

Decree Law No, (30) for the Year 2006

To Issue Patents' Law

We Hamad Bin Khalifa Al Thani, Emir of the State of Qatar,

Having perused the constitution and:

Decree Law No. (12) for the Year 2003 Approving the Amended Regulation of Patent for the Arab Gulf Cooperation Council States,

And the recommendation of the Minister of Finance acting as Minister of Economy and Commerce,

And the draft law submitted by the Council of Ministers,

have decided the following Law :

Article (1)

The attached Patents' law shall be enforced.

Article (2)

The Minister of Economy and Commerce issues the Executive Regulations and the necessary decisions for implementing this law.

Article (3)

All parties concerned each within its own competence, shall execute this law which will come into force from the date of issue, and it will be published in the Official Gazette

Hamad Bin Khalifa Al Thani

Emir of the State of Qatar

Issued at the Diwan Emiri
on 12/07/1427 A.H
Corresponding to 06/08/2006 A.D

Patents' Law

Article 1

Subject to the application of the law hereby, the following terms and phrases shall have the meanings indicated next to each unless the context necessities otherwise:

- The Ministry : Ministry of Economy and Commerce.
- The Minister : Minister of Economy and Commerce.
- The Office : Patents Office at the Ministry.
- Patent : The certificate granted by the office to the patent owner in order that his/her invention might get the legal protection in accordance with the law hereby and its executive bylaws.
- Contracting License : The license issued to others to exploit the patent subject to the consent of its owner.
- Mandatory License : The license issued by ministerial decree without the consent of the owner in the cases identified by The law hereby.

Article 2

Patents shall be available for any inventions, provided that they are new, involve an inventive step and are capable of industrial application whether they are related to new industrial products, modern industrial techniques and devices, or common industrial methods. Besides, it shall not be contradicting with the provisions of Islamic Sharia' (Law), violating the public order, ethics or national security.

Article 3

In the event of applying for more than one application for patenting the

same invention, priority shall be given to the application date.

In case more than one person is involved in the same invention, they shall have equal right for patent unless otherwise agreed. A person shall not be deemed involved in the invention if his/her effort is confined only to implementation rather than creation.

Patent ownership shall be entitled to the employer if the invention is a product of an implementation of a contract or a commitment through devoting the whole effort to creativity, or if the employer proves that the worker has only achieved that invention through the utilization of facilities, aids or data provided to him/her by work. However, this shall not prejudice the worker's entitlement to a fair reward. The application may be submitted by the inventing worker during his/her service or within two years of quitting service.

Whoever has an interest therein shall be entitled to submit a grievance to a committee - on The time in article 7 of the law hereby - against the acceptance or refusal decision. However, the Committee's decision shall only be irrevocable after being approved by the Minister.

Article 4

The patent subject may be in the form of material product, an industrial process or a manufacturing technique.

Subject to the law hereby, patentability shall not include:

- a) Scientific theories, mathematical methods, computer programs, exercise of pure intellectual activities, or practice of a specific game;
- b) Plants and animals researches, and essentially biological processes for the production of plants or animals other than microbiological processes and its productions.
- c) Diagnostic, therapeutic and surgical methods for the treatment of humans or animals and its productions;

Article 5

Without prejudice to the international conventions applicable in the State, any person, natural or judicial, Qatari or non Qatari, who belongs to, or assumes a real and effective activity center in any WTO member state or member entity that enjoys reciprocity with Qatar, shall be eligible to apply to the office for a patent and any other rights pertaining to it in accordance with the law hereby.

Article 6

Patent registration application shall be submitted to the office by the inventor, his/her authorized agent or assignee, under the terms and conditions prescribed by the executive bylaws of the law hereby.

The applicant may withdraw his/her application at any time before the issuance of the final decision. However, application withdrawal shall not entail the withdrawal of documents or the refunding of any fees or costs.

The application may include the desire to give the priority to an application that has been previously submitted in a country which is one of the parties of an agreement or convention concluded with the State. The executive bylaws shall decide the details and conditions that govern the application.

Article 7

The office shall examine registration applications. In this regard, it shall be entitled to request all necessary documents for patent granting. The applicant may bring grievance against the office refusal decision within fifteen days of being notified by a registered mail at a committee whose membership and competence are decided by a Ministerial decision. The Committee's decision shall only be irrevocable after being approved by the Minister in accordance with the provisions of the executive bylaws of the law hereby

Article 8

The office, in case of patent acceptance, shall register and announce it in the manner identified by the executive bylaws of the law hereby.

Any one who might be concerned or interested may submit a written grievance to the office within sixty days and the office shall have to decide upon that grievance within thirty days. Non settlement within that period shall deem the grievance declined.

Article 9

The patent shall be granted to the person who is authorized to be the right holder. It shall bear registration number and issue date in addition to other details as specified by the executive bylaws of the law hereby.

The patent shall allow its owner to exploit the patented invention through making, using, offering for sale, selling, or importing the necessities of legitimate exploitation. No one shall be allowed to exploit the patent without an explicit written permission by its owner.

Article 10

Whoever manufactures the patented product uses the patent subject technique or undertakes serious arrangements for such manufacturing or usage within the State before the registration or priority date shall be allowed to carry on such action on the basis of good faith. Such right shall not be assigned or transferred to others except with the other parts of the enterprise.

Article 11

The term of protection available shall not end before the expiration of a period of twenty years counted from the filing date. Within the period from application date through the date of patent accomplishment, the invention shall enjoy the same protection granted for the patent.

Article 12

Patent ownership and all its rights shall descend to the legitimate successors unless otherwise bequeathed. Whoever it may concern may apply to the office for amending the patent application provided that necessary documents must be provided. Patent ownership shall not be assigned before the date of registering the amendment decision in the manner prescribed by the executive bylaws of the law hereby.

Article 13

Patent owners shall also have the right to assign in writing all or some of the patent exploitation rights stipulated in Article 9 of the law hereby. Such assignment shall not serve as title evidence towards others before registration in the patent registry, in accordance with the terms and conditions indicated in the executive bylaws of the law hereby.

Article 14

Granting the contractual license shall not entail the deprivation of the patent owner of exploiting it by his/her own, or granting another license on the same patent unless the licensing contract prescribes otherwise.

Article 15

Whoever it may concern shall be allowed, after the expiration of three years of patent granting date, to apply for a mandatory license for exploiting the invention under any of the following causes:

- a) No serious or effective exploitation of the patent throughout a period of three years of granting;
- b) Cessation of exploitation of the invention protected by the patent by the patent holder for two successive years without giving any acceptable reasons to the office;
- c) Refusal by the patent owner to give contractual licensing for exploit-

ing the invention thus impeding the establishment or development of industrial and commercial activities in the State.

In all cases, mandatory license shall not be issued if the patent owner provides legitimate reasons. However, importing the product shall not serve as legitimate reason. Mandatory license shall be issued by the Minister, and the patent owner shall be entitled to complain against the decision to the committee stipulated in Article 7 of the law hereby in accordance with the terms and conditions indicated in the executive bylaws of the law hereby.

Article 16

Mandatory license to exploit the invention shall not be granted unless the applicant presents the evidence that the patent owner has been notified by the registered mail of the reasons behind applying for a license, and that no agreement has not been reached with him/her within the period prescribed by the executive bylaws of the law hereby.

Article 17

The mandatory license shall entitle the licensee to undertake any or all the business entitled to the patent owner under the license, except for importing the product. The license owner shall be entitled to use the civil or penal rights of the patent owner to protect and exploit the invention in case of any default by the patent owner in spite of being notified.

Article 18

Mandatory license shall not be granted to whoever fails to provide the warranties necessary for exploiting the invention in overcoming the deficiencies or meeting the needs that require applying for such a mandatory license.

A person granted a mandatory license shall not be entitled to grant others a license to exploit or dispose of the patent. The Minister shall cancel any license if the licensee violates its conditions or if the reasons that has justi-

fied granting such license cease to exist. The licensee shall be entitled to complain against that decision to the committee stipulated in Article 7 of the law hereby in accordance with the terms and conditions indicated in the executive bylaws of the law hereby.

Mandatory license shall not be transferred except with the other parts of the licensee enterprise or that part which exploits the invention. Such transfer shall be subject to the Minister's approval; otherwise, it shall be deemed invalid.

Article 19

Mandatory licenses and their relevant decisions, verdicts or applications shall be registered in a special book at the office in accordance with the terms and conditions indicated in the executive bylaws of the law hereby.

Article 20

Whoever it may concern shall be allowed shall be allowed to apply to the competent court for revoking the patent or the mandatory license, if such patent or license have been issued in the following cases:

- a) Non compliance with the conditions of the law or its executive by-laws;
- b) Non observance of the priority of the previous applications.

The patent owner, licensee or any relevant person shall be summoned to the court session devoted for hearing the case. In case a revocation verdict is issued, reference on such issue shall be made in the special register. The executive bylaws shall decide the manner of publishing.

Article 21

The patent owner or any other person to whom some or all of the patent rights have been transferred under the law hereby, shall be entitled to call

upon the competent court to attach the invention or the enterprise or that part of the enterprise that uses or exploits the invention, in the event of any infringement or illegitimate acts in violation of the law hereby or the licenses granted in accordance with its provisions.

Article 22

Attachment claimant shall deposit a bail to be estimated by the court before issuing the attachment verdict. The seizer shall bring the case within eight days of the court verdict; otherwise it shall be deemed invalid.

The distrainee shall be entitled to bring a redemption case within sixty days of the previous respite or the date of a final verdict declining the case brought by the seizer or the redemption case brought by the seized. The mentioned bail shall not be refundable except after the issuance of a final verdict in the attachment case or the redemption case brought by the distrainee.

Article 23

The Minister shall issue the necessary decisions determining the fees for the services conducted by the Ministry in implementation of the law hereby and its executive bylaws.

Article 24

Without prejudice to any tougher penalties prescribed by other laws, a penalty of not more than two years imprisonment and a fine not exceeding ten thousand Qatari Riyals, or either of the two penalties, shall be levied on whoever offers or gives incorrect or false information to obtain a patent, or whoever counterfeits an invention or a manufacturing technique, or intentionally trespasses on a right protected by the law hereby.

The court may judge by confiscating or destroying the seized objects and the tools and instruments used in counterfeiting.

