

TABLE OF CONTENTS

	PAGE
Law No. 6 for the year 2006	
Industrial Drawings and Models	2
<hr/>	
Chapter 1	
General Provisions	2
<hr/>	
Chapter 2	
Registration of the industrial drawing or model	5
<hr/>	
Chapter 3	
Industrial drawing or model assignment, licensing for exploitation, mortgage and seizure	7
<hr/>	
Chapter 4	
Termination and abrogation of industrial drawing or model rights	7
<hr/>	
Chapter 5	
Miscellaneous Provisions	8
<hr/>	

Law No. 6 for the year 2006 Industrial Drawings and Models

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

Having reviewed the constitution,

- The Regulation of Industrial Patents, Designs and Trademarks for the year 1955 amended by the legislative decree No. 22 for the year 1977;
- The Law of Civil and Commercial Proceedings enacted by the legislative decree No. 12 for the year 1971 and its amendments;
- The Trade Law enacted by the legislative decree No. 7 for the year 1987 and its amendments;
- The legislative decree No 7 for the year 1994, which ratifies the document of the creation of the World Trade Organization;
- The legislative decree No 31 for the year 1996 approving the Kingdom's accession to the Paris Convention for the Protection of Industrial Property;
- The Civil Law enacted by the legislative law No 19 for the year 2001;
- The Criminal Procedures Law enacted by the legislative decree No 46 for the year 2002;
- The legislative decree No. 1 for the year 1995 on the Kingdom's accession to the Convention of the Creation of the World Intellectual Property Organization (WIPO);

The Shura Council and the House of Representatives have approved the following law which we have endorsed and enacted:

Chapter 1 General Provisions

Article 1

Any arrangement of lines and colors and any colored or non colored three dimensional shapes shall be deemed as an industrial drawing or model.

Article 2

A. The industrial drawing or model, after being registered, shall enjoy the protection determined in this law and shall be registered under the fulfillment of the following terms:

1. If filed independently and if novel.
2. If usable in industry or handicrafts and if distinctively appears as an industrial or craftwork product.
3. If not disclosed to the public whether in Bahrain or abroad in any way including its use or publication preceding the date of filing the registration application or the priority date of the registration application (if any).

- B. Excluded from the term of novelty stipulated in item 1 of the previous clause, the industrial drawing or model shall not lose the quality of novelty if it is disclosed to the public in any way after filing its registration application to a member in the World Trade Organization, a member state in the Paris Convention for the Protection of Industrial Property, a country that treats the kingdom in like manner, or if the disclosure took place due to an evident abuse or unlawful deed by others, all the above in a period that does not exceed six months preceding the date of filing the registration application in the Kingdom or the priority date of the registration application (if any). The implementing regulation shall determine the procedures of enjoying the priority right.

Article 3

The following shall not be registered as an industrial drawing or model:

1. The industrial drawing or model which usually requires the technical or professional considerations of the product.
2. The drawing or the model which violates the public law or the rules of conduct.
3. The drawing or the model which includes religious symbols, or seals, or flags of the Kingdom or other countries.
4. The drawing or the model which is identical or similar to a registered trademark or a well-known mark.

Article 4

The protection provisions provided for in this law shall not be in breach of any other rights related to the industrial drawings and models, whether originating from the law or the international agreements and conventions in which the Kingdom constitutes a party.

Article 5

The competent authority at The Ministry of Industry and Commerce shall set up a register called "The Industrial Drawings and Models register" in which shall be recorded the industrial drawings and models, all details pertaining thereto and all actions affected thereupon in accordance with the provisions of this law, its implementing regulation and the decisions issued for its implementation.

Article 6

Without prejudice to the applicable provisions of the international conventions in The Kingdom of Bahrain, any natural or legal person shall be entitled to file an industrial drawing or models application in line with the provisions of this law, provided being one of the Kingdom's citizens or being a foreigner affiliated with a member in the World Trade Organization, with any of the member states in the Paris Convention for the Protection of Industrial Property, or with any country that treats the Kingdom in like manner, or if this person possesses a real and effective industrial or commercial entity in the territory of that member or country.

Article 7

In the case an industrial drawing or model registration application was filed to a member in the World Trade Organization, to a member state in the Paris Convention for the Protection of Industrial Property, or to a country that treats the Kingdom in like manner, the applicant or the one who has acquired the rights thereof may within a period of six months following the date of filing that registration application abroad, may file an application for the same industrial drawing or model, subject to the conditions, requirements and procedures stipulated by this law . In this case, the first date of filing the application shall be deemed as a basis for the priority right.

Article 8

The rights of an industrial drawing or model shall be granted to the inventor or the one who has acquired the rights thereof. Should the invention be a result of joint efforts of a number of persons, the ownership of the industrial drawing or model shall be equally assigned to them, unless otherwise agreed. He shall not be considered as a participant in the invention that whose role was confined to the mere implementation thereof. Should there be more than one applicant for the industrial drawing or model, each independent from the other, the right to the industrial drawing or model shall be given to the first one to apply

Article 9

Without prejudice to the provision of Article 631 of the Civil Law, the ownership of the industrial drawing or model shall be assigned to the employer if the invention was the result of a contract or a commitment for exertion of inventive faculty.

Article 10

Should a worker –not entrusted with an invention activity by virtue of the employment contract- create an industrial drawing or model relevant to the activity of the employer using expertise, documents, tools, or raw materials put under the disposal of the same worker, belonging to the employer, he shall, directly after declaring the industrial drawing or model registration decision, notify the employer of that effect in writing accompanied with a non-enveloped acknowledgment of receipt. The employer may choose within a period of three months of receiving the notification either to exploit the industrial drawing or model or to purchase the acquired rights thereof, either of which action shall be in return of a fair remuneration. After the elapse of the period specified in the previous clause, the employer's right of choice shall be abrogated without declaring his intentions to the employee in writing accompanied with a non-enveloped acknowledgment of receipt.

The provisions provided for in this article and in the previous article shall apply to civil magistrates in the Kingdom and those who are in similar status.

Article 11

Where an application for an industrial drawing or model is filed by an inventor within one year of leaving his job for a public or private firm, the application shall be construed as if the same were in service, in which case the inventor and the employer shall be entitled to the all the rights prescribed in the two aforementioned articles as applicable.

Article 12

The protection as per this law entitles the proprietor of the industrial drawing or model right to ban others from the manufacturing, selling, or importing of products which take the form of this industrial drawing or model, which include it, or which are not fundamentally different from it, if these products were intended for commercial purposes.

Article 13

The term of protection for the industrial drawing or model shall be ten years as of the date of filing the registration application in the Kingdom. If the proprietor files a renewal application during the last year of the period, the protection shall be renewed for further five years. Though, the proprietor may file a renewal application during the six months following the original period expiry date. Filing the renewal protection application shall be done in the manner indicated in the implementing regulation.

Article 14

A fee upon filing an industrial drawing or model shall fall due. Also, an annual incremental fee shall fall due as of the beginning of the second year of declaring the registration decision until the end of the legally specified period of protecting the industrial drawing or model. An additional fee shall fall due should there be a delay in settling the annual fee for a period that exceeds six months.

Chapter 2

Registration of the industrial drawing or model

Article 15

A registration application for the industrial drawing or model shall be filed by the inventor or his successor in title at the competent authority at the Ministry of Industry and Commerce on a special form designed for this purpose in accordance with the provisions prescribed by this law and the requirements, conditions and procedures defined by the implementing regulation. The application may include several drawings or

models no more than fifty provided being a homogeneous unit as a whole. In all cases, the applicant adheres to providing the data concerning the applications previously filed abroad by him in terms of the same industrial drawing or model, what is relevant to its subject matter, and the decisions of deciding on these applications.

Article 16

The industrial drawing or model applicant may, at any time before the issuance of the registration decision, withdraw his application or correct any material mistakes in the application and its enclosures, subject to the procedures prescribed by the implementing regulation.

Article 17

- A. The competent authority at the Ministry of Industry and Commerce shall examine the industrial drawing or model registration application and its enclosures to ensure that the application fulfills the required formal requirements specified by the implementing regulation. This authority may ask for performing amendments upon the application, as it deems necessary, and fulfilling what it deems necessary to be decided on in terms of the application.
- B. The competent authority at the Ministry of Industry and Commerce shall issue a decision of accepting the industrial drawing or model registration application within sixty days following the fulfillment of the prerequisites indicated in the previous clause. If the decision was to refuse the industrial drawing or model registration application, this decision must be justified, and shall be notified to the applicant as per a receipt voucher without an envelop within thirty days of issuing the decision.

Article 18

The decision of accepting the industrial drawing or model registration application shall be declared in the manner indicated in the implementing regulation. The concerned party, right after the registration completion, shall be granted an official document stating the industrial drawing or model registration. The Ministry of Industry and Commerce seal shall be affixed on this document according to the form prepared by the Ministry for this purpose.

Article 19

The competent authority at the Ministry of Industry and Commerce, may at any time and of its own motion or upon request of an interested person issue an appropriate decision to add any detail to the industrial drawings or models register that may have been ignored, or to omit any detail that is non-compatible with reality or that has been unfairly entered, a notice of which shall be published, subject to the rules, procedures and manner prescribed by the implementing regulation.

Chapter 3

Industrial drawing or model assignment, licensing for exploitation, mortgage and seizure

Article 20

The ownership of an industrial drawing or model may be transferred partly or fully, with or without compensation including inheritance. It may also be licensed for exploitation and may be mortgaged and may be decided on in terms of the utilization thereof.

The industrial drawing or model assignment, mortgage or utilization determination thereof shall not constitute an argument against others before the same being recorded in the industrial drawings and models register and the publication thereof in the manner prescribed by the implementing regulation.

Article 21

An industrial drawing or model may be seized in accordance with the rules of seizing the debtor's movables or garnishment as applicable. The Competent Authority at the Ministry of Industry and Commerce shall be exempted from provisions related to the creditor's acknowledgment of the debt he owes the debtor. The creditor shall declare for the Competent Authority the seizure and the auction bidding minutes to have the same recorded in the Register and neither of these shall constitute an argument vis-à-vis third parties except after they are duly recorded in the manner defined by the implementing regulation. Fees shall be imposed for recording such entries in the register.

Chapter 4

Termination and abrogation of industrial drawing or model rights

Article 22

A. The rights accruing from the industrial drawing or model shall be terminated in the following cases:

1. lapse of the period of protection prescribed in article 13 of this law.
2. the abandonment of the proprietor of his rights in the industrial drawing or model provided that this abandonment shall not prejudice the rights of others.
3. abstention for a period more than one year from paying the prescribed due fees in violation of the provisions of Article 14 of this law despite receiving a notice to that effect in the form of a registered letter accompanied with non-enveloped acknowledgment to pay the due fees on the time prescribed by the implementing regulation.

B. The issuance of a final ruling concerning the abrogation of the industrial drawing or model registration in accordance with the provisions of Article 23 of this law.

- C. There shall be recorded in the Industrial Drawings and Models register all the industrial drawings and models whose rights lapsed and those abrogated or cancelled, and a notice thereof shall be published in the manner prescribed by the implementing regulation.

Article 23

The competent authority at the Ministry of Industry and Commerce may at any time, and of its own motion or upon request of an interested person, issue an appropriate decision to cancel the industrial drawing or model registration should it is proven that the provisions of this law have been violated, subject to the rules, procedures and manner prescribed by the implementing regulation. A fee shall be due for the application filed as per this article.

Chapter 5 Miscellaneous Provisions

Article 24

Temporary protection shall be given to the industrial drawings and models that satisfy the requirements of registration in this law while being displayed in national or international exhibitions which shall be defined by a decision by the Minister of Industry and Commerce. This protection shall be subject to the rules, procedures and manner prescribed by the implementing regulation.

Article 25

Any interested person may view the Industrial Drawings or Models Register and get extracts, drawings or data therefrom subject to the rules, procedures and manner prescribed by the implementing regulation. A fee shall be due for viewing this register and for getting extracts, drawings or data therefrom.

Article 26

Any concerned person may appeal in writing to the Minister of Industry and Commerce against any decision issued according to the provisions of this law within thirty days as of being aware of the decision. The appeal shall be decided on. The concerned person shall be informed of that by means of writing within sixty days of the date of his appeal. The petitioner may appeal the rejection decision before the Civil Supreme Court within sixty days of being informed of the rejection of his appeal or the lapse of the date specified in the previous clause for deciding it without notification.

The appeal before court shall not be except before raising an appeal against the decision and the issuance of decision abrogating the appeal, or the lapse of the date specified for deciding it without notification.

Article 27

A decision shall be issued by the Minister of Industry and Commerce after the approval of the Cabinet to stipulate the categories of fees prescribed in this law and the rules, rates of increase and decrease and exemption thereof.

Article 28

The employees appointed by the Minister of Industry and Commerce to verify the application of the provisions of this law and the decisions issued for the implementation thereof shall have access to relevant stores. The employees duly authorized by the Minister of Justice in agreement with the Minister of Industry and Commerce shall have the capacity of Judicial Control Commissioners concerning the offenses taking place within their own jurisdiction and that pertain to their functions. The written minutes concerning these offenses shall be transferred to the Attorney General by virtue of a decision by the Minister of Industry and Commerce or the one he delegates for this purpose.

Article 29

A. In the case of infringement or to prevent threats of infringement on any of the rights prescribed by this law, the right proprietor may request an order in a petition from the chief of the court competent with the dispute source to take one preventive measure or more as appropriate including the following:

- 1- Making a detailed description of the goods –including the imported ones upon importation thereof-, materials, machinery and equipment used or that have been used in the infringement act and keeping the pertinent evidence.
- 2- Effecting precautionary seizure on the items mentioned hereinabove.
- 3- Stoppage of infringement

B. The petition shall be accompanied with sufficient evidence proving that the applicant is the right proprietor and that the said right is subject or vulnerable to infringement. The chief of the court may request the applicant to submit necessary information to help the competent authority to carry out the precautionary measure in identifying the products, materials, machinery or tools in question.

C. The chief of the court, when necessary, may issue the aforementioned order on an urgent basis – without summoning the other party- should there be a likelihood that any delay in issuing the order would lead to an inescapable damage on the part of the adjudicator or that it would lead to the destruction of the evidence- provided that the adjudicated party shall be informed of the decision upon issuance thereof.

D. The issued order for taking any of the aforementioned measures may include delegating one expert or more to assist the execution of the order or impose the deposit of the adjudicator of a banking or monetary guarantee appropriate to compensate for any damage that may unlawfully result out of this measure.

E. The adjudicated may appeal the decision before the competent authority within the ten days following the issuance of the decision or from the date of notifying him, as applicable, in the case of which the court may support the decision or abrogate it wholly or partially.

F. The lawsuit concerning the dispute source shall be raised within fifteen days as of the date of issuance of the order or otherwise the effects of the taken measure shall be rendered void and null.

Article (30)

Without detriment to any severe punishment prescribed by another law, he shall be punished with imprisonment of no less than three months and no more than a year or with a fine of no less than five hundred Dinars and no more than two thousand Dinars or with both penalties the person who:

- Exploited, for a commercial purpose, an industrial drawing or model, which has been registered in accordance with the provisions of this law, or which is not fundamentally different from it.
- sold, displayed for selling, imported from abroad or acquired for commercial purposes a products which take the form of an industrial drawing or model, registered in accordance with the provisions of this law, or which is not fundamentally different from it.

The court may order to publish the rule in a daily newspaper for one time or more at the cost of the adjudicated.

In the case of repetition of the offense, the imprisonment term shall be no less than six months and no more than two years, and the fine no less than one thousand Dinars and no more than four thousand Dinars or with one of the two penalties with the closure of the commercial store or project or stopping of the activity –as applicable- for a period of no less than fifteen days and no more than six months. The ruling thereof shall be published one time or more in a daily newspaper at the expense of the adjudicated. The court may, when a conviction ruling is issued, order to confiscate or destroy the things accruing from the offence along with the tools and equipment used for that purpose. It may, when ruling acquaintance, order to confiscate or destroy the things mentioned hereinabove should it have resulted in injuries or have been used to infringe any of the rights provided for in this law.

Article 31

The Minister of Industry and Commerce shall issue the implementing regulation and the necessary decisions to implement the provisions of this law within six months of following the application of this law's provisions.

Article 32

The Ministers, each in his own capacity, shall implement this law, which shall come into effect as of the next day following the publication thereof in the Official Gazette

The King of the Kingdom of Bahrain

Hamad Bin Isa Al Khalifa

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1st Rabi' Al Akhir, 1427 A.H

29th April, 2006