
LICENSING FRAMEWORK

Consultation Document

Second consultation

The Supreme Council of Information & Communication Technology “ictQATAR”

10 May 2009

Comments in response due by 7 June 2009

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I Introduction

I.1 Purpose

Qatar is in the process of an on-going development of its regulatory framework, to fit the needs of the country and in line with the adopted market liberalization approach. As part of this development, Qatar needs to bring a number of market practices into line with a regulated market, as well as provide certainty and opportunities for introducing new players into the market.

As a regulated sector, an important instrument for telecommunications is the authorization (or licensing) process. This permits participation in the sector, including operating networks, providing services, using scarce resources such as spectrum etc.. Authorizations range from light-touch to detailed. These can be general or individual. Currently in Qatar, the authorization practices are under-going a review and transition to bring them in line with international best practice, as well as to address the needs of Qatar's marketplace. In view of this situation, ictQATAR, under its mandate as the telecommunications regulatory authority in the country, has been developing a new approach to licensing sector participation. The aim is to legalize certain, but not necessarily all, activities being done in the sector and to provide certainty about what requires authorization. The aim is also to address certain activities that risk disrupting consumers benefiting from competition.

ictQATAR conducted a first consultation concerning a proposed licensing framework. This enabled ictQATAR to share with stakeholders its proposals and receive valuable feedback and other perspectives. The responses to the consultation were, overall, useful as it became evident that there were misunderstandings and some elaboration and clarifications were needed. Accordingly, ictQATAR is issuing this further consultation in respect of the matter of a Licensing Framework

In April 2007, ictQATAR conducted a *Consultation on Liberalization of the Telecommunications Sector in the State of Qatar* ("Consultation on Liberalization") where the following was stated:

"ictQATAR does not intend to award additional infrastructure-based licenses for the provision of public telecommunications services until the end of the initial phase of liberalization. That view could change, however, if the licensees fail to meet the performance targets set forth in their licenses. Furthermore, ictQATAR does not propose to encourage service-based competition, at least initially, so as to provide the new entrants with adequate incentives to invest in state-of-the art infrastructure. Three years after market opening, ictQATAR expects to initiate a comprehensive

Strategic Sectoral Review to consider, among other issues, whether to open the market to additional infrastructure-based or service-based competitors.”¹

ictQATAR’s position is to uphold the intention set out in the 2007 consultation, whereby no new public telecommunications infrastructure-based licenses will be issued before the 2010 review. This does not affect the licensing of non-public infrastructure-based activities such as Private Networks, VSAT for Closed User Groups, and Passive Telecommunications Networks etc.

ictQATAR has maintained its intention not to, initially, encourage service-based competition. The fact remains that there are some service practices in place which are not currently provided, wholly or partially, by licensed service providers. There are other practices that are, at best, grey market activities which might be attributed to some uncertainty about licensing practices. Therefore, such practices will be legalized if they fall within this licensing framework which ictQATAR believes is necessary and acceptable for Qatar.

1.2 Background

This public consultation on the proposed Licensing Framework is issued by the Supreme Council of Information and Communication Technology (“ictQATAR”) in accordance with Decree Law No. (34) of 2006 on the promulgation of the Telecommunications Law (“Telecommunications Law”).

The Telecommunications Law provides a legal mandate and the authority to ictQATAR to establish a fair, objective and transparent licensing regime (Articles 2.8, 3, 4.1, 4.2 and Chapter Three). In particular, Article 9 of the Law stipulates that “No person shall without a License engage in any of the following practices:

1. provision of telecommunications services to the public in return for a direct or indirect fee, whether the services are provided to all the public or a segment thereof, including the resale of telecommunications services obtained from another person, even if only one person benefits from such a service;
2. own or operate a telecommunications network used for the provision of telecommunications services to or for the public in return for a direct or indirect fee;

¹ *Consultation on Liberalization of the Telecommunications Sector in the State of Qatar*; ictQATAR’s consultation document; 23 April 2007; Section 10, page 27. Individual Public Telecommunications Licensees should note that it was stated in the Consultation on Liberalization that the intention not to award additional infrastructure-based licenses for the provision of public telecommunications services could change, however, if the licensees fails to meet the performance targets set forth in their licenses.

3. own or operate any other telecommunications network.”

In addition, Article 68 of the Law stipulates that an authorization is required to import or manufacture telecommunications equipment for marketing or commercial purposes.

Following the enactment of the Telecommunications Law at the end of 2006, ictQATAR published in 2007 a consultation document on the “Liberalization of the Telecommunications Sector in the State of Qatar” which outlined ictQATAR’s general policy for telecommunications sector liberalization. In line with this general policy, ictQATAR has undertaken a number of initiatives during the first phase of liberalization (i.e., the first three years after market opening) including:

- a. the issuance of a license for the provision of Public Fixed Telecommunications Networks and Services to Qatar Telecom QSC (Qtel) in 2007;
- b. the issuance of a license for the provision of Public Mobile Telecommunications Networks and Services to Qatar Telecom QSC (Qtel) in 2007;
- c. the issuance of a second license for the provision of Public Mobile Telecommunications Networks and Services to Vodafone Qatar QSC in 2008;
- d. the selection of the winner (Vodafone/Qatar Foundation Consortium) of a second license for the provision of Public Fixed Telecommunications Networks and Services in 2008;
- e. the definition of Relevant Markets and designation of Qtel as Dominant Service Providers in the State of Qatar;
- f. a consultation on the VSAT Licensing Framework in February 2009; and
- g. a consultation on Type Approval Policy in April 2009 (ongoing).

At the end of this initial phase of liberalization, ictQATAR expects to initiate a comprehensive Strategic Sector Review to consider, among other issues, whether to open the market to additional competitors.

On 14 January 2009, ictQATAR published a consultation document on the proposed licensing framework. Seven parties responded to this consultation and the responses are published on ictQATAR’s website with this consultation document. ictQATAR has carefully reviewed the comments, views and concerns of the respondents and realized that there were misunderstandings about the intentions and scope of the proposed framework especially in relation to the resale of telecommunications services. ictQATAR has

consequently decided to revise and further clarify the proposed Licensing Framework, taking into consideration the views and comments received, and to conduct this second consultation on this subject.

ictQATAR seeks views and comments from interested parties on the proposed Licensing Framework and the attached two draft Class Licenses for the resale of telecommunications services and for owning and/or operating Private Networks. ictQATAR will carefully consider all submissions received through this consultation process in finalizing the Licensing Framework. However, ictQATAR is not obliged to take a final position on the Licensing Framework based on this document or the views submitted by any third party.

1.3 Objectives

The proposed Licensing Framework aims to:

- a. address urgent business/market needs;
- b. legalize certain current telecoms activities and practices in Qatar as appropriate;
- c. align the current licensing practices with the Telecommunications Law;
- d. develop a comprehensive, forward looking licensing framework; and
- e. simplify the licensing processes by the introduction of Class Licenses.

This proposed Licensing Framework does not modify ictQATAR's general policy and plan for the liberalization of the telecommunications sector as published in 2007. More specifically, this new Licensing Framework is not intended to open the market for additional infrastructure-based service providers prior to the Strategic Sector Review, except for VSAT networks and services in serving Closed User Groups which was subject to a separate consultation (see Section 4.1.3).

Question 1: Are there any comments about the objectives of the proposed Licensing Framework?

1.4 Scope

The proposed Licensing Framework addresses issues relating to the following:

- I. Resale of telecommunications services on a retail basis by:

- a. Hotels;
 - b. Residential complexes;
 - c. Public Call Offices;
 - d. Internet Cafés; and
 - e. Wireless Internet Zones.
2. Establishment and operation of Private Networks.
 3. Provision of Passive Telecommunications Networks.
 4. Provision of individual public fixed and mobile telecommunications networks and services.
 5. Internet Service Providers.

The following areas of licensing are out of the scope of this consultation document:

- a. The provision of VSAT networks and services:
This was covered in a separate document “VSAT Licensing Framework” which was published for public consultation on February 8, 2009.
- b. Importation and sale of telecommunications equipment:
This is being addressed in an ongoing consultation on “Type Approval Policy for Radio Equipment and Telecommunications Terminal Equipment” published on 26 April 2009.
- c. The licensing of radio frequency and radio equipment:
This will be covered in a separate consultation document on Spectrum Policy that will be published in due course.

Question 2: Are there any comments about the scope of this consultation?

1.5 Consultation Materials

This consultation on the proposed Licensing Framework consists of the following documents:

1. This consultation document “Licensing Framework”.
2. Appendix A: “Draft Class License for the Resale (Retail) of Telecommunications

Services”.

3. Appendix B: “Draft Class License to Own and/or Operate a Private Network”.

1.6 Next Steps

This consultation process consists of the following steps:

Step	time
Publication of this consultation document	10 May 2009
Deadline to submit responses	7 June 2009
Review of responses and preparation of a response by ictQATAR.	30 July 2009 (indicative)
Publication of the final Licensing Framework (including VSAT Licensing Framework)	3 rd Quarter 2009 (indicative)

2 Definitions

The words and expressions used in this consultation document shall have the meanings set forth below.

Applicable Regulatory Framework: the Telecommunications Law No. (34) of 2006 and its By-Law and any other rules and regulations, decisions, orders, policies, guidelines, instructions or notices issued by ictQATAR as well as license terms and conditions and relevant legislation and international treaties.

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.

Customer: any subscriber or user of telecommunications services, whether such services are acquired for the customer's own use or for resale.

Dealer's License: also called "Approval for dealing with telecommunications equipment and related activities". It is the license currently issued by ictQATAR to dealers of telecommunications equipment (i.e., importers, wholesalers and retailers).

Fixed Telecommunications Network: a telecommunications network that facilitates the conveyance of signals by means of wireline or wireless facilities between points at fixed locations on the network.

Gateway: For the purpose of the Licensing Framework, a Gateway is a Telecommunications Equipment that connects a Private Network to a Public Telecommunications Network. For clarity, a Gateway is distinct from Interconnection.

Hotel: a commercial establishment, duly authorized by the Ministry of Business and Trade and other competent authorities in Qatar in accordance with the applicable Qatari laws, which primary business is providing lodging and other guest services usually on a short-term

(daily) basis. A hotel may also have ancillary services supporting the lodging such as restaurants, conference rooms, stores, and other services that may also be accessible to the general public.

Individual License: a license granted to a particular person in accordance with the provisions of Chapter Three of the Telecommunications Law.

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 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.

International Gateway Facilities: telecommunications facilities and physical plant utilized in the State of Qatar to enable a Public Fixed or Mobile Telecommunications Network to connect with and switch traffic to or from foreign public fixed or mobile networks, including via terrestrial links, undersea cables, or satellite (apart from Very Small Aperture Terminals that are used for the provision of satellite services over Private Networks), and also including international transit links.

Internet Café: a place, which is duly registered and/or authorized by the Ministry of Business and Trade and other competent authorities in Qatar in accordance with the applicable Qatari laws, where the public can pay to access the Internet either through their own computer or through a computer supplied by the Internet Café.

License: an Individual or a Class License issued pursuant to Chapter Three of the Telecommunications Law or a Radio Spectrum License in accordance with the provisions of Chapter Four of the Telecommunications Law.

Licensee: a person who holds a License pursuant to the provisions of the Telecommunications Law.

New Development Zone: a large defined development area, authorized by the relevant competent authorities in Qatar in accordance with the applicable Qatari laws, which consists of different types of properties including residential towers or villas, commercial

establishments (such as shops, Hotels), businesses, banks, leisure facilities, etc². *[Note to Stakeholders: NEW DEFINITION]*

Passive Telecommunications Network: a telecommunications infrastructure that consists of passive network elements including, but not limited to, dark fibers, ducts, trenches, towers and masts that can support the placement of active network components. *[Note to Stakeholders: NEW DEFINITION]*

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. *[Note to Stakeholders: AMENDED DEFINITION]*

Public Call Office: an office that makes certain telecommunications services available to the public for a fee. These services may be available inside shops or at stand alone facilities that enable people who may not be able to afford to purchase telephones and subscribe to services to still have access to telecommunications services. *[Note to Stakeholders: NEW DEFINITION]*

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

Radio Equipment: a product, or relevant component thereof, capable of communication by means of the emission and/or reception of radio waves utilizing the spectrum allocated to terrestrial/space radiocommunication. Examples of Radio Equipment include, but are not limited to: earth stations, broadcasting stations, VSAT, microwave radio links, aeronautic and maritime stations, mobile handsets, Bluetooth devices, indoor Wireless Local Area Network (WLAN) equipment, etc.

Resale: the subsequent sale or lease on a commercial basis, with or without adding value, of a telecommunications service provided on a retail basis by an Individual Public Telecommunications Licensee.

² For clarification, The Pearl is an example of a New Development Zone.

Reseller: a Person who provides to the public a telecommunications service that was acquired on a retail basis from an Individual Public Telecommunications Licensee.

Residential Complex: a specific residential area consisting of apartment building(s) and/or villas or any kinds of residential units offered to the public primarily for long-term rent or sale and that is owned or managed by an authorized one Person or a consortium of investors, in accordance with the Qatari laws. This includes residential towers, buildings and compounds. *[Note to Stakeholders: NEW DEFINITION]*

Retailer: a Person who sells directly to the end-user. This includes supermarkets selling mobile phones.

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.

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).

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.

Telecommunications Terminal Equipment: a product enabling communication or a relevant component thereof which is intended to be connected directly or indirectly by any means whatsoever to Interfaces of public telecommunications networks (that is to say, telecommunications networks used wholly or partly for the provision of publicly available telecommunications services). Examples of Telecommunications Terminal Equipment include, but are not limited to: ADSL modems, PBX, phones connected to PSTN, Fax machines, answering machines, mobile handsets, Bluetooth devices, etc.

VSAT: means very small aperture terminal(s).

VSAT Services: means telecommunications services provided by way of a satellite telecommunications network between points that are equipped with very small aperture terminal equipment.

VSAT License: means a license granted by ictQATAR for the provision of VSAT services according to the VSAT licensing framework set out in this document.

Wireless Internet Zone (also called Hotspot): a specific geographic location where the public can access the Internet through wireless broadband networks. These zones are increasingly found in airports, coffee shops, parks and other places where people tend to congregate.

Wholesaler: a Person who sells to retailers or other wholesalers as distinct to the sale to the end-user.

3 Current Situation

Under the Telecommunications Law, there are two types of licenses in the sector: Individual and Class.

3.1 Individual Licenses

ictQATAR has issued Individual Licenses for the provision of public fixed and mobile networks and services. In addition, ictQATAR issues a number of Individual Licenses (also called authorizations or approvals) for specific telecommunications related activities and the use of radio equipment and radio frequencies.

ictQATAR has issued the following Individual Public Telecommunications Licenses:

- Licenses for the Provision of Public Mobile Telecommunications Networks and Services:

This type of license authorizes the establishment of a land-based public mobile telecommunications network or network elements, mobile backbone transmission facilities and International Gateway Facilities for the provision of domestic and international public mobile telecommunications services, international roaming services, domestic roaming services, value-added services, wholesale, transmission and any ancillary services.

- A license was issued to the incumbent operator Qatar Telecom QSC (“**Qtel**”) in October 2007.
- A second license was issued to Vodafone Qatar QSC (“**Vodafone**”) in June 2008 following a competitive tendering process.

- Licenses for the Provision of Public Fixed Telecommunications Networks and Services:

This type of license authorizes the establishment of a public fixed telecommunications network or network elements, including fixed and wireless access networks, International Gateway Facilities for the provision of domestic and international public fixed telecommunications services, value-added services and any ancillary services.

- A license was issued to the incumbent operator Qatar Telecom QSC (Qtel) in October 2007.
- A second license will be issued to Vodafone/Qatar Foundation consortium that was selected in September 2008 as a result of a “beauty contest” process.

Other Individual Licenses are issued for the following telecommunications related activities:

- Telecommunication equipment:
 - a. Importing and/or selling telecommunications equipment (“Dealer’s License”).
 - b. Purchasing, selling and renting GSM phones.

ictQATAR is revising the processes affecting the authorization of importing and/or selling telecommunications equipment, and the purchasing, selling and renting GSM phones. This is being addressed in a separate consultation on the “Type Approval Policy for Radio Equipment and Telecommunications Terminal Equipment” published on 26 April 2009³.

- Provision of an Internet Cafés service.
- Radio frequency and radio equipment:
 - a. Using radio frequencies.
 - b. Possessing, installing or operating terrestrial radio-communications equipment (e.g., Microwave, fixed/base stations, etc).
 - c. Operation of aircraft stations.
 - d. Operation of maritime stations.
 - e. Operation of radio amateur equipment.
 - f. Operation of Inmarsat equipment.
 - g. Operation of Satellite News Gathering (SNG) systems.

Persons who want to engage in the telecommunications activities listed above or use radio equipment and frequencies must first apply to ictQATAR in person and go through an administrative process for approval that takes up to 10 days to complete. The number of persons that can hold these licenses is generally unlimited or unrestricted. There may be exceptions to this rule in cases which are subject to availability of radio spectrum.

³ It can be downloaded from:

http://www.ictqatar.qa/files/images/Consultation_on_Type_Approval_Policy_-_ICTRA_0409.pdf

3.2 Class Licenses

Class Licenses in Qatar are licenses for a certain class of service providers and which apply to any person falling within that class without that person having to apply for such license. In other words, the license applies to all persons in a class, but it does not carry the name of, nor is it issued to, any particular licensee. While Class Licenses will not require applications – i.e. the process of a request, consideration of the requests and a decision to accept or reject the request – persons may be required to register with or notify ictQATAR. ictQATAR may allow a general waiver to any form of administration.

No Class Licenses have been issued to date. This consultation proposes below certain categories of Class Licenses.

3.3 Current Unlicensed Activities

Some telecommunications services are currently being offered to the public outside any licensing framework. These services include, but are not limited to:

- The resale of telecommunications services by Hotels to their guests.
- The resale of telecommunications services by some residential towers and compounds to their tenants.
- The resale of telecommunications services by Public Call Offices, Internet Cafés etc.
- Owning and operating Private Networks without having a license.

Question 3: ictQATAR welcomes any information about other telecommunications activities that are outside the current licensing regime.

3.4 Position on Voice over IP (VoIP)

ictQATAR finds there has been continued uncertainty in the market about the licensing status of VoIP.

VoIP is a technology for the delivery of voice services using existing Internet infrastructure and services. There are no laws or rules that prohibit the use of such technology in Qatar and ictQATAR is committed to encouraging the availability of the latest technology to Qatari citizens and residents.

The Telecommunications Law does, however, make it illegal for any person to provide

telecommunications services to the public for a direct or indirect fee without a license issued by ictQATAR for that purpose.

In line with this, ictQATAR has adopted the following policy on VoIP (ictQATAR's press release on July 20, 2008):

1. *Any person or business within the State of Qatar may use VoIP services for voice calls for their own use; and*
2. *No person or business within the State of Qatar may sell VoIP calls or services to the public or businesses without a license issued by ictQATAR. The only two companies currently licensed for that purpose are Qtel and Vodafone.*

ictQATAR does not intend to issue VoIP – specific licenses, as this would be out of step with its technology neutrality policy espoused above. The use of VoIP is permitted by any licensee in accordance with the purpose and terms of the license.

Question 4: ictQATAR welcomes any comments with supporting rationale about the licensing position on VoIP.

4 Proposed Licensing Framework

A comprehensive comparison, in form of table, between the current situation and the proposed Licensing Framework can be found in Section 5.

4.1 Individual Licenses

4.1.1 Public Fixed and Mobile Telecommunications Networks and Services

ictQATAR does not intend to issue additional Individual Public Telecommunications Licenses during this initial phase of liberalization, unless the market does not develop as anticipated or if the holders of such licenses do not fulfill the performance obligations contained in their licenses. ictQATAR has scheduled a Strategic Sector Review for 2010 to evaluate its policy direction for the future and make an assessment as whether or not further liberalization will benefit the development of the telecommunications sector in Qatar.

4.1.2 Passive Telecommunications Networks

ictQATAR may issue Individual Licenses for the provision of wholesale Passive Telecommunications Network within a specified geographic area in the license where appropriate according to the following type of eligibility criteria:

- a. The network is part of a national project or public utilities (e.g., Kahramaa's fiber network);
- b. The network is part of a major regional project (e.g., GCC electricity interconnection project which is deploying a fiber network); or
- c. The network is within a substantially New Development Zone (as defined in Section 2).

The holder of such an Individual License is allowed to establish, install, own, import, operate, lease and sell or otherwise provide on a wholesale basis to Individual Public Telecommunications Licensees only:

- a. Passive Telecommunications Network; and
- b. related services and activities that are essential for and ancillary to the sale or provision of such network on a wholesale basis.

The holder of this license is not authorized to:

- a. offer telecommunications services to retail customers or end-users;

- b. enable the Passive Telecommunications Network so that it may offer telecommunications services directly to retail customers or end-users (this includes managed bandwidth); or
- c. offer wholesale Passive Telecommunications Network and related services outside the geographic area specified.

For the avoidance of doubt, this type of license will not apply to Residential Complexes (as defined in Section 2).

A “Passive Telecommunications Network” licensee who also operates a network within its own Closed User Group should be aware that a Private Network Class License will also apply in respect of such use.

Question 5: Are there any comments about licensing Passive Telecommunications Network and about the proposed eligibility criteria.

4.1.3 VSAT Networks and Services

VSAT Networks and Services were covered in a separate consultation document “VSAT Licensing Framework” published on February 8, 2009.

ictQATAR has reviewed the responses received and will publish in due course its final position on the VSAT licensing framework and launch the VSAT licensing tendering process.

4.1.4 Internet Service Providers

Qtel is currently the only licensed Internet Service Provider (ISP). The holder of the second license for the provision of Public Fixed Telecommunications Networks and Services will also be able to provide ISP services. ictQATAR will assess the need to license new Internet Service Providers in the Strategic Sector Review.

Question 6: Do you support the plan not to license new ISPs before the Strategic Sector Review?

4.2 Class Licenses

To streamline the licensing processes and facilitate market entry, ictQATAR proposes to establish the following two types of Class Licenses:

- (1) “Class License for the Resale (Retail) of Telecommunications Services” (herein referred to as “**Resale Class License**”).
- (2) “Class License to Own and/or Operate a Private Network” (herein referred to as “**Private Network Class License**”). This would cover the establishment and operation of Private Networks by Closed User Groups.

A Class License is available for a certain class of services and it applies to any Person intending to engage in such service provision without having to apply for such a license. However, Persons who provide the services covered by a Class License are still subject to the terms and conditions stipulated in the license and the Applicable Regulatory Framework.

The number of Persons who may “hold” a Class License is unlimited and the license term will be indefinite as long as the license “holder” is compliant with the terms and conditions of the license. These terms and conditions and the list of services covered by Class Licenses may be amended at any time, at the sole discretion of ictQATAR, to reflect changes in market dynamics and technological and service innovation.

Question 7: ictQATAR invites comments about the establishment of these Class Licenses.

4.2.1 Class License for the Resale (Retail) of Telecommunications Services

Currently only one type of resale license is proposed, which is for retail resale. This involves the purchase of services from an Individual Public Telecommunications Licensee at retail rates to resell to consumers.

Resale (Retail) Class License holders will be allowed to resell all telecommunications services regardless of the technology used. Currently only the following parties will be eligible to benefit from a Resale (Retail) Class License:

- Hotels.
- Residential Complexes (towers and compounds).
- Public Call Offices.
- Internet Cafés.
- Wireless Internet Zones (Hotspots).

The telecommunications services that will be authorized to be resold by each of the above

parties are described in the following sub-sections.

The terms and conditions of the Resale Class License are set out in Appendix A (“Draft Class License for the Resale (Retail) of Telecommunications Services”).

Following a review of the telecommunications market, ictQATAR may consider expanding the opportunities to obtain a Resale Class License.

Question 8: ictQATAR invites comments with a supporting rationale about the resale of telecommunications services.

Question 9: In particular, ictQATAR welcomes views about whether the proposed Resale Class License will alleviate the current unlicensed activities sufficiently.

4.2.1.1 Resale by Hotels

It is general practice around the world for hotels to make telecommunications available as an ancillary service. To ensure compliance with Qatar’s Telecommunications Law, Article 9, Hotels will be required to be licensed. As such, there is a need to accommodate Hotels within the telecommunications regulatory framework. ictQATAR does not believe there is sufficient reasons to require Hotels to hold individual licenses. They are not requiring the use of scarce resources to conduct their business and the services are ancillary to their main business. Therefore, ictQATAR considers that a Resale (Retail) Class License is appropriate for the reselling of telecommunications by Hotels.

Question 10: ictQATAR invites comments with a supporting rationale about the licensing of Hotels to resell telecommunications services.

4.2.1.2 Resale by Residential Complexes

Residential Complexes are areas or buildings with multiple residents. These may include apartment blocks or towers, compounds etc.. A key issue is that a third party either owns or manages part of or the entire complex, and therefore has some control over access to telecommunications services. This may interfere with the right of residents to determine their own telecommunications service needs and options. Such interference is inconsistent with market liberalization and creates discriminatory barriers in the marketplace.

ictQATAR is aware that some parties attempt to charge their residents fees for accessing

telecommunications. Currently this is illegal in the context of Article 9 of the Telecommunications Law, as such parties are not licensed to sell or resell services.

ictQATAR offers for consideration two options for addressing Residential Complexes:

- Option 1 – Residential Complexes are not allowed to resell telecoms services: Landlords could be restricted from reselling telecommunications services at this time. Residents would have to buy services directly from an Individual Public Telecommunications Licensee.
- Option 2 – Residential Complexes are allowed to resell telecoms services on a non-exclusive basis: Landlords could have the opportunity to resell telecommunications services to their residents. However, this would be on a non-exclusive basis and therefore residents will not be required to buy from the third party (i.e., the landlord) and may continue to buy directly from an Individual Public Telecommunications Licensee.

Question 11: ictQATAR invites comments with a supporting rationale about these two options in relation to Residential Complexes.

4.2.1.3 Resale by Public Call Offices

There are a number of methods which allow entrepreneurs to resell telecommunications services. These could include selling use of a phone in a general shop, a shop whose main purpose is to provide phone access or kiosks – i.e. Public Call Offices.

ictQATAR is aware that there are a number of Public Call Offices in existence. Currently this is illegal in the context of Article 9 of the Telecommunications Law, as such parties are not licensed to sell or resell services. ictQATAR believes telecommunications should be accessible to all people in Qatar, irrespective of their social and economic circumstances. Access should be available on a competitive basis. In this regard, ictQATAR is proposing to allow Persons to own and operate Public Call Offices to resell telecommunications services acquired on a retail basis from an Individual Public Telecommunications Licensee. Options for expanding opportunities to compete in service provision may be considered at a later time.

Question 12: Are there any comments, concerns or suggestions about the proposal to license persons to own and operate Public Call Offices in Qatar?

4.2.1.4 Resale by Internet Cafés

Internet Cafés are a common feature in many societies, enabling public access to the Internet. Internet Cafés lease lines from public telecommunications operators. The services sold are access to the Internet, provided by an Internet Service Provider (ISP). In light of this, Internet Cafés are effectively resellers of telecommunications.

The proposed Resale Class License will also apply to the providers of Internet Cafés services, which will replace the current individual licensing scheme for these services. Internet Cafés will be allowed to resell telecommunications services on a technology neutral basis from Individual Public Telecommunications Licensees.

Question 13: Views are invited about whether Internet Cafés should be licensed as resellers or have separate licenses.

4.2.1.5 Resale by Wireless Internet Zones (Hotspots)

Persons offering an Internet Access through a Wireless Internet Zone to the public for a fee will come under the Resale Class License regime.

For the avoidance of doubt, premises such as restaurants which offer Internet access, through a Wireless Internet Zone, for free will not be subject to the terms of a Resale Class License.

Question 14: ictQATAR invites comments about the proposal to license the commercial Wireless Internet Zones.

4.2.1.6 Notification Process and Fees

Persons who fall under one of the parties described above in Sections 4.2.1.1 to 4.2.1.5 and who wish to resell the specified telecommunications services to the public under the Resale Class License are required to notify ictQATAR prior to the commencement of doing so through the completion of the Notification Form. One notification is required per location. In this case location means a separate geographical address (for example, a notification is required for each hotel site). A copy of this form is set out in Appendix A.

A one-time, administrative fee of QR 1,500 must be included along with the Notification Form. This administrative fee covers costs incurred by ictQATAR associated with processing the Notification Forms and performing market surveillance activities including ensuring consumer protection. The submission of the notification form and payment of fee may be

made online. Online submission is preferred and recommended by ictQATAR.

ictQATAR should be informed of any changes of details in a Notification Form. Such change notification should be accompanied by a fee of QR 300.

These are the only fees that will be paid by the resellers of telecoms services. No annual industry or annual license fees. Such fees have already been paid for by the Individual Public Telecommunications Licensees from which the resellers buy the services.

ictQATAR will maintain a register of Resale Class Licensees that will be accessible to the public via its website.

Question 15: Are there any comments about the proposed process and fees for the Resale Class License?

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

Private Networks are used for internal, non-commercial telecommunications purposes. This is common practice in businesses and other organizations for communications within the entity, including situations in which the entity has more than one location. To ensure compliance with Article 9 of the Telecommunications Law, a Class License for Private Networks is proposed.

There will be no restriction on the type of traffic that could be carried over such networks. Private Networks may connect to the Public Networks through a Gateway where retail tariffs apply.

This will be applicable to legal persons who own and/or operate Private Networks for Closed User Groups.

ictQATAR intends to adopt a light-touch approach by not requiring owners and/or operators of Private Networks to notify ictQATAR of their intention to do so nor to pay any fees. However, such “licensees” will need to remain within the terms of the Private Network Class License, the Telecommunications Law, the applicable regulations and other rules affecting Private Networks.

The terms and conditions of this Class License are set out in Appendix B (“Draft Class License to Own and/or Operate a Private Network”).

Question 16: ictQATAR invites comments about the scope of the Private Network Class License.

4.3 Summary of the Proposed Licensing Framework

Table I below provides a summary of the proposed Licensing Framework.

Table I – Summary of Proposed Licensing Framework

Proposed Licensing Framework	
Individual Licenses	Provision of public fixed and mobile telecoms networks and services. The need for additional licenses will be addressed in the Strategic Sector Review.
	Provision of Passive Telecommunications Networks.
	Provision of VSAT networks and services: <ul style="list-style-type: none"> • ictQATAR plans to issue three Individual Licenses for the provision of VSAT networks and services to serve Closed User Groups only. • ictQATAR will continue to issue individual authorizations for Satellite News Gathering (SNG). NB: VSAT licensing is addressed in a separate document. A public consultation on this subject was conducted in February 2009.
	Internet Service Providers: The licensing of new ISPs will be considered in the Strategic Sector Review.
Class License for the Resale (Retail) of Telecoms Services⁴	Hotels can resell all telecommunications services using any technology.
	Resale by Residential Complexes: Option 1 – Residential Complexes are not allowed to resell telecoms services. Option 2 – Residential Complexes are allowed to resell telecom services on a non-exclusive basis.
	Public Call Offices can resell all telecommunications services.
	Internet Cafés can resell all telecommunications services.
	Resale of Internet access for a fee by Wireless Internet Zones.
Class License to Own and/or Operate a Private Network	This Class License is required to own and/or operate (within a Closed User Group) a Private Network.

⁴ Services may be sold on a technology neutral basis (i.e., using any technology).

5 Comparison between Current Situation and Proposed Framework

Table 2 below provides a comparison between the current licensing situation and the proposed licensing framework.

Table 2 – Comparison between Current Situation and Proposed Licensing Framework

Subject	Current Situation	Telecom Law Requirement	Proposed Framework
Individual Licenses			
Provision of public fixed and mobile telecommunications networks & services	<ul style="list-style-type: none"> Individual Licenses <ul style="list-style-type: none"> 2 public mobile licenses: Qtel and Vodafone. 2 public fixed licenses: Qtel; Vodafone's license is in the process of issuance. 	License (Article 9)	<ul style="list-style-type: none"> The need for additional licenses will be addressed in the Strategic Sector Review. No other licenses will be issued before the Strategic Sector Review.
Provision of Passive Telecommunications Networks	<ul style="list-style-type: none"> Passive Telecommunications Networks (e.g., fiber) are in place without a license (e.g., Kahramaa, GCC Interconnection Project, The Pearl) No sale to other Service Providers or to the public. 	License (Art. 9)	<ul style="list-style-type: none"> Individual License for the Provision of Passive Telecommunications Networks Private Network Class License will also apply for operating a telecom network within the Closed User Group.
Provision of VSAT networks & services	<ul style="list-style-type: none"> Authorized to Qtel in its public fixed license. The second public fixed license (to Vodafone) will also include the same authorization. One reseller (RigNet) in contract with Qtel. Available capacity is not sufficient to meet all demand. ictQATAR issues authorizations to own and operate Satellite News Gathering (SNG) Systems. 	License (Art. 9)	<p>VSAT licensing framework was addressed in a separate consultation in February 2009.</p> <ul style="list-style-type: none"> Competitive process will be launched in due course to issue three Individual Licenses for the Provision of VSAT Networks and Services to serve Closed User Groups only. ictQATAR will continue to issue SNG authorizations.
Provision of Internet Services (ISPs)	Qtel is the only provider of Internet services (dial-up and broadband / ADSL). The second public fixed licensee (Vodafone) will also be able to provide these services.	License (Art. 9)	The licensing of new ISPs will be considered in the Strategic Sector Review .
Resale (Retail)⁵			
Resale of telecoms services by Hotels	<ul style="list-style-type: none"> Hotels are reselling telecoms services (voice and Internet) to their guests without having a license. International Hotel chains can also have a (Virtual) Private Network. 	License (Art. 9)	<p>Resale Class License will apply.</p> <p>Hotels can resell all telecommunications services.</p>
Resale of telecoms services by Residential Complexes	<ul style="list-style-type: none"> Some landlords are reselling Qtel's services without a license <ul style="list-style-type: none"> Voice services (not clear whether via PSTN and/or VoIP) Internet Services (e.g. via Wi-Fi) Qtel has presumably access to residents' units in parallel. 	License (for resale) (Art. 9)	<p>Option 1 – Residential Complexes are not allowed to resell telecoms services.</p> <p>Option 2 – Residential Complexes are allowed to resell telecom services on a non-exclusive basis. Resale Class License will apply.</p>

⁵ Services may be sold on a technology neutral basis (i.e., using any technology).

Subject	Current Situation	Telecom Law Requirement	Proposed Framework
Resale by Public Call Offices	There are few public call offices (offering PSTN Voice service only) owned and operated by Qtel.	License (Art. 9)	Resale Class License will apply. Public Call Offices can resell all telecommunications services.
Resale of Internet services by Internet Cafés	<ul style="list-style-type: none"> • “Individual” license is required • Renewable every year • Fee = 1000 QR per year • Circa 60 Internet Cafés in place • Resale of VoIP is not allowed (chat only) Issues: <ul style="list-style-type: none"> • Qtel provides Leased Lines only. • Illegal use of VoIP 	License (Art. 9)	Replace “individual” license by the Resale Class License. Internet Cafés can resell all telecommunications services.
Resale of Internet access by Wireless Internet Zones	There are 2 types: <ul style="list-style-type: none"> • In certain public zones (e.g., Sheraton Park by ictQATAR, Old Souk by Qtel): The service is provided to the public for free. • In coffee shops, airport, etc: Provided and operated directly by Qtel. The service is provided to the public for free. 	License (Art 9.1)	Resale Class License will apply if Internet access is offered to the public for a fee.
Private Networks			
Owning or operating a Private Network	<ul style="list-style-type: none"> • Private Networks are available without a license. • Qtel restricts the type of traffic carried over Leased Lines (e.g., for VoIP) • Qtel does not allow Private Networks to connect to its PSTN. 	License (Art. 9.3)	Private Network Class License will apply in respect of ownership or operation (within a Closed User Group) of a Private Network. <ul style="list-style-type: none"> • No restrictions on the type of traffic that could be carried over the network. • Private Networks may connect to the Public Networks through a Gateway, where retail tariffs apply.

Notes:

1. The licensing of radio frequency and radio equipment will be covered in the future in a separate consultation document.
2. The authorization of importing and selling telecoms equipment is being addressed in a separate consultation on “Type Approval Policy for Radio Equipment and Telecommunications Terminal Equipment” published on 26 April 2009.

6 Instructions for Responding to this Consultation Document

6.1 Consultation Procedures

All interested parties are invited to submit responses to the questions specifically identified in this document and to provide their views on any other relevant aspects. Comments should reference the number of the question being addressed or the specific section of this document if not responding to a particular question.

ictQATAR asks that, to the extent possible, submissions be supported by examples or relevant evidence. Any submissions received in response to this consultation will be carefully considered by ictQATAR when finalizing its position on type approval. Nothing included in this consultation document is final or binding. However, ictQATAR is under no obligation to adopt or implement any comments or proposals submitted.

Communications with ictQATAR concerning this consultation must be submitted in writing by no later than 3:00 p.m. (local time in the State of Qatar) on 7 June 2009. A covering page containing the information set out in Annex I should be included as the first page of the submission. Comments should be submitted by either of the following two methods:

- (1) (Preferred method) by email to consult@ict.gov.qa. The subject reference in the email should be stated as "Consultation on Licensing Framework". It is not necessary to provide a hard copy in addition to the soft copy sent by email.
- (2) By hand, courier or post – one hard copy accompanied by a CD Rom, to

Mr. Ahmad Sultan
Licensing Section Manager
Policy and Economic Affairs Department
Regulatory Authority
The Supreme Council of Information & Communication Technology (ictQATAR)
19th floor, Al Nasr Tower, Corniche Road
P.O.Box 23264
Doha - Qatar

6.2 Publication of Comments

In the interest of transparency and public accountability, ictQATAR intends to publish the submissions to this consultation on its website at www.ictqatar.qa. All submissions will be processed and treated as non-confidential unless confidential treatment of all or parts of the

response has been requested and follows the criteria set out in Annex I.

While ictQATAR will endeavor to respect the wishes of respondents, in all instances the decision to publish responses in full, in part or not at all remains at the sole discretion of ictQATAR.

By making submissions to ictQATAR in this consultation, respondents will be deemed to have waived all copyright that may apply to intellectual property contained therein.

For more clarification concerning the consultation process, please contact Mr. Ahmad Sultan, Licensing Section Manager, at asultan@ict.gov.qa.

Annex I: Covering Page for Submissions in Response

Covering Page for Comments in Response to ictQATAR's Consultation on Type Approval Policy

Responding Party

Name:

Organization:

Address:

Telephone:

Email:

Date:

Consent

By submitting this Response to ictQATAR, the Respondent consents to its publication in full by ictQATAR on its official website or by other media, unless confidential treatment of all or parts of the Response has been requested and follows the criteria set out below.

Confidentiality

In the event you would like your Response to be treated confidentially, you are requested to also supply ictQATAR with a non-confidential version. The provision of written explanation justifying the need for confidentiality is also necessary.

Please note that a failure to provide sufficient reasoning for a request of confidentiality or an additional, non-confidential version of the Response, the request will be treated as incomplete and may result in full publication of the Response.

While ictQATAR will endeavor to respect the wishes of Respondents, in all instances the decision to publish Responses in full, in part or not at all remains at the sole discretion of ictQATAR.

Appendix A: Resale Class License

See the attached document entitled “Draft Class License for the Resale (Retail) of Telecommunications Services – Consultation Document”.

Appendix B: Private Network Class License

See the attached document entitled “Draft Class License to Own and/or Operate a Private Network – Consultation Document”.

LICENSING FRAMEWORK

Appendix A: Draft Class License for the Resale (Retail) of Telecommunications Services

Consultation Document

Second consultation

The Supreme Council of Information & Communication Technology “ictQATAR”

10 May 2009

Comments in response due by 7 June 2009

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1. Grant of License

- 1.1 The Supreme Council of Information and Communication Technology (“ictQATAR”) grants this Class License, under Article (4) of the Telecommunications Law No. (34) of 2006, to any Person who meets the terms and conditions set forth herein and the Applicable Regulatory Framework, without having to apply for a license. Such Person is referred to hereinafter as the “**Licensee**”.
- 1.2 The Licensee is authorized to resell telecommunications services (as defined in Section 3 of this License) within the State of Qatar on a non-exclusive basis.
- 1.3 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. Definitions

The words and expressions used in this License shall have the meanings set forth in the Telecommunications Law, the Applicable Regulatory Framework (hereinafter referred to it as the “ARF”) and this License, including the definitions set forth in Annex A.

3. Authorized Services

- 3.1 Subject to the terms and conditions set out in the Applicable Regulatory Framework, the Licensee is hereby authorized to resell all telecommunications services regardless of the technology used. This involves the purchase of services from an Individual Public Telecommunications Licensee at retail rates to resell to consumers. Only the following parties will be eligible for this Resale (Retail) Class License:
 - a) Hotels.
 - b) Residential Complexes¹.
 - c) Public Call Offices.
 - d) Internet Cafés.
 - e) Wireless Internet Zones (Resale of Internet access to the public for a fee).

¹ ictQATAR is considering another option in which Residential Complexes are not allowed to resell telecommunications services. Views are invited on the two options. (See main document “Licensing Framework”).

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- 3.2 The Authorized Services as described in paragraph (3.1) above may be modified at any time at the sole discretion of ictQATAR.
 - 3.3 This License supersedes any prior authorizations relating to the Authorized Services described in paragraph (3.1).

4. Connection with Public Networks

- 4.1 The Licensee is not allowed to interconnect with a Public Network on wholesale tariffs (mobile termination rate, fixed termination rate). The connection with a Public Network can only be done via a Gateway on retail prices.
- 4.2 The Licensee shall not provide the Authorized Services in such a way as to bypass the telecommunications facilities of the Individual Public Telecommunications Licensees in Qatar.

5. License Term

The Licensee may provide the Authorized Services as long as they are provided in compliance with the terms and conditions described herein and the Applicable Regulatory Framework “ARF”.

6. Related Radio Frequency Licenses

- 6.1 If the provision of the Authorized Services requires the use of radio frequencies, a radio frequency license must be obtained from ictQATAR, which is subject to spectrum availability.
- 6.2 If required, the radio frequency license must be obtained prior to the use of such radio frequencies and submitted as part of the notification process described in Section 14 of this License.
- 6.3 The grant of the spectrum license shall 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 the Supreme Council to release spectrum or alter, amend or cancel spectrum allocations or assignments, in accordance with the ARF.
- 6.4 The Licensee must comply with the ARF relating to radio frequency.

7. Obligations of the Licensee to Customers

The Licensee shall comply with the provisions of the ARF regarding consumer protection and fair trading.

8. Requirement to Provide Information to the Customer

A Licensee who provides the Authorized Services to the public shall make available to its customers the following information prior to purchasing an Authorized Service:

- a. the name of the licensee offering the Authorized Services;
- b. the terms and conditions under which the Authorized Services are offered;
- c. the customer service hotline number or other contact information available;
- d. whether user instructions are available;
- e. whether access numbers, access passwords or other methods used for obtaining the services are available, and any activation procedures;
- f. all costs and charges;
- g. the validity period of the services.

9. Treatment of Customer Communications and Data

9.1 A Licensee who collects data on its customers shall not:

- collect, use, retain or advertise any customer information without the customers prior consent;
- disclose customer information to third parties except with the informed consent of the customer or as may be authorized by or under the applicable laws of Qatar;
- intercept, monitor, record or alter the content of a customer's communications except with the customer's informed prior consent or as permitted under the applicable laws of Qatar; or
- utilize or manipulate information about customers that is obtained in the course of providing the Authorized Services in a way that would have the effect of preventing

or hindering competition of such services.

9.2 Additionally, a Licensee who collects data on its customer shall:

- grant customers the right that any information collected about them can be corrected or removed at their request;
- safeguard the privacy and confidentiality of any communications associated with the Authorized Services in accordance with the Applicable Regulatory Framework.

9.3 Any failure to comply with the legal obligations concerning customer information and privacy will constitute a breach of the License and/or the ARF.

9.4 The Licensee shall ensure that customer information and customer communications are protected by appropriate security and technical safeguards.

10. Other Compliance Obligations of the Licensee

10.1 The Licensee shall comply (and shall ensure its officers, subcontractors and agents comply) with the terms and conditions of this License and the ARF.

10.2 The Licensee shall also comply with any obligation imposed on it by any of the laws, regulations, rules, guidelines, orders or other issued by the State of Qatar, including obligations towards customers before and after purchase.

10.3 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 provision of the Authorized Services.

10.4 The Licensee is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the License and provision of the Authorized Services.

11. Breach of License

11.1 The Licensee shall be liable for all breaches of this License and with any other terms or provisions of the Applicable Regulatory Framework whether caused or carried out by itself or by any person acting on its behalf.

- 11.2 Where there are reasonable grounds to suspect that a Licensee is in breach of this License, the Licensee may be served with a written notice by ictQATAR requesting to rectify the breach. Additionally, if there is evidence to support the possibility of a breach causing consumer detriment, ictQATAR may suspend the license immediately (with notice) during the inquiry or investigation stage.
- 11.3 If the Licensee fails to remedy any breach resulting from non-compliance with any condition of this license and the Applicable Regulatory Framework, ictQATAR may take any enforcement action or measures as it deems appropriate in accordance with the ARF and/or Chapter (16) of the Telecommunications Law.
- 11.4 The Licensee may lose its right to provide the Authorized Services through an ictQATAR notice to this effect due to its repeated contraventions of the license terms and conditions and the ARF in accordance with the ARF.

12. Lawful Interception and Security

- 12.1 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 and shall otherwise cooperate with such authorities in accordance with procedures established by applicable laws and regulations.
- 12.2 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 the Supreme Council with respect to service issues related to same.

13. Access to Premises and Information

ictQATAR and any person authorized in writing by ictQATAR may enter and inspect the offices, places and premises used by the Licensee in relation to the provision of the Authorized Services, in order to verify that the Licensee is in compliance with the terms and conditions of this License.

14. Notification and Fees

- 14.1 Persons are required to notify ictQATAR of their intention to provide any of the Authorized Services prior to the commencement of doing so through the completion of the Notification Form. One notification is required per location. In this case location means a separate geographical address (for example, a notification is required for each hotel site). A copy of the Notification Form is set out in Annex B. This form can be downloaded from ictQATAR's website.
- 14.2 A one-time administrative fee of QR 1,500 must be included along with the Notification Form. This administrative fee covers the costs incurred by ictQATAR associated with processing the Notification Forms and performing market surveillance activities including ensuring consumer protection.
- 14.3 The submission of the notification form and payment of fee may be made online. Online submission is preferred and recommended by ictQATAR.
- 14.4 No refunds will be made for incorrectly filed Notification Forms.
- 14.5 A person is authorized to provide the Authorized Services upon written confirmation from ictQATAR regarding the receipt of the administration fee and a correctly completed and signed Notification Form. ictQATAR will acknowledge receipt of the Notification Form within 10 working days from receiving the form.
- 14.6 ictQATAR should be informed of any changes of details in a Notification Form. Such change notification should be accompanied by a fee of QR 300.
- 14.7 A Licensee who decides to terminate the provision of any of its services shall notify ictQATAR at least seven working days prior to the date on which the services are planned to be terminated.
- 14.8 ictQATAR will maintain a register of all Resale Class Licensees that will be accessible to the public via its website.

15. Requirement to Provide Information to ictQATAR

ictQATAR shall have the right to request the Licensee to submit any information including periodic reports, statistics and other data as well as additional information as necessary to

effectively supervise and enforce the terms and conditions of this license and the Applicable Regulatory Framework.

16. Continuity of Service

- 16.1 A Licensee who decides to terminate the provision of any of its services shall notify its customers in writing by public notice at least thirty (30) days prior to the date on which the services are planned to be terminated and reimburse any customer who has already paid for services that extend beyond this period.
- 16.2 When a Licensee loses its right to provide the Authorized Services in line with the terms of Section 11, the Licensee must provide a minimum of thirty (30) days notice, or such other period as may be specified by ictQATAR, to all customers and reimburse any customer who has already paid for services that extend beyond the notice period.

17. Force Majeure

If the Licensee is prevented from providing the Authorized Services as per the terms and conditions of this License because of force majeure:

- (a) the Licensee shall notify ictQATAR as to the reasons why as soon as reasonably practicable; and
- (b) ictQATAR may suspend specific license conditions for so long as the force majeure continues.

18. Safety Measures and Standards

- 18.1 The Licensee shall ensure that it takes any measures prescribed by the Applicable Regulatory Framework and other reasonable and necessary safety measures regarding the installation, lease and usage of all telecommunications apparatus and equipment to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.
- 18.2 The Licensee shall ensure that all telecommunications equipment deployed in order to provide the Authorized Services meets the requirements of ictQATAR's Type Approval Regime.

19. Billing

- 19.1 The Licensee shall comply with the Applicable Regulatory Framework in this regard and ensure the accuracy and reliability of any billing system, used in connection with the provision of the Authorized Services, if applicable.
- 19.2 Where services are provided on a subscription basis, the Licensee must provide an itemized billing invoice to any customer at no charge within 20 days following the end of each billing period.
- 19.3 Any billing invoice prepared by the Licensee must be in a format that is clear, legible and easily understood. It must also include information for the entire period covered by such an invoice, including the details of the services rendered to the customer and the breakdown of all charges associated with each rendered service and their method of calculation.

20. Modification and Amendment

ictQATAR may modify, delete or add to any conditions in this License as necessary to bring it into conformity with the Applicable Regulatory Framework.

21. 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 the ictQATAR in accordance with the provisions of the Applicable Regulatory Framework.

22. Governing Law and Language of License

This License, which is rendered in the Arabic and English languages, shall be governed by and interpreted in accordance with the laws of the State of Qatar.

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 and its By-Law and any other rules and regulations, decisions, orders, policies, guidelines, instructions or notices issued by ictQATAR as well as license terms and conditions and relevant legislation and international treaties.

Authorized Services: the services authorized to be provided under this Class License.

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.

Customer: any subscriber or user of telecommunications services, whether such services are acquired for the customer’s own use or for resale.

Force Majeure: a devastating act of nature or other disaster or action taken by a third party that is beyond the reasonable control of the Licensee, including but not limited to earthquakes, floods, widespread fires, tropical storms, or acts of war or terrorism.

Gateway: For the purpose of the Licensing Framework, a Gateway is a Telecommunications Equipment that connects a Private Network to a Public Telecommunications Network. For clarity, a Gateway is distinct from Interconnection.

Hotel: a commercial establishment, duly authorized by the Ministry of Business and Trade and other competent authorities in Qatar in accordance with the applicable Qatari laws, which primary business is providing lodging and other guest services usually on a short-term (daily) basis. A hotel may also have ancillary services supporting the lodging such as restaurants, conference rooms, stores, and other services that may also be accessible to the general public.

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 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.

Internet Café: a place, which is duly registered and/or authorized by the Ministry of Business and Trade and other competent authorities in Qatar in accordance with the applicable Qatari laws, where the public can pay to access the Internet either through their own computer or through a computer supplied by the Internet Café.

Licensee: a Person who resells telecommunications services to the public 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. *[Note to Stakeholders: AMENDED DEFINITION]*

Public Call Office: an office that makes certain telecommunications services available to the public for a fee. These services may be available inside shops or at stand alone facilities that enable people who may not be able to afford to purchase telephones and subscribe to services to still have access to telecommunications services. *[Note to Stakeholders: NEW DEFINITION]*

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

Resale: the subsequent sale or lease on a commercial basis, with or without adding value, of a telecommunications service provided on a retail basis by an Individual Public Telecommunications Licensee.

Reseller: a Person who provides to the public a telecommunications service that was acquired on a retail basis from an Individual Public Telecommunications Licensee.

Residential Complex: a specific residential area consisting of apartment building(s) and/or villas or any kinds of residential units offered to the public primarily for long-term rent or sale and that is owned or managed by an authorized one Person or a consortium of investors, in accordance with the Qatari laws. This includes residential towers, buildings and compounds.
[Note to Stakeholders: NEW DEFINITION]

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.

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).

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.

Wireless Internet Zone (also called Hotspot): a specific geographic location where the public can access the Internet through wireless broadband networks. These zones are increasingly found in airports, restaurants, coffee shops, parks and other places where people tend to congregate.

Annex B – Notification Form for the Resale (Retail) of Telecommunications Services

Details of Notifying Person (Reseller):
 Name :
 Individual ID No:
 Company Commercial Registration No:
 Street and Postal Address:
 Website:

Contact Details
 Primary Contact Person:
 Title:
 Telephone No: Fax No: Mobile No. : Email:
 Alternate Contact Person:
 Title:
 Telephone No: Fax No: Mobile No. : Email:

Type of Reseller (tick one only):
 Hotel
 Residential Complex
 Public Call Office
 Internet Café
 Wireless Internet Zone

Address of the exact location where the services will be offered:

Radio Frequency Requirements (check one box)
 Will the Reseller require the use of radio frequency to provide the services?
 No
 Yes. An authorization from ictQATAR for using radio frequencies must be submitted along with this Form.

Services Commencement Date:

Enclosed:
 Copy of the Qatari Commercial Registration.
 For original notification (one-time administrative fee): QR 1,500.
 For any changes of details in an-already submitted Notification Form: QR 300.

Declaration:
 I,, declare as the authorized owner, officer or agent of the Reseller that:
 1. All information provided as part of this Notification is true and complete with the understanding that any untrue, inaccurate, misleading or incomplete information may be grounds for losing the right to provide the Authorized Services.
 2. The Reseller understands and consents to the terms and conditions of the “Class License for the Resale (Retail) of Telecommunications Services”.

Authorized Signatory.....
 Name: Signature Date:

Questions

Interested parties are invited to submit responses to the questions listed below and to provide their views on any other relevant aspects. Comments should reference the number of the question being addressed or the specific section of this document if not responding to a particular question.

1. Comments are invited on the scope of Authorized Services.
2. Are there any comments, questions or needs for clarifications regarding the terms and conditions of this Resale (Retail) Class License?
3. Are there any comments about the notification process, form and fees?
4. Should any other terms and conditions be added to this Class License?
5. Should any terms and conditions be subtracted from this Class License?

LICENSING FRAMEWORK

Appendix B: Draft Class License to Own and/or Operate a Private Network

Consultation Document

Second consultation

The Supreme Council of Information & Communication Technology “ictQATAR”

10 May 2009

Comments in response due by 7 June 2009

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1. Grant of License

- 1.1 The Supreme Council of Information and Communication Technology (“ictQATAR”) grants this Class License, under Article (4) of the Telecommunications Law No. (34) of 2006, to any legal person who meets the terms and conditions set forth herein and the Applicable Regulatory Framework, without having to apply for a license. Such person is referred to hereinafter as the “**Licensee**”.
- 1.2 ictQATAR does not intend to require Persons who wish to own and/or operate Private Networks to notify ictQATAR in writing of their intention to do so or submit a processing fee.
- 1.3 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. Definitions

The words and expressions used in this License shall have the meanings set forth in the Telecommunications Law, Applicable Regulatory and this License, including the definitions set forth in Annex A.

3. Scope

- 3.1 Subject to the terms and conditions set out in the Applicable Regulatory Framework, the Licensee is hereby authorized to establish, install, own, operate and use **Private Networks** within a Closed User Group in the State of Qatar on a non-exclusive basis.
- 3.2 The Licensee may own and/or operate Private Networks by means of:
 - leasing telecommunications facilities from an Individual Public Telecommunications Licensee; or
 - installing and operating its own telecommunications facilities.
- 3.3 The Private Networks may be established using any communications technology (except VSAT) including but not limited to Leased Lines and Virtual Private Network.
- 3.4 There will be no restriction on the type of traffic that could be carried over the Leased Lines acquired from an Individual Public Telecommunications Licensee.
- 3.5 This License supersedes any prior authorizations relating to Private Networks.

- 3.6 The scope of this Class License specified in this Section (3) may be modified at any time at the sole discretion of ictQATAR.

4. Connection with Public Networks

- 4.1 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 on retail prices.
- 4.2 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.

5. License Term

The Licensee may own and/or operate Private Networks as long as it complies with the terms and conditions described herein and the Applicable Regulatory Framework.

6. Related Radio Frequency License

- 6.1 A radio frequency authorization must be obtained from ictQATAR when the operation of the Private Network requires the use of radio frequencies.
- 6.2 This authorization must be obtained prior to the use of such radio frequencies.
- 6.3 The grant of the spectrum license 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 Applicable Regulatory Framework the “ARF”.
- 6.4 The Licensee must comply with the ARF relating to radio frequency.

7. Other Compliance Obligations of the Licensee

- 7.1 The Licensee shall comply (and shall ensure its officers, subcontractors and agents comply) with the terms and conditions of this License and the Applicable Regulatory Framework (ARF).
- 7.2 The Licensee shall also comply with any obligation imposed on it by laws, regulations, rules, guidelines, orders or other issued by the State of Qatar.

- 7.3 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.
- 7.4 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.

8. Breach of License Conditions

- 8.1 The Licensee shall be liable for all breaches of this License and with any other terms or provisions of the Applicable Regulatory Framework whether caused or carried out by itself or by any person acting on its behalf.
- 8.2 Where there are reasonable grounds to suspect that a Licensee is in breach of this License, the Licensee may be served with a written notice by ictQATAR requesting to rectify the breach. If the Licensee fails to remedy any breach resulting from non-compliance with any condition of this license and the Applicable Regulatory Framework, ictQATAR may take any enforcement action or measures as it deems appropriate in accordance with the ARF and/or Chapter (16) of the Telecommunications Law.
- 8.3 The Licensee may lose its right to own and/or operate Private Networks through an ictQATAR notification due to its repeated contraventions of the license terms and conditions of the ARF in accordance with the ARF.

9. Lawful Interception and Security

- 9.1 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 and shall otherwise cooperate with such authorities in accordance with procedures established by applicable laws and regulations.
- 9.2 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 the Supreme Council with respect to service issues related to same.

10. Access to Premises and Information

ictQATAR and any person authorized in writing by ictQATAR may enter and inspect the offices, places 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.

11. Safety Measures and Standards

11.1 The Licensee shall ensure that it takes any measures prescribed by the Applicable Regulatory Framework and other reasonable and necessary safety measures regarding the installation, lease, purchase and usage of all telecommunications apparatus and equipment to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.

11.2 The Licensee shall ensure that all telecommunications equipment deployed meets the requirements of ictQATAR's Type Approval regime.

12. Modification and Amendment

ictQATAR may modify, delete or add to any conditions in this License from time to time as necessary to bring its terms into conformity with the Applicable Regulatory Framework.

13. 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 the ictQATAR in accordance with the provisions of the Applicable Regulatory Framework.

14. Governing Law and Language of License

This License, which is rendered in the Arabic and English languages, shall be governed by and interpreted in accordance with the laws of the State of Qatar.

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 and its By-Law and any other rules and regulations, decisions, orders, policies, guidelines, instructions or notices issued by ictQATAR as well as license terms and conditions and relevant legislation and international treaties.

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 the Licensing Framework, a Gateway is a Telecommunications Equipment that connects a Private Network to a Public Telecommunications Network. For clarity, a Gateway is distinct from Interconnection.

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 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: an Individual or a Class License issued pursuant to Chapter Three of the Telecommunications Law or a Radio Spectrum License in accordance with the provisions of

Chapter Four of the Telecommunications Law.

Licensee: a 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. *[Note to Stakeholders: AMENDED DEFINITION]*

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.

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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.

Questions

Interested parties are invited to submit responses to the questions listed below and to provide their views on any other relevant aspects. Comments should reference the number of the question being addressed or the specific section of this document if not responding to a particular question.

1. Comments are invited about the scope of this Class License.
2. Are there any comments, questions or needs for clarifications regarding the terms and conditions of this Class License?
3. Should any other terms and conditions be added to this Class License?
4. Should any terms and conditions be subtracted from this Class License?
5. Do you agree that the owners and operators of Private Networks need not notify ictQATAR of their networks nor to pay administrative fees?