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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

**QATAR**

The present document reproduces the text<sup>1</sup> of the Law on Trademarks, Commercial Indications and Industrial Designs, as notified by Qatar under Article 63.2 of the Agreement (see document IP/N/1/QAT/2).

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**QATAR**

Le présent document contient le texte<sup>1</sup> de la Loi sur les marques de fabrique ou de commerce, les indications commerciales et les dessins et modèles industriels, notifiée par le Qatar au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/QAT/2).

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**QATAR**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley de Marcas de Fábrica o de Comercio, Indicaciones Geográficas y Dibujos y Modelos Industriales, notificada por Qatar en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/QAT/2).

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<sup>1</sup> In English only. The text in the original language will be available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées pourront consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

LAW ON TRADEMARKS,  
COMMERCIAL INDICATIONS AND  
INDUSTRIAL DESIGNS.

# LAW ON TRADEMARKS, COMMERCIAL INDICATIONS AND INDUSTRIAL DESIGNS

DRAFT LAW (...) OF 1999  
ON TRADEMARKS, COMMERCIAL INDICATIONS, TRADE NAMES,  
GEOGRAPHICAL INDICATIONS AND INDUSTRIAL DESIGNS

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

Having seen the amended Provisional Constitution, especially Articles 23, 34 and 51 thereof,

and

Law No. 11 of 1962, Establishing the Commercial Register, and amending laws, and

Law No. 14 of 1971 promulgating the Penal Code of Qatar, and amending laws, and

Law No. 15 of 1971, promulgating the Law of Criminal Procedure, and amending Laws, and,

Law No. 16 of 1971 promulgating the Law of Civil and Commercial Matters, and

Law No. 17 of 1987 promulgating the amended Law No. 3 of 1978 on Marks and

Commercial Indications, and

Law No. 9 of 1995 amending Decree-Law No. 25 of 1990 concerning organization of the

investment of Foreign Capital in Economic Activity, and

Decree-Law No. 22 of 1993 concerning the organization of the Ministry of Finance, Economy

and Trade and specifying its functions, and

Decree-Law No. 24 of 1995 concerning the accession of State of Qatar to the Agreement

establishing the World Trade Organization and the attached Multi-Lateral Trade

Agreements, and

The proposal of the Minister of Finance, Economy and Trade, and

The Draft Law submitted by the Council of Ministers, and

Having consulted the Advisory Council,

Promulgate the following Law:

## CHAPTER I

### General Provisions

#### Article 1

Unless otherwise required by the context, the following terms shall have the meanings hereby respectively attributed to them:

Ministry: Ministry of Finance, Economy and Trade;

Minister: Minister of Finance, Economy and Trade;

Department: Department of Commercial Affairs of the Ministry;

Office: Industrial Property Office;

Mark: Any sign that distinguishes a tradesman, a manufacturer or a service provider;

Bulletin: Industrial Property Bulletin

Trademark: Any visible sign capable of distinguishing the products of one enterprise of at tradesman, a manufacturer or a service offerer;

Service mark: Any visible sign capable of distinguishing the services of one enterprise from those of other enterprises;

Collective mark: A mark used or intended to be used by different enterprises for their products or services under the control or the inspection of the owner of the mark, who may be a private or public juridical person.

Group of marks: A group of marks the essential elements of which are identical, their differences being confined to matters not substantially affecting their identity, such as the color of the marks or the products or services to which the marks relate, provided that such products or services belong to the same class;

Trade name: The name identifying and distinguishing the exploitation enterprise owned by a natural person or legal entity;

Geographical indication: Any expression or sign indicating the geographical name of a country, region, locality or place which serves to designate a product originating therein the quality, characteristics and reputation of which are due exclusively or partly to the geographical environment, the natural or human factors of such origin.

## CHAPTER II

### Right to Register a Mark

#### Article 6

The following may be registered as marks especially when having a distinctive form: names, signatures, words, letters, numbers, designs, pictures, symbols, stamps, seals, vignettes, three-dimensional figures and any other sign or combination of colors, a single nonfunctional color, a sound, a smell or a combination of signs, if used or intended to be used to distinguish the products of enterprises in the fields of industry, handicraft, agriculture, forestry, mining, goods sold or services offered.

#### Article 7

Notwithstanding the provision of Article 26 of this Law, the person who registered the mark shall be deemed to be the absolute owner thereof. The ownership of a mark may not be contested if the person in whose name the mark is registered has made uninterrupted use of it for a period of five years from the date of registration without any legal action for the invalidation of the mark being initiated.

#### Article 8

The following may not be registered as marks or as component elements of marks:

(i) Signs devoid of any distinctive character, or which are merely descriptive of characteristics of the products or services or which consist of mere marks or indications which are the normal appellations which are in use for such products or services or their normal designs;

(ii) Any expression, design or sign contrary to morality or public order;

(iii) Public emblems, flags and other symbols and names or denominations relating to a State or to an international organization, as well as any imitation of such emblems, names, etc., unless a written authorization of the competent authority has been previously obtained;

(d) Official signs and hallmarks of a State relating to its control and guarantee of products and services, unless a written authorization of the competent authority has been previously obtained .

(v) Signs identical or similar to the Red Cross or Red Crescent and other similar symbols;

(vi) The picture of a third party or his emblem, unless his consent has been previously obtained;

(vii) Indications of honorary distinctions to which the applicant cannot prove that he is legally entitled;

(viii) Signs which are confusingly identical or similar to a mark already filed or registered by a third party for identical or similar products, services or well-known signs even if they are not filed or registered in Qatar

(*sic*) irrespective of the identification or similarity of the goods or related services or for which registration is sought;

(ix) Signs likely to deceive the public or which contain false indications as to the origin or other characteristics of the goods or services, as well as signs containing a fictitious, falsified or counterfeit indication or a trade name;

(x) Marks identical or similar to religious symbols;

### CHAPTER III

#### Registration Procedure

##### Article 9

(1) The application for registration of a mark shall be filed with the Office on the form prepared for this purpose, upon payment of the prescribed fees.

(2) A single application for registration may be filed for a group of marks upon payment of the prescribed fee.

(3) Notwithstanding the provisions of international or bilateral agreements to which the State of Qatar is party, and where the applicant is not domiciled or does not have a real and effective domicile in the State of Qatar, he shall file the application for registration

through an agent domiciled in the State of Qatar. The application shall be accompanied by a certified power of attorney.

#### Article 10

Notwithstanding the provisions of international or bilateral agreements to which the State of Qatar is party, the applicant for registration may enjoy the right of priority on the ground of an earlier application filed in another State, on the following conditions:

(i) The applicant shall append to his application a declaration indicating the date and number of the earlier application and the State in which it was filed;

(ii) The other State must be a State treating to the State of Qatar reciprocally;

(iii) The applicant shall file, within six months from the filing date of the earlier application, a copy of the earlier application certified as correct by the competent authority in the other State as required.

#### Article 11

If the Office finds that the application for registration does not comply with the provisions of this Law, it may refuse the application or impose whatever restrictions and modifications as it may consider necessary for defining and clarifying the mark more accurately.

A reasoned decision to that effect shall be notified to the applicant by registered mail.

#### Article 12

If the applicant fails to fulfil the conditions or effect the modifications imposed by the Office, within six months from the date of the notification referred to in the preceding Article, he shall be deemed to have abandoned his application.

#### Article 13

The applicant may, within 60 days from the date of the notification referred to in Article 11 of this law, appeal against the decision of the Office . The appeal shall be made to a committee formed by an order of the Minister , composed of three members and presided by a chief of a judicial court. The committee shall examine the appeal and issue a decision thereon.

#### Article 14

The applicant may appeal against the decision of the committee referred to in the preceding Article to the civil court, within 60 days from the date he is notified of the committee's decision by registered mail .

#### Article 15

(1) Where a mark is accepted or where the decision or a judgment under the two preceding Articles is in favor of the applicant, the Office shall publish the mark in the Bulletin.

(2) Any concerned person may oppose the registration of a mark by addressing to the Office, within four months from the date of publication of the mark, a notice in writing, stating his reasons for such opposition.

(3) The Office shall send a copy of the opposition to the applicant, by registered mail, within two months from the date the opposition is submitted.

The applicant may, within two months from being notified, furnish the Office, with a written reply to such opposition, stating his reasons. If no reply is received during that period, the applicant shall be deemed to have abandoned his application.

(4) Before deciding on the opposition, the Office shall hear both parties or either of them or their agents.

(5) The decision of the Office regarding the opposition shall be subject to appeal to the Civil Court within a period of 60 days from the date of the transmittal, by registered mail, of the notification of such decision to the person concerned.

(6) The mark shall be registered and recorded in the Register after the decision or final decision that it is accepted is issued. The registration shall have effect as from the filing date of the application and shall be published in the Bulletin.

## Article 16

On registration of the mark, a certificate shall be issued to the owner containing the following information, as recorded in the Trademark Register:

- (i) The serial number of the mark,
- (ii) The filing date of the application, the date of registration, the date of priority, if any, and the name of the State wherein the application was filed and on the basis of which the applicant claims priority,
- (iii) The trade name or the name and surname of the owner of the mark and his address,
- (iv) a copy of the mark,
- (v) a list of the products or services for which the mark is registered and the number of class to which they belong.

## Article 17

Any person may consult the Trademark Register free of charge and obtain, on payment of the prescribed fees, for particulars, extracts or copies.

## CHAPTER IV

### Duration of Protection and Renewal of Registration

#### Article 18

(1) The duration of the protection of a mark shall be ten years from the date of the filing of the application for registration. The owner of the Mark may ensure the continuation of the protection for further consecutive periods of ten years by renewal of the registration in conformity with the terms and conditions provided for in the following Article.

#### Article 19

(1) Renewal of the registration of a mark shall be effected merely by paying of the renewal fee.

(2) At the time of renewal, no change may be made in the mark or the list of products or services in respect of which the mark is registered.

(3) (a) The renewal fee shall be paid in the course of the last year of the current protection period.

(b) A grace period of six months shall be granted for the payment of the renewal fee after the expiration of the current protection period. This case, the owner of the mark shall be required to pay the prescribed surcharge.

(4) Renewal of a registration shall be published in the Bulletin.

(5) A mark which is not renewed may not be registered for the benefit of a third party in respect of identical or similar products or services until three years have elapsed after the expiration of the protection period.

## CHAPTER V

### Effects of Registration

#### Article 20

Registration of a mark shall confer upon its owner the right to prevent third parties from using his mark, or a sign resembling it in such a way as to be likely to mislead the public, for products or services in respect of which the mark is registered or for similar products or services.

## CHAPTER VI

### Assignment and Transfer of Ownership of Registered Marks

#### Article 21

(1) The ownership of a registered mark cannot be assigned or transferred except with the enterprise in respect of which the mark is used to distinguish its products or services.

(2) If the ownership of an exploitation enterprise is assigned or transferred without a given mark, the person assigning or transferring the ownership may, in the absence of an agreement to the contrary, continue to use that mark for products or services in respect of which it was registered.

(3) The assignment of a mark shall be in writing. It shall be signed by the contracting parties, before the competent officer of the Office or the signatures thereof officially authenticated by the competent authenticating authority. If the transfer of ownership is made through a merger of enterprises or by way of succession, it may be proven by a document furnishing evidence of the transfer of ownership.

(4) The assignment and transfer of ownership of a mark shall be recorded in the Register upon payment of the prescribed fee.

(5) Assignments and transfers of ownership of marks shall have no effect against third parties until they have been recorded in the Register and published in the Bulletin.

(6) The assignment or transfer of the ownership of a mark shall be considered null and void if it is likely to mislead the public as regards the nature, source, manufacturing process, characteristics or utility of the goods or services in relation with the trademark or collective mark is used or intended to be used.

## **CHAPTER VII**

### **License Agreement**

#### Article 22

(1) The owner of a mark may, by contract, grant to any other natural person or legal entity a license to use the mark for all or part of the products or services in respect of which the mark is registered. The duration of the license may not be longer than the legal protection period of the mark.

The license agreement must be in writing and must be signed by the contracting parties as indicated in paragraph (3) of the preceding Article. The owner of the registered mark shall be required to exercise continuous quality control on the licensee as regards the goods and services in connection with which the mark is used.

(2) The license agreement shall be recorded in the Register on payment of the prescribed fee and shall have no effect against third parties until such recording is effected.

(3) The recording of a license shall be removed from the Register, at the request of the owner of the mark or the licensee, upon expiration of the license.

(4) The Office may proceed, on its own or on the request of a concerned party, to cancel the recordation of a license where it is proved that owner of the mark does not provide for quality control as regards the goods and services in connection of which the mark is used as prescribed in paragraph (3) of this Article.

(5) In the absence of provision to the contrary in the license agreement, the owner of the mark shall have the right to grant licenses for the use of the mark and continue to use it himself.

(6) A license shall not be assignable to third parties and the licensee shall not be entitled to grant sub-licenses unless otherwise agreed.

## CHAPTER VIII

### Renunciation, Removal and Invalidation

#### Article 23

(1) The owner of a mark may renounce the registration of his mark or restrict the registration thereof to some of the products or services, by virtue of a written declaration signed by the owner as indicated in Article 25 (3) of this Law.

(2) Renunciation shall be recorded in the Register and published in the Bulletin. It shall be effective only after it has been recorded in the Register and published.

(3) If a license is recorded in the Register, registration may not be renounced except by consent of the the licensee. The consent shall be submitted on a written declaration signed by the licensee as indicated in Article 21 (3) of this Law.

(4) In the case of renunciation of the registration of a mark, the mark cannot be registered for the benefit of a third party in respect of identical or similar products or services until three years, at least, have elapsed after the publication of the renunciation.

#### Article 24

(1) Any concerned person may request the court to remove a mark from the Register if, during five consecutive years, the owner or a licensee has failed to use the mark in the State of Qatar, unless a legitimate reason is provided therefor. The removal request may

apply to the whole or part of the products or services for which the mark was registered. The action for removal shall not be accepted before the owner of the mark justifies the non-use of the mark, at least one month before the date of initiating the legal action.

(2) The court shall order the removal after confirmation that the owner has failed to use the mark and that no circumstances have made it impossible for him to use it.

(3) The final decision ordering removal of a mark shall be communicated to the Office.

(4) Removal shall be published in the Bulletin and recorded in the Register. Registration of a mark shall be deemed to have never existed as from the date it ceased to be used.

#### Article 25

(1) The Office shall remove, *ex officio*, registered marks where the legal period of protection has expired without the owner applying for its renewal as required.

(2) Removal shall be published in the Trademark Bulletin and recorded in the Register. Registration of a mark shall be deemed to have never existed as from the date of expiration of the duration of the legal protection.

## Article 26

Without prejudice to the provisions of the preceding Article, the Office or any concerned person may request the Civil Court to invalidate the registration of a mark if the mark was illegally registered. Nullity apply to the whole or part of the products or services.

The final decision invalidating the registration shall be communicated to the Trademark Office and published in the Bulletin after being recorded in the Register. Registration of the mark shall be deemed to have never existed as from the date of such recordation.

## CHAPTER IX

### Collective Marks

## Article 27

(1) Any person undertaking the control or inspection of certain products or services as to their origin, component elements, manufacturing process, qualities, identity or any other common characteristic may, by decision of the Minister, be authorized to register a collective mark.

(2) The application for registration of a collective mark shall be accompanied by a copy of a document containing the rules which the applicant for registration will follow in the control or inspection of the products or services, together with an indication of the conditions

or limitations which the products or services have to comply with, and the manner in which the collective mark is to be used in connection therewith.

(3) The ownership of a collective mark may be transferred only by special authorization of the Office.

(4) A collective mark which is not renewed cannot be registered for the benefit of a third party in respect of identical or similar products or services.

(5) The provisions of this Law shall apply to collective marks having regard to their special character.

#### Article 28

(1) The registered owner of the collective mark shall notify the Office of any changes made in the rules provided for in paragraph (2) of the preceding Article.

(2) Any concerned person may request the Civil Court to invalidate the registration of a collective mark if it is established that the registered owner is using the mark alone, is using it or allowing to be used in contradiction with the rules provided for in the preceding Article in such a way as to be likely to mislead the market sector or the public about the distinctive common characteristics of the goods or services in respect of which the mark is registered.

(3) The ownership of a collective mark may not be the subject of a license agreement and it may not be the subject of a change without the prior consent of the Office.

## CHAPTER X

### Commercial Indications

#### Article 29

(1) A commercial indication is considered to be any description related, directly or indirectly to the following:

- (a) The number, quantity, size, capacity, power or weight of the products
- (b) The place or the country in which the products were manufactured or produced;
- (c) The manufacturing process or method of production of the products;
- (d) The elements entering into the composition of the goods;
- (e) The name or occupation of the manufacturer or producer of the goods;
- (f) The existence of patents or other intellectual property rights, or of any privileges, awards or distinctions.

### Article 30

(2) The commercial indication must correspond, in all respect, with reality, whether figuring on the products, shops, warehouses, signboards, packings, invoices, writing paper, advertising material or other means.

### Article 31

(3) If the quantity, size, capacity, power, weight or component elements of the product are relevant elements in the appreciation of their value, such product may not be imported, sold or offered for sale unless they bear one or more of the said indications. Such indications shall be written in the Arabic Language.

### Article 32

The manufacturer may not use the name of the place where he has a principle factory with respect to products manufactured for him at another place, unless such a name is accompanied by an indication of the latter place in a manner that prevents all confusion.

The Implementing Regulations shall define the manner in which such indications are to be affixed to the products.

## CHAPTER XI

### Trade Names, Geographical Indications and Industrial Designs

#### Article 33

Trade names shall be protected by the provision of this Law even if it is not registered.

#### Article 34

The ownership of a trade name may only be transferred with the enterprise using the trade name; nevertheless, the personal name of a tradesman or his successor may not be used in trade in a way that might mislead the public.

#### Article 35

The Office shall maintain a register for voluntary registration of trade names; the Implementing Regulations shall provide for the necessary procedures therein.

#### Article 36

The owner of a trade name shall have the right to prevent others from the use of his trade name or any indication thereof in such a way that might mislead the public or create confusion about products or services related to the trade name.

#### Article 37

The provisions of this Law on trademarks shall apply on trade names without prejudice to its character.

#### Article 38

Geographical indications shall be protected by this Law even if they are not registered.

#### Article 39

A person residing in a place specially reputed for the production of certain products may (*sic*) or prevent those who trade in similar products produced in other places from affixing on their products marks of such nature that is likely to mislead the public as to the origin of the products, even if the marks do not bear the names or addresses of those persons, unless the appropriate measures to prevent the confusion are taken.

#### Article 40

A concerned physical or moral person may apply for the registration of a geographical indication to protect a certain product; acceptance of the registration shall not entail exclusive rights for the applicant, such indication may be used by a person who trades in that geographical origin.

Article 41

The provisions of this Law shall apply on geographical indications without contradiction to its special character.

The Implementing Regulations shall provide for the rules for the voluntary registration of geographical registrations and the rules for their use.

Article 42

Any physical or moral person may register any invented industrial design.

Article 43

The owner of an industrial design may prevent other parties from the use, imitation or counterfeit of his industrial design.

Article 44

An industrial design shall be protected for a period of five years renewable for further two similar periods.

Article 45

Without prejudice to its special character, the provisions of this Law on marks shall apply on industrial designs.

## CHAPTER XII

### Preventive Measures and Sanctions

#### Article 46

(1) Any concerned person may obtain from the competent civil court, upon a petition, an order directing that the appropriate preventive measures be taken, including in particular the following:

- (a) The establishment of a detailed descriptive inventory of local or imported products, packings, papers, sign-boards or other articles bearing a counterfeit, imitated or wrongfully affixed or used mark or any false or unlawful indication, trade name or geographical indication, as well as documents or material used in committing the said acts;
  - (b) Seizure of articles mentioned in the preceding paragraph, provided that such seizure does not take place until the petitioner submits a deposit to the registrar of the court to prove the seriousness of the petition and to indemnify the distrainee if required.
- (2) The order of the court may include a nomination of one or more experts to assist in the preparation of the inventory and in taking the preventive measures.
- (3) After seizure, the amount of the deposit submitted by the seizer may be contested by persons concerned by lodging an action before the competent court.
- (4) The preventive measures taken by the owner of the mark shall, in all cases, become null and void unless followed, within ten days from the date of the order, by a civil or criminal action initiated against the party in respect of whom the measures were taken.

- (5) The distrainee may initiate an action for damages upon seizure. The seizer and registrar of the competent civil court shall be notified of such action within 90 days from the expiration of the period provided for in the preceding paragraph or after the final dismissal of the seizer's action, otherwise the distrainee shall forfeit his right to initiate such an action.
- (6) The deposit shall be restored to the seizer in the following cases:
  - (a) If a final decision has been taken in his favor,
  - (b) If the period of 90 days provided in paragraph 5 of this Article elapsed without the distrainee initiating an action for damages for the seizure,
  - (c) If a final decision has been taken rejecting the distrainee's action.

#### Article 47

Without prejudice to any severer punishment under any other Law, the following persons shall be liable to imprisonment for a term not exceeding two years and to a fine not more than 20,000 Riyals or to either of those penalties:

- (1) Any person counterfeiting or imitating a registered trademark, trade name, geographical indication or industrial design in a manner which is likely to mislead or confuse the public.
- (2) Any person fraudulently making use of a counterfeit or imitated mark, trade name, geographical indication or industrial design.
- (3) Any person fraudulently affixing to his products, or using in connection to his products or services, a mark, a trade name or a geographical indication belonging to another person.

convicted party and shall order the closure of the enterprise for a period not less than fifteen days and not more than three months , the confiscation of the equipment and material used in the counterfeiting or imitation as well as the confiscation of the counterfeit or imitated products, even in the event of acquittal.

#### Article 51

Any concerned person may lodge an action before the competent civil court to prohibit the continuation the infringement as stipulated in Articles 47 and 48, prevent the infringement as well as lodge an action for damages.

#### Article 52

- (1) The competent civil court may order the confiscation of the seized products, the closure of the enterprise for a period not less than fifteen days and not exceeding six months. The judgement shall be published in one or more newspapers at the expense of the convicted party.
- (2) The court shall order the destruction of the counterfeits or imitated marks, indications, trade names or industrial designs or the products affixed thereto or the products which illegally bear false or illegal indications, even in the event of acquittal.

### CHAPTER XIV

#### Final Provisions

#### Article 53

The Minister shall issue the Implementing Regulations under this Law within two months from its coming into force; the existing Regulations and executive decisions shall apply up to the date on which the new Regulations come into force.

The Implementing Regulations shall contain provisions ensuring temporary protection for marks connected with products or services exhibited in exhibitions held in the State of Qatar or outside the State of Qatar.

The Implementing Regulations shall provide also for the fees payable on proceedings related to the execution of the provisions of this Law not exceeding 1,000 Riyals for each procedure.

#### Article 54

The officers appointed by an order from the Minister shall have the status of judicial police for the application of the provisions of this Law and for proving the offenses committed in violation thereof.

#### Article 55

Law No. 3 of 1978 is repealed as well as every provision inconsistent with the provisions of this Law.

#### Article 56

All competent authorities, each within its competence, are charged with the implementation of this Law which shall come into force as from 1 January, 2000.

issued at the Amiri Diwan

on:     /   /

Hamad Bin Khalifa Al-Thani,

Emir of the State of Qatar

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