

law No (16) for the year (2006)
Amending Law No (16) for the year 2004
On the Protection of Geographical Indications

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

Having reviewed the constitution,

Law No. (16) For the year of 2004, pertaining to the protection of geographical indications;

Law No. (23) for the year of 2005, which ratifies the United States-Bahrain Free Trade Agreement;

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

First Article

The following articles shall replace the corresponding Articles (1), (2), (5), (6) of Law No. (16) for the year of 2004, pertaining the Protection of Geographical Indications.

Article (1)

On the strength of the law provisions herein stipulated, geographical indications shall mean any sign that may have originated in the territories of a WTO member-state, or in a region or area or location of that region thereof wherein the product quality, good will or other characteristics essentially attributed to its geographical origin.

The geographical indication may a sign or a group of signs in any form like words – including geographical and proper names – alphabets, numbers, miniature elements, color or colors.

Article (2)

It is not permissible for any natural or legal person to undertake the following:

1. The utilization of any instrument to designate or display any product that may suggest a geographical origin contrary to its authentic one, and by doing so misleading the public thereof.
2. The use of a geographical indication constituting unfair competition pursuant to provisions of Article no (10 *bis*) of the Paris Convention for Protecting Industrial Property.

To this effect, the use of a geographical indication in a manner that may form public delusion in terms of the source of the product, even if the indication is literally correct in respect of country, region or territory where the said product was produced.

Article (5)

- a. The administrative authority competent with industrial property protection shall set up a register called "Geographical Indications Register" in which it shall record the accepted geographical indications, data pertaining thereto, and all acts affected thereon subject to the provisions of this law, its Executive By-laws and the decisions to be issued to implement it.

Article (6)

Without detriment to provisions of the international agreements enacted in the Kingdom of Bahrain, the provisions stipulated in Trademarks Law shall apply to geographical indications pertaining the following:

- a)** Filing a registration application.
- b)** Examination of registration application, accept or reject the application.
- c)** Opposition to registration.
- d)** Registration cancellation or strike-off.
- e)** Transfer of the geographical indication ownership, licensing its exploitation and imposing seizure.
- f)** Compensating for any infringement on the rights prescribed in the provisions of this law.

All of which without detriment to provisions of this Law; and to undertake the necessary amendments.

Second Article

The phrase “The administrative authority competent with industrial property” shall be replaced with “The administrative authority competent at the Trade Ministry”, and the phrase “Minister competent with Industrial Property” with the “Trade Minister”, wherever stated in articles of Law No. (16) f the year 2006, on the protection of geographical indications.

Third Article

A new article to be named Article (5 ^{bis}) shall be added to Law No. (16) for 2004 on the Protection of Geographical Indications, stipulating the hereunder:

Article (5 ^{bis})

The geographical indications shall not be registered nor enjoy the protection as per the following:

- A.** If the geographical indication bona fide most probably cause delusion with a trademark that is subject-matter of a registration application or a pending registration application

- B.** If the geographical indication would most probably constitute public delusion with an already existing trademark of which rights were acquired by use, bona fide, in the Kingdom
- C.** If the registration of a geographical indication as a trademark was not permissible pursuant to provisions of the Trademarks Law.

Fourth Article

Clauses **(e)** and **(f)** of Article (9) of Law No (16) for 2004 pertaining to the protection of geographical indications shall be deleted.

Fifth Article

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