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**Class License to  
Own and/or Operate a Private Network**

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The Supreme Council of Information & Communication Technology "ictQATAR"

**10 July 2011**

**Amended 29 September 2013**

ICTRA 2011/07/10b

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**Revision History**

<b>Issue Date</b>	<b>Version</b>	<b>Notes</b>
10 July 2010	1.0	First version issued
29 September 2013	1.1	Addition of signature page

For the Supreme Council of Information and Communication Technology - ictQATAR

Signed by

A handwritten signature in blue ink, appearing to read 'Hessa Al Jaber', written over a horizontal line.

Dr. Hessa Al Jaber

Minister of Communication & Information Technology

Dated: 29 September 2013

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## I Legal Nature of this License

- 1.1 The Supreme Council of Information and Communication Technology (“**ictQATAR**”) has established this Class License to Own and/or Operate a Private Network (“**License**”) under Article (4) and Article (9) of the Telecommunications Law No. (34) of 2006 of the State of Qatar.
- 1.2 This License follows the public consultation conducted by ictQATAR in 2009 on the proposed Licensing Framework and its Appendix B “Draft Class License to Own and/or Operate a Private Network” dated 10 May 2009.
- 1.3 This License supersedes all previous versions and applies to all legal persons (Closed User Groups) who own or operate Private Networks in the State of Qatar without having to apply for this License. Such person is referred to hereinafter as the “**Licensee**”.
- 1.4 The Licensee must comply with the terms and conditions set forth herein and with the Telecommunications Law No. (34) of 2006 and its Executive By-Law of 2009 and any other rules, regulations, decisions, orders, policies, guidelines, instructions or notices issued by ictQATAR as well as relevant laws of the State of Qatar and international treaties that the State of Qatar has subscribed to (hereinafter, collectively referred to as the “**Applicable Regulatory Framework**” or “**ARF**”).
- 1.5 Legal persons (Closed User Groups) who wish to own and/or operate Private Networks are not required to notify ictQATAR of their intention to do so and are not required to pay any fees to ictQATAR.
- 1.6 The Licensee is required to have obtained all other necessary approvals or licenses from all other competent authorities in Qatar in accordance with the applicable Qatari laws.

## 2 Activities Covered by this License

- 2.1 The Licensee is hereby authorized to establish, install, own, operate and use a Private Network within a Closed User Group in the State of Qatar, subject to the terms and conditions of this License and the ARF. For the avoidance of any doubt, the resale of telecommunications services to the public is not covered by this Class License.
- 2.2 The Licensee may own and/or operate Private Networks by means of:

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- a) obtaining telecommunications facilities from an Individual Public Telecommunications Licensee; or
  - b) installing and operating its own telecommunications facilities.
- 2.3 The Private Networks may be established using any communications technology including, but not limited to, Leased Lines and Virtual Private Networks.
- 2.4 There will be no restriction on the type of traffic that could be carried over the facilities acquired from Individual Public Telecommunications Licensees.
- 2.5 This License supersedes any prior authorizations relating to Private Networks.
- 2.6 The activities covered by this License may be modified at any time at the sole discretion of ictQATAR.

### 3 Definitions

The key words and expressions used in this License are defined in Annex A. The other words and expressions shall have the meanings set forth in the Telecommunications Law and the ARF.

### 4 Compliance Obligations of the Licensee

- 4.1 The Licensee shall comply (and shall ensure that its officers, subcontractors and agents comply) with the terms and conditions of this License and the ARF.
- 4.2 The Licensee shall also comply with any obligations imposed on it by any of the laws, regulations, rules, guidelines, orders or others issued by the State of Qatar.
- 4.3 This License does not absolve the Licensee from any requirement under the laws or decrees of Qatar to obtain such additional consents, permissions or authorizations, including frequency authorizations as may be necessary for the operation of the Private Network.
- 4.4 The Licensee is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the License and operation of Private Networks.

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### **5 License Term**

The Licensee is authorized to own and/or operate a Private Network as long as the Licensee complies with the terms and conditions of this License and with the ARF.

### **6 Connection with Public Networks**

- 6.1 The Licensee is not allowed to interconnect with a Public Network on wholesale tariffs (mobile termination rates, fixed termination rates). The connection with a Public Network can be done only via a Gateway (e.g., PBX) where the Private Network operator has to pay the applicable retail charges. For the avoidance of any doubt, wholesale rates such as Interconnection rates (e.g., fixed and mobile termination rates) do not apply.
- 6.2 The Licensee shall not use Private Networks in such a way as to bypass the telecommunications facilities of the Individual Public Telecommunications Licensees in Qatar.
- 6.3 The resale of public telecommunications services and the routing of national and international public calls through a Private Network are prohibited.

### **7 Lawful Interception and Security**

- 7.1 The Licensee shall make available to duly authorized law enforcement agencies of the State of Qatar, upon request, all stored information that is held by the Licensee in conducting the activities authorized by this License and shall otherwise cooperate with such authorities in accordance with procedures established by applicable laws and regulations.
- 7.2 The Licensee shall comply with the requirements of the authorized agencies of the State of Qatar relating to national security and with the directions of governmental bodies in cases of public emergencies, and it shall implement the orders and instructions of ictQATAR with respect to service issues related to same.

### **8 Access to Premises and Information**

The employees of ictQATAR who are vested with judicial seizure powers in accordance with Article (63) of the Telecommunications Law may enter and inspect the offices, places

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and premises used by the Licensee in relation to owning and operating a Private Network, in order to verify that the Licensee is in compliance with the terms and conditions of this License and the ARF. ictQATAR will keep Licensee's data and information confidential and will not release them to any other entities except as required by law.

### **9 Telecommunications Equipment**

- 9.1 The Licensee shall ensure that it takes any measures prescribed by the ARF and other reasonable and necessary safety measures regarding the installation, lease, purchase and usage of all telecommunications equipment to safeguard life or property and to limit exposure to electromagnetic emission, radiation and related risks.
- 9.2 The Licensee shall ensure that all telecommunications equipment deployed meets the requirements of ictQATAR's Type Approval regime.

### **10 Radio Frequency**

- 10.1 If the operation of the Private Network requires the use of radio frequencies, the Licensee must (prior to the use of such frequencies) obtain from ictQATAR a radio frequency license or authorization, if applicable, subject to spectrum availability.
- 10.2 The grant of the spectrum license or authorization will not create any property right or interests on the part of the Licensee in such spectrum and the Licensee shall remain subject to the authority of ictQATAR to release spectrum or alter, amend or cancel spectrum allocations or assignments, in accordance with the ARF.
- 10.3 The Licensee must comply with the ARF relating to the use of radio frequency and operation of radio equipment.

### **11 Assignment of License**

The Licensee may not assign this License, and the License will not be deemed to be assigned by contract, by operation of law or for any other reason, without the prior written approval of ictQATAR in accordance with the provisions of the ARF.

### **12 Breach of License Conditions**

- 12.1 The Licensee shall be liable for all breaches of this License and/or of any other terms

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or provisions of the ARF whether caused or carried out by itself or by any Person acting on its behalf.

- 12.2 Except in situations involving imminent and irreparable harm to Persons or property, where there are reasonable grounds to suspect that the Licensee (or its officers, subcontractors or agents) is in breach of this License, the Licensee will be served with a written notice by ictQATAR requesting to rectify the breach.
- 12.3 If the Licensee fails to remedy any breach resulting from non-compliance with any condition of this License or the ARF, ictQATAR may take any enforcement action or measure as it deems appropriate in accordance with the ARF and/or Chapter (16) of the Telecommunications Law.
- 12.4 Without prejudice to any other enforcement powers of ictQATAR, the Licensee shall lose its right to own and/or operate a Private Network, through a notice to this effect from ictQATAR, if the Licensee commits repeated violations of the License terms and/or the ARF.

### **13 Amendment of License**

ictQATAR may amend this License from time to time as it deems necessary.

### **14 Governing Law**

This License shall be governed by and interpreted in accordance with the laws of the State of Qatar.



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## ANNEX A – DEFINITIONS

The following terms and expressions shall have the meanings assigned to each of them:

**Applicable Regulatory Framework (“ARF”):** the Telecommunications Law No. (34) of 2006 of the State of Qatar and its Executive By-Law of 2009 and any other rules and regulations, decisions, orders, policies, guidelines, instructions or notices issued by ictQATAR as well as this License terms and conditions and relevant laws of the State of Qatar and international treaties that the State of Qatar has subscribed to.

**Bypass:** is when a Person uses any means to access national, international or other telecommunications services without using the telecommunications facilities of an Individual Public Telecommunications Licensee.

**Class License:** the License granted in accordance with Chapter Three of the Telecommunications Law for a certain class of service providers and which applies to any person falling within that class without that person having to apply for such license.

**Closed User Group:** means legal persons or entities with common economic and non-economic links, that can be identified as being part of a corporate group that exists on the basis of an ongoing professional and business relationship between members of the group, or with another entity of the group, and whose internal communication needs result from the common interest underlying the relationship. Closed User Groups shall not include natural persons or private individuals.

**Gateway:** For the purpose of this License, a Gateway is a Telecommunications Equipment that connects a Private Network to a Public Telecommunications Network. For clarity, a Gateway is distinct from Interconnection. The Licensee is not allowed to interconnect with a Public Network on wholesale tariffs (mobile termination rates, fixed termination rates). The connection with a Public Network can be done only via a Gateway (e.g., PBX) where the Private Network operator has to pay the applicable retail charges. For the avoidance of any doubt, wholesale rates such as Interconnection rates (e.g., fixed and mobile termination rates) do not apply.

**Individual Public Telecommunications License:** an Individual License granted by ictQATAR for the provision of public Fixed or Mobile Telecommunications Networks and Services. The holder of such license is called Individual Public Telecommunications Licensee.

**Interconnection:** the physical and logical linking of telecommunications networks used by the same service provider or by a number of service providers in order to allow the

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customers of one service provider to communicate with customers of the same or another service provider or to enable them to access services provided by another service provider.

**License:** this “Class License to Own and/or Operate a Private Network”.

**Licensee:** a legal person who owns or operates a Private Network under this Class License.

**Person:** a natural or legal person of any type or form.

**Private Network:** a telecommunications network that is utilized for the internal communications needs of a Closed User Group, as distinct from providing telecommunications services to the public, and which can have a Gateway to the public telecommunications network. The term includes Virtual Private Networks.

**Public Network:** a telecommunications network operated by an Individual Public Telecommunications Licensee used for the provision of telecommunications services to the public.

**Service Provider:** a person that is licensed to provide one or more telecommunications services to the public or licensed to own, establish or operate a telecommunications network to provide telecommunications services to the public. This includes providers of information or content provided using a telecommunications network.

**Telecommunications Equipment:** equipment capable of being connected directly or indirectly with a Telecommunications network in order to send, transmit or receive telecommunications services.

**Telecommunications Facilities:** any facility, apparatus or other used or capable of being used for transmitting telecommunications services or for any operation directly connected with the transmission of telecommunications services.

**Telecommunications Law:** is the Telecommunications Law No. (34) of 2006 of 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).

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**Telecommunications Service:** any form of transmission, emission or reception of signs, signals, writing, text, images, sounds or other intelligence provided by means of a telecommunications network to a third party.