

Qatar Free Zones Authority

Internet Intermediary Liability Regime Regulations



qfz.gov.qa

Table of contents

PART 1 - Preliminary Rules	3
Article 1 (Citation)	3
Article 2 (Definitions)	3
Article 3 (Interpretation)	5
Article 4 (Application)	6
PART 2 - Exemption from Liability	6
Article 5 (Data Transmission)	6
Article 6 (Automatic, Intermediate and Temporary Storage of Data)	6
Article 7 (Hosting)	7
Article 8 (No Obligation to Monitor)	7
PART 3 - General Provisions	7
Article 9 (Rules, policies, decisions or orders made under these Regulations)	7
Article 10 (International Cooperation)	8
Article 11 (Amendments of the Regulations)	8
Article 12 (Fees)	8
Article 13 (Sanctions)	9

PART 1 - Preliminary Rules

Article 1 - Citation

These Regulations will be cited as the Internet Intermediary Liability Regime Regulations.

Article 2 - Definitions

The following words and phrases will have the meanings shown against each of them, unless the text indicates otherwise:

Authority: will have the meaning given to it in the Free Zones Law.

Basic Service Recipient Information: in relation to a Service Recipient, the Service Recipient's:

- (a) name;
- (b) address;
- (c) records of session times and durations;
- (d) length of service, including start date, and types of services utilised;
- (e) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address used to register the account; and
- (f) means and source of payment for such service, including any credit card or bank account number.

Board: will have the meaning given to it in the Free Zones Law.

Branch: a branch that is registered by the Originating Company pursuant to the Free Zones Legislation.

Company: a company incorporated in accordance with the Free Zones Legislation.

Electronic Data: any digital information, including text, voice, videos, images and sound, of a Service Recipient, which is stored electronically by the Free Zone Entity Internet Intermediary Services Provider, excluding Basic Service Recipient Information.

Free Zone: will have the meaning given to it in the Free Zones Law.

Free Zone Entity: an entity that has been incorporated or registered in a Free Zone.

Free Zones Law: Law Number (34) of 2005, as referred thereto.

Free Zones Legislation: Law Number (34) of 2005 as referred thereto, these Regulations and any other regulations issued pursuant thereto, rules, policies, resolutions, decisions or orders issued from time to time in connection with the Free Zone.

Free Zone Entity Internet Intermediary Services: Permitted Activities which:

- (a) are provided at a distance by electronic means at the individual request of a Service Recipient; and
- (b) consist of:
 - (i) the transmission via a Telecommunications Network of Electronic Data, or the provision of access to a Telecommunications Network; and/or
 - (ii) the storage of Electronic Data; and/or
 - (iii) such other functions or activities as designated by the Authority by these Regulations from time to time.

Free Zone Entity Internet Intermediary Services Provider: a Free Zone Entity providing Free Zone Entity Internet Intermediary Services in or from the Free Zone.

Licence: a permission to carry out one or more Permitted Activities issued by the Authority to a Free Zone Entity pursuant to the Licensing Regulations.

Licensing Regulations: the regulations issued by the decision of the board of directors of the Free Zones Authority No (DFZ/21) of 2020.

Notice and Take Down Order: an order in a format prescribed by the Authority issued in accordance with these Regulations requiring a Free Zone Entity Internet Intermediary Services Provider to block, disable access to, or remove, Electronic Data which is Unlawful within a timescale stipulated within the order.

Originating Company: legal person, whether incorporated within or outside the State, which has registered a Branch under the Free Zones Legislation.

Permitted Activity: an economic activity under the Free Zones Law that a Free Zone Entity is permitted to undertake from the list of activities set out in the Schedule of Permitted Activities, as prescribed in the Licensing Regulations.

Regulations: the present Internet Intermediary Liability Regime Regulations including any rules, policies, resolutions, decisions or orders issued under or in connection with these Regulations.

Schedule of Permitted Activities: the list of permitted activities issued and updated from time to time by the Authority.

Service Recipient: any natural or legal person who uses Free Zone Entity Internet Intermediary Services.

State: the State of Qatar.

Telecommunications Network: any wire, radio, optical or electromagnetic systems for routing, switching and transmitting telecommunications services between network termination points, including fixed and mobile terrestrial networks, satellite networks, electricity transmission systems or other utilities (to the extent used for telecommunications), circuit or packet switched networks (including those used for

Internet Protocol services) and networks used for delivery of broadcasting services (including cable television networks).

Unlawful: any act or omission that violates any law applicable in the State, including in the Free Zone.

Article 3 - Interpretation

(1) In these Regulations, a reference to:

- (a) a law includes all amending or supplementary legislative instruments, or secondary or subordinate executive regulations, including decrees, regulations, resolutions, decisions, policies or orders issued by the Authority, or any other competent State authority having jurisdiction over the Free Zone, made from time to time under that law as amended, restated or re-enacted from time to time;
- (b) a provision of any law or regulations includes a reference to that provision as amended, restated or re-enacted from time to time;
- (c) the singular includes the plural and vice versa;
- (d) a year, month or day means a year, month or day of the Gregorian calendar;
- (e) the masculine gender includes the feminine gender or a legal body;
- (f) a document or deed in "prescribed form" is a reference to that document or deed in the form prescribed by the Authority from time to time;
- (g) "in writing" includes any form of representing or reproducing words in a legible form; and
- (h) a person includes any natural or legal person, including a branch, company, partnership, unincorporated association, government or state, including any governmental department, body or authority.

(2) The headings in these Regulations do not affect their interpretation.

(3) Any reference to an Article, a sub-article, a paragraph or a sub-paragraph in these Regulations without further identification is a reference to an Article, a sub-article, a paragraph or a sub-paragraph of an Article in these Regulations.

(4) Any reference in these Regulations to "include", "including", "in particular", "for example", "such as" or any similar expressions will be considered as being by way of illustration or emphasis only and are not to be construed so as to limit the generality of any words preceding them.

(5) Any reference to a document or instrument requiring certification by a legal person may be signed by an authorised signatory on behalf of such person.

(6) Any reference to the "Authority" includes any person who has been delegated or granted powers by the Authority to regulate, develop, operate or manage any Free Zone in accordance with the Free Zones Legislation.

Article 4 - Application

- (1) These Regulations govern the liability of Free Zone Entities providing Free Zone Entity Internet Intermediary Services in or from the Free Zone.
- (2) These Regulations are without prejudice to the application of State laws which govern the protection of personal data and privacy.

PART 2 - Exemption from Liability

Article 5 - Data Transmission

- (1) No Free Zone Entity Internet Intermediary Services Provider shall be liable for any Electronic Data transmitted using any Free Zone Entity Internet Intermediary Services it provides, provided that the Free Zone Entity Internet Intermediary Services Provider:
 - (a) does not initiate the transmission;
 - (b) does not select the receiver of the transmission; and
 - (c) does not select or modify the Electronic Data contained in the transmission.
- (2) The act of transmission referred to in Article 5(1) includes the automatic, intermediate and transient storage of the Electronic Data transmitted to the extent that this takes place for the sole purpose of transmitting the Electronic Data, and provided that the Electronic Data is not stored for any period longer than is reasonably necessary for the transmission.

Article 6 - Automatic, Intermediate and Temporary Storage of Data

- (1) No Free Zone Entity Internet Intermediary Services Provider shall be liable for the automatic, intermediate and temporary storage of any Electronic Data, provided that the Free Zone Entity Internet Intermediary Services Provider:
 - (a) does not create, generate, select or modify the Electronic Data;
 - (b) does not have actual knowledge that all or any part of the Electronic Data is Unlawful; and
 - (c) acts to block, remove or disable access to the Unlawful Electronic Data it has stored upon being notified by way of a court order or a Notice and Take Down Order from the Authority identifying precisely such Unlawful Electronic Data in accordance with these Regulations.
- (2) Notwithstanding the provisions of Article (6)(1)(c), a Free Zone Entity Internet Intermediary Services Provider shall only be obliged to take reasonable and proportionate steps within its capability and control to block, remove or disable access to the specific Unlawful Electronic Data.

Article 7 - Hosting

- (1) Where Free Zone Entity Internet Intermediary Services are provided, no Free Zone Entity Internet Intermediary Services Provider shall be liable for any Electronic Data stored at the request of a Service Recipient, provided that the Free Zone Entity Internet Intermediary Services Provider:
 - (a) does not have actual knowledge that all or any part of the Electronic Data is Unlawful and/or is not aware of facts or circumstances giving reasonable cause to suspect that all or any part of the Electronic Data is Unlawful; and
 - (b) acts to block, remove or disable access to the Unlawful Electronic Data it has stored upon being notified by way of a court order or a Notice and Take Down Order from the Authority identifying precisely such Unlawful Electronic Data in accordance with these Regulations.
- (2) Notwithstanding the provisions of Article (7)(1)(b), a Free Zone Entity Internet Intermediary Services Provider shall only be obliged to take reasonable and proportionate steps within its capability and control to block, remove or disable access to the specific Unlawful Electronic Data.

Article 8 - No Obligation to Monitor

- (1) A Free Zone Entity Internet Intermediary Services Provider shall have no obligation to:
 - (a) monitor the Electronic Data which it transmits or stores, including any Electronic Data that was blocked, removed or disabled following a notice by way of a Court order or a Notice and Take Down Order from the Authority in accordance with these Regulations; or
 - (b) actively seek facts or circumstances indicating Unlawful Electronic Data and report them; or
 - (c) gain access to, remove, block or disable access to Electronic Data in cases where such conduct is prohibited by law.

PART 3 - General Provisions

Article 9 - Rules, policies, decisions or orders made under these Regulations

- (1) Without prejudice to any other powers granted to it under the Free Zones Legislation, the Authority may issue rules, policies, decisions or orders under these Regulations including in respect of:
 - (a) the powers and the procedures to be applied by the Authority regarding the decision to issue, and the issuing of, Notice and Take Down Orders and applications for a court order enforcing a Notice and Take Down Order should the Authority consider this necessary;

- (b) notification of Service Recipients of the issuance of Notice and Take Down Orders to give Service Recipients the opportunity to respond to them;
- (c) mechanisms for assessing compliance with Notice and Take Down Orders and these Regulations;
- (d) mechanisms for the settlement of disputes between the Authority and Free Zone Entity Internet Intermediary Services Providers relating to Notice and Take Down Orders or the application of these Regulations; and
- (e) sanctions on Free Zone Entity Internet Intermediary Services Providers in relation to failure to comply with Notice and Take Down Orders and these Regulations.

Article 10 - International Cooperation

Free Zone Entity Internet Intermediary Services Providers must comply with, and provide reasonable assistance in relation to, requests by the Authority or any other State authority having jurisdiction over the Free Zone which arise out of or in connection with obligations of the State owing to third countries and international organisations.

Article 11 - Amendments of the Regulations

- (1) An Originating Company and a Free Zone Entity are required to comply with the version of these Regulations or any rules, policies, decisions or orders supplementing these Regulations or any other Free Zones Legislation as are currently in force and published on the Authority's website or by other means. No person will have a right to bring any claim or action against the Authority based upon any replacement, cancellation or amendment of these Regulations or any other Free Zones Legislation.
- (2) The Authority may, within the scope of its jurisdiction, authority or powers, amend these Regulations from time to time, waive any requirements of these Regulations, or make such rules, policies, decisions, orders and regulations to supplement these Regulations as it considers necessary or appropriate to implement, carry out or enforce the Free Zones Law or any of the Free Zones Legislation.

Article 12 - Fees

- (1) The Authority may issue a Schedule of Fees and may update the schedule from time to time.
- (2) A Free Zone Entity must pay any fees due to the Authority immediately upon the fee becoming due.
- (3) Fees paid by a Free Zone Entity are not refundable.

Article 13 - Sanctions

Where there is a breach of these Regulations by a Free Zone Entity Internet Intermediary Services Provider, the Authority may take any action it deems appropriate such as suspending or revoking the Free Zone Entity Internet Intermediary Services Provider's Licence, and so long as there is appropriate process and opportunity for the Free Zone Entity Internet Intermediary Services Provider to appeal such sanctions.

Qatar Free Zones Authority
General Secretariat of the Council
of Ministers Building
P.O. Box 258
Doha, Qatar

qfz.gov.qa

