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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: I own a joinery workshop and I designed a model of a wardrobe and bedroom furniture through which I was known in the market and by the wholesalers. I had a worker who separated from me and opened a joinery workshop and made a model by copying my model but it was not perfect as mine. He sells his model below the price at which I sell my model. In the market, people cannot differentiate between the two models, and some traders do not inform the customers of that; so, with that, he influenced [negatively] my selling. Is it permissible for him to copy my model and sell it below my price? And may Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers until the Day of Resurrection.

Among the established principles as regards the generality of the financial transactions is that the person is free to decide what type of industry or trade he practices and take it as a profession. In fact, it is not permissible to restrict one's freedom of choice and the way he materialises it (his trade or his craft...) unless his choice or work is associated with religious prohibitions, or in case his choice opposes a public interest which must be given priority over his choice, or in case it causes mischief which has to be fended off, or it infringes upon one of the intellectual rights such as the right of invention and innovation, or someone who intentionally circulates his merchandise by deluding people into believing that his merchandise is the one which is known in the market to the detriment of the real inventor (of the merchandise) especially if the competition is accompanied with the intention of harming his competitor; the Prophet صلى الله عليه وسلم : "**There should be neither harming nor reciprocating harm**"¹.

The perfect knowledge belongs to Allaah عزَّ وجلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on Rabe'e' Al-Awwal the 30th, 1431 H Corresponding to March the 16th, 2010 G.

¹ Reported by Ibn Maajah (2341), from the hadeeth of Ibn 'Abbaas رضي الله عنهما. An-Nawawee said concerning the hadeeth no. (32) from "Al-Arba'een An-Nawawiyya": "This hadeeth has many ways of narration that strengthen each other". Ibn Rajab said in "Jaami' Al-'Uloom Wal-Hikam" (378): "It is as he said". This hadeeth is judged authentic by Al-Albaanee in "Al-Irwaa'" (3/408), n° (896) and in "Ghaayat Al-Maraam" no. (68).