having perused the Constitution;
The Law of Trademarks in the GCC Countries, promulgated by Law No. 18

of 2007;

The Resolution of the Supreme Council for the GCC countries in its thirty-third session, 24-25 December 2012,

on ratification of the Trademarks Law in the GCC countries;

The proposal of the Minister of Economy and Commerce;

The draft law submitted by the Council of Ministers; and

After consulting the opinion of the *Shura* Council;

Hereby promulgate the following Law:

Issuance Articles

Article 1 - Ø¥ØµØ¯Ø§Ø±

The provisions of the Law of Trademarks in the GCC countries attached herein shall apply.

Article 2 - Ø¥ØµØ¯Ø§Ø±

In the implementation of the provisions of the Law attached hereto, the “Competent Authority” means the Ministry of Economy and Commerce;

“The Minister” means the Minister of Economy and Commerce; and

“The competent department” means the Department of Intellectual Property Rights Protection at the aforesaid Ministry.

Article 3 - Ø¥ØµØ¯Ø§Ø±

The Minister shall issue the necessary resolutions for implementation of the provisions of the Law attached hereto. Pending issuance of such resolutions, currently applicable resolutions shall prevail, as long as they do not contradict the provisions therein.

Article 4 - Ø¥ØµØ¯Ø§Ø±

The Law of Trademarks in the GCC Countries promulgated by Law No. 18 of 2007, referred to above, and each provision that violates the provisions of the Law (Regulation) attached hereto shall be repealed.

Article 5 - $\text{Ø}\text{¥}\text{Ø}\mu\text{Ø}^{-}\text{Ø}\text{§}\text{Ø}\pm$

All competent authorities, each within their respective jurisdiction, shall enforce this Law which shall come into force six months after ratification of the executive bylaw of the Law (Regulation) attached hereto by the Commercial Cooperation Committee and shall be published in *Official Gazette*.

Part 1: Definitions

Article 1

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

“GCC countries” means the Gulf Cooperation Council for the Arab Gulf States.

“The Competent Authority” means the competent ministry in each of the GCC countries responsible for trade affairs and in charge of implementing this Law.

“The Minister” means the minister concerned in application of the provisions of this Law.

“Executive Bylaw” means the bylaw established by the Committee of Commercial Cooperation for the implementation of this Law.

“Register” means the Trademarks Register.

Article 2

A trademark: shall mean everything that takes a distinctive form such as names, words, signatures, characters, semiotics and codes, numbers, titles, seals, drawings, images, pictures or graphics, inscriptions, packaging, figurative elements, shapes or colour, colours or combinations thereof, smell, sound, movement or any combination thereof, or any other sign or group of signs used or intended to be used to distinguish goods or services of one business from the goods or services of another business.

Part 2: Procedures

Chapter one: Registration Procedures of Trademarks

Article 3

No trademark or part thereof shall be considered as such, nor shall it be registered if it has any of the following descriptions:

1. A mark which is free of any distinctive feature, consisting of signs or details which are only the customary names that are given by custom and usage to goods, products and services, or familiar drawings and ordinary pictures of goods and products.
2. Expressions, drawings or signs which are immoral or contrary to public order.
3. Public slogans, flags, military emblems and other insignia belonging to any of GCC countries, other states, Arab or international organisations or one of their agencies, or any imitation of such things.
4. Signs which are identical to the sign of the Red Crescent or Red Cross and other signs that are imitations thereof.
5. Marks identical or similar to symbols of a purely religious nature.
6. Geographical names, if their use is likely to cause confusion regarding the source or origin of the goods or services.
7. Name of a third party, surname, photograph or logo, unless he or his heirs agrees in advance to the use thereof.
8. Information relating to honorary or academic degrees which the legal entitlement of which the applicant for registration does not prove.
9. Marks which are likely to mislead the public, or contain a false indication of the origin or source of the goods or services or other descriptions and other marks which contain a false, imitated or forged commercial name.
10. Marks owned by natural or corporate persons with whom dealing is banned pursuant to a decision issued in this respect by the competent authority.
11. Marks that are identical or similar to a mark previously registered by others for the same goods, services or similar goods or services if the use of the mark to be registered would generate linkage with the other owner's registered goods or services or damage his interests.
12. Marks for some goods or services whose registration may diminish the value of the goods or services distinguished by the previous mark.
13. Marks which are copies, imitation or translation of a famous trademark or part thereof which is owned by others, to be used to distinguish goods or services identical or similar to those distinguished by the famous mark.
14. Marks which are copies, imitation or translation of a famous trademark or an essential part thereof owned by others, to be used to distinguish goods or services not identical or similar to those distinguished by the famous mark, if such use indicates a link between such goods and services and the famous mark and could likely damage the interests of the owner of the famous mark.

15. Marks which contain the following words or phrases: "Franchise", "Registered" or "Registered fee or copyrights" or similar words and phrases.

Article 4

1. No registration of a famous international trademark shall be permitted beyond its country in which it registered unless expressly agreed to by its owner.
 2. The fame of the mark shall be determined by the extent of its well-known status among the public as a result of its promotion, the period of the registration or use thereof, the number of countries that have registered or has well-known status there or the value of the mark and the extent of its impact in the promotion of goods or services for which the mark is used to distinguish.
 3. Famous trademarks may not be registered to distinguish goods or services not identical or similar to those which were distinguished by such trademark if:
 - A. The use of the trademark indicates a link between the goods or services required to be distinguished and the goods or services of the owner of the famous trademark.
 - B. The use of the mark could damage the interests of the owner of the famous mark.
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Article 5

The following categories are entitled to register their respective trademarks:

1. Any natural or legal person who is a national of a GCC country and an owner of a factory or a product, a craftsman or trader, or owner of a private service project.
 2. Foreigners residing in any of the GCC countries and who are licensed to engage in any activities relating to trade, industry, crafts or service.
 3. Foreigners who are belonging to a member state of multilateral international convention that a state of the GCC countries is a party, or who are residing in that state.
 4. Public utilities.
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Article 6

1. A register entitled "Trademarks Register" shall be established at the Competent Authority, wherein all trademarks, names and addresses of owners, as well as descriptions of respective goods or services shall be entered. The register shall also record any amendments that may occur, such as transfer, assignment or license to use, lien, renewal or cancellation. All concerned parties shall be entitled to review the register and to take a certified extract therefrom.
2. Trademarks Register existing at the time of application of the provisions herein shall be merged into the Register set forth in the preceding item and shall be an integral part thereof.

Article 7

1. Any person who registers a trademark in good faith shall acquire ownership therein. No dispute of a trademark shall be considered if the registration of the trademark combined with using it for at least five years without the presence of a legal dispute thereon.
 2. A person who claims prior use of a registered trademark may file an application to court for the cancellation of the registration within five years from the date of registration, unless the registered owner obtains express or implied permission from this person to use the mark.
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Article 8

An application for registration of a trademark shall be submitted by the owner or his delegate to the Competent Authority on the form prepared for this purpose in accordance with the conditions prescribed by the executive bylaw.

Article 9

1. The trademark may be registered for one or more categories of the goods or services as determined by the executive bylaw.
 2. Goods or services shall not be considered as similar to each other just for being listed in the same category, and shall not be considered as different from each other just for being listed in different categories of the same classification.
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Article 10

Where two or more persons apply simultaneously for registration of the same trademark, or of similar or identical trademarks for one category of products or services, all such applications shall be suspended until a waiver signed by the disputing parties and certified by the Competent Authority is submitted in favour of one applicant, or otherwise until a final ruling in the dispute is issued.

Article 11

Where an applicant or his assignee seeks to benefit from the right of prior use based on a previous application made in a member state of multilateral international convention that a state of the GCC countries is a party, he shall enclose with his application a copy of the previous application and an acknowledgement indicating the date, number and country of the previous application within six months from the date of application for registration upon which he applies for the right of prior use. Failure to comply with this provision shall result in forfeiture of his claim.

Article 12

1. The Competent Authority may impose restrictions or modifications to clarify the trademark in such a way as to prevent confusion with previously registered or deposited marks, or for any other reason at its discretion.
 2. In case an applicant fails to respond to the Competent Authority within ninety days from the date of notification, he shall be deemed to have waived his application.
 3. In case the Competent Authority may for any reason decline registration of the trademark, or impose restrictions or modifications, it shall notify the applicant or his delegate in writing.
 4. In all cases, the Competent Authority shall decide on an application within ninety days from the date of its submission, provided that it satisfies the conditions prescribed by this Law and the executive bylaw thereof.
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Article 13

1. The applicant or his delegate may appeal the dismissal of an application by the Competent Authority, provided that such appeal is submitted before a committee designated by the executive bylaw within sixty days from the date of notification of the dismissal formally. The applicant may challenge the decision of the committee before a competent court within sixty days of the date of notification of the decision.
 2. Where an applicant fails to comply with the aforesaid period, he shall be deemed to have waived his application.
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Article 14

1. Upon acceptance by the Competent Authority of the trademark, it shall advertise the same before registration thereof, as provided in the executive bylaw, and the applicant shall bear the costs of such advertising.
2. All concerned parties may submit a written opposition against registration of the advertised trademark within sixty days from the date of the advertisement. The Competent Authority shall provide the applicant with a copy of the opposition within thirty days from the date of its

submission. The applicant shall provide the Competent Authority with a written reply to the opposition within sixty days from the date of notification of the opposition. Failure to reply shall be deemed a waiver of his application.

Article 15

1. The Competent Authority shall hear oral arguments from the objector and the applicant or from one of them, if necessary, before ruling on an opposition.
 2. The Competent Authority shall issue a ruling either accepting or rejecting registration of the mark, in case of acceptance it may impose any restrictions it deems appropriate.
 3. All concerned parties may challenge the ruling in a competent court within thirty days after it is issued. The challenge against a decision to accept the registration of a trademark shall not suspend the registration procedures unless the competent court decides otherwise.
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Article 16

If the specified period for objection has elapsed without submitting any objection on the acceptance of application for registration of the trademark, the competent authority shall register the trademark immediately after the expiration of the period specified for objection.

Article 17

1. The registration of a trademark shall be effective from the date of submission of the application and shall be accompanied by a certificate reflecting the following data:
 - A. Mark registration number.
 - B. Number and date of priority and a country wherein initial application was submitted, if any.
 - C. Date of submission of application, date of registration of the mark and date on which protection will expire.
 - D. Name, surname, domicile and nationality of the owner.
 - E. A true copy of the mark.
 - F. List of goods and services under the trademark and indication of respective categories.
2. The owner of the registered trademark shall have the exclusive right to use the mark and to prevent third parties from using it or using any sign identical or similar to it if the third parties did not get the approval from him, including any geographical indication in the context of trade to distinguish goods or services related to such goods or services for which the trademark was registered, in case of this use would cause confusion to the public. This confusion is supposed

to occur in case of the use of the same mark or a similar mark to distinguish goods or services similar to those for which the mark was registered.

Article 18

An owner of a previously registered mark may apply to the Competent Authority at any time requesting it to approve additions or modifications that do not substantially prejudice the identity of the mark. The Competent Authority shall decide on the application in accordance with applicable conditions and procedures for the original registration applications. Such decision shall be subject to appeal and challenge in the same manners prescribed for decisions issued for such applications.

Article 19

The Competent Authority may add any previously omitted statement to the register, and may modify or delete any statement improperly entered therein. All concerned parties may challenge any of these measures taken by the Competent Authority in a court of jurisdiction

Chapter Two: The Term of Trademark Protection

Article 20

1. The term of protection consequent to registration of a trademark shall be ten years. If the owner wishes to continue such protection for similar periods, he shall submit an application for renewal during the last year, provided that such application is submitted in accordance with the conditions stipulated in this Law and its executive bylaw.
 2. Trademark owner shall have the right to renew the registration of the registered mark during the six months following the expiration of the registration.
 3. If a period of six months has elapsed after expiration of the registration and the owner of the mark has not applied for renewal thereof, the Competent Authority may delete the mark from the register.
 4. Renewal shall not be subject to any further inspection or to any opposition from third parties and shall be advertised in any publishing means prescribed by the executive bylaw.
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Article 21

The marks placed on the goods prohibited in the official international exhibitions or officially recognised which is held within the State shall be accorded temporary protection during their presentation whenever satisfy the registration conditions provided for in this Law, the executive bylaw shall specify the rules and procedures for granting such temporary protection.

Chapter Three: Cancellation of Trademark Registrat

Article 22

Without prejudice to the provisions of Article 7 herein, the Competent Authority as well as any concerned party may request a court of law to cancel an improperly registered trademark. The Competent Authority shall cancel the trademark as soon as a final ruling is issued thereon.

Article 23

The owner of the trademark may apply to the Competent Authority to cancel the mark of either all or part of the goods and services associated with the mark. The application for cancellation shall be submitted in accordance with the terms and procedures specified by the executive bylaw. Where the use of such mark is registered under a contract entered into the register, cancellation of the mark shall not occur except with the written consent of the license holder or where he expressly waives his right therein.

Article 24

Upon the request by any interested party, a competent court may order cancellation of the mark from the Register if it is proved that the mark has not been used actively for five consecutive years, unless the owner of the mark provides reasons for non-use.

Article 25

Where a mark is cancelled from the register, such mark shall not be re-registered in favour of third parties for the same or similar goods or services before the lapse of three years from the

date of cancellation, unless a competent court has ordered the cancellation and prescribed a shorter period for re-registration of the mark.

Article 26

Announcement of the cancellation of a mark from the register in any publishing means shall be in accordance with the executive bylaw.

Chapter Four: The Transfer of Ownership, Lien and

Article 27

1. The ownership of a trademark may, in whole or part thereof, with or without consideration, be assigned, lien or attached to the business or project whose goods or services are offered under the trademark, unless otherwise provided for.
 2. Ownership of a trademark may be transferred by succession, will or grant.
 3. In all cases, the transfer of ownership, lien or attachment of the mark shall not be deemed proper until it has been recorded in the trademarks register and announced according to the executive bylaw.
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Article 28

1. Transfer of ownership of a business or project shall include the trademarks registered under the name of the owner. The marks shall be deemed to be closely associated with the business or project, unless otherwise provided for.
 2. Where ownership of a business or project with registered marks has been transferred without transfer of the marks, the transferee may continue manufacturing the same goods and rendering the same services under which the mark is registered, or otherwise trading therein, unless otherwise agreed.
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Part 3: Licensing Contracts

Article 29

The owner of a trademark may license the use thereof to any natural or legal person for all or part of the registered goods or services. The owner of the mark shall simultaneously have the right to license the use of the same trademark to other persons. He shall in any event be entitled to use the same for his own purposes, unless otherwise agreed. The term of the license shall not exceed the term of protection of the trademark.

Article 30

No restrictions shall be imposed on the licensee of a mark other than those arising from the registration thereof.

Nevertheless, the license contract may contain the following restrictions:

1. Determination of the territory and term for the use of the mark.
 2. Conditions governing the effective control over the quality of the goods or services.
 3. Commitments imposed on the licensee to refrain from all acts detrimental to the trademark.
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Article 31

The license contract for using the trademark shall not be valid unless it is written but recording it in the register shall not be required. In case of the trademark recorded in the register, the executive bylaw shall specify the manner of recording and advertising thereof.

Article 32

The licensee shall not assign or sub-license the trademark, unless otherwise agreed.

Article 33

The recording of the license contract shall be cancelled from the register upon the request of the trademark owner or the licensee following submittal of evidence proving the expiration or termination of license contract.

The recording shall not be cancelled unless the Competent Authority notifies the other party of

the application for cancellation, in which case he shall be entitled to oppose it in accordance with the procedures stipulated in the executive bylaw.

Part 4: Collective Trademarks, Control Trademarks,

Article 34

1. A group of trademarks used to distinguish goods or services of institutions belonging to members in a certain entity of legal personality may be registered.

The registration application for group trademarks may be submitted by the representative of such entity in accordance with specified conditions and terms, provided that approval thereof is obtained from the Competent Authority.

2. The application for registration of a group trademark shall state that such registration belongs to a group trademark, provided that such application encloses a copy of the conditions related to the use of the trademark being registered.

In all cases, the owner of the registered group trademark shall notify the Competent Authority of any changes in such conditions, and such changes shall not be effective until approved by the Competent Authority.

3. Where a group trademark is cancelled, it shall not be re-registered in favour of third parties for identical or similar goods or services.

4. A concerned party may request a court of competent jurisdiction to cancel a group trademark if it is established that the registered owner is using the group mark alone, or he is using or permitting use thereof in violation of the conditions referred to in Item 2 above, or is otherwise using it in such a way as to mislead or confuse the public about the origin of the goods or services or of the common description of the goods or services registered under the group mark.

Article 35

1. Legal persons who conduct inspections or control checks of the origin, components, method of manufacture, quality, identity and other related properties of goods and services may apply to the Competent Authority for registration of a mark as an indication that such inspections or control checks have been conducted.

In all cases, the mark shall not be registered or transferred without the approval of the Competent Authority.

2. The application for registration of a control trademark shall state that such registration is related to a control or inspection mark and shall enclose a copy of the conditions related to the use of the trademarks requested to be registered.

In all cases, the owner of the registered mark shall notify the Competent Authority of any changes to such conditions, and such changes shall not be effective until approved by the Competent Authority.

Article 36

Marks for non-commercial purposes, such as logos of public utilities or professional institutions used to distinguish correspondence or to serve as badges for their members, may be registered.

Article 37

1. Signs which can be used in the context of trade as geographical indications may be considered as a certification mark or a group mark.
 2. The executive bylaw shall specify the conditions and rules for registration of marks as stipulated in Articles 34, 35, and 36 herein, the documents to be submitted for registration, and other regulatory matters relating thereto. Registration of marks shall be subject to all provisions herein.
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Part 5: Rights Enforcement

Article 38

1. The owner, if he has justified reasons to make him believe that importing imitated or forged goods or goods bearing mark similar to his registered trademark in a way would cause confusion to the public could be possible, may submit a written application to the authority competent in customs release to stop customs release for these goods and tonot allow to be traded. The application shall be accompanied by evidence that is enough to convince the authority competent in customs release that there is infringement, as apparent, on the right of the applicant for the mark, and the application shall include sufficient information that could reasonably available to the applicant to enable the said authority to identify such goods.
2. The authority competent in customs release shall notify the applicant in writing of its decision on the application within seven days from the date of submission of the application, and such decision shall be effective, in the case of acceptance of the application, for a period of one year from the date of submission, or for the remaining period of trademark protection,

whichever is earlier, unless the applicant requests shorter period.

3. The authority competent in customs release may assign the applicant to provide appropriate bailor its equivalent guarantee that is enough to protect the defendant and the competent authorities, and to prevent abuse of the right to request to stop the customs release.

4. Without prejudice to the provisions of the preceding items, the authority competent in customs release may *proprio motu*, without the need to file a complaint or an application by the owner or a third party, issue a decision to stop customs release for imported or transit goods or goods prepared for export upon their arrival to the customs zone under its jurisdiction, if there is sufficient evidences, as apparent, prove that these goods are imitated or improperly bearing a mark similar to a registered trademark, in a manner could cause a confusion to the public.

5. If the authority competent in customs release has decided, pursuant to the provisions of this Article, to stop the release of goods which are reached to the customs zone under its jurisdiction, it shall do the following:

A. Notifying goods importer and the owner of the decision issued to stop the customs release immediately after its issue.

B. Notifying the owner, upon written request from him, of the names and addresses of the sender and importer of goods and the recipient and quantities.

C. Allowing the concerned person to inspect the goods according to the customs procedures followed in this regard.

The owner may file a claim on the origin of the dispute before the competent court and inform this to the authority competent in customs release within a period not exceeding ten working days from the date of notification of the decision to stop the customs release for these goods, otherwise the decision shall be deemed as of no effect, unless such authority or the competent court extended this period in cases it estimates for a period not exceeding more ten days, and if the claim is already filed on the origin of the dispute, the court may support, modify or cancel the issue.

6. With the exception of cases estimated by the court, if the court proved that the goods on which decided to stop the customs release are imitated or forged or improperly bearing a trademark similar to the registered trademark, in a manner could cause a confusion to the public, such goods shall be destroyed at the expense of the importer, or disposed out of the commercial channels if such destruction may cause unacceptable harm to public health or the environment.

7. In all cases, goods shall not be released to commercial channels or permitted to re-export just by removing the trademark that placed illegally.

8. The Minister of Finance shall, after coordination with the competent minister, issue a decision specifying the data, conditions, controls and procedures for submitting an application to stop the customs release and to decide thereon, and what shall be attached to this application of documents. Specifying such data shall not lead to refrain from request to take the procedure referred to above.

For the purposes of this Article, imitated goods means goods, including casings, bearing without authorisation a mark similar to a registered trademark for such goods or a mark cannot be distinguished in terms of the fundamental elements from a registered trademark.

Article 39

The provisions of Article 38 of this Law shall not apply to:

- A. Small quantities, of non-commercial nature, of goods which are contained inside the travellers' personal luggage or sent in small packages.
 - B. Goods which are offered for trading on the markets of the exporting country by the owner of the trademark or with his consent.
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Article 40

1. In case of infringement, or to prevent an imminent infringement, on any of the rights prescribed under the provisions of this Law, the owner may obtain an order on a petition from the competent court on the origin of the dispute to take measure(s) of appropriate precautionary measures, including the following:

- A. Conducting detailed description for the alleged infringement, and goods which are subject of these infringement, and materials, tools and equipment that have been used or will be used in any of it, and keeping relevant evidences.
- B. Imposing attachment on things, referred to in the preceding paragraph, and revenues resulting from the alleged infringement.
- C. Preventing goods that subject of the alleged infringement from entering into the commercial channels and preventing export thereof, including imported goods immediately after customs release thereof.
- D. Stopping or preventing occurring infringement.

2. The court may assign the petitioner to submit what he has of evidences that likely the occurrence of an infringement or an imminent infringement may occur on the right, and may assign him to provide sufficient information to enable the competent authority to implement the precautionary measure of identification of the goods concerned.

3. The court shall decide on the petition within a period not exceeding ten days from the date of submission, with the exception of exceptional cases estimated by it.

4. The court may, when required, issue the order, at the request of the petitioner, without calling the other party, if delay in issuing the order may cause the irreparable harm to plaintiff, or there is a fear of the demise or destruction of evidence, in this case the other party shall be notified of the matter without delay immediately after its issuance, and when necessary, the other party may be notified after implementing the order directly.

5. If the court ordered to take precautionary measure without calling the other party, the defendant after being notified of the matter may appeal it before the competent court within twenty days from the date of notification, and the court in this case may support, modify or cancel it.

6. The court may assign the petitioner to provide a suitable bail or its equivalent guarantee that is sufficient to protect the defendant and to prevent abuse of the right, and the amount of bail, or its equivalent guarantee, shall not be big that leads unreasonably to refrain from request to take precautionary measures referred to above.

7. the owner may file a claim on the origin of the dispute within twenty days from the date of issuance of the order to take the precautionary measures, or from the date of notification of the rejection of the appeal provided for in Item 5 of this Article, as the circumstances may be, unless this order shall be cancelled at the request of the defendant.

Article 41

1. The owner, if he affected directly by infringement on any of his rights under the provisions of this Law, may file a claim before the competent court requesting a judgment for adequate compensation to redress the damage affected him as a result of the infringement, including profits earned by the defendant.

The court shall determine the compensation so as it deems redressing the damage, to be considered by the court the value of a good or service, that is subject of infringement, in accordance with what is determined by the plaintiff on the retail price or any other licit criterion required to apply or by experience.

2. The owner may, instead of a compensation claim redressing the damage including profits earned by the infringer in accordance with the provisions of the preceding paragraph, request at any time and before the deciding on the claim to judge in his favour an adequate compensation if it is proved that the infringement was by using the trademark in the intentional limitation of commodity or was in any other manner.

3. The competent court may when considering the claims relating to the rights prescribed under the provisions of this Law order the following:

A. Seizing goods which are suspected to be involving an infringement, and seizing any materials or tools related thereto, and any documentary evidence relating to the infringement.

B. Obligating the infringer to stop the infringement, including preventing the export of goods that involve the infringement of any of the rights prescribed under the provisions of this Law and preventing the entry of imported thereof into the commercial channels after customs release immediately.

C. Obligating the infringer to submit to the competent court or to the owner what he has information on all those persons or entities that are contributed in any aspect of the infringement, and on the methods of production and distribution channels of such goods or services, including the identity of all those who participated in the production or distribution of goods or services and determining his own distribution channels.

4. The competent court, at the request of the owner, may order to destroy goods which proves that they are imitated, except in exceptional cases, without compensation of any kind to the defendant, and it may order without delay to destroy the materials and tools used in the manufacture or production of imitated goods without compensation of any kind to the defendant, and the court in exceptional cases that it estimates, may order to depose such goods outside the commercial channels so as to prevent the possibility of further infringements. It may, instead of destroying the goods, materials and tools used in the manufacture or production of imitated goods, order to dispose them outside the commercial channels, if the destruction of goods results in unacceptable harm to public health or environment.

5. Removal of trademark that placed improperly on the imitated goods shall not be considered

as a good reason to release them to the commercial channels.

6. The competent court shall estimate costs and fees for who are assigned of experts and specialists to conduct task for the claim, in a manner commensurate with the size and nature of the task assigned thereto, and without precluding in unreasonable way to not use such measures

Part 6: Sanctions

Article 42

A. Without prejudice to any greater penalty imposed by another law, a sentence of imprisonment for a period not less than one month and not exceeding three years or a fine not less than five thousand (5,000) SR and not exceeding one million (1,000,000) SR or the equivalent in other GCC currencies; or both, shall be imposed on any person convicted of the following offences:

1. Misrepresenting or imitating a registered mark so as to mislead or confuse the public, or using in bad faith any misrepresented or imitated mark.
2. Identifying his goods or services in bad faith with a mark owned by others.

B. Without prejudice to any greater penalty imposed by another law, a sentence of imprisonment for a period not less than one month and not exceeding one year or a fine not less than one thousand (1,000) SR and not exceeding one hundred thousand (100,000) SR or the equivalent in other GCC currencies, or both, shall be imposed on any person convicted of the following offences:

1. Knowingly selling, offering for sale or trading, or possessing with the intention of trading any goods bearing false or imitated marks; or unlawfully uses such marks or offers services under them.
 2. Uses a non-registered mark in cases provided for in items from 2 to 11 of Article 3 herein.
 3. Unlawfully inscribes upon his mark, papers or commercial documents anything that might lead to the belief that he has obtained registration of such mark.
 4. Deliberately and in bad faith fails to indicate his registered trademark on goods or services.
 5. Knowingly possesses tools or material intended to be used in the imitation of registered or famous trademarks.
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Article 43

Where a person repeats the commission of an offence described in Article 42, a sentence of double the maximum provided therein shall be imposed, in addition to closure of the business or project for a period of not less than fifteen days and not more than six months. The judgment

shall be published at the expense of the accused in accordance with procedures specified in the executive bylaw.

An offence described in Article 42 shall be considered repeated if it is committed by the accused within three years from the date on which the sentence for the previous offence was imposed.

Article 44

Where an action of attachment is judicially determined to have been wrongfully brought, the defendant may apply to the court for an order for compensation as per actions stipulated in Article 40 herein, provided that such application shall be made within ninety days from either the expiration of the period provided for in Article 40 herein or the date of a final judgment on a claim related to the trademark. In all cases, the final guarantee shall not be released to the plaintiff until a final judgment in the claim has been issued or the time period for the filing of a claim has expired, unless the judgment provides for a settlement of the guarantee.

Part 7: Final Provisions

Article 45

The employees concerned to implement the provisions of this Law and resolutions issued in implementation thereof, who are designated by a resolution in accordance with the procedures followed in each country of the GCC countries, shall have the capacity of judicial enforcement officers, and they are entitled to access to areas where activities thereof are included within the provisions of this Law to seize violating cases.

The concerned authorities shall provide the necessary facilities for these employees to perform their duties properly.

Article 46

The competent authority may establish an electronic system and an electronic database available to the public, including a database on the Internet, for submitting applications for the registration and renewal of trademarks registration and following up and complete the necessary procedures for the registration of such marks.

Article 47

The marks which are registered in accordance with the provisions of laws, decisions and regulations in force prior to the effective date of the provisions of this Law shall be valid. Such marks shall be accorded the protection set forth therein.

Article 48

The provisions of this Law shall apply to registration applications for trademarks which have been pending and were submitted before the effective date of its provisions, provided that such applications shall be modified in accordance with the provisions of this Law.

Article 49

The provisions of this Law shall not prejudice the controls and obligations stipulated in the international conventions to which the State is a party.

Article 50

The executive bylaw shall determine the charges to be collected for actions made under this Law and its executive bylaw.

Article 51

The Committee of Commercial Cooperation shall be vested with the right to interpret this Law and to propose amendments thereto.

Article 52

The Committee of Commercial Cooperation shall issue the executive bylaw for implementation of this Law.

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