

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 then access or use of the secret without his prior consent or in away 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 submittal upto 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 if 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

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Corresponding to : 02/03/2005 A.D
