

Law No. 5 of 2005 Protection of Trade Secrets 5 / 2005

Number of Articles: 14

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Articles (1-14)

We, Hamad bin Khalifa Al-Thani, Emir of the State of Qatar,
Having considered the Amended Provisional Constitution, in particular, Articles 23, 34 and 51 hereof;
Decree-Law No 32 of 2004 on the organisation of the Ministry of Economy and Commerce and the functions thereof;
Law No 7 of 2002 on Protection of Copyright and Neighbouring Rights;
Decree No 24 of 1995 ratifying the accession of Qatar to the *Agreement establishing the World Trade Organization* (WTO) and the attached multilateral Commercial conventions and *agreements* to which the State of Qatar is party;
The draft Law submitted by the Cabinet;
And having consulted the *Shura* Council,

Hereby promulgate the following Law:

Articles

Article 1

In the implementation of this Law, the following words and expressions shall have the meanings ascribed thereto, unless the context otherwise requires:
“the Ministry” means the Ministry of Economy and Commerce;
“the Minister” means the Minister of Economy and Commerce;
“Trade secrets” means information which (a) in whole or in part, is not generally known to the public; (b) confers an economic benefit on its holder; and (c) depends for its confidentiality on reasonable efforts to maintain its secrecy.
“Holder of a trade secret” means the natural or juristic person who has the right to disclose, use or keep confidential information.

Article 2

Without prejudice to the provisions of international conventions and agreements effective in the State of Qatar, foreigners shall hold the same rights guaranteed by this Law to the citizens of the State of Qatar, provided that, they are citizens or residents of states which grant reciprocal treatment, within their territories to the citizens or residents of the State of Qatar.

Article 3

The Holder of a trade secret protected by the provisions of this Law may prohibit any person from disclosing or misusing such secret.

Article 4

The Holder of a trade secret, or his successor, may dispose, wholly or partially of the secret to any third party, with or without consideration, and may prevent both its disclosure to and improper use by others without the Holder's prior approval or in a manner incompatible with honest commercial practices.

Article 5

- a. The protection established by virtue of the provisions of this Law extends to trade secrets discovered from confidential tests or unknown data.
 - b. Where the competent government authorities stipulate the provision by commercial entities of detailed data regarding commercial secrets for approval in marketing pharmaceutical or chemical agricultural products in which new chemical substances are used, such competent government authorities shall protect the data from illegitimate commercial use from the date of their disclosure to the competent government authorities until they cease to be confidential.
 - c. It shall not be deemed an infringement of the rights of the Holder of a trade secret if the competent government authorities reveal such data for the purpose of protecting the general public, or for the purpose of guaranteeing the prevention of their illegitimate commercial use.
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Article 6

- a. Except for those persons who are legally compelled to maintain the confidentiality of classified information, any person who legally obtains such information shall take all necessary precautions to prevent its disclosure by or to others
 - b. Furthermore, such person shall regulate the use of classified information and limit such use to those who are legally committed to maintain its confidential
 - c. Such liability shall not be disclaimed, in the event that the information was disclosed to others, unless it is proved that reasonable efforts have been made to maintain its confidentiality
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Article 7

No person shall obtain, exploit or disclose a trade secret without prior approval from its rightful owner. The following is particularly prohibited:

- 1. Violating the contract between the rightful owner of the commercial secret and the person investing in or exploiting it.
- 2. Infringement of the secrecy of trade information or encouraging its violation.
- 3. Obtaining trade secrets fraudulently.

Obtaining trade secrets from a third party if he knew or could have known that obtaining such trade secrets was incompatible with honest commercial practices. Discovery of a commercial secret independently or as a result of scientific research shall not be deemed incompatible with honest commercial practices.

Article 8

The Holder of a trade secret, or his successor, may demand compensation for any damages resulting from the infringement or misuse of the secret. Such demand shall be made by application to the court of competent jurisdiction upon deposit with the court registry of a bank or cash guarantee estimated by the court. The court may order the following precautionary measures:

- 1. Halting the infringement of the trade secret
- 2. Precautionary attachment of the items whose trade secrets were being infringed or misused..
- 3. Seizing of evidence related to an alleged infringement.

In all cases, the abovementioned bank or cash guarantee shall be returned, if the court rules in the plaintiff favour.

Article 9

1. Based on the defendant request, the precautionary measures referred to in the preceding article shall be revoked if the plaintiff fails to file a lawsuit within fifteen (15) days of the court's ordering such measures.
2. The defendant may demand compensation for any damages resulting either from the wrongful request by the plaintiff of the precautionary measures or in his failure to file his lawsuit within the time limit prescribed in the preceding clause

Article 10

The court of jurisdiction may, *ex proprio motu*, order the disposal of attached items to settle fines and damages. Furthermore, the Court may, when necessary order the destruction of such items. In all cases, the court of jurisdiction shall, even upon reaching a finding of not guilty, decide on the attached items.

Article 11

- a. Without prejudice to any severer penalty stated in another law, any person convicted of an offence under Articles 6 and 7 of this Law shall be sentenced to an imprisonment for a period not exceeding one (1) year and/or a fine not exceeding fifty thousand (50,000) Riyals. The maximum limit of the sentence shall be doubled in the event of a second commission and conviction.

Article 12

The employees of the Ministry, delegated by a decision of the Attorney-General with the consent of the Minister, shall hold the rank of Judicial Enforcement Officers in controlling and proving offences relating to this Law.

Article 13

The Minister shall, within a period of three (3) months of the date of enforcing this law, issue the executive bylaw and resolutions necessary to enforce it.

Article 14

All competent authorities, each within its own area, shall execute this law and it shall be published in the *Official Gazette*.

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