

Ministerial Order No. 2 of 1978 with respect to the Rules for Implementing Patents, Designs and Trade Marks Regulations of 1955 amended by Legislative Decree No.22 of 1977

The Minister of Commerce and Agriculture, upon reviewing the Patents, Designs and Trade Marks Regulations of 1955 amended by Legislative Decree No.22 of 1977, hereby orders:

Article 1

The Register of Commerce, Directorate of Commerce and Company Affairs shall keep a Register of each of the patents, designs and trade marks for entering the details provided for in these Rules.

Article 2

The application for registering a patent, design, trade mark or service mark shall be submitted to the Register of Commerce in the form prepared for this purpose by the applicant concerned or by any person acting on his behalf by virtue of a special power of attorney.

Article 3

The application for registration shall contain the following:

1. The applicant's name, surname, address, occupation and commercial name, if any. If the applicant is a company, its name and address shall be indicated.
2. The applicant's nationality and residential address.
3. The representation of the trade mark required to be registered in the space assigned for it in the registration form. If the application is concerned with the registration of a patent or design, a resume shall be stated in the registration application for describing the invention or design.
4. Details of the goods, products or services required to register their mark, patent or design.
5. The location of the commercial premises or the investment project which utilises or seeks to utilise the trade mark, invention or design in distinguishing its goods, products or services.
6. The chosen domicile in the State of Bahrain to be used for sending correspondence and documents related to registration.
7. Signature of the applicant concerned or signature of any person acting on his behalf. If the applicant is a company or a society, it shall name a person entitled to sign on its behalf.

Article 4

The following shall be attached to the application for registration.

1. Four additional photocopies of the trade mark to be submitted on foolscap paper.

2. A representation of the trade mark which is unreturnable.
3. Representations of the patent or design and the method of its use to be submitted in two photocopies of foolscap paper, if the application is for registration of a patent or design.
4. All documents and particulars which the Register of Commerce deems necessary for supporting the application.

Article 5

The application for registration shall be entered in a special book with serial numbers according to dates of depositing them and the applicant shall be given a receipt including the following:

1. The applicant's serial number.
2. Applicant's name.
3. Date and time of depositing.

Article 6

If the mark included elements which are devoid of any distinctive description or elements registered separately in the name of the applicant, the Register of Commerce may suspend the registration on the condition of abstaining from claiming any special right to the use of such elements.

Article 7

The Register of Commerce may impose such restrictions and alterations as it may deem necessary for defining a trade mark, patent, design or description of products or services related thereto in the most accurate manner to avoid their confusion with another trade mark, patent or design which has already been registered.

Article 8

1. If the Register of Commerce takes a decision to the effect of rejecting registration or suspending its approval pending a certain condition, it shall notify the applicant or his agent by a registered letter containing the reasons for its decision along with a statement of the reasons related thereto.
2. If the applicant fails within 6 months of the date of the said notice to put into effect the restrictions or alterations imposed by the Register of Commerce, he shall be deemed to have abandoned his application.
3. The applicant may appeal against the decision of the Register of Commerce within 30 days of the date of service of notice thereof.

The appeal shall be referred to the Committee provided for in Article 10 bis of the abovementioned Patents, Designs and Trade Marks Regulations of 1955.

The appeal shall be submitted in two copies on the form prepared for this purpose. The Register of Commerce shall notify the applicant or his agent by registered letter of the date of the Committee's meeting and shall request him to appear before the Committee to testify with any

available statement and evidence. The said notice should reach the applicant or his agent at least 10 days before the date of the meeting.

Article 9

The appeal shall be heard in the presence of the Register of Commerce's representative who shall have the right to reply to the appellant's objections. The applicant shall be notified of the Committee's decision.

Article 10

In the event of approving the registration of the patent, design or trade mark or the issue of decision in favour of the applicant, the Register of Commerce shall publish it in the Official Gazette.

Publication shall include the following:

1. The applicant's name, address, nationality and designation.
2. An identical representation of the trade mark or a resume describing the invention or the design and the drawing showing its subject matter.
3. The serial number of the application for registration.
4. Description of the patent or design and the goods, services or products with respect to which the trade mark is required to be registered.
5. The name of the authorised agent in Bahrain.

Article 11

Each person concerned may submit a written notice to the Register of Commerce within 30 days of the date of publishing the patent, design or trade mark in the Official Gazette in accordance with the provisions of the foregoing Article and the said notice shall contain his objection to the registration of the patent, design or trade mark including the reasons on which his objection are based.

The objection notice shall be submitted in one original and one copy in the form prepared for this purpose. The Register of Commerce shall furnish the applicant or his agent with the objection notice by a registered letter within 15 days of the date of receiving the notice.

The applicant shall submit to the Register of Commerce within 30 days of the date of being furnished with the objection notice, a written reply in two copies in the form prepared for such purpose including his reasons, otherwise he shall be deemed to have abandoned his application.

Article 12

The objection shall be considered by the Committee provided for in Article 8 herein. Before reaching a decision with respect to the objection, the Committee shall hear one or both parties' statements upon request.

The Committee shall deliver its decision rejecting or approving the registration. In the former case, it may decide whatever conditions it deems necessary.

Article 13

The Register of Commerce shall notify the persons concerned of the decision reached with respect to the objection within one week from the date of its issue.

Article 14

The Committee's decision issued with respect to the objection may be appealed against to the High Civil Court within 30 days of the date of notifying the person concerned.

Article 15

A special page shall be set apart for the registration of each patent, design or trade mark in the Register maintained for each of them.

The said page shall include the following particulars:

1. Serial number of the application for registering the patent, design or trade mark.
2. Date of submitting the application and date of registration.
3. Name of the person who has the right to a patent or design or the name of the trade mark's proprietor, his surname, address, nationality and commercial name, if any. If the proprietor is a company, its name or title and objects shall be stated.
4. The elected domicile in the State of Bahrain to which correspondence and documents pertaining to the registration shall be sent.
5. The goods, products or services using the trade mark or which are sought to be used in distinguishing or describing the goods or products pertaining to the patent or design.
6. The location where the commercial premises are situated or the investment project for which the trade mark, patent or design are used or required to be used in distinguishing its goods, products or services.
7. The conditions prescribed by the Register of Commerce for effecting registration.
8. Amendments and additions that may occur after registration.
9. Transfer of ownership or mortgage of the patent, design or trade mark.
10. Cancelling the mortgage.
11. Renewing the registration.

Article 16

The consequences arising from the law with respect to registration of the patent, design or trade mark shall be effective from the date of submitting the application for registration provided that no legal action has been taken with respect to a dispute that has occurred in respect of the trade mark required to be registered before the publishing date of the application for registration.

Article 17

Upon registration of the patent, design or trade mark in the register maintained for such purpose, the Register of Commerce shall issue a certificate to the proprietor of the patent, design or trade mark after payment of the prescribed fees.

The registration shall exclusively entitle the registered owner as follows:

a. With regard to patents:

The absolute right and privilege in the State of Bahrain to register every invention that can be industrially exploited whether it is related to new products or modern industrial methods or devices or a new application of well known industrial methods or devices.

b. With regard to designs:

The right to quote the registered design in the State of Bahrain with respect to any item or group of items in registration.

c. With regard to trade marks:

The absolute right to use the registered trade mark in the State of Bahrain on the goods or services or with regard to such goods and services concerning which the trade mark has been registered.

Alterations and Amendments Occurring to Registration

Article 18

Each proprietor of a trade mark, design or patent wishing to introduce any addition or amendment thereto not substantially affecting its essential nature shall submit an application to the Register of Commerce after payment of the prescribed fee and the same procedures governing the original application for registration shall be followed.

Article 19

The registered owner shall have the legal right to transfer any rights he has acquired through registration according to the law or to sell them or dispose of them by any other legal method, to grant licences concerning the registered patent or design, to allow the use of a registered trade mark and to issue valid receipts for any amount paid for this purpose provided that these acts shall be entered in the page for registering the patent, design or trade mark.

The application for entry in the Register shall be submitted to the Register of Commerce by the person to whom ownership has been transferred or in whose favour the disposal has been made. Such application shall be submitted in the form prepared for this purpose after payment of the prescribed fee and the same procedures concerning original application for registration shall be followed.

The application shall include the following particulars:

1. The serial number of the patent, design or trade mark.
2. The name and surname of each of the applicant and transferor or disposer, his commercial name and occupation.
3. Applicant's residence and nationality.
4. The goods, products or services for which the patent, design or trade mark is assigned.

5. The location of the commercial premises or the project which uses the patent, design or trade mark.
6. Date of transfer of ownership or disposal.
7. The event, contract or court order by which the transfer of ownership or the disposal has been effected.

Article 20

The patents, designs and trade marks which have been registered shall be published in the Official Gazette as well as any amendments or alterations to be made after the registration.

The said publication shall be restricted to the mark's serial number, date of registration, name of its owner, number of the official Gazette in which the registration of the trade mark, design or patent is published.

Renewal of Protection Period and Striking Off the Registration

Article 21

An application shall be submitted with respect to renewal of the protection period arising from the registration of the patent, design and trade mark on the prescribed form after payment of the required fees. The said application shall include the serial number of registration, the name of the owner of the patent, design or trade mark.

Article 22

If the application has been submitted during the period stipulated in [Article 11](#) of Amiri Decree No.2 of 1977 with respect to Amending Certain provisions of the Patents, Designs and Trade Marks Regulations, the Register of Commerce shall indicate in the Register the renewal of the protection period of the patent, design or trade mark.

The Register of Commerce shall issue a certificate to the applicant to this effect.

Article 23

The striking off of the registration of the patent, design or trade mark shall be published in the Official Gazette and the said publication shall include the following:

1. Serial number of the registration of patent, design or trade mark.
2. Proprietor's name.
3. Issue number of the Official Gazette in which the registration was published.
4. Reason for striking off and date thereof.

Article 24

Any person may scrutinize the registers of patents, designs and trade marks and to obtain facsimiles of the entries registered therein against payment of the prescribed fees.

General Provisions

Article 25

The applications provided for in these Rules shall be accompanied by the receipts with respect to payment of the fees prescribed in [Appendix 1](#) hereof.

Article 26

The forms required to be used according to these Rules shall be in accordance with the model forms included in [Appendix 2](#) hereof.

Article 27

[Appendix 3](#) which is attached to these Rules provides for the categories of services whose trade marks may be registered.

Article 28

If the applicant for registration, entering certain particulars or registering the transfer of ownership, or the mortgage or deletion thereof, or objection to the registration, is not a resident of Bahrain, he shall appoint an agent who is a resident to carry out the necessary procedures on his behalf.

Article 29

All applications, correspondence and other documents which are required to be submitted to the Register of Commerce in accordance with these Rules shall be written in the Arabic language. Any certificate and papers which are written in a foreign language shall be accompanied by an Arabic translation.

Article 30

The Commerce and Agriculture Ministry's Assistant Undersecretary for Commercial Affairs shall implement this Order which shall come into effect from the date of its publication in the Official Gazette.

Minister of Commerce & Agriculture

Habib Ahmed Qassim

Issued on 24th Saffar, 1398 H.

Corresponding to 1st February, 1978.

APPENDIX 1 LIST OF FEES

I Patents:

	BD	Fils
1. On application for registration of a patent	60	-
2. On application for publication of a patent	10	-
3. On application for the issue of a certificate of registration	10	-
4. On application for extending the duration for another period of five years	20	-

II Designs:

1.	On application for registration of a design	10	-
2.	On application for publication of a design	7	-
3.	On application for the issue of a certificate registration	6	-
4.	On application for the renewal of a registration	7	500

III Trade Marks:

1.	On application for the registration of a trade mark	7	-
2.	On application for the publication of a trade mark	7	-
3.	On application for the issue of a certificate of registration	6	-
4.	On application for the renewal of a trade mark	7	500

IV Fees Applicable to Patents, Designs and Trade Marks:

1.	On application in respect of alteration of the address or the name or the authorised agent or the amendment of the colour, description or commodity or to alter a registered trade mark, or to amend or to add the description of a patent	5	-
2.	On application in respect of inspection	4	-
3.	Notice of objection	6	-
4.	On application for transfer of ownership or mortgage	5	-
5.	On application for obtaining a copy of a registration certificate	4	-
6.	On application for a licence	6	-
7.	On application for publishing a licence	5	-
8.	On application for cancelling a licence	3	-
9.	Counter-statement in proceedings before the Superintendent	5	-
10.	On application for examining the Register of Patents, Designs or Trade Marks	4	-

**APPENDIX 2
WITH RESPECT TO FORMS**

1. Application for registration of a patent, design or trade mark.
2. Application for renewing or extension of the registration of a patent, design or trade mark.
3. Notice of objection against the registration of a patent, design or trade mark.
4. Application for transfer of ownership or mortgage of a patent, design or trade mark.
5. Form for a notice of publication.
6. Application for examining a trade mark.
7. A report concerning the examination of an application of a patent, design or trade mark.
8. Certificate of the Register of Commerce for the registration of a patent, design or trade mark.
9. Application for payment of fees on the issue of registration certificate.

10. Notification on the expiry of the protection period arising from the registration of a patent, design or trade mark.

**APPENDIX 3
WITH RESPECT TO CATEGORIES OF SERVICE MARKS**

1. Publicity and advertising services.
2. Insurance and banking services.
3. Contracting services.
4. Transport, telecommunications and storage services.
5. Industrial services.
6. Educational and entertainment services.