

Law No. 17 of 2011 on Border Measures to Protect Intellectual Property Rights 17 / 2011

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We, Hamad bin Khalifa Al Thani, Emir of the State of Qatar,
having perused the Constitution;
Law No. 7 of 2002 on the protection of copyright and neighbouring rights;
Law No. 9 of 2002 on trademarks, trade data, trade names, geographical indications,
industrial drawings and designs;
The Customs Law promulgated by Law No. 40 of 2002;
Law No. 5 of 2005 on the protection of trade secrets;
Law No. 6 of 2005 on the protection of designs of integrated circuits;
The Patents Law promulgated by Decree-Law No. 30 of 2006;
Law No. 7 of 2007 on the settlement of administrative disputes;
Emiri Resolution No. 31 of 2009 regarding the organizational structure of the Ministry of Economy and Finance;
Emiri Resolution No. 53 of 2009 on the establishment of the Centre for the Protection of Intellectual Property
Rights;
Decree No. 24 of 1995 ratifying the accession of the State of Qatar to the agreement on the establishment of the
World
Trade Organization, and multilateral trade agreements thereto;
The proposal of the Minister of Economy and Finance;
The draft law submitted by the Council of Ministers;
And after consulting the Shura Council;
Hereby promulgate the following Law:

Articles

Article 1

In the application of the provisions of this Law, the following words and phrases shall have the meanings assigned to them, unless the context otherwise requires:

“Minister” means the Minister of Economy and Finance;

“Directorate” means the General Directorate of Customs in the Ministry of Economy and Finance;

“Customs” means the Customs Office according to the definition set out in the Customs Law referred to above;

“The goods” means the goods in accordance with the definition contained in the said Customs Law;

“Rights under protection” means rights under the protection of Laws No. 7 of 2002; 9 of 2002; 5 of 2005; and 6 of 2005; and the Law of Patents, referred to above;

“The rights holder” means the holder of any of the rights under protection;

“The Competent Court” means the Administrative Department at the Court of First Instance.

Article 2

The importing of any goods that infringe any of the rights under protection is prohibited. Where there are clear indications of the existence of an infringement, the Directorate shall take the necessary measures to prevent the entry of prohibited goods into the State.

Article 3

1. The rights holder may submit a request to the Directorate to stop the clearance procedures and release those imported goods that represent an infringement of the rights under protection. The said request must be accompanied by sufficient evidence of the infringement and a detailed description of the goods.
1. The Directorate shall issue its resolution on the request within one week from the date of submission. The lapse of this period without a response shall imply a rejection of the request.

Article 4

The Directorate shall, within one week from the date of its issuance, notify the importer and the rights holder of its ruling at their place of residence or work, or in any other way that ensures the ruling is brought to their knowledge

Article 5

In accordance with the provision of Article 3 herein, those concerned may appeal the resolution of the Directorate before the Competent Court by requesting it to stop the implementation of the ruling and to abolish it. The Court shall rule on the request within three days from the date of filing of the appeal. The Court may:

1. Order an inventory and detailed description of the imported goods that infringe any of the rights under protection, as well as of any documents or materials used in committing the infringement, to be made. The court may seek the assistance one or more experts to take such inventory.
2. Oblige the appellant to submit to the Registry of the court a cash deposit or bank guarantee equal to the estimated expenses or damages suffered as a result of the infringement as determined by the court. The deposit or guarantee shall be returned to the appellant if a final judgment is issued in his favour.

Article 6

1. Any concerned party may request the Directorate to inspect imported goods that are considered to represent an infringement on its rights. Such request must be accompanied by sufficient evidence of the infringement.
1. The fees for such inspection shall be determined by a resolution of the Minister, upon the recommendation of the General Manager of the Directorate.

Article 7

The rights holder may apply to the Directorate to register all data related to his right, as well as his address in the State in the record allocated for this purpose in the Directorate. A decision by the Minister upon the proposal of Director General of the Directorate shall define the procedures and registration fee.

Article 8

The following shall be excluded from the application of the provisions of this Law:

1. Small quantities of goods of a non-commercial nature, personal goods, and gifts received by travelers in small packages.
2. Goods in transit.

3. Goods which have been circulated in the markets of the exporting country by the rights holder or with his consent.
4. Goods imported across inter-borders with another country that is part of the customs union and where an abolition applies to most restrictions on the movement of goods across borders.

Article 9

1. Without prejudice to any greater penalty provided by another law, any person convicted of knowingly importing goods that represent an infringement on any rights under protection shall be sentenced to imprisonment for a term not exceeding one year and a fine not exceeding ten thousand riyals, or to either penalty.
1. The sentence imposed in the preceding paragraph shall be doubled in the case of a recurrence.
2. In all cases, the Court shall order publication of its judgment at the expense of the accused in one or more daily news papers as well as the confiscation of the goods which represent an infringement on any rights under protection.

Article 10

Employees of the Directorate vested with the powers of judicial enforcement officers by order of the Attorney-General, in agreement with the Minister, may arrest and prove crimes committed in violation of the provisions of this Law.

Article 11

The Minister shall issue the necessary resolutions to implement the provisions of this Law.

Article 12

All competent authorities, each within its jurisdiction, shall enforce this Law from the date of its publication in the *Official Gazette*.