

Amended by:

- Law No. (14) of 2006

- As per Law No. (14) of 2006, the following terms have been substituted wherever mentioned in the law:

“Competent administrative authority relating to industrial property” has been replaced by the term “the competent authority at the Ministry of Trade”; and “Competent minister for industrial property” has been replaced by the term “Minister of Trade”.

LAW NO. (1) OF THE YEAR 2004

WITH RESPECT TO PATENTS AND FORMS OF BENEFIT

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,

- Having reviewed the Constitution,
- And Industrial Patents, Designs and Trade Mark Regulation of 1955, as amended by Legislative Decree No.22 of the Year 1977,
- And the Civil and Commercial Procedures Act promulgated by Legislative Decree No.12 of the Year 1971,
- And Legislative Decree No.1 of the Year 1987 with respect to Certain Provisions Related to the Sale and Leasing of Businesses,
- And the Law of Commerce promulgated by Legislative Decree No.7 of the Year 1987, as amended,
- And Legislative Decree No.7 of the Year 1994 with respect to Ratifying the Document of the Establishment of the World Trade Organization,
- And the Law of Evidence in Civil and Commercial Matters promulgated by Legislative Decree No.14 of the Year 1996,
- And Legislative Decree No.21 of the Year 1996 with respect to the Environment as amended by Legislative Decree No.8 of 1997,
- And Legislative Decree No.31 of the Year 1996 with respect to Approving the Joining of the Paris Agreement of the Protection of Industrial Ownership,
- And the Civil Code promulgated by Legislative Decree No.19 of the Year 2001,
- And the Criminal Procedures Law promulgated by Legislative Decree No.46 of the Year 2002,
- And Decree No.1 of the Year 1995 with respect to Accession of the State of Bahrain to the Agreement with respect to the Establishment of the World International Property Organization (WIPO),
- The Shura Council and House of Representatives approved the following Law which we have ratified and enacted:

Part One

Patents

Chapter One

General Provisions

Article 1:

A patent shall be awarded according to the provisions of this Law for every new invention that comprises a creative step and is capable of being applied industrially, whether the invention relates to new industrial products, imported or locally produced, by industrial methods or by a new application of known industrial methods.

Further, a patent shall be awarded independently from every modification, improvement or addition to an invention for which a patent was previously awarded. Its award to the owner of a modification, improvement or addition shall be in accordance with the provisions of this Law.

Article 2:

"As amended by Law No.14 of the year 2006"

1. An invention shall be considered new if it is not part of a previous technological state.
2. An invention shall be considered to include a creative step if achieving it is not taken for granted by a professional person who is aware of the technology related to the invention's subject-matter.
3. An invention shall be deemed susceptible to industrial application if it can be applied in agriculture, fishing, services, handicraft or any type of industry in its broadest sense.
4. A patent shall not be awarded if the subject to the invention has been announced to the public in the Kingdom of Bahrain or abroad with the use of a written or verbal description, use or by any other method whereby knowledge of the content of the invention becomes known before the date of applying for the patent or the priority date for claiming it.
5. For the purpose of Clauses (a, b & d) of this Article, it shall not be considered as an announcement:
 1. A disclosure of an invention in official international or exhibitions officially recognised according to the provision of Article (34) of this Law provided that an announcement shall be made for all the related details of such disclosure.
 2. A disclosure of an invention which has not been made by the applicant, his permission or through him if such disclosure is made twelve months prior to the date of applying for the patent or the claiming priority date.

Article 3:

"As amended by Law No.14 of the year 2006"

1. patent shall not be awarded for the following:
 1. Inventions for which a ban on its commercial exploitation in the Kingdom is necessary to preserve the public order, morals or will be detrimental to the protection of human life or human, animal or plant health or to avoid causing considerable damages to the environment.
 2. Animals.
 3. The necessary methods of diagnosis, treatment and surgery for treatment of humans and animals except for the products that are used in any of these methods.
2. Without prejudice to the provisions of the preceding Clause and Article (2) of this Law, a patent may be awarded for the use or manner of using a known product including the product that is used for certain medical cases.

Article 4:

"As amended by Law No.14 of the year 2006"

1. The administrative authority concerned with industrial ownership shall maintain a Register to be called the "Patents Register" in which all shall be entered patent applications and all the relevant details, action taken in respect thereof, exploitation and disposals affecting them according to the provisions of this Law, its Implementing Regulation and the Orders to be issued for its implementation.
2. The Patents Register currently maintained on the date of enforcing the provisions of this Law shall be merged with the Register provided for in the preceding Article and shall be considered as an integral part thereof.

Article 5:

"As amended by Law No.14 of the year 2006"

Without prejudice to the provisions of Chapter Six of this Section, every natural or corporate person from the Kingdom's citizens or foreigners who are nationals of a member of the Paris Industrial Ownership Protection Union or any of the countries that their citizens enjoy national treatment according to any bilateral or international Conventions enforced in the Kingdom or if such person has, in the territory of such country, a current and operative industrial or commercial establishment shall be entitled to apply for registering a patent according to the provisions of this Law.

Article 6:

"As amended by Law No.14 of the year 2006"

If an application is filed for registering a patent in any of the member states of the Paris Patents Ownership Union or in any of the countries whose citizens enjoy national treatment according to any bilateral or international Conventions enforced in the Kingdom, the concerned person or the person upon whom such rights have devolved may, within six months from submitting the application, file an application with the administrative authority concerned with industrial ownership for registering the same invention included in the previous application under the terms, conditions and procedures set forth in this Law, the Implementing Regulations and Orders issued for its implementation. In such event, the applicant or the person upon whom rights have devolved shall enjoy the priority right according to the provisions of the Paris Industrial Ownership Protection Union provided that to the provisions of Article 4 Paragraph D of such Convention shall be complied with.

Article 7:

Title to the patent shall be enjoyed by the inventor or by the person upon whom his rights have devolved. If the invention is the result of work jointly undertaken by a number of persons, title to the patent shall be equally enjoyed by all of them unless otherwise agreed upon between them. Anyone whose efforts are limited to the execution shall not be deemed as a participant in the invention.

However, if more than one person who are independent from each other have jointly produced the invention, title to the patent shall be enjoyed by the person who applied first for the said patent.

Article 8:

Without prejudice to the provisions of Article 631 of the Civil Code, title to the patent shall belong to the owner of the work where the invention is the result of performing a contract whose content implies making effort to reach the invention. In this event, the inventor's name shall be indicated in the patent.

Article 9:

If a worker, who is not employed under a contract of employment for undertaking a creative activity, achieves an invention that is related to the employer's area of business using in this respect the employer's expertise, documents, tools or raw materials that are kept at the worker's disposal, he shall immediately upon being granted a patent give notice thereof to the employer by a registered letter with a note of delivery but without cover. In such event, the employer shall have the option either to exploit the invention or to purchase the patent in consideration of a fair compensation to be paid to the worker. The option shall be exercised within 3 months from the date of notice with respect to the grant of the patent.

The employers option shall be forfeited upon the lapse of the aforesaid period without expressing his desire to the worker by a registered letter with a note of delivery but without cover.

The provisions set forth in this Article and in the preceding Article shall be applicable to civil servants and similar persons.

Article 10:

An application filed by an inventor to obtain a patent within one year from the date of leaving service in a public or private establishment shall be deemed as though he filed it while being in service. Both the inventor and employer shall have all the rights set forth in the preceding two Articles as the case may be.

Article 11:

1. The inventor's name shall be indicated in the patent unless he declares in writing his desire not to mention his name.
2. A patent shall vest in its owner the right to prevent third parties, who has not obtained his approval, from the following:
 1. Producing the product subject to the patent, its exploitation, use, display for sale or import if the subject of the patent is a product.
 2. Using the method of manufacture or use of the product manufactured directly by this method of its display for sale, sale or import for any of these purposes if the subject of the patent is the method of manufacture.

Article 12:

Subject to the defendant's right to protect his industrial and business secrets, the Civil Court may place of onus of proof upon the defendant in a law-suit related to the use of a method of producing a product covered by a patent, without the approval of the patent's owner, in producing an identical product if this is not feasible to the claimant in spite of making reasonable efforts for identifying the method actually used and where it is proved to the court that the product subject to the dispute has been produced according to this protected method.

Article 13:

"As amended by Law No.14 of the year 2006"

The following shall not be considered a violation of the Patent's owner:

1. Use of the invention for non-commercial or industrial purposes.
2. Exploitation by bona fide third parties of the invention industrially or by making serious arrangements for this purpose before filing the patent application so that in spite of the issue of a patent he shall be entitled to exploit the invention for the needs of his establishment only without expanding it. Such right shall not be assigned independently from the establishment itself.
3. Use of the invention, subject to the patent on board ships affiliated to any member state of the Paris Industrial Ownership Protection Union whether in the vessel's hull, machinery, equipment, instruments or in other additional parts upon the temporary or accidental entry of such vessels in the Kingdom's territorial water provided that the use of such facilities shall be limited to its requirements.
4. Use of the invention, subject to the patent in manufacturing or operating aerial or land vehicles of any member states of the Paris Industrial Ownership Protection Union or manufacturing of their spare parts upon temporary or accidental entry of such vehicles to the Kingdom.
5. Use of the invention, subject to the patent with respect to supporting an application to market a pharmaceutical product, provided manufacture, use or sale of whatever produced shall not take place in the Kingdom except for meeting the approval conditions to market the product upon the expiry of the patent protection period. In this case, the export of such product outside the Kingdom shall be permitted only for meeting the approval conditions for marketing in the Kingdom.

Article 14:

"As amended by Law No.14 of the year 2006"

1. A patent's protection period shall be twenty years commencing from the date of filing a patent application in the Kingdom or the priority date, as the case may be.

2. Upon the patent owner's request, the invention protection period shall be extended in order to compensate for the unreasonable delay in granting the patent for reasons beyond his control if such delay extends to a period which exceeds four years from the date of filing the application in the Kingdom or if the delay extends to a period that exceeds two years from the date of demand to examine the application, whichever comes earlier. For the purpose of calculating the periods of delay, the periods resulting from the patent applicant's acts shall not be included.
3. A protection period for a pharmaceutical product patent shall be extended to warrant the owner's compensation for the unreasonable reduction of the actual protection period due to marketing approval procedures concerning the first commercial usage of the product in the Kingdom.
4. A protection period for a patent of a new pharmaceutical product approved to be marketed according to information concerning the safety or efficiency thereof or a similar one in another country shall be extended in addition to an evidence to obtain a previous marketing permit to warrant the compensation of the patent owner for the unreasonable reduction of the actual protection period owing to the marketing procedures approval whether in the Kingdom or in another country.
5. For the provisions of paragraph (c & d) of this Article, the expression "Actual Protection Period" shall mean the period from the date approving the product until the expiry date of the original protection period.
6. Upon request from a patent owner, a protection period may be extended in the case where a patent was awarded on the basis of a patent which was awarded in another country in accordance with the provision of Article 19(bis) of this Law for a period that equals the patent protection extension period, if any, by the other country.

Article 15:

A fee shall be paid upon filing a patent application and an annual fee shall be payable for the patent to be gradually increased as from the second year of granting the patent until the expiry of the legally prescribed period for its protection.

In case of delay in payment of the annual fee for a maximum period of six months, an additional fee shall be charged for the delay.

Chapter Two Patent Application Procedures

Article 16:

"As amended by Law No.14 of the year 2006"

1. A patent application shall be filed by the inventor or by the person upon whom its rights have devolved with the administrative authority concerned with industrial ownership by using the prescribed application form along with the prescribed fee, in accordance with the provisions of this Law and under the terms, conditions and procedures outlined in the Implementing Regulations. An application shall include details of the invention, the claim or claims required for its protection according to the patent, any drawings referred to in the details or in any of the claims. The details of the application shall include a declaration with sufficient clarity and perfection provided the invention, subject to the claim, shall be sufficiently supported.
2. For the purpose of the preceding paragraph, an invention disclosure shall sufficiently been made in a clear and perfect manner if sufficient information is included enabling experienced persons to implement the invention without the need to carry out any unnecessary experiments at the time of depositing the application. An invention shall be sufficiently supported in terms of declaration if such declaration appears in a reasonable manner to the skilled person that the applicant has acquired the claimed invention at the time of filing the application.
3. Every claim shall identify the matter required for protection, provided it shall be clear, summarized and supported by the required details that relate to one invention or a group of inventions related to each other

in a manner that forms a complete integrated idea.

4. An applicant shall submit all the details and information related to any application previously submitted abroad for the same patent subject to the claim and decisions issued for these applications.

Article 17:

A patent applicant may exploit his invention from the date of filing the application.

Article 18:

A patent applicant may, at any time before announcing the acceptance of his application, withdraw his application or introduce the modifications he deems necessary to the invention's description or drawings, provided that the modification shall not result in affecting the essence of the invention.

Article 19:

"As amended by Law No.14 of the year 2006"

1. The administrative authority concerned with industrial ownership shall examine the patent application and its enclosures to ascertain the fulfillment of the required conditions and may instruct the applicant, within thirty days from the date of receiving the application, to make amendments to the application and complete the necessary requirements for its examination provided it shall fix a suitable date to inform the applicant.

Failure to fulfill the orders delegated thereof by the applicant within the given time, the administrative authority concerned with industrial ownership shall consider the application as null and void.

2. The administrative authority concerned with industrial ownership shall issue its decision concerning the patent application within sixty days from the date of submitting the completed application or the date of making the amendments for passing its decision.
3. A decision that is issued awarding the patent shall be published in the Official Gazette. If a decision is issued rejecting the patent application, it shall be substantiated and the applicant shall be informed immediately thereof by virtue of a registered letter.
4. Upon announcing the acceptance of the application, every person may have access thereto, to the documents attached thereto and the entries made in respect thereof in the Patents Register.

Article 19 (bis):

"As amended by Law No.14 of the year 2006"

A patent may be granted according to a patent granted in any other country for the same patent in accordance with the conditions and procedures determined by an Order to be issued by the Minister concerned with industrial ownership.

Article 20:

If the concerned Directorate at the Ministry of Commerce finds that the invention relates to an important issue that concern defense or public security affairs, it shall give an immediate confidential notice to the Ministry of Defense or Ministry of the Interior, as the case may be, concerning the patent application and its enclosures.

The Minister of Defense or the Minister of the Interior, as the case may be, shall be empowered to make an objection to accepting the patent application within 90 days from the date of sending the documents thereto in consideration of buying the invention, reaching an agreement concerning the exploitation thereof or requesting the application of the provisions of compulsory licensing according to the provisions of this Law.

Article 21:

"As amended by Law No.14 of the year 2006"

In case of adopting a decision with respect to granting the patent, the patent owner shall be granted an official document stamped by the Official Seal of the administrative authority concerned with industrial ownership carrying details of the patent according to the form prepared by the authority for this purpose.

Chapter Three

Transfer of the Patent's Ownership and Licensing the Exploitation, Mortgage and Attachment Thereof

Article 22:

Ownership of a patent shall be transferred in whole or in part, with or without consideration, including inheritance. A license may be granted for exploitation thereof. It may also be mortgaged or a decision may be adopted for benefiting therefrom.

Without prejudice to the provisions related to the sale and mortgage of business premises, transfer of the patent's ownership, mortgage or deciding to benefit therefrom shall not be effective towards third parties except after an entry to this effect is made in the Patents Register and publication thereof in the manner to be indicated in the Implementing Regulation.

Article 23:

A creditor may place an attachment over his debtor's patent according to the rules of placing an attachment over movables held by debtors or placing an attachment over the funds owed to the debtor by third parties, as the case may be. The concerned Directorate at the Ministry of Commerce shall be exempted from the provisions related to the admission by a holder of an attached property to a creditor in whose favour an attachment is kept of what he has in favour of the debtor subject to an attachment.

A creditor shall give notice of the attachment and minutes of award of the auction to the concerned Directorate to make an entry to this effect in the Patents Register. Any of them shall not be valid towards third parties except after making an entry to this effect in respect of the manner outlined in the Implementing Regulation.

A fee shall be payable in respect of the entry in the Patents Register.

Chapter Four

Mandatory License for Patent Exploitation

Article 24:

"As amended by Law No.14 of the year 2006"

The Minister concerned with industrial ownership shall be empowered to issue non-exclusive mandatory licenses, without the owner's approval, for exploiting a patent in the following events:

1. National emergencies, extreme exigency or for non-commercial purposes of public benefit provided that notice shall be given to the owner thereof, where this is feasible, after issue of a license.
2. Where the patent's owner fails to exploit it in such a manner that meets the requirements of the local market at reasonable prices, subject to the prevailing price levels in other countries, within three years from the date of granting the license or four years from the date of filing the patent application, whichever period is longer.

Nevertheless, the Minister concerned with industrial ownership may give the patent owner a period of two years to exploit the patent in the aforesaid manner if failure to exploit the patent is due to reasons beyond

the patent owner's control, it may give him a period not exceeding 2 years for the best exploitation of the patent, otherwise the Minister shall be empowered to issue a mandatory license to any person who has been refused by the patent's owner to license the exploitation or made such exploitation conditional upon unfair commercial conditions.

3. If no exploitation of the patent involves a significant technological advancement and has a great importance to industry without the violation of another patent, the owner of the former patent may be granted a mandatory license for exploiting the latter patent. In such case, no assignment of the licensed exploitation shall take place except by assigning the former patent.

Likewise, the owner of the latter patent shall be entitled to obtain a mandatory license for exploiting the former patent under reasonable conditions.

4. If the patent's owner exercises his rights in a manner preventing others from unfair competition.

Article 25:

"As amended by Law No.14 of the year 2006"

The following shall be complied with in respect of mandatory licensing:

1. A decision shall be adopted in respect of a license application, after payment of the prescribed fee, according to the conditions of each case individually.
2. The grant of the license shall be primarily aimed at meeting the local market requirements.
3. A license applicant shall be able to exploit the license subject to the patent in earnest through an existing enterprise in the Kingdom and whether this license is issued for producing or importing goods, subject to the patent.
4. A license applicant shall have made efforts to obtain a voluntary license from the patent's owner at reasonable prices and commercial conditions within a reasonable period of time. This condition shall not be applicable to the case provided for in Sub-clause (a) of the preceding Article.
5. A license applicant shall undertake to exploit the patent for the purpose for which the license has been given within the scope, under the terms and during the period fixed in the license decision.
6. If the license application relates to the semi-conductor technology, it shall not be granted except for purposes of non-commercial public benefit or for remedying practices deemed to be restrictive to fair competition.
7. A licensee shall not assign the license to utilize the patent except with the concerned enterprise or with the part related to utilizing the patent with the approval of the Ministry concerned with industrial ownership.
8. A patent's owner shall be entitled to obtain a fair compensation that takes into account the licence's economic value. There shall also be taken into consideration the need to remedy non-competitive practices, if any, upon the evaluation of the amount of compensation.
9. The two conditions provided for in Clauses (b) and (d) of this Article shall not be applicable in case of a license issued to remedy practices determined to be restrictive to fair competition.
10. The Minister of Commerce shall of his own accord or at the request of the concerned parties have the authority to amend the license conditions if the conditions upon which the license was issued have changed.

Article 26:

"As amended by Law No.14 of the year 2006"

The administrative authority concerned with industrial ownership shall provide the patent's owner with a copy of the licence application, except in the case provided for in Article 24 (a) of this Law, and he shall submit to this authority a written reply to such request within the time limits and according to the procedures determined by the Implementing Regulations. In all cases, the Minister concerned with industrial ownership shall adopt a decision for acceptance or rejection of the application or rendering the acceptance conditional upon terms to be determined. In all cases, the administrative authority concerned with industrial ownership shall give notice to the patent's owner and the licence applicant in respect of the decision adopted with respect to the application within

30 days from the date of its issue. An entry in respect of such decision shall be made in the Patents Register. The decision shall be published in the manner to be outlined in the Implementing Regulations.

Article 27:

The Minister of Commerce shall, of his own accord or at the request of the patent's owner, terminate the license prior to the expiry of its term in the following events:

1. If the reasons resulting in granting it no longer exist and it is unlikely that such reasons exist once more. In this case, sufficient protection shall be granted to the licensee's legitimate interests in accordance with the conditions and procedures laid down in the Implementing Regulation.
2. If the licensee fails to use the license within two years from the date of granting it.
3. Licensee's breach of one of the conditions on the basis of which the license was issued or his failure to honour his obligations set forth in this Law and the orders issued for implementing it.

Chapter Five

Forfeiture of Rights Arising from a Patent and its Invalidity

Article 28:

"As amended by Law No.14 of the year 2006"

Rights arising from a patent shall be terminated in the following cases:

1. Expiry of the protection period provided for in Article (14) of this Law.
2. Relinquishment of rights by the patent's owner, provided that this shall not prejudice third party rights.
3. Refusal for a period of more than one year to pay the prescribed fees in breach of the provisions of Article 15 of this Law in spite of giving him notice by a registered letter with a note of delivery without an envelope with respect to making payment within the time limit fixed by the Implementing Regulation.
4. Handing down a final judgement rendering the patent invalid.

An entry shall be made in the Patents Register in respect of the patents whose rights have expired and this shall be published in the manner to be outlined in the Implementing Regulation.

Article 28 (bis)

An order for deleting the patent registration shall be issued without submitting any appeal in its respect within the provided for in Article 36 of this Law or passing a decision rejecting the appeal for deleting the patent's registration.

Article 29:

"As amended by Law No.14 of the year 2006"

Without prejudice to the provision of Article (36) of this Law, the administrative authority concerned with industrial ownership upon an application from any concerned person shall issue a substantiated decision to strike off the patent where a resolution rejecting the patent is justified or if the resolution for granting the patent is based upon cheating, fraud or unlawful behavior.

Article 29 (bis)

"As amended by Law No.14 of the year 2006"

For the purpose of implementing the provisions of this Chapter, the following terms and expressions shall have the meanings assigned against each of them, unless the context otherwise requires:

Convention: The Co-operation Convention with respect to Patents.

International Union: The International Co-operation Union with respect to Patents which comprises parties to the Convention in its membership.

International Office: The International Office of World Intellectual Protection Organization (WIPO).

International Application: A registration application deposited in accordance with the provisions of the Convention.

Article 29 (bis 1):

"As amended by Law No.14 of the year 2006"

Every natural or corporate person shall have the right to submit to the Administrative Authority concerned with industrial ownership an international application and whatever rights shall result according to the provisions of the Convention and its Implementing Regulations, if the applicant is:

1. A citizen or a resident of the Kingdom.
2. Foreigners affiliated to any of the countries members of the Paris Industrial Ownership Protection or residents thereof.
3. Foreigners affiliated to any of the countries members of the Paris Industrial Ownership Protection or residents thereof if such country is not a party to the Convention whenever the General Meeting of the International Union sanctions such act.

Article 29 (bis 2):

"As amended by Law No.14 of the year 2006"

1. Subject to the provisions of Article 29 (bis 1) of this Law, an international application may be deposited with the administrative authority concerned with industrial ownership in its capacity as an international application receiving office. An application may be written in Arabic and may also be written in English provided it shall be accompanied by a translation into Arabic.
2. A fee shall be charged on an international application which shall be paid within a period not exceeding twelve months from the date of submitting the application.
3. The administrative authority concerned with industrial ownership shall verify meeting the requirements provided for in Article 11 of the Convention and may request the applicant to carry out amendments required to be endorsed in the application and receive whatever required to pass its decision over it provided it shall determine a suitable date to inform the applicant thereof.
4. Failure to comply with the request of the administrative authority concerned with industrial ownership or payment of the prescribed fee for the international application at the specific time by the applicant, the international application shall be considered null and void and inform the applicant in writing of the decision.

Article 29 (bis 3):

"As amended by Law No.14 of the year 2006"

1. If the international application fulfills the entire requirement, the administrative authority concerned with industrial ownership shall transfer the application to the international office and the international research office referred to in Article 16 of the Convention while retaining a copy of the application.
2. A deposition date of the international application with the administrative authority concerned with industrial ownership, if it meets all the requirements, or the date of submitting the amendments to be endorsed thereon, as the case may be, shall be considered as the international deposition day of the application and shall have, according to the provision of this law, all the effects of the national deposition.

Article 29 (bis 4):

"As amended by Law No.14 of the year 2006"

If according to the international application, the Kingdom of Bahrain is determined as a specific country for protecting the invention therein or as a chosen country, the applicant shall submit to the administrative authority concerned with industrial ownership a copy of the translated international application into Arabic. In both cases, a fee shall be charged which shall be paid within a period not exceeding thirty months from the priority date.

Article 29 (bis 5):

"As amended by Law No.14 of the year 2006"

The administrative authority concerned with industrial ownership shall not be permitted the following:

1. To permit others, without the depositor's consent or a previous permission therefrom, to examine the international application before the following whichever comes first:
 1. An International publication date for the international application according to the provisions of Article 21 of the Convention.
 2. A summons date for receiving the international application according to the provisions of Article 20 of the Convention.
 3. A date for receiving copy of the international application or translation thereof prior to the expiry of twenty months from the priority date if the international publication is not made within this period.

Article 29 (bis 6):

"As amended by Law No.14 of the year 2006"

An international application shall be considered null and void in any of the cases provided for in Article 24 of the Convention.

Article 29 (bis 7):

The Provisions provided for in the Convention and its Implementing Regulations with respect to International Registration of Patents shall be applicable to any provision that is not indicated in this Chapter.

Part Two

Forms of Benefit Patents

Article 30:

A form of benefit patent shall be granted according to the provisions of this Law in respect of every new technical addition in form or composition for facilities, tools, equipment, parts, products, preparations or methods of manufacture of each of the above as well as anything that is used on the commercial level.

The concerned person shall have the right to apply for a form of benefit patent to become a patent application once its conditions are fulfilled. In addition, a patent applicant shall have the right to convert his application into a form of benefit patent. Registration in both cases shall revert to the date of filing the original application.

Article 31:

"As amended by Law No.14 of the year 2006"

1. The administrative authority concerned with industrial ownership shall maintain a register to be called the (Forms of Benefit Patents Register) in which shall be registered the patents for forms of benefit decided to be granted and all the relevant details, exploitation thereof and disposals affecting them according to the provisions of this Law, its Implementing Regulations and the orders issued for implementing it.

2. The current forms of benefit Register used at the time of enforcing the provisions of this Law shall be incorporated with the Register provided for in the preceding Paragraph and shall be considered as an integral part thereof.

Article 32:

"As amended by Law No.14 of the year 2006"

A form of benefit patent's protection period shall be ten years commencing from the date of filing the application for obtaining the patent in the Kingdom of Bahrain or the priority date, as the case may be.

Article 33:

The special provisions with respect to patents provided for in Articles 2 and 3, Articles from 5 to 11 and 13 and Articles from 15 to 29 of this Law shall be applicable to forms of benefit patents.

Part Three

General Provisions

Article 34:

"As amended by Law No.14 of the year 2006"

Temporary protection shall be enjoyed by inventions and forms of benefit that meet the registration conditions according to the provisions of this Law during the period of their display at official international exhibitions or officially recognised exhibitions held inside the Kingdom. The Implementing Regulations shall determine the terms and procedures of granting such protection.

Article 35

Every person may request access to the Patents and Forms of Benefit Registers provided for in Articles 4 and 31 of this Law and to obtain extracts, copies or details thereof according to the rules, procedures and in the manner to be outlined by the Implementing Regulation after payment of the prescribed fee.

Article 36

"As amended by Law No.14 of the year 2006"

Without prejudice to the provisions of Articles 20 & 28 of this Law, every interested person may file an appeal with the Minister concerned with industrial ownership against any decision adopted according to the provisions of this Law within 30 days from the date of being notified of this decision. The appeal shall be settled within sixty days from the date of filing it. The concerned person shall be notified of the decision adopted concerning his appeal within sixty days from the date thereof.

Anyone whose appeal has been dismissed shall be entitled to contest the dismissal decision before the High Civil Court within sixty days from the date of notifying him of the dismissal of his appeal..

No appeal shall be filed with the Court except after contesting the decision and adopting another decision for dismissal of the appeal or the lapse of the time limit for its settlement without receiving notice..

Article 37

"As amended by Law No.14 of the year 2006"

A resolution of the Minister concerned with industrial ownership sanctioned by the Council of Ministers shall be issued for fixing the scales of fees provided for in this Law, rules and percentages of their increase, reduction

and cases of exemption therefrom.

Article 38

"As amended by Law No.14 of the year 2006"

1. Every person concerned may, at any time, request the administrative authority concerned with industrial ownership to add details to the Patents Register or Forms of Benefit Register that have been overlooked or the omission or amendment of any detail unlawfully made therein or if it is not conforming to the true state of affairs in accordance with the terms, conditions and procedures set forth in the Implementing Regulations.
2. For the purpose of passing a decision concerning the applications provided for in the preceding Paragraph, the rules, regulations and dates provided for in Article 19 of this Law, shall be applicable.
3. The administrative authority concerned with industrial ownership shall, of its own initiative and at any time, issue a substantiated decision to add any detail to the Patents register or Forms of Benefit Register that have been overlooked or the omission or amendment of any detail unlawfully made therein in accordance with the terms, conditions and procedures set forth in the Implementing Regulations.

Article 39

"As amended by Law No.14 of the year 2006"

1. The officers appointed by the Minister concerned with industrial ownership to ensure the implementation of this Law and Orders issued for its implementation shall have the power to access the related premises.
2. The officers appointed by the Minister of Justice in agreement with the Minister concerned with industrial ownership shall have the summary powers in respect of the crimes that take place in their respective jurisdictions and where they relate to their job duties. The statements drawn up in respect of such crimes shall be referred to the Public Prosecutor by a resolution of the Commerce Minister or the official designated in this respect.

Article 40

"As amended by Law No.14 of the year 2006"

1. Upon infringement or for the avoidance of any imminent infringement of any of the rights prescribed in this Law, a right holder may seek the issue of a judicial writ from the President of the competent court concerned with the core of the dispute to take one or more of the appropriate precautionary actions including the following:
 1. Conducting a detailed description of the products, subject to the alleged infringement, including the materials, tools and machinery used or that may have been used in the infringement and preservation of evidence related to the subject-matter.
 2. Placing a precautionary attachment over the items indicated in the preceding paragraph and the returns resulting from the alleged infringement.
 3. To prohibit the products subject to the alleged infringement from entering the commercial channels and prohibit their export. This shall include the imported goods once cleared from the customs.
 4. Cessation of the infringement and prevent its occurrence.
2. The Court President may request an applicant to provide any reasonable information that may confirm the infringement's occurrence or its imminent occurrence and shall request him to submit the information that assist the authorities concerned with the implementation of the precautionary measure to identify the specific products.
3. The Court President shall instantly pass his judgement within a period not exceeding ten days from the date of submission with the exception of the extraordinary cases he may decide.
4. The Court President shall, where necessary, issue an order, according to the writ applicant and in any case without summoning the other party that a delay in issuing the order may cause to the claimant an irreparable damage or may result in destroying evidence, provided that the other party shall be given

notice of the writ immediately upon the issue thereof and if necessary, the summons shall be made immediately after executing the order.

5. If an order is issued by the Court President to adopt a precautionary measure without serving the summons upon the other party, the Defendant may, after being summoned, appeal within ten days against such decision before the competent court. In such case, the Court shall be empowered to uphold or revoke the writ in whole or in part.
6. The Court President shall order the writ applicant to provide a reasonable security or equivalent guarantee to be sufficiently determined to protect the Defendant and prevent misusing the right and in a manner that does not lead to avoiding the request of adopting the aforesaid precautionary measures.
7. The right holder shall file a court case in respect of the core of the dispute within twenty days from the date of issuing the decision to adopt the precautionary measure or the date of rejecting the appeal provided for in Paragraph (5) of this Article, as the case may be, otherwise this order shall be cancelled upon the Defendant's request.
8. For the purpose of this article, a patent shall be considered valid unless proven otherwise.

Article 40 (bis):

"As amended by Law No.14 of the year 2006"

1. Any person upon whom a direct damage has been inflicted resulting from a direct infringement of any of the rights prescribed according to the provisions of this Law may file his case before the concerned court pleading for the issue of the following decision:
 1. A sufficient compensation to cover damages he has suffered as a result from such infringement.
 2. Profits generated by the offender from such infringement which have not been taken into consideration when calculating the compensation.

The court shall determine the amount of compensation it deems fit to make good the damages according to the provisions of Articles 161 and 162 (Paragraph a) of the Civil Code while observing the product or service cost, subject to the infringement, as determined by the defendant with respect to retail price, any other criteria to be applied or through an expert.

2. The court may compel the defendant proven to carry out such infringement, to submit thereto or to the right holder, whatever information concerning any third person, persons or entities that contributed to any of the infringement aspects, production methods, goods or services distribution channels including the identity of everyone who has taken part in the production or distribution of the goods or services and designating the distribution channels for each.

Article 41

"As amended by Law No.14 of the year 2006"

Without prejudice to a severer penalty provided for by any other law, a penalty of imprisonment for a period of no less than 3 months and no more than one year and a fine of no less than BD500 and not exceeding BD2,000, or either penalty, shall be inflicted against anyone who unlawfully commits with his knowledge any of the following acts:

1. Manufacture, using the manufacturing method, selling, exhibiting for sale, trade, import or possession with the intention of trading in goods that include infringement upon any of the rights prescribed according to the provisions of this Law.
2. Displaying on products, advertisements, marks, packing materials, wrappings or any such items details that give the impression that he has obtained a patent or form of benefit.

The Court may order the publication of the judgement in a daily newspaper once or more at the expense of the convicted party.

In case of recurrence, the minimum and maximum prescribed punishments shall be doubled, closing the

business premises, project or ceasing the activity, as the case may be, for a period of no less than fifteen days and no more than six months with the publication of the judgement at the expense of the offender.

Article 41 (bis)

"As amended by Law No.14 of the year 2006"

Without prejudice to a severer penalty provided for in any other law:

1. A penalty of imprisonment for a period not exceeding one month or a fine not exceeding BD300, shall be inflicted upon every person who violates the order issued to him by the court in accordance with the provision of Paragraph (
2. of Article 40(bis) of this Law.
3. A penalty of a fine not exceeding Bahrain Dinars one thousand shall be inflicted upon any party, judges assistants or experts who violate an order issued by the Court with respect to protection of classified information which appears or is exchanged during hearing the civil court case.

Article 42:

"As amended by Law No.14 of the year 2006"

Without prejudice to the provisions of bilateral and international agreements in force in the Kingdom, industrial patents which have been granted according to the laws and regulations applicable before the effective date of this Law, shall enjoy the protection decided and shall be considered to have been registered according to its provisions, provided that the protection period that expired shall be deducted from the protection period set forth in the provisions of this Law according to the procedures and in the manner to be determined by the Implementing Regulation.

Article 43:

The provisions of this Law shall be applicable to every application filed before the effective date of this Law and no industrial patent is issued in respect thereof. An applicant may modify his application in compliance with the provisions of this Law.

Article 44:

All provisions with respect to industrial patents which appeared in 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 be revoked.

Article 45:

The Minister of Commerce shall issue the Implementing Regulation and the necessary orders with respect to implementing the provisions of this Law.

Article 46:

"As amended by Law No.14 of the year 2006"

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

Signed:

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

Issued at Rifaa Palace on
4th Thilhijja, 1424 Hijra
Corresp. 24th January 2004