

CHECKLIST OF ISSUES ON ENFORCEMENT¹

Responses from Qatar

Civil and Administrative Procedures and Remedies

(a) *Civil judicial procedures and remedies*

1. Specify the courts which have jurisdiction over IPR infringement cases.

Civil and criminal courts have jurisdiction depending on the type of infringement.

2. Which persons have standing to assert IPRs? How may they be represented? Are there requirements for mandatory personal appearances before the court by the right holder?

All interested parties have standing to assert intellectual property rights before the courts without any formalities.

3. What authority do the judicial authorities have to order, at the request of an opposing party, a party to a proceeding to produce evidence that lies within its control?

General principles of law.

4. What means exist to identify and protect confidential information brought forward as evidence?

General principles of law.

5. Describe the remedies that may be ordered by the judicial authorities and criteria, legislative or jurisprudential, for their use;

- **injunctions;**
- **damages, including recovery of profits, and expenses, including attorney's fees;**
- **destruction or other disposal of infringing goods and materials/implements for their production;**
- **any other remedies.**

Injunctions

To prohibit committing infringement.

¹ Document IP/C/5.

Damages, including recovery of profits, and expenses, including attorney's fees

Seizure of profits attributable to the infringement and ordering any appropriate indemnification.

Destruction or other disposal of infringing goods and materials/implements for their production

Confiscation of infringing goods and material and implements of production is provided which is always followed by destruction of the above-mentioned products in the case of copyright. In the case of trademarks, geographical indications and industrial designs, this is explicitly provided for in Article 52 of the law on Trademarks.

Any other remedies

There are other conservatory measures in case of risk of losing evidence relating to infringement. Additionally, sanctions may be doubled in case of recurrence.

- 6. In what circumstances, if any, do judicial authorities have the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods of services found to be infringing and of their channels of distribution?**

General principles of law allow the judge to order the above.

- 7. Describe provisions relating to the indemnification of defendants wrongfully enjoined. To what extent are public authorities and/or officials liable in such a situation and what "remedial measures" are applicable to them?**

The court may order indemnification for prejudice caused by such measures (Article 47(f) of the Copyright Law and Article of the Law on Trademarks.

- 8. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.**

[No reply.]

(b) *Administrative procedures and remedies*

- 9. Reply to the above questions in relation to any administrative procedures on the merits and remedies that may result from these procedures.**

Please refer to the answers in the section above.

Provisional Measures

(a) Judicial measures

10. Describe the types of provisional measures that judicial authorities may order, and the legal basis for such authority.

In the Copyright Law, Article 47 (a) through (d) provides for conservatory or provisional measures to prevent infringement. These include, among others, granting injunctions, order seizure, confiscation.

In the case of trademarks, geographical indications and industrial designs, provisional measures are cited in Article 46 of the Trademarks Law and include seizure of infringing articles.

11. In what circumstances may such measures be ordered *inaudita altera parte*?

In cases where there is a risk of losing material which constitutes evidence related to the infringement.

12. Describe the main procedures for the initiation, ordering and maintenance in force of provisional measures, in particular relevant time-limits and safeguards to protect the legitimate interests of the defendant.

Article 47 of the Copyright Law provides that preventive measures may be initiated upon application of the holder of the right or any of his successors or hirers.

Article 46 of the Trademarks Law provides that preventive measures may be initiated upon a petition by a concerned person directed to the competent civil court.

13. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.

Article 46 of the Law on Trademarks provides that preventive measures taken by the owner of the mark shall 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.

(b) Administrative procedures

14. Reply to the above questions in relation to any administrative provisional measures.

Please refer to the answers in the section above.

Special Requirements Related to Border Measures

- 15. Indicate for which goods it is possible to apply for the suspension by the customs authorities of the release into free circulation, in particular whether these procedures are available also in respect of goods which involve infringements of intellectual property rights other than counterfeit trademark or pirated copyright goods as defined in the TRIPS Agreement (footnote to Article 51). Specify, together with relevant criteria, any imports excluded from the application of such procedures (such as goods from another member of a customs union, goods in transit or *de minimis* imports). Do the procedures apply to imports of goods put on the market in another country by or with the consent of the right holder and to goods destined for exportation?**

Goods for which it is possible to apply for the suspension by customs authorities of the release into free circulation are goods that are produced and sold in violation of the laws.

- 16. Provide a description of the main elements of the procedures relating to the suspension of the release of goods by customs authorities, in particular the competent authorities (Article 51), the requirements for an application (Article 52) and various requirements related to the duration of suspension (Article 55). How have Articles 53 (security or equivalent assurance), 56 (indemnification of the importer and of the owner of the goods) and 57 (right of inspection and information) been implemented?**

Preventive measures in the case of trademarks are cited in Article 46 of the law and include *inter alia* the seizure of articles. Concerned persons should file a petition to that effect. The competent civil courts may order the confiscation of the seized products and the closure of the enterprise. The court shall order the destruction of the counterfeits or imitated marks, etc.

In the case of copyright and neighbouring rights, Article 47(b) and (c) allows the court to take any of the above measures as provisional measures if the owner proves that his rights are subject to imminent infringement. The court may, upon application of the holder of the right or any of his successors or hirers, grant order seizure of the infringing copies or any part thereof.

- 17. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost. How long is the validity of decisions by the competent authorities for the suspension of the release of goods into free circulation?**

Cost or length of proceedings are not specified.

- 18. Are competent authorities required to act upon their own initiative and, if so, in what circumstances? Are there any special provisions applicable to *ex officio* action?**

Yes, they are required to act upon their own initiative according to Article 54 of the Trademarks Law and Article 55 of the Copyright Law.

- 19. Describe the remedies that the competent authorities have the authority to order and any criteria regulating their use.**

The competent offices in the Ministry of Economy and Trade have the authority to control and verify offences committed in violation of the laws. They can for instance enter the premises where the works are published, distributed and to confiscate material, copies or means used in any acts violating the laws.

Criminal Procedures

20. Specify the courts which have jurisdiction over criminal acts of infringement of IPRs.

Criminal courts have jurisdiction over criminal acts of infringement on intellectual property rights.

21. In respect of which infringements of which intellectual property rights are criminal procedures and penalties available?

Yes, there are penalties and they are stated in Articles 48 through 52 of the Copyright Law and Articles 47 through 52 of the Trademarks Law.

22. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?

The staff of the Office for the Protection of Copyright and Related Rights and the staff of the Office for Trademarks shall have the capacity of legal officers for controlling and certifying offenses committed in violation of the respective laws.

23. Do private persons have standing to initiate criminal proceedings and, if so, who?

Yes, provided they are interested parties.

24. Specify, by category of IPR and type of infringement where necessary, the penalties and other remedies that may be imposed:

- **imprisonment;**
- **monetary fines;**
- **seizure, forfeiture and destruction of infringing goods and materials and implements for their production;**
- **other.**

Imprisonment

Up to one year (double the sanctions in case of recurrence).

Monetary fines

From 10,000 to 100,000 Riyals (double the sanctions in case of recurrence).

Seizure, forfeiture and destruction of infringing goods and materials and implements for their production

These acts are provided for under Chapter 10 of the Copyright Law and Chapter 12 of the Trademarks Law.

25. Describe provisions governing the length and any cost of proceedings. Provide any available data on the actual duration of proceedings and their cost, if any.

Cost or length of proceedings are not specified.
