

Qatar passes a new law for IP Border measures

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Qatar has a separate law for the protection of copyright, a law for trademarks, trade names, geographical indications and industrial designs and models, a law for the protection of trade secrets, a law for the protection of layout designs for integrated circuits and a law for the protection of patents. This in addition to the international treaties related to intellectual property to which Qatar is a party.

In an addition to this comprehensive regime, a new law was issued on November 17, 2011 with respect to the border measures for the protection of intellectual property rights.

The new law No. 17 of the year 2011 prohibits the entrance of any products that infringe any intellectual property rights protected under the law in Qatar. Furthermore, the new law obliges the General Administration of Customs to take all measures required to prevent the entrance of infringing products into the country, when it has prima facie evidence that these products are infringement.

The law provides for a mechanism for IP right holders to stop the release of imported products that constitute infringement of their rights; this request shall be substantiated with sufficient evidences. The decision issued by the Customs Administration is subject to appeal before the Court of First Instance, which should issue its decision within a short period of time, 3 days according to the law.

However, the law provides for some exceptions; which are related to small quantities of non-commercial goods, personal goods and gifts arriving with passengers or in small packages; transit goods; products that were placed in the country of export by the right holder or according to his permission (parallel imports) and products received through the inter-state borders with another country with which Qatar constitute a customs union where most restrictions on good movement were canceled.

According to this law, recordation of intellectual property rights with the Customs Administration will now be possible; as the law allows right holders to record all the data related to their rights with the Customs with their address within the country.

Recordation of trademark protections with Customs authorities is possible in a number of jurisdictions in the region, namely Jordan, UAE, Egypt, Lebanon, Syria, Tunisia, Morocco and Algeria.

The law provides for significant penalties for entering any products infringing IP rights; the penalties are imprisonment not exceeding one year and/or fines not exceeding 10,000 Qatari Riyal. This is in addition to the confiscation of the infringing products. However, the law does not provide for the destruction of the infringing products.

This law maybe the first stand alone legislation regulating IP protection in border measures in the region and will inevitably result in improvement as to the IP eco system and enforcement against piracy and counterfeiting.