

Hamad Bin Khalifa Al Thani

The Emir of the State of Qatar

Law No (5) of the Year 2005 on Protection of Secrets of Trade

We, Hamad bin Khalifa Al Thani, Emir of the State of Qatar
Having examined the amended provisional basic statutes,
particularly, Articles (23), (34) and (51) hereof,
and Decree by Law No (32) of the year 2004 regulating Ministry of
Economy & Commerce and determination of its responsibilities,
and Law No (7) of the year 2002 on protection of copyright and
other associated rights,
and the Agreement on establishment of World Trade Organization
(WTO) and the multi parties Commercial Agreements attached to it
whereof Decree No (24) of the year 1995 was issued ratifying State
of Qatar joining to it,
and the draft Law submitted by the cabinet,
and after consultation with Advisory Council,

We have enacted the following Law :

Article (1)

In application of provisions of this law, the following words and expressions shall have the meanings shown opposite to each of which unless context means otherwise :

The Ministry : Ministry of Economy & Commerce

The Minister : Minister of Economy & Commerce

Trade Secrets :

- The information, which in its totality, form or combined constituents is usually unknown, or cannot be easily accessed by any person involved or dealing with such type of information.
- Information whose commercial value emanates from its confidentiality
- Information whose confidentiality depends on the effective measures taken by legal holder to keep the information confidential.

Holder of title of trade secrets : The natural or nominal person who has the right to disclose use or preserve confidential information.

Article (2)

Without prejudice to provisions of international conventions and agreements in force in the State of Qatar, expatriates shall have the same rights which this law warrants to Qatar Nationals provided that they are citizens or national of the country that accords treatment to Qatari nationals or citizens no less favourable than it accords to its own national.

Article (3)

Holder of right of trade secret may prevent any person from misusing trade secret protected by provisions of the Law.

Article (4)

Holder of right of trade secret or his successors may assign it wholly or partially to any third party with or without gain. He shall also have the right not to divulge it to others and deny them access or use of the secret without his prior consent or in a way that stands contrary to honest commercial practices.

Article (5)

Protection established by virtue of provisions of this law include trade secrets that have resulted from confidential experiments or unknown data.

In the event that competent official bodies stipulate submission of detailed statements about trade secrets to approve marketing of pharmaceutical or agricultural chemical products where new chemical entities are used in their production, such official bodies shall have to protect the submitted information against any illegal commercial use effective from date of information submission up to elimination and removal of information confidential status.

Disclosure of the above mentioned information by competent governmental authorities shall not be regarded infringement of rights of holder of trade secret if such disclosure or intended to protect the public or to take necessary steps to ensure that the data is protected against unfair commercial use.

Article (6)

The legal holder of confidential information shall have to take measures necessary for maintaining such information in order to prevent others from using the same. In addition, he shall have to regulate use of information within the institution utilizing it and limit utilization only to those who are legally committed to maintain information confidentially and prevent others from using it.

The legal holder obligation shall not be waived in the event that other infringe on this information unless he proves that he exerted adequate and reasonable efforts to maintain the information.

Article (7)

It is not permissible for anyone to obtain, use or divulge trade secret by illegal way without the prior consent of trade secret holder in particular, the following is restricted :

- 1- Breach the agreement signed between the holder of title of trade secret and the investor or use of the secret.
- 2- Breach or usage to breach confidentiality of trade information.
- 3- Obtain trade secrets by means of fraud.
- 4- Obtain the trade secrets from a third party knowing or could be knowing that he obtained the trade secrets in a way that contradicts decent commercial practices. Obtainment of a trade secret independently or as a result of scientific research, or by means of independent self capabilities shall not be regarded contradictory to decent commercial practices.

Article (8)

Right holder or his successor shall have title to claim compensation for damages incurred resulting from others infringement or misuse of the secret. Claim shall be submitted to competent court accompanied with a bank or cash guarantee to be determined by the court. The court may take the following reservation procedures.

- 1- Halt infringement on trade secret.
- 2- Attachment of materials containing infringed or misused trade secrets or products resulting from misuse wherever found.
- 3- Attachment of evidences relevant to infringement on trade secret.

In all cases, the above mentioned guarantee shall be released if a verdict is issued in favour of plaintiff.

Article (9)

- 1- Upon the defendant's request, the procedures mentioned in the previous article shall be invalidated if the plaintiff doesn't file his case within 15 days effective from the date on which the court ordered attachment procedures.
- 2- Defendant shall have the right to claim compensation for any damages he incurred if it is proved that plaintiff has no right to request initiation of attachment procedures or to file a case if he fails to file his case within the period specified in the previous article.

Article (10)

Competent court may order to dispose attached items in the manner it determines to settle penalties or compensations. Court may also order to destroy attached items of it so resolves.

In all cases the court shall have to decide on attached items even if an innocence verdict is declared.

Article (11)

Without prejudice to any other severer penalty stipulated by any other Law, anyone who is found in breach of any provision of articles (6) and (7) hereof shall be subject to a penalty not exceeding one year imprisonment and a fine not exceeding Qr. 50,000/- or by one of these two penalties. In case provisions of said Articles (6) and (7) are breached again maximum penalty shall be doubled.

Article (12)

Ministry staff assigned under a decision of the general prosecutor in agreement with the Minister shall be in the capacity of judicial police involved in proving of crimes breaching provisions of this Law.

Article (13)

The Minister shall during three months of putting this law into force, issue its executive by laws and decisions needed for its implementation.

Article (14)

All concerned bodies, each in its capacity shall have to implement this law which shall be published in the official gazette.

Hamad Bin Khalifa Al Thani
Emir of the State of Qatar
Signed

Issued at the Emiri Diwan on 21/01/1426 A.H.
Corresponding to : 02/03/2005 A.D

Hamad Bin Khalifa Al Thani The Emir of the State of Qatar

Law No (6) of the Year 2005 on Protection of Layout Design of Integrated Circuits

We, Hamad bin Khalifa Al Thani, Emir of the State of Qatar
Having examined the amended provisional basic statutes,
particularly, Articles (23), (34) and (51) hereof,
and Decree by Law No (32) of the year 2004 regulating Ministry of
Economy & Commerce and determination of its responsibilities,
and Law No (7) of the year 2002 on protection of copyright and
other associated rights,
and the Agreement on establishment of World Trade Organization
(WTO) and the multi parties Commercial Agreements attached to it
whereof Decree NO (24) of the year 1995 was issued ratifying State
of Qatar joining to it,
and the proposal of the Minister of Economy & Commerce,
and the draft law submitted by the Cabinet,
and after consultation with Advisory Council,
We have enacted the following Law :

Article One

In application of provisions of this law, the following words and
expressions shall have the meanings shown opposite to each of
which unless context means otherwise :

The Ministry : Ministry of Economy & Commerce
The Minister : Minister of Economy & Commerce
Office : Office for the protection of integrated circuits
designs.

- Integrated Circuits** : A protect in its immediate or final form in and / or which two or more elements including at least one active element, and some or all of the interconnections are integrally formed and which is intended to perform a certain function.
- Layout Design** : The three - dimensional disposition of an integrated circuit or a three dimensional disposition prepared for the manufacture of an integrated circuit.
- Right holder of Layout Design** : The natural or nominal person benefiting from protection of layout design of integrated circuits provided that they are original and have not been commercially exploited or the time span of exploitation in any part of the world is less than two years.

Article Two

Right of Layout design shall belong to the creator himself. This right may be assigned to or transferred to successors. In the event that the layout design has been created by, many creators then, they all share the ownership right jointly.

In the event that creation of layout design has been created on commission contract, then the exclusive right belongs to the commissioning party or the employer unless the commission or the contract include provisions stipulating otherwise.

Article Three

Without a permission from the right holder of layout design, the following actions are restricted.

- 1- Reproduce the layout design in its entirety or for any creative part thereof whether by incorporated it into an integrated circuit or in other way except a reproduction of an unoriginal part.

- 2- Import, sell or distribute the layout design or the integrated circuit in which the design or the circuit are incorporated as long as it contains a layout design illegally reproduced.

Article Four

A layout design may be used without authorization of the right holder of the layout design for the following purposes :

- 1- Reproducing the layout design for non commercial purposes of evaluation, analysis, research or teaching of this would be in favour of the public interest. The minister shall issue a decision permitting utilization and its conditions.
- 2- To Utilize the layout design for personal non commercial purposes.
- 3- Where anyone exploits integrated circuits or articles incorporating such integrated circuits without knowing or without reasonable grounds to be expected to know at the time when he obtains these integrated circuits or articles incorporating illegally reproduced layout design, then, he shall dispose the stock he he maintains or the quantities he contracted to obtain before being notified on the same. He shall also be required to pay reasonable compensation to the right holder of layout design.
- 4- Create a Layout design quite identical to a protect layout design by means of independent efforts.

Article Five

In the ministry, there shall be established an office called "Office for Protection of Integrated Circuits Layout Design". The office shall maintain a register to record applications for registration of integrated circuits Layout Design, owners information Notices of ownership assignment or transfer. Registration shall be deemed an evidence of ownership unless otherwise proved. The executive by laws of this Law shall determination, registration, procedures of ownership assignment, mortgage, attachment, and any other legal practices pertaining to the same against an application fee specified by the by laws but not exceeding Qr. 500/-

Article Six

The layout design can be registered provided that it meets the following requirements.

- 1- Layout Design shall be original in the sense that it is the product of the creators intellectual efforts, and it shall be unfamiliar to layout design creators or manufactures of integrated circuits at the time of their creation.
- 2- The application form for registration submitted in the State of Qatar within two years from the date on which it was first commercially exploited in the State of Qatar or any where ni the world.

Article Seven

Where any applicant for registration is not satisfied with the decision rejecting registration, it he may, within thirty days from the date of receipt of notification, complain of the decision. In the event that applicant doesn't receive an objection accepting the registration after six months from date of application this means the registration is implicitly rejected.

Complaints about the decision rejecting registration shall be referred to a commission set up by minister's decision commission shall decide on a date of compliant before the elapse of 60 days from the date of compliant submission. Commission's decision on this regard shall be final. Judiciary shall not accept any compliant about commission's decisions unless compliant has been decided upon or after elapse of 60 days from date of compliant submission without being decided upon.

Executive by laws shall determine way of commission formation and procedures regulating its function.

Article Eight

Layout design term of protection shall be ten years commencing on the date of filing registration application from at the office, or from the date on which it was first commercially exploited anywhere in the world.

Article Nine

Any interested party may approach the competent court to cancel registration of Layout design in part or as a whole registration is found not complying with provisions of law. The office shall execute cancellation verdicts.

Article Ten

The competent court, upon the request of the right holder of Layout design shall have the right to stop infringement on layout design by means of taking necessary legal steps particularly the following:

- 1- Attachment of instrument being used in addition to products goods or any other means that were used infringement.
- 2- Stop infringement acts immediately.
- 3- Reserve instruments relevant to infringement.

Upon the request of the general prosecutor, attachment procedures stated above shall be cancelled if plaintiff fails to file a suit case within 15 days from the date on which the court attachment procedures in all events, this shall not waive the right any accrued compensation.

Article Eleven

Without prejudice to any other server penalty stipulated by any other law, anyone who is found in breach of any provisions of Article (3) hereof, shall be subject to a penalty not exceeding one year imprisonment and a fine no less than Qr. 50,000/- or by one of the said two penalties. In case of repeated breach, the maximum limit of the penalty shall be doubled.

All the cases, reproduction of layout designs in questions shall be confiscated as well as any other materials or machinery used in the production.

Article Twelve

Ministry staff assigned under a decision made by the general prosecutor in agreement with Minister, shall be in the capacity of judicial police involved in proving of crimes breaching provisions of this law.

Article Thirteen

Minister shall, within three months of putting this law into force, issue its executive bylaws and decisions needed for its execution.

Article Fourteen

All concerned bodies, each in its capacity shall have to execute this law which shall be published in the official gazette.

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