

AMIRI DECREE NO.22 OF 1977 WITH RESPECT TO AMENDMENT TO CERTAIN PROVISIONS OF THE PATENTS, DESIGNS AND TRADE MARKS REGULATIONS OF 1955

We, Isa bin Salman Al Khalifa, Amir of the State of Bahrain,

having examined the Constitution,

and Patents, Designs and Trade Marks Regulations,

and upon the submission of the Minister of Commerce and Agriculture,

and with the approval of the Council of Ministers,

Hereby decree the following:

Article 1

a. There shall be added to the definitions contained in section 1 of the Patents, Designs and Trade Marks Regulations of 1955, the following definition of the phrase service sign, "it includes every apparent indications used, meant to be used for distinguishing the services of a project from the service of other projects." The two words "service" and "services" shall be added after the two words "commodity" and "goods" whenever they are stated in the provisions of the Regulations.

b. The phrase "Joint Court" shall be replaced by the phrase (High Court), the expression "territory" shall be replaced by "the State of Bahrain" and the expression "the Register" shall be replaced by "the Register of Commerce" at the Directorate of Commerce and Company Affairs, whenever such phrases occur in the Regulations.

c. There shall be deleted from the definitions contained in section 1 of the Regulations, the definition of "Comptroller-General", "oath", "prescribed", the phrases "local trade mark" and "United Kingdom" shall be deleted wherever they occur in the Regulations.

Article 2

The following phrase shall be added to clause (a) of section 5 "within the ambit of the laws".

Article 3

Section 7 of the Regulations shall be substituted by the following:

"The application for registering trade mark, design or patent shall be submitted to the Registrar of Commerce at the Directorate of Commerce and Company Affairs according to the prescribed terms and conditions."

Article 4

Section 8 of the Regulations shall be replaced by the following:

“1. The Register of Commerce at the Directorate of Commerce and Company Affairs may lay down the restrictions and amendments which it deems necessary to determine trade mark, patent or description of the products or services related thereto in the interests of accuracy to avoid conflict with another trade mark, patent or design which has already been registered.

2. The said Department in the event of rejection or approval pending a condition shall notify the applicant by registered letter of the reasons for its decision along with a statement of the facts of the case.

3. Should the applicant fail to conform to any restrictions and amendments laid down by the said Department within 6 months of the date on which he was notified, he shall be deemed to have abandoned his application.“

Article 5

Paragraph 2 of Section 10 of the Regulations shall be replaced by the following:

“It is a prerequisite that no violation committed prior to the date of the publication of the application for registration shall be amenable to legal process.“

Article 6

There shall be added to the Regulations section 10 bis which shall read as follows:

“The applicant may appeal against the decision of the Register of Commerce at the Directorate of Commerce and Company Affairs within 30 days of the date of the service of notice. The said appeal shall be referred to a committee the formation of which shall be by virtue of an order by the Minister of Commerce and Agriculture provided that one of its members shall be a representative from the Directorate of Legal Affairs at the Ministry of State for Legal Affairs.“

Article 7

Section 11 of the Regulation shall be replaced by the following:

“1. The Register of Commerce at the Directorate of Commerce and Company Affairs shall in the event of approving the trade mark, patent or design or the issue of a decision in favour of the applicant publish it in the prescribed manner.

2. Every concerned person may submit to the aforementioned Register of Commerce a written notice of his objection inclusive of the grounds he relies upon within 30 days of the date of the publication.

3. The Register of Commerce shall send to the applicant for registration a copy of the notice of objection and thereafter the applicant shall forward to the Register of Commerce within 30 days of the receipt of the notice with respect to objection a written reply to the said objection inclusive of the reasons therefor. If the reply is not received by the Register of Commerce on the aforementioned date, the applicant shall be deemed to have abandoned his application.“

Article 8

A section 11 bis shall be added to the Regulations which shall read as follows:

“1. The objection shall be heard by the committee provided for in Article 6 of this Law and the said committee shall hear the testimony of the two parties or one, should he so request, before reaching a decision with respect to such objection.

2. The committee shall pass a decision upholding or rejecting the registration. In the former case, it may attach conditions which it deems necessary.

3. The committee’s decision on the objection is appealable to the High Court within 30 days from the date of service of the notice to the person concerned by a registered letter.”

Article 9

Sections 2, 17, 23, 31 of the Regulations shall be replaced by the following:

“1. The following persons shall have the right to register their trade marks, patents or designs:

- (a) Every proprietor of a factory, manufacturer, merchant or individual of Bahraini nationality.
- (b) Every foreign owner of a factory, manufacturer, merchant or individual residing in the State of Bahrain or has factual premises therein.
- (c) Every proprietor of a factory, manufacturer, merchant or individual who is a national of a country which has dealings with the State of Bahrain on a reciprocal basis or has factual premises therein.
- (d) Companies, organisations, firms, groups of professional tradesmen, manufacturers, merchants or societies which in fact have premises in the State of Bahrain or in any of the aforementioned countries, if they have corporate entities.
- (e) Government departments.

2. A record of every trade mark, patent and design shall be maintained and be under the supervision of the Register of Commerce at the Directorate of Commerce and Company Affairs.”

Article 10

Section 21 of the Regulations shall be replaced by the following:

“1. The proprietor of a trade mark, design or patent may apply at any time to the Register of Commerce seeking any addition or amendment thereto without any substantial alteration.

2. The Register of Commerce shall make an order in this matter having regard to the procedural conditions on the basis of which the registration of application was allowed. The said order is appealable in accordance with the prescribed rules set for the appeal of such decisions.”

Article 11

Section 22 of the Regulations shall be replaced by the following:

“1. Legal protection period arising from registration shall be as follows:

- (a) Trade Mark: 5 years renewable for further successive periods of 5 years each.
- (b) Design: 5 years renewable for 2 periods of 5 years each.
- (c) Patent: 15 years which may be extended to 5 more years if the patent is of special significance and has not brought in a return proportionate to the expenditure.

The aforementioned periods shall commence from the date of submitting the application for registration and in accordance with the prescribed conditions.

2. An eligible person shall have the right, after payment of the prescribed fees, to enjoy the continuance of protection for further periods, if he applies for renewal during the preceding year in accordance with the terms and conditions provided for in Article 3 of this Law every time he wishes to renew protection for a further period.

3. Within the preceding six months from any period of protection, the Register of Commerce shall give notice to the proprietor of a trade mark, design or patent by a registered letter informing him of the expiry date of such protection to his address indicated in the Register.

4. The registration shall be effected without a new enquiry and regardless of any objection from third parties.“

Article 12

Sections 39 and 40 of the Regulations shall be replaced by the following:

“The High Court may rule at the request of the Register of Commerce at the Directorate of Commerce and Company Affairs or at the request of the person concerned, to enter any change, correct any clerical error, delete or adjust any entry in the Register that may have been entered erroneously or falsely.“

Article 13

There shall be deleted from Section 46 the phrase “or (in lieu of damages, at the plaintiff’s option) to render an account of profits, and to be restrained by an injunction)“ which is included in Clause (a) of this section as well as the phrase “a prosecution as aforesaid shall not be instituted after a suit for infringement has been commenced save with the leave of the court before which such suit is pending or has been determined“ which is included in Clause (b) of this section.

Article 14

There shall be deleted from Section 50 of the Regulations the phrase “the Crown Prosecutor“ and the phrase “a person appointed by the Court.“

Article 15

There shall be deleted from Article 56 of the Regulations the phrase “the Royal Arms“. The phrase “the Ruler of the Territory“ shall be replaced by the phrase “Amir of the State of Bahrain“ and the phrase of “Her Majesty’s Government“ shall be replaced by the phrase “the Government of Bahrain.“

Article 16

Sections 18, 19, 20, 33, 34 and the last paragraph of Section 36 as well as Sections 41, 42, 43, 44, 63, 65, 66 and 67 shall be deleted from the Regulations.

Article 17

Section 64 of the Regulations shall be replaced by the following:

“The Minister of Commerce and Agriculture shall issue the necessary orders for the implementation of the Patents, Designs and Trade Marks Regulations.“

Article 18

The Ministers, each in his respective capacity, shall implement this Law which shall come into effect from the date of its publication in the Official Gazette.

Amir of the State of Bahrain

Isa bin Salman Al Khalifa

Issued at Riffa Palace

On 28th Thulhijja, 1397 H.

Corresponding to 9th November, 1977