

## **MINISTERIAL ORDER NO. 12 OF 1993 CONCERNING THE IMPLEMENTATION REGULATIONS OF LEGISLATIVE DECREE NO. (10) OF 1991 WITH RESPECT TO TRADE MARKS**

The Minister for Commerce and Agriculture,

having examined Legislative Decree No. 10 of 1991 with respect to Trade Marks,

and upon the submission of the Undersecretary of the Ministry of Commerce and Agriculture,

**HEREBY ORDERS:**

### **CHAPTER ONE REGISTERING TRADE MARKS AND MAINTAINING REGISTERS**

#### **Article 1**

The Commercial Registry at the Directorate of Commerce and Companies Affairs shall undertake and supervise the maintenance of a trade marks register wherein the registration application shall be recorded under serial numbers according to the dates of depositing all the marks, owners' names, addresses, description of their goods, products or services and whatever action affecting such marks as ownership transfer, assignment, permission to use, mortgage or any other amendments.

#### **Article 2**

A page shall be allocated for each trade mark registration application in the Trade Mark Register in the form of a schedule, with the Register pages bearing serial numbers, stamped by the Commercial Registry's official seal and each page allocated for registration shall contain the following details:

1. Application number.
2. Date of application.
3. Deposit number.
4. Applicant's name, address, nationality and residential address.
5. Picture of the mark.
6. Category and details of the goods and services according to the international classification.
7. The authorised agent in the State of Bahrain and his address.
8. All the dates relating to publication and registration which were published in the Official Gazette.
9. Renewal of registration.
10. Amendments affecting the registration process.

### Article 3

Applications for the registration or entry of trade mark alterations such as ownership transfer, assignment, permission to use, mortgage or any other alterations shall be made using the forms prescribed for this purpose. Documents which confirm such alterations, together with the receipts which show the payment of the fees, shall be attached therewith.

### Article 4

Details to be entered in the Registry shall be written in clear handwriting without abbreviation, alteration or erasing.

### Article 5

Applicants, whether natural or corporate persons, shall submit their applications to the Commercial Registry at the Directorate of Commerce and Companies Affairs, which shall prove their identity and capacity before receipt of such applications.

Applicants may deputize others to submit such applications on their behalf by virtue of a special power of attorney which shall be deposited with the Commercial Registry.

### Article 6.

Accepted applications shall be given serial numbers in accordance with their dates of deposit. Every year numbering shall begin with the first day of January.

The Commercial Registry shall indicate on each application the serial number together with the date and time of deposit thereof and shall give the applicant a receipt containing the following details:

1. Serial number of application.
2. Date and time of deposit.
3. Applicant's name and his authorised agent in Bahrain.
4. Brief description of the trade mark to be registered.
5. Details of the international category required.

### Article 7

Applications referred to in the above Article shall be recorded in the Registry in accordance with the sequence of their deposit. This shall be effected by recording the details therein in the columns designated for them in the register. These entries shall be given serial and consecutive numbers.

### Article 8

In the event of entering details whereby the particulars recorded in the registry may be changed or altered, such details may be crossed out with a red pen and the new details shall be recorded in the same space. Besides, the entry date thereof, together with the document approving such alteration and its date, shall be indicated in the margin.

## Article 9

In addition to the conditions provided for in [Article 7](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks, the following details shall be contained in an application for registration.

1. A copy of the form of registration in the Commercial Registry and a copy of the most recent renewal for Bahrainis and residents who are registered in the State of Bahrain.

As for non-residents, a registration certificate of the trade mark to be registered or an official certificate authenticated by the country of origin containing the business activities of the company shall be submitted.

2. Class and details of goods, products and services in accordance with the international classification.

3. A letter from the Israel Boycott Office indicating that the company's status, in the case of foreign and non-Arab companies and firms, is sound.

4. Documents shall be issued in Arabic in accordance with the provision of [Article 22](#) of these Regulations.

## Article 10

Each person, prior to submitting his trade mark registration application, may enquire from the Commercial Registry about whether such trade mark is free of legal restrictions provided for in [Article 5](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks. He may also request inspecting the register of trade marks whose applications for registration have not yet been decided upon so as to ensure that there are no marks identical or similar to the marks required for registration.

Each application shall be limited to one mark and one class and shall be submitted on the form prescribed for the purpose. Two pictures of the trade mark shall be enclosed therewith and details of the goods, products and services which distinguish the mark shall be contained therein. The applicant shall be given a certificate stating the result of the said inspection on payment of the prescribed fee. Nevertheless, no right shall arise in his favour by virtue of such certificate.

## Article 11

1. If the Commercial Registry approves the trade mark, it shall be published in the Official Gazette in accordance with the provision of [Article 14](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks.

2. The Commercial Registry shall publish in the Official Gazette the trade mark which completes the objection period, on payment of the prescribed fees. The publication shall be limited to:

1. Application number.
2. Registration date.
3. Class number.
4. Issue number of the Official Gazette wherein the application for registration was published.

## Article 12

In the event of objecting to the decision of the Commercial Registry, whether in the case of registration applications, transfer of trade mark ownership, its mortgage or lien, the grievance procedures provided for in [Article 13](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks shall be followed.

## Article 13

The owner of a trade mark may submit an application to the Commercial Registry for permitting a natural or corporate person to use his trade mark with regard to all or some of the products or services for which the mark was registered, after submitting the documents it requires. Hence, the trade mark owner shall be entitled to authorise others to use the said mark and to use it himself unless otherwise agreed upon. However, the permission period shall not exceed the period prescribed for protecting the trade mark.

## Article 14

In addition to the conditions and restrictions provided for in [Articles 25](#) and [26](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks, the following shall be complied with:

1. The licence contract shall be authenticated by a competent authority in the State of Bahrain or in any country which offers the State of Bahrain a reciprocal treatment.

2. The Commercial Registry shall register the licence in the register and publish it in the Official Gazette in the same manner as an application for a licence registration. Provided that no objection is filed against the said application, in accordance with [Article 14 \(Paragraph 2\)](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks, the Commercial Registry shall publish the licence registration in the Official Gazette.

## Article 15

Upon the publication of an application for registration of a trade mark registered user, the Commercial Registry shall rely upon the following details:

1. Name of the registered trade mark owner, his address and nationality.
2. Name of the registered user, his address, nationality and capacity.
3. Application number.
4. Date of registration.
5. Class number.
6. Conditions of use (if any).

## CHAPTER TWO DETAILS OF THE CONDITIONS REQUIRED FOR REGISTRATION OF COLLECTIVE MARKS

## Article 16

Natural and corporate persons undertaking the control of certain products or services or the inspection of their origins, components, method of manufacture, performance, description or any other characteristic shall be permitted to register a collective mark by virtue of a licence issued by the Ministry of Commerce and Agriculture. Upon registration of such trade mark, all the effects provided for in Legislative Decree No. (10) of 1991 with respect to Trade Marks shall accrue. Collective mark ownership may be transferred only by means of a private licence issued by the Minister for Commerce and Agriculture.

## Article 17

In addition to the conditions provided for in [Article 7](#) of Legislative Decree No. (10) of 1991 with respect to Trade Marks, the following details shall be contained in an application for registration of a collective mark:

1. A facsimile of the Memorandum or the Articles of Association of a Society, an organisation or a group which requires the registration of the said mark, together with a copy of any alterations to such documents.
2. A copy of the rules and procedures which shall be followed by the applicant for the purpose of control or inspection of the products or services, in addition to the details of conditions and restrictions which shall be complied with in respect of such products or services.
3. Details of how the collective mark for products or services shall be used.
4. Details of the class of the collective mark required in accordance with the international classification.
5. A letter from the Israel Boycott Office stating that the company's status, in the case of foreign and non-Arab companies and firms, is sound.
6. All documents shall be prepared in Arabic in accordance with the provision of [Article 22](#) of these Regulations.

## Article 18

Collective marks shall not be re-registered in favour of third parties with regard to identical or similar products, goods or services.

## Article 19

Provisions of Legislative Decree No. (10) of 1991 and provisions of these Regulations shall be applicable to collective trade marks without prejudice to the provisions related to such marks.

# CHAPTER THREE PROCEDURES

## Article 20

1. The owner of a mark may at any time seek the issue of an order from the competent Court to take the necessary precautionary measures in respect of machines and tools used in committing the offences stipulated in [Article 31](#) of Legislative Decree No. (10) of 1991 with respect to Trade

Marks in addition to the products, goods, covers, papers and others on which the forged, imitated or illegally used mark was displayed with his knowledge.

2. It shall be allowed to levy a distress upon importing the goods which are subject to the previous ban as soon as they are imported from abroad.

3. The Directorate of Commerce and Companies Affairs may request the Customs Directorate that a ban be imposed on the entry of whatever goods or products bearing a mark which is forged imitated or illegally used or displayed once this offence is proved by the competent authorities.

## Article 21

Officers of the Commercial Registry shall be empowered to ascertain the implementation of the provisions of Legislative Decree No. (10) of 1991 with respect to Trade Marks as well as the provisions of these regulations. For this purpose, they shall issue statements for offenders who violate the provisions of the said Law and Regulations and refer them to the Public Prosecution.

## Article 22

All applications, correspondence and other papers which are submitted to the Commercial Registry shall be made in Arabic in accordance with the provisions of these Regulations. As for the documents issued in a foreign language, Arabic and English translations authenticated by the relevant authorities shall be attached therewith if the language of such documents is not English.

## Article 23

Every trade mark which was previously registered and entered by virtue of the Regulations with respect to Industrial Patents, Designs and Trade Marks of the year 1955, as amended by Legislative Decree No. (22) of 1977 shall, on being used, be subject to the terms and conditions provided for in Legislative Decree No. (10) of 1991 with respect to Trade Marks and by the provisions of these Regulations.

## CHAPTER FOUR FEES RELATING TO ENTRY, RENEWAL, ALTERATION OF DETAILS, CERTIFIED COPIES AND RECEIPT OF CERTIFICATES

## Article 24

Applications provided for in Legislative Decree No. (10) of 1991 and the provisions of these Regulations shall be accompanied by receipts proving the payment of fees in accordance with the attached [Appendix No.1](#).

## CHAPTER FIVE INTERNATIONAL CLASSIFICATION OF PRODUCTS AND SERVICES

## Article 25

Applications for the registration of Trade Marks shall be submitted in accordance with the international classification of products and services shown in the attached [Appendix No.2](#).

## Article 26

The Undersecretary of the Ministry of Commerce and Agriculture shall implement this Order which shall come into force from the date of its publication in the Official Gazette.

**Habib Ahmed Qassim**

**Minister for Commerce and Agriculture**

Issued on 25th Thulqie'eda, 1413 H.

Corresponding to 17th May, 1993.

These Regulations were published in the Official Gazette No.2060 on Wednesday 19th May, 1993.

### MINISTRY OF COMMERCE AND AGRICULTURE

## APPENDIX NO. 1 FEES SCHEDULE

| PROCEDURE   | FEES |      |
|---|------|------|
|   | BD   | FILS |
| 1. Application for registration of a trade mark   | 20   | -    |
| 2. Application for publication of a trade mark  | 20   | -    |
| 3. Application for issue of a certificate of registration   | 40   | -    |
| 4. Application for renewal of a trade mark for 10 years   | 40   | -    |
| 5. Application for entry of a change of address, name, authorised agent; or of alteration of colour, description, goods, services; or of change of trade mark picture | 10   | -    |
| 6. Application for inspection of a trade mark for one class only  | 5    | -    |
| 7. Notice of objection to registration application  | 20   | -    |
| 8. Application for ownership transfer or mortgage   | 15   | -    |
| 9. Application for issue of a copy of a registration certificate  | 5    | -    |
| 10. Application for permission to use a trade mark  | 15   | -    |
| 11. Application for publication of permission for use a mark  | 5    | -    |
| 12. Application for cancellation of permission for use a mark   | 5    | -    |
| 13. Application for fixing date of a hearing before the Controller  | 5    | -    |
| 14. Application for access to the Trade Marks Register  | 10   | -    |

## APPENDIX NO. 2 INTERNATIONAL CLASSIFICATION OF PRODUCTS, GOODS AND SERVICES

### Firstly: Classes Of Products And Goods

#### *Class 1*

Chemical products used in industry, research, scientific experiments, photography, agriculture, horticulture, forestry, fertilizers (natural and chemical), fire extinguishing materials, tempering substances and chemical preparations for welding, chemical preparations for preserving foods, tanning substances, adhesives used in industry, glue preparations used in surgery, kinds of glue used in industry, adhesives for wall tiles and wall paper, preparations for cleaning chimneys, cookers and heaters, aluminium ore (bauxite), mercury and antimony, alkaline and clay materials.

### *Class 2*

Paints, varnishes, lacquers, substances used for protecting metals against corrosion and wood against decay, colouring substances and dyes, chemicals used as colour stabilisers, resins, metal in the form of sheets or powder used for painting and decor purposes.

### *Class 3*

Bleaching preparations, detergents and other items used in washing clothes, preparations for cleaning, polishing and scraping, soap, perfumes, essential oils, cosmetics, hair lotions, toothpaste, rose water, hair accessories, washing blue and hair dyes.

### *Class 4*

Oils and greases used in industry (other than edible oils and fats and essential oils), lubricants, preparations used for absorbing and precipitating dust, fuels (including engine oils) lighting materials, all kinds of candles and lighting items, types of coal, wood used as fuel, petrol, crude and refined oil.

### *Class 5*

Sponge for medical purposes, pharmaceuticals, veterinary and sanitary products, baby foods and patients' food, plasters, bandages, tooth fillings, dental wax, disinfectants, preparations used as herbicide, pesticide and insecticide, medical adhesive bands, anti-bacterial preparations, deodorants, sanitary towels for ladies, diapers for babies and for the elderly and contraceptives.

### *Class 6*

Raw and semi manufactured non-precious metals, bullions and all their alloys, anchors, anvils, bells, shaped and unshaped metals used in construction, steel and other metal bars used in railways, chains (other than chains used for towing vehicles) cables and wires (non-electrical), all materials used for making padlocks, metal pipes, safes and cash boxes, steel balls, horseshoes, nails and screws, other products (not included in other classes) made of non precious metals, metal ores, chains for boats, aluminium foil used for packing, metal cables, fishing bits and metal bottle closures.

### *Class 7*

Machines, machine tools, engines (excluding engines for vehicles), machine couplings and belts (except for vehicle belts), large agricultural implements and equipment, hydraulic lifts, incubators, clothes ironing equipment, laundry equipment, washing machines, dish washers, air & mechanical compressors, engine valves (as spare parts), machines used as food & beverage processors, grinders, fruit mixers & juicers, can openers, artificial breathing equipment for emergency purposes, metal casting equipment, electric drills, typesetting equipment and printing machines.



### *Class 8*

Hand tools and machinery, cutlery (including these made of precious metals), cold steel items, razor blades and shaving machines (including electrical shavers).

### *Class 9*

Scientific and maritime equipment and tools used for land surveys, electrical appliances and tools (including wireless devices) photographic and cinematographic appliances and tools for the optical industry, weighing, measuring, signalling, control, rescue and educational operations, coin operated machines and operated by other devices, talking machines and cash registers, calculators, fire fighting equipment, trucks with ladders, irons, life jackets, safety and rescue clothing, safety belts, electrical cables, dry and electric batteries and switches.

### *Class 10*

Instruments and devices used in surgery, medicine, dentistry and veterinary medicine (including lenses, artificial limbs, false eyes and teeth), condoms, contraceptives, bottle valves, teats, feeding bottles, teeth rings and sponge for surgical use).

### *Class 11*

Appliances for lighting, heating, steam generation, cooking, refrigeration, drying, ventilation, water distribution and sanitary ware fittings, ice boxes, pressure valves, pressure cookers, fan heaters, ventilation fans, water purification installations, air pressure devices for lighters, toilets and wash basins, water tanks and sinks.

### *Class 12*

Vehicles, means of land, air and sea transport, cars, trains, boats and yachts, gearboxes, tyres, car tyre valves and all other related spare parts.

### *Class 13*

Firearms, ammunition, shells, explosives and fireworks.

### *Class 14*

Precious metals, alloys, products made of or plated with such metals (except for cutlery, forks and spoons) jewellery, precious stones, watches and chronometers.

### *Class 15*

Musical instruments (except for talking machines or wireless instruments).

### *Class 16*

Paper and items made of paper, cardboard and items made of cardboard, printed matter, newspapers, periodicals, books, bookbinding materials, photographs, stationery items, adhesives (for stationery items), materials for hotels, colouring brushes, typewriters, office supplies (other than furniture), materials used in education and instruction, (except for equipment), playing cards, printing fonts and blocks, adhesive tapes for stationery items, pouches made of paper or plastic film for wrapping.

### *Class 17*

Gum, rubber, tiles and their substitutes; items made of such materials and not included in other classes, materials used in packaging, closing or insulating, asbestos, non-metal flexible pipes, asbestos, asbestos sheets and other materials made of asbestos, adhesive material (not for household use, stationery or medical purposes), plastic film, sheets and bars made of plastic, plastic materials not for wrapping, pouches, rubber envelopes for wrapping and rubber pouches.

### *Class 18*

Tanned leather, imitated leather items and articles made of leather not included in other class, animal skins, boxes, suitcases, umbrellas, canes, equestrian items, saddles and leather valves.

### *Class 19*

Building materials, artificial and natural stones, cement, lime, mortar, plaster, gravel, pottery or cement pipes, materials used for road building, asphalt, mobile buildings, stone monuments, roofing felt, chimney-pots, semi-manufactured timber (girders, wooden floors, balls, wooden bridges, interlocking wooden panes, building glass i.e. glass tiles and blocks).

### *Class 20*

Furniture, mirrors, frames, articles made of wood, cork, rattan, cane horns, willow, bone, ivory, whale-bone, fish scales, amber, shells or celluloid, plastic valves for water pipes, non-metallic bottle closures.

### *Class 21*

Small household appliances and utensils (not made of nor plated with precious metals), combs, sponges, brushes (not colouring ones), materials used in making brushes, tools and products used for cleaning purposes, iron filings, glassware, porcelain and china sets (not included in other classes), shaving, tooth and fabric cleaning brushes, ice trays, straws and sponge for domestic purposes.

### *Class 22*

Ropes, string, nets, tents, umbrellas, awnings, (thick fabrics used for making awnings and synthetic material used in floors of rooms) and bags (not included in other classes), upholstery and padding materials (such as hair, feathers, sea weeds and materials not made of rubber or plastic), fibrous raw materials used in textiles.

### *Class 23*

Yarn and threads.

### *Class 24*

Textiles, bed linen, table cloth, textiles not included in other classes.

### *Class 25*

Clothings including boots, shoes (with or without neck), slippers and socks.

### *Class 26*

Lace, knitwear, ribbons, buttons, snaps, fasteners, clasps, hooks, pins, brooches, needles, artificial flowers and shoe making needles.

*Class 27*

Carpets, rugs, mats, linoleum and other materials for covering room floors, wall paper and decorations (non-woven materials) and synthetic items used as table cloth.

*Class 28*

Games and toys, sports equipment, sports items (except for sports wear), Christmas tree decorations, and candlesticks (except for candles).

*Class 29*

Meat, fish, poultry and game meat products, meat extracts, canned, dried and pre-cooked vegetables and fruits, marmalades, poultry products, dairy products, edible oil and ghee, canned food and pickles, jelly, jam, potato chips, canned potato products, nut oils or butter, products for making soup, soups, assorted roasted, salted and flavoured nuts and salad dressing.

*Class 30*

Coffee, tea, sugar, rice, sago, coffee substitute, flour, products made of cereals, bread, biscuits, cakes, pastries, frozen sweets, honey, treacle, yeast, baking powder, salt, mustard, pepper, vinegar, sauce, mayonnaise, spices, ice, fool and falafel, chic peas, fool medames, tahini, sandwiches, food made of corn flour or ground corn, ice cream and corn flakes.

*Class 31*

Agricultural, horticultural and forestry products, grains (not included in other classes), livestock, fresh vegetables and fruit, seeds, plants and flowers, animal feed, malt, nuts, walnut, hazelnut, pistachio, decorative trees, Christmas trees, fruit trees, green beans and beans (dried) and pecan.

*Class 32*

Mineral and carbonated waters, other non-alcoholic beverages, syrups and other products used to make non-alcoholic beverages, beer and stout beer.

*Class 33*

Wines and liquors.

*Class 34*

Raw and semi-manufactured tobacco, smokers items, matches, cigarettes and cigars.

**SECOND: SERVICE CLASSES**

*Class 35*

Publicity, advertising and professional services, including word processing, data processing, printing offices, compiling statistics, patent offices, printing business, travel agent for hotel reservations, shorthand services, research, commercial services, accounting and auditing, compiling

and classifying statistics, financial projections and evaluation, computers for calculating taxi fares or truck charges, legal services, television and radio commercials.

### *Class 36*

Insurance and banking services which include, rental of villas and private properties, real estate agencies, foreign services, foreign exchange, investment, insurance agents, marine insurance, hospital furnishing, supply and administration relating to health services, brokerage, commission agents, rental of flats and villas, regulating the collection of dues, credit card sale, issuing travellers cheques and trusteeship.

### *Class 37*

Contracting and maintenance services which include all repairs and maintenance of all items, construction engineering, construction of factories, installing kitchen appliances and equipment, pump repairs, hire of construction plant and equipment, tyre retreads, ship building, painting, shoe mending, car wash, installing air conditioning for cooling or heating, repair of film projectors, leather care (cleaning and repairs), mending clothes, laundry, washing and ironing clothes.

### *Class 38*

Telecommunication services which include television and radio transmission services, news agencies, receipt and delivery of mail, telex services, transmission and despatch of telegrams.

### *Class 39*

Removal, transport and storage services, rental of warehouses, storing foodstuffs, airport services, air travel services, railway transport, shipping by sea or rivers, tourism, car parks, cars, bus, truck and crane hire, aircraft leasing, travel and tour agents, reservation services, cargo transport, water distribution, water supply, horse hire and ice-breaking.

### *Class 40*

Industrial services which include — industrial development, photo film developing, paper manufacturing, tailoring (fabric treatment, chemical & physical treatment of metals, carpet dyeing, dyeing mink and clothes, air purification, flour mills and woodworks.

### *Class 41*

Educational & entertainment services including universities, institutes, physical education, publishing books and magazines, television and radio programmes, functions, music concerts, film studios, film production and rental, audio recordings, theatres, singers, music halls, film projector rental and T.V. and radio rental, cartoons, and multi-purpose halls and drama production.

### *Class 42*

Any other services not included in the above Service classes which include, hotel services, catering, restaurants, hospitals, medical clinics, hair & beauty salons, miscellaneous design services, commercial exhibitions organisation and management, tissue tests, land surveying, photography, printing houses, translations, meteorology, time share services including use of catalogues, technical consultancies, oil well testing, computer programming and rental.