

## **SPECIAL REGULATION No. 11**

### **CONCERNING INTELLECTUAL PROPERTY RIGHTS**

#### **CHAPTER I. GENERAL PROVISIONS**

##### **Article 1. Purpose**

**1.1.** The purpose of this Special Regulation, in accordance with Articles 38, 39, 40, 41 and 43 of the General Regulations of the International Horticultural Exhibition Expo 2023 Doha, Qatar (hereinafter referred to as “Expo 2023 Doha”, or the “Exhibition”), is to specify the rules for the protection of intellectual property rights (hereinafter referred to as “IPR”) of Participants concerning their items exhibited or utilized at Expo 2023 Doha.

##### **Article 2. Compliance with Laws and Regulations**

**2.1.** All Participants shall comply with the following conventions, treaties, laws and regulations (hereinafter jointly referred to as “the Laws and Regulations”);

**2.1.1.** Paris Convention relating to International Exhibitions signed on November 22<sup>nd</sup>, 1928 as amended and supplemented,

**2.1.2.** General and Special Regulations of the Exhibition,

**2.1.3.** The following IPR related international treaties which Qatar has concluded or acceded to<sup>1</sup>:

- Paris Convention on the Protection of Industrial Property of March 20<sup>th</sup>, 1883,
- Bern Convention on the Protection of Literary and Artistic Works of September 9<sup>th</sup>, 1886,
- World Intellectual Property Organization (WIPO) Convention of July 14<sup>th</sup>, 1967,
- Marrakesh Agreement establishing the World Trade Organization (WTO) of April 15<sup>th</sup>, 1994,
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of October 26<sup>th</sup>, 1961,
- Patent Cooperation Treaty of June 19<sup>th</sup>, 1970,
- Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purpose of Patent Procedure of April 28<sup>th</sup>, 1977.

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<sup>1</sup> The State of Qatar is not a signatory to the “Geneva Convention of September 6<sup>th</sup>, 1952 on Author’s Rights”.

- WIPO Copyright Treaty and Performances and Phonograms Treaty of December 20<sup>th</sup>, 1996.

**2.1.4.** Other patents, samples, food samples, plants species under protection, trademarks, naming and operating rights, and intellectual property rights are under the protection of International Agreements to which Qatar takes part.

**2.1.5.** Relevant laws and regulations in Qatar.

**2.2.** Additional instructions and directives shall be issued by the Organizer to provide more information on related subjects and further specify the rights and obligations of the Participants and the Organizer.

### **Article 3. Definitions**

The following terms related to protection of the intellectual property rights shall have the meanings set forth below:

**3.1.** An invention refers to any product or method as new technical solution relating to a product, a process or improvement thereof,

**3.2.** Pursuant to Qatar Law No. 9 of 2002,

- a trademark refers to any clear visible sign that can distinguish the goods of a specific enterprise of a trade, manufacturer or service provider,
- a mark refers to any mark that distinguishes a trader, manufacturer, or service provider,
- a trade name refers to the name of designation identifying the enterprise owned by a natural or judicial person,
- a geographical indication refers to any expression or sign that denotes the geographic name of any country, region, territory or site, and indicates the origin of the product or that its quality, characteristics, or reputation is due in whole or in part to the geographical environment or natural and human factors in this origin.

**3.3.** An industrial design and/or model refers to any new design of or applicable technical solution relating to the shape, structure, pattern, color or the combination thereof, which suits for industrial application by providing aesthetic appearance.

**3.4.** A copyright refers to any exclusive and assignable legal right, given to the originator for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material.

## **CHAPTER II. PROTECTION OF PATENT RIGHTS**

### **Article 4. Scope of Protection**

**4.1.** Qatar Law No. 30 of 2006 to Issue Patent's Law (hereinafter referred to as the "Patent Law") makes patents 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. Furthermore, it shall not be

contradicting with the provisions of Islamic Sharia' (Law), violating the public order, ethics or national security.

**4.2.** Pursuant to the Patent Law, the patentability shall not include:

- Scientific theories, mathematical methods, computer programs, exercise of pure intellectual activities or practice of a specific game,
- Plants and animals' research, and essentially biological processes to produce plants or animals other than microbiological processes and their productions.
- Diagnostic, therapeutic and surgical methods for the treatment of humans or animals and its productions.

### **Article 5. Applications for Delivery of Patents**

**5.1.** Exhibitors of Official Participants may submit their patent registration applications under the terms and conditions defined by the executive bylaws of the Patent Law to the Patent Office at the Ministry of Economy and Commerce, for inventions first exhibited at the Exhibition within six months of the exhibition, during which time the application will not lose its novelty.

**5.2.** The Patent Office shall examine the registration applications in accordance with the conditions of acceptance as per the executive bylaws of the Patent Law.

### **Article 6. Rights and Period of Validity**

**6.1.** 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.

**6.2.** The patent owner or any other person to whom some or all 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 Patent Law or the licenses granted in accordance with its provisions.

**6.3.** Pursuant to the Patent Law, 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.

## **CHAPTER III. PROTECTION OF EXHIBITED TRADEMARKS**

### **Article 7. Scope of Protection**

**7.1.** Qatar Law No. 9 of 2002 gives authorization to the Office for the Protection of Industrial Property of the Ministry of Economy and Trade for registering trademarks, trade names, geographical indications, industrial designs and templates.

**7.2.** If a trademark is used for the first time in the Exhibition, exhibitors of Official Participants concerned may enjoy the right of priority in submitting an application at the Office for the Protection of Industrial Property for registration of the same trademark for identical commodities in Qatar for six months as from the date when the trademark is used.

**7.3.** Pursuant to Law No. 9 of 2002, a mark shall be considered worthy of registration in particular if it takes a distinctive form of names, signatures, words, letters, numerals, designs, pictures, symbols, stamps, seals, vignettes, reliefs and any other sign or a variety of colours, a non-functional single colour, sound, or 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 or agriculture, or private enterprises in the fields of forestry or mining or to distinguish goods sold or services performed in the course of trade.

**7.4.** Pursuant to Rules and Regulations, the following cannot be registered as marks or as elements thereof:

- Signs free of any distinctive character, or which are a mere description of the characteristics of goods or services, or which consist of marks and indications that are the normal designations in use for such goods or services or their normal designs.
- Any term, design or sign contrary to morality or public order.
- Public emblems, flags and other symbols and names or designations relating either to a country or international organization, as well as any imitation of the above unless with the prior written approval of the relevant authority.
- Official signs and hallmarks of any country or relating to its control and guarantee of goods or services, unless with the prior written approval of the relevant authority.
- Symbols which are identical or similar to the Red Crescent or Red Cross.
- The picture, name or emblems of a third party unless with his prior written approval.
- Indications of honorary distinctions to which the applicant cannot prove that he is legally entitled.
- Signs which are identical or confusingly similar to the public, to a mark already registered or for which an application was filed by a third party for identical or similar goods or services, or signs that are widely famous even though an application was not filed for them or they were not registered in Qatar, regardless of the extent to which the associated goods or services or those for which a registration application was made are identical or similar.
- Signs likely to deceive the public or which contain false details as to the origin or other characteristics of the goods or services, as well as signs that create confusion due their containing a fictitious, falsified or counterfeit indication or trade name.

## **Article 8. Applications for Trademarks**

**8.1.** Participants shall submit their applications for the registration of a mark to the Office for the Protection of Industrial Property of the Ministry of Economy and Trade, under the terms and conditions defined by the Law No. 9 of 2002.

**8.2.** Without prejudice to the provisions of international or bilateral treaties and conventions effective

in Qatar, the applicant for registration of a mark may enjoy a right of priority on the grounds of an earlier application filed in another country, on the conditions set out in Law No. 9 of 2002.

**8.3.** Exhibitors of Official Participants applying for trademark registration in Qatar may file applications with the WIPO International Bureau through the trademark administration of the country they represent for trademark registration and for designating Qatar for territorial extension pursuant to the Madrid Agreement and the Madrid Protocol to gain trademark protection in Qatar.

### **Article 9. Rights and Period of Validity**

**9.1.** The duration of the protection of a mark shall be ten years from the date of filing the application for registration. The owner of the mark shall have the right to the continuation of the protection for further consecutive periods of ten years each by a renewal of the registration in conformity with the rules stipulated in the following article.

**9.2.** The owner of a registered mark shall have the right to prohibit third parties from using his mark, or any sign resembling it in such a way as to be likely to mislead the public, in respect of goods or services for which the mark is registered or for similar goods or services.

## **CHAPTER IV. PROTECTION OF COPYRIGHT**

### **Article 10. Scope of Protection**

**10.1.** Qatar Law No. 7 of 2002 on the Protection of Copyright and Neighboring Rights (hereinafter referred to as the “Copyright Law”) gives authorization to the Office for the Protection of Copyrights and Neighboring Rights of the Ministry of Economy and Trade to protect the authors of original literary and artistic works, irrespective of the value, quality, purpose or mode of expression of these marks.

**10.2.** The protection offered by the Copyright Law shall extend to the title of the work if it is original and covers the following works:

- Books, pamphlets and other writings,
- Works delivered orally such as lectures, addresses, sermons or similar works such as poems and hymns,
- Dramatic and dramatico musical works,
- Musical works, whether or not they include accompanying words,
- Choreographic works and pantomimes,
- Audiovisual works,
- Photographic and similar works,
- Works of applied art, whether handicraft or produced on an industrial scale,
- Works of drawing and painting with lines and columns, architecture, sculpture, decorated arts, engravings, sketches, designs and three-dimensional geographic or topographic works,
- Computer programs
- Other works specified by the Laws and Regulations.

**10.3.** The protection offered by the Copyright Law shall not cover the following works:

- Laws, legal provisions, administrative decisions, international treaties, official documents, or any official translation thereof. However, collections of such material are protected if they involve creative work in the selection and arrangement of their subject matter.
- Daily news and other news of mere informatory nature.
- Ideas, procedures, operational methods, mathematical concepts, principles and mere data. However, any derivative expression thereof shall be covered by protection.

**10.4.** The provisions of Copyright Law apply to the following:

- Works which are published for the first-time inside Qatar, and works which are published for the first time in another country and then published in Qatar within thirty days of the first publication date, irrespective of the nationality or place of residence of their authors,
- Audiovisual works whose producer has his headquarters or place of residence in Qatar,
- Architectural works constructed in Qatar, or any other artistic work incorporated in a building or any other construction situated in Qatar,
- Works protected by an international agreement or a Court in which Qatar is a party, and in accordance with its provisions.

**10.5.** Official Participants who wish to use music works protected under the Copyright Law should seek prior authorization from the copyright owners or the collective management organizations of music-works-related copyrights, and pay due royalties, unless otherwise stipulated in the Laws and Regulations.

## **Article 11. Rights and Period of Validity**

**11.1.** The author or the owner of the copyright shall have the economic and moral rights as defined in the Copyright Law, as well as the exclusive right to carry out or to authorize any of the following acts;

- Reproduction of the works
- Translation of the work
- Making excerpts, musical arrangement or other transformation of the work,
- Distribution to the public of the work through sale
- Rental to the public of audiovisual works or computer programs,
- Public performance of the work,
- Communication of the work to the public.

**11.2.** The economic rights shall be protected during the life of the Author and for fifty calendar years after his death. Protection for original, artistic or literary work shall be in accordance with the durations as set out in the Copyright Law.

**11.3.** The moral rights shall be perpetual and transferable by inheritance after the author's death. Where the author dies without an inheritor, the competent Ministry shall undertake the protection of such rights.

## **CHAPTER V. FINAL PROVISIONS**

### **Article 12. Protecting New Plant Varieties**

Applications of Official Participants for the right to new plant varieties in Qatar shall be processed on the basis of the agreement concluded between Qatar and the country of which the applicant is a citizen, or international treaties to which both countries are parties, or on the basis of the principle of reciprocity.

### **Article 13. Additional IPRs**

Additional IPRs shall be protected under the Qatar Law No. 5/2005 Protection of Trade Secrets, Law No. 6/2005 regarding the Protection of Integrated Circuit Designs and other relevant Qatari legislation.

### **Article 14. Measures for Protecting IPRs**

**14.1.** The relevant Qatari government departments shall facilitate procedures for Official Participants in applying for patent right registration, trademark registration, copyright registration and new plants varieties' registration.

**14.2.** The Organizer shall take measures to prevent acts of infringement on IPR of Official Participants, and prohibit, unless otherwise permitted by the Laws and Regulations, any unauthorized audio or video recording and filming of exhibitions, forums and performances of Official Participants.

**14.3.** Pursuant to Article 40.1. of the General Regulations, Participants shall adopt necessary measures to protect the intellectual property, so that the intellectual property rights of third parties are not infringed and violation of Qatar competition law are not committed as part of their participation in the Exhibition.

**14.4.** The Organizer shall provide the Participants with information concerning IPRs procedures, as well as a list of designated IPR agencies registered in Qatar to facilitate their applications.

**14.5.** In accordance with Article 40.2. of the General Regulations the Organizer shall not be responsible for the violation of rights of third parties or actions contrary to the rules of competition by a Participant.

**14.6.** If Participants' rights are violated or there are competition law infringements, the Commissioner General of the Exhibition shall be entitled to request that such infringement activities be discontinued by the offending Participant.

**14.7.** Pursuant to Article 40.3. of the General Regulations, Participants must inform the Organizer immediately before the initiation of legal proceedings against another Participant because of violation of its intellectual property rights or due to anti-competitive practices during the Exhibition.

### **Article 15. Images, Audio and Visual Recordings**

**15.1.** The Organizer has the right to take audio and visual records of special events organized by the

Official Participants for the purpose of promotion of the Exhibition. Use of these records shall not be considered as a violation of intellectual property rights.

**15.2.** Reproduction or sale of internal and external photographs or other images of the products, structures and gardens of an Official Participant are subject to the consent of the respective Commissioner General of Section.

**15.3.** Reproduction, in part or in whole, and the sale of photographs of Expo 2023 Doha by Non-Official Participants, is subject to the consent of the Organizer.

**15.4.** Non-Official Participants shall obtain the images mentioned in Article 15.3. from the Organizer. Unless otherwise provided in the Participation Contract, all kinds of revenues earned from the sale to or use by third parties of these images purchased from the Organizer by Non-Official Participants belong to the Organizer.

**15.5.** Procedures and principles concerning all kinds of broadcast, communication, advertisement, sponsorship, marketing, trade, propaganda and similar purposes of intellectual and industrial rights for products given in Article 15.2. shall be determined by the Organizer.

#### **Article 16. Use of the Exhibition's Logo and Other Identifying Marks of the Organizer**

**16.1.** Official Participants may use the Exhibition logo and other identifying marks of the Organizer, such as registered trademark rights and naming rights, free of charge exclusively for non-commercial purposes associated with the Exhibition.

**16.2.** Official Participants may use the Exhibition logo free of charge exclusively for non-commercial purposes associated with the Exhibition, subject to the use of the expression "Official Participant" next to the logo and with a minimum of 20% of its size.

**16.3.** Participants must obtain prior approval of the Organizer to use the Exhibition logo for advertising purposes.

**16.4.** Participants shall comply with the corporate identity manual to be issued by the Organizer, in which further conditions for logo usage are set out.

**16.5.** After the signing of the Participant Contract, entry codes will be given to Official Participants to enable them to obtain logos and other images via the Expo 2023 Doha website.