

**Law No. (6) of 2014
Regarding the Approval of
the Trademarks Law (Regulation) of the Cooperation Council of the Arab States of
the Gulf¹**

We, Hamad bin Isa Al Khalifa,

King of the Kingdom of Bahrain

Having reviewed the Constitution,

Law No. (11) of 2006 regarding Trademarks, as amended by Law No. (3) of 2011,

And the Trademarks Law (Regulation) of the Cooperation Council of the Arab States of the Gulf, issued to be adopted mandatory by a decree from the Supreme Council of the Gulf Cooperation Council at its thirty-third session held in the Kingdom of Bahrain on December 24 and 25, 2012,

The Shura Council and the Council of Representatives approved the following law, and we have ratified and issued it:

Article One

The Trademarks Law (Regulation) of the Cooperation Council for Arab States of the Gulf attached to this Law is approved, and it shall come into force after six months from the date of issuing the executive regulations specified in Article (52) of this Law.

Article Two

Law No. (11) of 2006 regarding Trademarks shall continue its implementation until it is abolished from the date of enforcing the attached Law (Regulation).

Article Three

The Minister concerned with trade affairs shall issue the necessary decisions to implement the provisions of this Law along with the attached Law (Regulation) and its executive regulations.

Article Four

The Prime Minister and Ministers, each in their respective capacity, shall implement the provisions of this Law. It shall come into force on the following day of its publication in the Official Gazette.

**King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa**

Issued at the Riffa Palace

¹ This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail.

Date: 17 Rabe'a Al-Akher 1435 H
Corresponding to: 17 February 2014

**The Trademarks Law (Regulation)
of the Cooperation Council for the Arab States of the Gulf**

**Section 1
Definitions
Article (1)
Definitions**

In the implementation of the provisions of this Law (Regulation), the following terms shall have the meanings assigned, unless the context otherwise requires:

GCC: The Cooperation Council for the Arab States of the Gulf.

Competent Authority: The Ministry in charge of the trade affairs in each GCC state is assigned to enforce this Law (Regulation).

Minister: The Minister in charge of enforcing the provisions of this Law (Regulation).

Executive Regulations: The executive regulations to be set by the Commercial Cooperation Committee in enforcement of this Law (Regulation).

Register: The trademarks register.

Article (2)

Trademark: Anything with a distinctive form such as names, words, signatures, letters, symbols, figures, titles, seals, drawings, images, engravings, packaging, pictorial elements, shapes, colors or groups of colors or a mixture of them, any mark or group of marks if used or intended to be used either to distinguish goods, services of a facility or other facilities or to indicate the rendering of a service or the control of inspection of goods or services.

The sign of sound or smell could be considered a trademark.

**Section 2
Procedures
Chapter 1
Registration Procedures of Trademarks**

Article (3)

The following shall not register as a trademark or an element thereof:

1. The mark which is free of any distinctive feature, or the marks which are contained of information being only the name given by customary practice for goods, products, services, or the ordinary and familiar drawings and pictures of goods and products.
2. Expressions, drawings or marks which breach public morals or violate public policy.

3. Public slogans, flags and military, honorary emblems , national and foreign medals, metal or paper currency. Any other symbol of the GCC states, other countries, Arab or international organizations or institutions, or any imitation of the above.
4. Symbols of the Red Crescent or Red Cross, and any other similar signs or imitation thereof.
5. Identical marks or similar symbols have a purely religious nature.
6. Geographical names and data if their use would create confusion with regard to the origin or source of goods or services.
7. The name, title, picture or logo of a third party unless he or his heirs approve its use beforehand.
8. Particulars of honorary or scientific degrees to which a registration application does not prove his legal entitlement.
9. Marks are likely misleading the public or contain false information of the origin or source of the goods, services, or other descriptions, in addition, marks containing a dummy, imitated or forged commercial names.
10. Marks are owned by natural or legal persons with whom dealing is forbidden as per a resolution passed by the Competent Authority in this regard.
11. Any trademark is similar or identical to a trademark previously deposited or registered by third parties for the same goods or services or related goods or services. If the use of the trademark to be registered will mislead the consumers as to the goods or services of the registered trademark owner or will prejudice his interests.
12. The mark whose registration for some categories of products or services results in undervaluing other products or services distinguished by such mark
13. Marks deemed a reproduction, imitation or translation for a renowned mark or a part thereof already registered by third parties to be used in distinguishing goods or services similar to the one distinguished by the famous trademark.
14. Marks which are copies, imitations or translations of a renowned mark or an essential part thereof owned by others. to be used to distinguish goods or services not identical or similar to those distinguished by the famous trademark. If such use indicates a connection between such goods or services and between the renowned trademark or prejudices the interests of renowned trademarks owner.
15. Marks include the following words or expressions: Concession, Concessionaire, Registered, Registered Drawing, Copyright, or such similar words and expressions.

Article (4)

1. The registration of a known trademark, that its reputation reached beyond the country where it was registered may not be registered in other countries for goods or services identical or similar unless requested or expressly agreed to by owner of the reputable trademark.
2. The public's awareness of a trademark determines its reputation due to the promotion, long period of registration, use or the number of countries in which the trademark is registered or becomes renowned or due to the trademark's value and the effect thereof on promoting the goods or services distinguished by the trademark.

3. A reputed trademark may not be registered to distinguish products or services that are not similar or compliant with those distinguished by the trademark if:
 - a. The use of trademark indicated a link between goods and services to be distinguished and the goods or services of the original trademark owner.
 - b. The use could damage the interests of the owner of the renowned trademark.

Article (5)

The following persons shall have the right to register their trademarks:

1. Any natural or legal persons belonging to any country of The Cooperation Council for the Arab States of the Gulf (GCC countries), whether he is a factory or product owner, or businessman, or craftsman, or owner of enterprise services
2. Residing Foreigners in any GCC country permitted to carry out any commercial, industrial, handicraft or services activity.
3. Foreigners belong to any State member of a multilateral convention in a GCC State is a party therein or who reside in such State.
4. Public authorities.

Article (6)

1. A register called the Trademarks Register shall be set up at the Competent Authority wherein shall be recorded all the trademarks, names and addresses of owners, descriptions of their goods or services and any conveyance, assignment, transfer of ownership, mortgage or license for use concerning such trademarks or any other changes. Any concerned person may review this Register and obtain and request a certified true copy thereof.
2. The Trademarks Register existing at the time of enforcing the provisions of this Law (Regulation) shall be recorded in the Register mentioned in the previous Paragraph and shall constitute an integral part thereof.

Article (7)

1. Any person who registers a mark in good faith shall be deemed its sole owner. It may not dispute the ownership of such mark if the person, who registers it, uses it uninterruptedly for at least five years from the date of registration being without judicial action It lodged against him for its validity.
2. A person who used the mark before the person registered may request the competent court to cancel such registration within five years of the registration date unless the registered owner obtains express or implied permission to use the mark by the person who registered it.

Article (8)

An application for registration of a trademark may be submitted by the concerned person or his representative to the Authority concerned on the form prepared for this purpose in accordance with the conditions specified by the Executive Regulation of this Law (Regulation).

Article (9)

1. A trademark may register one or more categories of the products or services according to the Executive Regulations of the Law (Regulation).
2. Goods or services shall not be considered similar to each other just for being listed in the same category, equally, goods or services shall not be considered as different from each other just for being listed in different categories of the same classification.

Article (10)

Should one or more persons apply simultaneously for the registration of the same mark or close or similar marks for one category of products or services, the Competent Authority shall suspend the registration of all applications until an attested waiver is submitted by the opponents in favor of one of them or a final ruling is awarded in favour of one of them.

Article (11)

Suppose the mark registration applicant or his successor desires to have the priority right based on a previous application lodged in a member state of a multilateral international convention in which a GCC State is a party therein. In such case, the applicant shall enclose with his application a copy of the previous application together with an acknowledgement indicating the date, number and country of the previous application within six months from the date of application upon which he applies for the right of prior use. Otherwise, failure to comply with this provision shall result in forfeiture of his claim.

Article (12)

1. The Competent Authority may impose the restrictions and changes it deems necessary to determine and clarify the trademark in a way preventing its confusion with another already registered mark, or a mark whose registration was submitted, or for any other reason, it deems expedient.
2. Suppose the applicant of registration does not reply to the Competent Authority within ninety days from the date of notifying him. In that case, his application shall be deemed to be waived.
3. Should the Competent Authority refuse for some reason to register the trademark or if the registration is dependent on restrictions or changes, it shall notify the registration applicant in writing regarding the reasons of its decision.
4. In all events, the Competent Authority shall decide on the registration application within ninety days from the date of its submission if it meets the conditions and circumstances provided for in this Law (Regulation) and its Executive Regulations.

Article (13)

1. An applicant for registration or his representative whose application has been rejected or has been suspended on a condition may, before the Committee to be determined in the Executive Regulations of the Law (Regulation), complain about such decision within sixty days from the date on which such decision is notified to him. The applicant may challenge the Committee's decision before the court of

- jurisdiction within (60) days from the date on which such decision is notified to him.
2. The applicant shall be deemed as having waived his application if he does not challenge the Competent Authority's decision during the periods stated herein or if he does not fulfill the requests of the Competent Authority in the period specified in the notice addressed to him in this regard.

Article (14)

1. Should the Competent Authority accept a trademark, it shall, prior to its registration, announce it through the means of publication to be determined in the Executive Regulations of this Law (Regulation) at the expense of the registration applicant.
2. Any concerned person may, within sixty days from the date of publication, object to the registration of a mark. Such objection shall be submitted to the Competent Authority in writing. The Competent Authority shall notify the registration applicant with a copy of the objection within thirty days from receipt of such application. The registration applicant shall reply to the objection in writing within sixty days of notification. If such a reply is not submitted within the said delay, the applicant is deemed to have waived his request.

Article (15)

1. Prior to deciding on the objections submitted thereto, the Competent Authority shall hear the statements of the objector and registration applicant or any of them, where required.
2. The Competent Authority shall issue its decision rejecting or accepting the registration. It may, in the latter case, impose the restrictions or conditions it deems convenient.
3. Any interested person may object to the competent court regarding the Competent Authority's decision within thirty days of being notified by the decision. The objection to the decision issued to accept a trademark registration shall not result in suspending the registration procedures unless otherwise decided by the competent court.

Article (16)

Suppose the period set for objection elapses without submitting any objection regarding the acceptance of a trademark registration application. In that case, the Competent Authority shall register the trademark upon the elapse of the period set for the objection.

Article (17)

1. If a trademark is registered, the effect of the registration shall start from the date of submission of the application. Upon finalizing the registration of a mark, its owner shall be given a certificate containing the following data:
2. Registration number of the mark.
3. Number and date of priority and the State in which the application is lodged (if any).

4. Date of submission of application, date of mark registration and expiry date of protection.
5. Mark's owner name, surname, domicile and nationality.
6. Duplicate of the mark.
7. Description of the goods or services for which the mark is designated and their category.
8. The owner of a registered trademark may prevent others, who do not take approval therefrom, from using a similar or identical trademark, including any geographical indicator, in the context of trade, to distinguish products or services that are identical, similar or correlated for which the mark has been registered, in such a way that confuses the consumers, and such confusion may occur in case of using the same mark or a similar one to distinguish goods or services that are similar to the ones for which the mark is registered.

Article (18)

The owner of an already registered trademark may at any time apply to the Competent Authority for making any addition or change to its mark unless that substantially affects its essence. In this regard, the Competent Authority's decision shall be issued according to the conditions and rules prescribed for the original registration applications. It may be subject to grievance and challenge by the same means prescribed for the decisions issued in these applications.

Article (19)

The Competent Authority may add any data to the Register if recording such data is omitted and may amend or delete any data illegally recorded therein or any data that does not comply with the truth.

Before the competent court, any concerned person may challenge any procedure taken by the Competent Authority in this regard.

Chapter 2 Trademark Protection Period

Article (20)

1. The period of protection resulting from a trademark registration shall be ten years. The mark owner may secure the continuance of such protection for similar successive periods if he applies for renewal within the last year according to the terms and conditions provided for in this Law (Regulation) and its Executive Regulations.
2. The trademark owner shall have the right to renew the registration of a registered mark within the six months following the registration expiration.

3. If a mark owner does not apply for renewal within the sixth month following the expiry of the registration period, the Competent Authority shall, of its own motion, strike the mark off the Register.
4. The renewal of the mark registration shall be done without any further inspection, and it shall be announced by means of publication set forth in the Executive Regulations of the Law (Regulation) without allowing third parties to object to such renewal.

Article (21)

Temporary protection shall be given to the marks fixed on goods displayed in official or officially recognized international exhibitions organized within the State during the period of the exhibition when such marks meet the registration requirements set forth in the Law (Regulation). The Executive Regulations shall provide for the Executive Regulations and procedures of granting provisional protection.

Chapter 3 Cancellation of Trademarks

Article (22)

Notwithstanding the provisions of Article (7) of this Law, the Competent Authority and any concerned person may recourse to the competent court to apply for cancelling the trademark that was illegally registered. The Competent Authority shall remove the trademark if it receives a definitive ruling in this regard.

Article (23)

A trademark owner may apply for the trademark to be stricken off the Register either for all the goods or services for which the mark is registered or for only a part thereof. The application for striking off shall be submitted pursuant to the terms and conditions stipulated for in the Executive Regulations of this Law (Regulation). If a mark is licensed to be used under a deed entered in the Trademarks Register, the registration of such mark may only be stricken off upon the written approval of the license beneficiary unless the beneficiary expressly waives such right in the licensing deed.

Article (24)

The competent court may, at the request of any concerned person, rule in favor of striking off the registration of a trademark if it is established to the court that such mark has not been seriously used for five consecutive years unless the mark owner proves that the lack of its use, is due to a reason beyond his control.

Article (25)

Should a trademark be stricken off from the Register, it may only be re-registered in favor of a third party for the same goods or services or similar ones after the elapse of three years from the date of striking off, unless the striking off is made according to a ruling delivered by a competent court, and such ruling determines a lesser period for re-registering the mark.

Article (26)

Announcement of cancellation of a trademark from the Register in any publishing means shall be in accordance with Executive Regulations of this Law (Regulation).

Chapter 4 Transfer, Mortgage and Seizure of Trademarks

Article (27)

1. The trademark may be wholly or partially transferred with or without compensation, mortgaged, or seized together with the commercial premises or the exploitation project for which the mark is used to distinguish its goods or services unless otherwise agreed.
2. Trademark may be transferred through inheritance, will or gift.
3. In all cases, the transfer, mortgage or seizing of a trademark may not be an argument against third parties except after being entered in the Trademarks Register and announced in the manner determined in the Executive Regulations of this Law (Regulation).

Article (28)

1. The transfer of ownership of a commercial shop or an exploitation project shall include the trademarks registered in the transferor's name, which may be considered closely related to the shop or project unless otherwise agreed upon.
2. Should the ownership of a commercial shop or exploitation project be transferred without the mark, the ownership transferor may continue using such mark with regard to the goods or services for which it is registered unless otherwise agreed.

Section 3 Licensing Contracts

Article (29)

The owner of a trademark may license any natural or legal person to use such mark for all or part of the goods or services for which the mark is registered. The mark owner may license others to use the same mark and may use it himself unless otherwise agreed. The period for licensing the use of a mark may not exceed the one prescribed for its protection.

Article (30)

A license beneficiary shall not be subject to restrictions on the rights granted by a trademark registration or not necessary for preserving such right. However, a licensing contract may include the following restrictions:

1. Determination of the territory or period to use the mark.
2. Conditions governing the effective control over the quality of the goods or service.
3. The compelling of a license beneficiary to abstain from all acts may result in undervaluing or harming the mark.

Article (31)

A contract licensing the use of a trademark shall only be valid, unless it is written, and it is not a condition to be recorded in the Trademarks Register. If it is recorded in the Register, the method of recording and announcement shall be determined in the Executive Regulations.

Article (32)

A beneficiary of a license may not assign it to a third party or grant sub-licenses unless otherwise agreed upon.

Article (33)

A licensing contract shall be stricken off the Register at the request of the owner of the mark or the license beneficiary after providing evidence of termination or cancellation of the licensing contract.

The Competent Authority shall notify the other party of the application submitted for striking the license off. Striking off shall not be made unless the Competent Authority notifies the other party of the application to strike off the license. In such case, such party may object to the striking off application pursuant to the procedures and terms provided in the Executive Regulations.

Section 4

Collective Marks, Control Marks and Marks of Public Authorities and Occupational Establishments

Article (34)

1. Collective marks used to distinguish goods or services of facilities belonging to members of a certain entity having a legal personality may be registered.

The collective mark registration application shall be submitted by the representative of such entity to be used by the member thereof as per the conditions and requirements set by the entity, provided that the Competent Authority shall approve the same.

2. The collective mark registration applicant shall state, in the registration application, that it is related to a collective mark and shall enclose with the application a copy of the requirements of using the mark to be registered.

In all cases, the registered collective mark owner shall notify the Competent Authority of any alterations to such requirements. No alteration shall be valid unless it is approved by the Competent Authority.

3. If the collective mark is struck off, it may not be re-registered for third parties as compliant or similar goods or services.

4. The competent court may, at the request of any concerned person, rule in favour of striking off the registration of a collective mark if it is established to the court that the registered owner solely uses the collective mark or uses, or causes others to use, such mark in a manner violating the requirements set forth in paragraph (2) of this Article, or uses it in a manner misleading the consumers in terms of the origin of goods or any joint specification of the goods or services for which the collective mark is registered.

Article (35)

1. Legal persons controlling or inspecting some goods or services as to their source, components, method of manufacture, quality, essence, or any other property may apply to the Competent Authority to register a mark reserved for them to indicate that the control and inspection have been carried out.

Such a mark may only be registered in all events, or its owner may be transferred upon the Competent Authority's approval.

2. The controlling mark registration applicant shall state in the registration application that it is related to a controlling or inspecting mark; and shall enclose a copy of the requirements of using the mark to be registered with the application.

The registered mark owner shall notify the Competent Authority of any alterations to such requirements in all cases. No alteration shall be valid unless the Competent Authority approves it.

Article (36)

Marks may be registered for non-commercial purposes, e.g., logos of the Public Authorities or the logos used by the occupational establishments to distinguish their correspondence or to be used as badges for their members.

Article (37)

1. Signs that can be used in the context of trade as geographical indicators may constitute attesting marks or collective ones.
2. The Executive Regulations shall determine the conditions and rules of registering the marks set forth in Articles (34), (35) and (36) of the Law (Regulation) as well as the documents to be submitted for registration purposes, and all the organizational matters related thereto. Registration of any mark shall have all the effects set forth in this Law (Regulation).

Section 5

Enforcement of Rights

Article (38)

1. The owner of the right, if he has justifiable reasons to make him believe that the importing of imitated or forged goods or goods bearing a mark similar to his registered trademark in a way that would cause confusion to the public, may submit a written application to the customs release authority to stop customs from releasing these goods and preventing them from being traded.

The application shall be accompanied by sufficient evidence to convince the customs release authority that there is infringement, as apparent, on the right of the applicant for the mark, and the application shall include sufficient information that could be reasonably available to the applicant to enable the said Authority to identify such goods.

2. The customs release authority shall notify the applicant in writing of its decision regarding the application within seven days from the date of submitting the application, and such decision shall be effective, in the case of accepting the

- application, for a period of one year from the date of submission, or for the remaining period of trademark protection, whichever is earlier, unless the applicant requests a shorter period.
3. The customs release authority may request the applicant to provide appropriate bail or equivalent guarantee, that is enough to protect the defendant and the competent authorities and prevent abuse of the right to request to stop the customs release.
 4. Without prejudice to the provisions of the preceding paragraphs, the customs release authority may on its own, without the need of a filed complaint or an application by the owner or a third party, issue a decision to stop customs release of imported or transit goods, or goods prepared for export upon their arrival to the customs zone under its jurisdiction, if there is sufficient evidence, as apparent, proving that these goods are imitated or improperly bearing a mark similar to a registered trademark, in a manner that could cause a confusion to the public.
 5. If the customs release authority has decided, pursuant to the provisions of this Article, to stop the release of goods that arrived at the customs zone under its jurisdiction, it shall do the following:
 - a. Notify the goods importer and the owner of the decision issued to stop the customs release immediately after its issue.
 - b. Notify the owner, upon written request, of the names, addresses of the sender, importer and recipient of goods and the quantities thereof.
 - c. Allow the concerned persons to inspect the goods according to the customs procedures followed.

The owner may file a case on the origin of the dispute before the competent court and inform the customs release authority of the above no later than ten working days from the date of notifying him of the decision to stop the customs release for these goods. Otherwise, the decision shall be deemed void unless such Authority or the competent court extends this period in cases it estimates for a further 10-day period. If the lawsuit is filed in the origin of the dispute, the court may support, modify, or cancel the issue.

6. Except cases estimated by the court, if it is established to the court that the goods, which customs release had suspended, are imitated or forged or improperly bear a trademark similar to the registered trademark, it could confuse the public. Such goods shall be destroyed at the importer's expense or disposed of outside the commercial channels if such destruction may cause unacceptable harm to public health or the environment.

7. In all cases, goods shall not be released to commercial channels or permitted to be re-exported just by removing the illegally placed trademark.

8. After coordination with the competent Minister, the Minister of Finance shall issue a resolution specifying the data, conditions, controls, and procedures for applying to stop the customs release and decide thereon. The documents are to be attached to this application. Specifying such data shall not prevent refraining from requesting the procedure referred to above.

For purposes of this Article, the term (imitated goods) means goods, packages, bearing without authorization a mark similar to a registered trademark of such goods, or a mark unable to be distinguished from a registered trademark in terms of the fundamental elements.

Article (39)

The provisions of Article (38) of this Law (Regulation) shall not apply to:

- a. non-commercial small quantities of goods contained inside the travelers' personal luggage or sent in small packages.
- b. Offered Goods to the markets of the exporting country by the owner of the trademark or with his consent.

Article (40)

1. In case of infringement, or to prevent an imminent infringement, on any of the rights prescribed under the provisions of this Law (Regulation), the owner of the right may obtain an order on a petition from the competent court of the original of dispute to take the measure(s) of appropriate precautionary measures, including the following:
 - a- Conducting detailed description for the alleged infringement, and goods which are subject of such these infringement, and materials, tools and equipment that have been used or will be used in any of it and keeping relevant evidence.
 - b- Signing the execution on things referred to in the preceding paragraph and revenues resulting from the alleged infringement.
 - c- Preventing goods, subject to the alleged infringement, from entering commercial channels and preventing export, including imported goods, immediately after customs release.
 - d- Suspending or preventing infringement.
2. The court may assign the petitioner to submit the evidence that affirms the occurrence of an infringement or an imminent infringement on the right and may assign him to provide sufficient information to enable the Competent Authority to implement the precautionary measure of the identification of the goods concerned.
3. The court shall decide on the petition no later than ten days from the date of submission, save the exceptional cases estimated by the court.
4. The court may, when required, issue the order, at the request of the petitioner, without calling the other party, if the delay in issuing the order may cause irreparable harm to the claimant or if there is a fear of the demise or destruction of evidence, in such case, the other party shall be notified of the matter without delay immediately after its issuance. The other party may be notified directly after implementing the order when necessary.
5. If the court-ordered to take precautionary measures without calling the other party, the defendant, after being notified of the matter, may appeal it before the competent court within twenty days from the date of being notified, and the court, in this case, may support, modify or cancel it.
6. The court may assign the petitioner to provide a suitable assurance or equivalent guarantee, which is sufficient to protect the defendant and prevent abuse of the right. The

amount of bail, or its equivalent guarantee, shall not be large to the extent that it may lead unreasonably to refrain from requesting to take the preventive measures referred to above. 7. The owner of the right may file a case on the origin of the dispute within twenty days from the date of issuing the order to take precautionary measures or from the date on which he was notified of the rejection of the appeal provided for in paragraph (5) of this Article, as the case may be. Otherwise, this order will be cancelled at the request of the defendant.

Article (41)

1. The owner of the right, if he sustains direct damage arising out of infringing any of his rights under the provisions of this Law (Regulation), may file a case before the competent court to request a ruling for adequate compensation to redress the damage affecting him as a result of the infringement, including profits earned by the defendant.

The court shall determine the compensation so as it deems appropriate for redressing the damage, taking into consideration the value of a good or service, subject of infringement, in accordance with what is determined by the claimant on the retail price or any other licit criterion required to be applied or as to be determined by the expert.

2. The owner of the right may, instead of claiming compensation redressing the damage including profits earned by the infringer in accordance with the provisions of the preceding paragraph, request, at any time and before considering the claim, a ruling giving him an adequate compensation if it is proved that the infringement is represented in using the trademark in the intentional imitation of the product or is made in any other manner.

3. The competent court may, upon considering the cases relating to the rights prescribed under the provisions of this Law (Regulation), order the following:

- a- A suspected Seized goods of an infringement, and seize any materials or tools related thereto and any documentary evidence relating to the infringement.
- b- Obligating the infringer to stop the infringement, including preventing the export of goods that involve the infringement of any of the rights prescribed under the provisions of this Law (Regulation) and preventing the entry of imported ones into the commercial channels immediately after customs release.
- c- Obligating the infringer to provide the competent court or the owner of the right with the information in his possession on all those persons or entities that contributed to any aspect of the infringement and on the methods of production and distribution channels of such goods or services, including the identity of all those who participated in the production or distribution of goods or services and determining his own distribution channels.

4. At the owner's request, the competent court may order to destroy goods proved to be imitated, except in exceptional cases, without compensation of any kind to the defendant. It may order - without delay - to destroy the materials and tools used in the manufacture or production of imitated goods without compensation of any kind to the defendant. In exceptional cases that it estimates, the court may order to dispose of such goods outside the commercial channels to prevent the possibility of further infringements.

The competent court may, instead of destroying the goods, materials and tools used in the manufacture or production of imitated goods, order to dispose of them outside the

commercial channels if the destruction of goods results in unacceptable harm to public health or environment.

5. The removal of trademarks improperly placed on the imitated goods shall not be considered a good reason to release them into the commercial channels.

6. The competent court shall estimate the costs and fees of experts and specialists assigned for the case in a manner commensurate with the size and nature of the task assigned thereto and without unreasonably precluding the recourse to these procedures.

Section 6
Penalties
Article (42)

A. Without prejudice to any greater penalty imposed by another law, a sentence of imprisonment for a period not less than one month and not exceeding three years and/or a fine not less than five thousand Saudi Riyals and not exceeding one million Saudi Riyals or its equivalent in other GCC currencies, shall be imposed on any person convicted of the following offences:

1. Misrepresenting or imitating a mark registered under the provisions of this Law (Regulation) or imitating it in a manner misleading or confusing to the public or using in bad faith any misrepresented or imitated mark.

2. Identifying his goods or services in bad faith with a mark owned by others.

B. Without prejudice to any greater penalty imposed by another law, a sentence of imprisonment for a period not less than one month and not exceeding one year and/or a fine not less than one thousand Saudi Riyals and not exceeding one hundred thousand Saudi Riyals or its equivalent in other GCC currencies shall be imposed on any person convicted of the following offences:

1. Knowingly selling, offering for sale, trading, or possessing to trade any goods bearing false or imitated marks; or unlawfully using such marks or offers services under them.

2. Using a non-registered mark in cases provided for in paragraphs (2) to (11) of Article (3) herein.

3. Unlawfully inscribing upon his mark, papers or commercial documents anything that might lead to the belief that he has obtained registration of such trademark.

4. Deliberately and in bad faith, failing to indicate his registered trademark on goods or services.

5. Knowingly possessing tools or materials intended to be used to imitate registered or famous trademarks.

Article (43)

When a person repeats the commission of an offence, a sentence of double the maximum one provided herein shall be imposed, in addition to the closure of the business or project for a period, not less than fifteen days and not more than six months. The judgment shall be published at the offender's expense in accordance with procedures specified in the Executive Regulations.

Under the provisions of this Law (Regulation), it considers an offence repeated if it is committed by the accused within three years from the date of the imposed sentence for the previous offence.

Article (44)

Where an action of seizing is judicially determined to have been wrongfully brought, the defendant may apply to the court for an order for compensation as per the actions stipulated for in Article (40) herein provided, such application shall be submitted within ninety days from either the expiration of the period specified for in Article (40) herein if the claimant does not cancel his case or from the date of a final judgment on the case related to the trademark. In all cases, the financial guarantee shall not be released to the claimant until a final judgment has been issued or the period for filing a case has expired unless the judgment provides a settlement of the financial guarantee.

Section 7 Final Provisions

Article (45)

The employees concerned with the enforcement of the provisions of this Law (Regulation) and resolutions issued in the implementation thereof, who are designated by a resolution in accordance with the procedures adopted in each GCC state, shall have the capacity of judicial enforcement officers, and they are entitled to access areas where activities are included within the provision of this Law (Regulation) to seize violating cases.

The concerned authorities shall provide the necessary facilities for these employees to perform their duties properly.

Article (46)

The Competent Authority may establish an electronic system and an electronic database to be availed to the public, including a database on the Internet, in order to submit applications for the registration and renewal of trademarks registration and to follow-up and complete the necessary procedures for the registration of such marks.

Article (47)

The marks registered in accordance with the provisions of laws, decisions, and regulations in force prior to the effective date of the provisions of this Law (Regulation) shall be valid, and such marks shall enjoy the protection set forth therein.

Article (48)

The provisions of this Law (Regulation) shall apply to registration applications for trademarks which have been pending and submitted before the date on which the Law (Regulation) comes into force, provided that such applications are modified in accordance with the provisions of this Law (Regulation).

Article (49)

The provisions of this Law (Regulation) shall not prejudice the terms and obligations stipulated for in bilateral and international conventions to which the State is a party.

Article (50)

The Executive Regulations of this Law shall determine the fees for actions made under this Law (Regulation) and its Executive Regulations.

Article (51)

The Commercial Cooperation Committee shall have the right to interpret and to propose amendments to this Law (Regulation).

Article (52)

The Commercial Cooperation Committee shall issue the Executive Regulations of this Law (Regulation).