

Foreword

The articles of the Gulf Cooperation Council (GCC) Trademark Law¹ (GCC Trademark Law), and the Implementing Regulations (Regulations) govern the registration, enforcement, and commercialisation of trademark rights throughout the GCC member states.²

Although a unified law, the GCC Trademark Law and Regulations do not enable trademark registration in multiple GCC member states through a single application or process. Registration requires the filing of a separate application with the trademark registration authority in each GCC state where protection through registration is required. The registration of trademarks in the Kingdom of Bahrain is administered by the Trademark Office, Directorate of Foreign Trade & Industrial Property, which is part of the Ministry of Industry and Commerce.

Each GCC Member State will individually implement the GCC Trademark Law and the Implementing Regulations. In the Kingdom of Bahrain, the GCC Trademark Law and Implementing Regulations took effect on 29 May 2016.³

The Kingdom of Bahrain is also a signatory to the Paris Convention,⁴ Madrid Protocol,⁵ Trademark Law Treaty (TLT)⁶ and Nice Agreement.⁷ The provisions and obligations under these may impact on the application of the Articles of the GCC Trademark Law and their Regulations as applied in the Kingdom of Bahrain.

Eligibility to register a Trademark

The GCC Trademark Law⁸ allows a trademark to be registered in the Kingdom of Bahrain by:

- A natural person or legal entity carrying the nationality of a GCC Member State,

¹ Law No. 6 of 2014 with Approval of the Law (Regulation) of Trademarks in the Cooperation Council for the Arab States of the Gulf.

² Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE).

³ Ministerial Decision No. 65 of 2016.

⁴ Paris Convention for the Protection of Industrial Property (as amended on September 28, 1979).

⁵ Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (as amended on November 12, 2007).

⁶ Trademark Law Treaty (adopted at Geneva on October 27, 1994).

⁷ Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (as amended on September 28, 1979).

⁸ Article 5 of the GCC Trademark Law.

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- foreigners residing in a GCC Member State and authorized to practice commercial, industrial, craft or service business,
- foreigners who are nationals of or residing in a Member State of a multilateral international convention to which a GCC Member State is a party.

The procedural requirements for registration depend upon whether the trademark owner/applicant is a national or legal entity of the Kingdom of Bahrain, a non-Bahraini national or entity resident and authorized to practice commercial, industrial, craft or service business in the Kingdom of Bahrain, and those regarded as non-resident foreigners.

Nationals of Bahrain

A trademark may be registered in Bahrain by any person having legal status as an individual⁹ (a 'natural' person) or a legal entity such as a corporate body,¹⁰ representative, etc., holding the nationality of the Kingdom of Bahrain.

This eligibility exists whether that person or entity is a manufacturer or producer of the goods for which the trademark is to be used, a trader in goods manufactured or produced by someone else, a craftsman producing goods, or the provider of a service.¹¹ A national of the Kingdom of Bahrain does not need to have a commercial activity within the Kingdom in order to register a trademark.

Any individual or legal entity holding the nationality of the Kingdom of Bahrain may apply for a trademark without the need to use a registration agent or law firm. This is the case whether they reside in the Kingdom of Bahrain, or in another state.

Foreigners

Foreigners are any individuals or legal entities that do not hold the nationality of the Kingdom of Bahrain. In the eligibility to register a trademark and in the requirements when making an application, the GCC Trademark Law makes a distinction between foreigners that are resident and authorized to carry on a commercial activity within the Kingdom of Bahrain, and those that are non-residents of the Kingdom.

Foreign and residing in Bahrain

⁹ As determined by the Bahraini Citizenship Act [Bahrain], 16 September 1963 (as amended).

¹⁰ As defined by Bahrain Commercial Companies Law (Law 21 of 2001) (as amended).

¹¹ Article 5.1) of the GCC Trademark Law.

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Foreign persons and foreign legal entities that reside in Bahrain are eligible to register a trademark provided they carry on a commercial, industrial, craft or service business.¹² Information on the legal requirements for the authorized operation of a commercial or industrial enterprise may be found here:

<https://bahrainbusinesslaws.com/all-laws/all-laws>

Individuals and legal entities that do not hold Bahraini nationality may apply for a trademark themselves (without need to use an authorized representative) provided they reside and carry on a commercial, industrial, craft or service business in the Kingdom of Bahrain. Alternatively, they may use a registration agent or law firm authorized by the Industrial Property Directorate.

Foreign and not residing in Bahrain

Persons and entities not holding Bahraini nationality, and that do not reside or carry on an authorized commercial activity in the Kingdom of Bahrain may be eligible to register a trademark if they are nationals of or reside in a state that is a member of a multilateral international convention to which Bahrain is a party.¹³ Any application for registration filed with the must be made using a representative registered with and authorized by the Trademarks Office of the Kingdom of Bahrain. See **Requirement to use a representative**.

The Paris Convention¹⁴

The Kingdom of Bahrain is a member of the [Paris Convention](#) for the Protection of Industrial Property (Paris Convention). Under the provisions of the Paris Convention, Bahrain must offer individuals or businesses that hold the nationality of another State that is a member of the Paris Convention the right to apply for the registration of a trademark under the same terms and conditions as they would give to those holding the nationality of the Kingdom of Bahrain.¹⁵

Nationals of States that are not members of the Paris Convention are similarly entitled to register a trademark if they are legally resident or have a real and effective industrial or commercial establishment in a State that is a member of the Paris Convention.¹⁶ A list of members (Contracting Parties) to the Paris Convention can be found [here](#).

Requirement to use a representative

¹² Article 5.2) of the GCC Trademark Law.

¹³ Article 5.3 of the GCC Trademark Law.

¹⁴ Paris Convention on the Protection of Intellectual Property

¹⁵ Article 2 of the Paris Convention on the Protection of Intellectual Property.

¹⁶ Article 3 of the Paris Convention on the Protection of Intellectual Property.

Making an application for registration of a trademark

The GCC Trademark Law allow persons and legal entities that hold the nationality of the Kingdom of Bahrain to file an application for registration either using an agent, or to file the application themselves without using an agent.

If the applicant for registration does not hold the nationality of the Kingdom of Bahrain and is not resident and carrying out a commercial activity in the Kingdom of Bahrain, the application shall only be filed by an authorized agent. The application for registration will not be able to be submitted without entering details of a duly authorized agent.

Application for Opposition against a Mark registration

Any interested person may, within sixty days from the date of publication, submit a written objection (opposition) to the registration of a mark. The objection is made to the Grievances and Opposition Section .¹⁷

Unlike when applying for registration of a trademark, the GCC Trademark Law does state that an agent or representative must be used to object or oppose the registration of a trademark. However, as an objection must be submitted to the Grievances and Opposition Section using the Electronic Industrial Property Services ePortal, any potential objector will need to either have a registered and 'activated' account with the ePortal, or alternatively, be registered for an advanced eKey and have set up a 'user profile' on the ePortal.

In effect, to be able to submit an objection via the ePortal, the 'interested person' will need to meet very similar eligibility conditions to those required in order to submit an application for registration. If the 'interested person' cannot access the ePortal they will need to use an agent or representative.

Any agent or representative used to file an objection to a trademark application must be approved and recorded in the Register of trademark registration agents.¹⁸ Where an agent is used to file an application for registration of a trademark, a Power of Attorney must be provided.

The Trademarks Register

¹⁷ Article 14.2 GCC Trademark Law

¹⁸ See Decision No. 58 of 2018 on the Registration of Industrial Property Agents.

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The 'competent authority'¹⁹ for the registration of trademarks in the Kingdom of Bahrain has an obligation to establish a 'Trademarks Register'²⁰ that records information relating to trademarks submitted for registration and/or registered. Before accepting a trademark onto the Trademarks Register, the Trademarks Office must allow any 'interested person' to object or 'oppose' to its registration.

An application for the amendment of the mark explicitly allows for opposition by an 'interested person' in the same way as if the amended mark had been submitted in an application for registration.²¹

Information relating to the Trademark Register and certified extracts

Any interested person may consult the Trademark Register and obtain a certified extract.²² A person need not have a connection or involvement with a trademark, (such as being the owner or licensee) in order to consult the Trademark Register or obtain an extract of a record on the Trademarks Register.

Examination of a trademark application

Following the application for the registration of a trademark and payment of the prescribed fee, the application is examined by the Trademark Office. There are two-stages in the examination process:

- Under formal examination
This is a check to ensure that the application has been correctly filed, the fee has been paid, and all of the required documents have been attached to the application.
- Substantive Examination
The Trademarks Office must assess whether the trademark meets the requirements for registration which involves an examination by the Trademarks Office. The primary aim of this examination is to establish whether or not the trademark possesses the 'distinctive form' necessary to

¹⁹ Article 1 GCC Trademark Law 'Ministry of Commerce of each Member State of the GCC's States, having competence in the implementation of the GCC Trademark Law.' In the Kingdom of Bahrain, the competent authority is the Ministry of Industry and Commerce.

²⁰ 'The Trademark Register existing at the time of entry into force of this Law shall be integrated in and considered as an integral part of, the Trademark Register provided for in the above paragraph'. In the Kingdom of Bahrain, the GCC Trademark Law and Implementing Regulations took effect on 29 May 2016.

²¹ Article 18 GCC Trademark Law – 'The Competent Authority shall issue a decision in respect of this application according to the conditions and procedures applied to the original applications for registration. Such a decision may be contested and appealed in the means prescribed for the decisions issued in these applications.'

²² Article 6.1 GCC Trademarks Law

distinguish the goods or services of a particular trader, and whether the trademark is likely to come into conflict with an earlier filed trademark.²³

Detailed guidance on the 'formal' and 'substantive' examination of an application for registration of a trademark may be found in the **Examination Guidelines**.

Trademark accepted following examination

Where the decision of the Trademark Office is to accept the mark for registration (as filed or following a required amendment, or acceptance of any conditions or requirement) the applicant (or their representative, if any) will be sent a notification of acceptance²⁴ either in writing or electronically.

The notification will confirm the acceptance of the mark for registration and the requirement to pay a 'publication fee' within 30 days of the notification of acceptance. Failure to pay the fee within this period will result in the application being deemed abandoned.²⁵

Publication of the acceptance of a trademark

The acceptance of a trademark for registration by the Trademarks Office does not mean that the trademark will automatically be registered. The Trademarks Office must publish its intention to accept the trademark for registration.²⁶ Publication is in the official 'bulletin' on the Ministry of Industry and Commerce website.

The publication will include the following data²⁷:

- number of the application
- date of application for registration
- name, address, and nationality of the applicant(s) for registration
- representation of the trademark
- name and address of the legal agent/legal representative (if any)
- products or services which the application is to be registered and the category (class) of the Nice Classification
- limitations and requirements (if any)
- date, number, and the State from which priority has been claimed (if any)

²³ Articles 2 and 3 GCC Trademark Law (There are other aspects of the substantive examination that may prevent registration of a trademark particularly mentioned in Article 3 GCC Trademark Law)

²⁴ Letter QF308

²⁵ Article 10 Regulations

²⁶ Article 14.1 GCC Trademark Law

²⁷ Article 10b.1 to Article 10b.7 Regulations

Opposition to the registration

Publication in the Bulletin is to allow others such as competitors to oppose the registration of the trademark. An opposition will usually be based on one or more of the grounds mentioned in Article 3 of the GCC Trademark Law, allowing for objection on both absolute and relative grounds.

An objection on ‘absolute’ grounds is an allegation that there is something inherent in the mark itself which makes it unacceptable for registration.

An objection on ‘relative’ ground results where the owner of an earlier trademark considers that the application is for a mark that is the same or similar to their earlier mark and is to be registered for goods or services that are the same or similar.

Whether a mark is eligible for registration on absolute and relative grounds will have been fully considered by the Trademark Examiner in the substantive examination before acceptance based on the information available. Opposition allows for facts or information that the Examiner may not have been aware of when making the decision to accept the trademark to be brought to the attention of the Grievances and Opposition Section. Opposition is intended to be a “backstop” for the examination process to “remedy oversight or error, not to substitute the examination process.”²⁸

An opposition to the registration of a trademark may also result from other grounds. For example, where it is alleged that the application for registration has been made in ‘bad faith’ such as in contravention of the conditions set in an agreement or license. Where the owner of a previously registered trademark has requested an amendment to the mark, this can result in an objection that the amendment should not have been accepted because it substantially alters the distinctive character of the mark.

An opposition may be filed in respect of all of the goods or services of an application, or only some of the goods or services.

Who may object or oppose

Publication in the Bulletin is to allow ‘interested persons’ to submit their objection (opposition) to the registration of the trademark.

There is no definition of what is meant by ‘interested’ person’, but this is generally taken to mean any person or organization whose interests are or may be affected by

²⁸ McCarthy on Trademarks and Unfair Competition (5th ed. 2017)

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a proceeding.²⁹ Whether, and to what extent a 'person' may be affected by the acceptance of a trademark onto the Trademarks Register is a substantive consideration and will be determined by the Grievances and Opposition Section on the basis of the facts established in any evidence submitted, and the merits of the objection. There is no separate inquiry into whether the opponent has an 'interest' or the sufficiency of any interest.

²⁹ Cornell University Law

Applying for an opposition to a trademark registration

Any opposition to the registration of a trademark must be in writing.³⁰ The electronic submission of the opposition via the Electronic Industrial Property Services ePortal is considered to be in writing.

The opposition must be submitted to the Grievances and Opposition Section within 60-days from the date of publication. There is no provision in the GCC Trademark Law or its Regulations to grant an extension to this sixty-day period. To be accepted, the filing of an opposition to the registration of a trademark must be accompanied by the prescribed fee.³¹

Submission of the opposition must be via the Electronic Industrial Property Services ePortal and must be accompanied by the required documents and any supporting evidence.

Electronic Industrial Property Services

To comply with the requirement for an electronic system and database, the Kingdom of Bahrain established the Electronic Industrial Property Services ePortal. This ePortal enables users to complete a range of actions required to make an application for registration of a trademark, and once registered, renew, and request changes to the registration. The Electronic Industrial Property Services ePortal may be found at <https://service.moic.gov.bh/ipd/login>

The ePortal must be used where there is a requirement to use a 'form prepared for this purpose.'

Access to the Electronic Industrial Property Services ePortal

Depending on the nature of the user, access the Electronic Industrial Property Services ePortal requires either a registered and 'activated' account with the ePortal, or alternatively, registration for an advanced eKey and a 'user profile' set up on the ePortal:

Registration

Registration is required for Industrial Property agents. These may be part of a general law firm authorised and qualified to provide intellectual property services, qualified agents that specialise in and provide intellectual property

³⁰ Article 41.2 GCC Trademark Law

³¹ Article 12.1 Regulations

services, and commercial companies that have persons suitably qualified in intellectual property.

Registration is also required in the case of Institutions and Commercial Registration (CR) holders. This includes non-commercial institutions, government agencies, associations or clubs, and Gulf nationals with a commercial activity in the Kingdom of Bahrain but do not have a smart card issued by the Kingdom of Bahrain.

Access via an eKey

Access via an eKey is available to Enterprises and Individuals. An individual, or representative of an enterprise must have obtained an Advanced eKey³² in order to access the ePortal. A Standard eKey is not sufficient. The holder of a suitable eKey will be asked to complete a user profile containing basic contact details.

More detailed information and guidance on the requirements and procedure for registration for use of the ePortal or in gaining access to the ePortal via an eKey may be found in the **ePortal Guidelines**.

Logging-in to the Electronic Industrial Property Services ePortal

The Electronic Industrial Property Services ePortal may be found at <https://service.moic.gov.bh/ipd/login>³³ The ePortal is available for use in both Arabic and English.

³² Information on the eKey in the Kingdom of Bahrain and registration for an Advanced eKey can be found here: [eKey information](#)

³³ If a VPN is being used the hyperlink may not open.

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If the landing page opens in Arabic and the desired language is English, the language can be changed to English by clicking the cursor on 'English' in the banner heading.

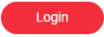
If the landing page for the ePortal opens in English and the desired language is Arabic, the language can be changed from English to Arabic by clicking the cursor on العربية shown on the top left of the banner heading.

Industrial Property agents, Institutions and Commercial Registration (CR) holders

Provided a registered account has already been created and activated, logging-in to access the e-services requires the entry of the email address and password used in the registration for the Electronic Industrial Property Services ePortal.³⁴

If a registration for access to the Electronic Industrial Property Services ePortal has not been completed, please refer to the **ePortal Guidelines**.

Industrial Property agents

If registered with the ePortal as an Industrial Property agent, click the cursor on Industrial Property Agent Registration (ensure the grey bar is shown beneath), enter the registered email address and password and click the cursor on 

³⁴ For guidance on how to recover a forgotten password or to change a password, see the section Forgot password/Password change in the ePortal guidelines

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العربية English

ROYDOM OF BAHRAIN
Ministry of Industry,
Commerce and Tourism
وزارة الصناعة والتجارة والسياحة

Industrial Design Trademark Grievance, objection and Imitation complaint Patent

Electronic Industrial Properties Services

Industrial Property Agent Registration
Institutions and CR Holder

If you are authorized to practice Industrial Property registration activity, please create a registration record then sign in

[Login](#) [Agent registration](#)

[Activate your account?](#) [Forgot password?](#)

Enterprises and Individuals

If you are an individual or company with a commercial or industrial record, please use the advanced level of the electronic key

[eKey login](#)

Contact us

Please contact this email for any technical support

ip_support@moic.gov.bh

For support regarding the patent or design system, please contact the following email

PA-Support@moic.gov.bh

To view applications steps, please click on the button below

[▶](#)

Institutions and Commercial Registration (CR) holders

If registered with the ePortal as an Institution and Commercial Registration (CR) holder, click the cursor on Institutions and CR holder (ensure the grey bar is shown beneath) enter the registered email address and password and click the cursor on [Login](#)

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Industrial Property Agent Registration

Institutions and CR Holder

Public institutions and Bahraini records owned by Gulf residents

If you are an institution, government agency, association or club and do not have a commercial or industrial register, or if you are a Gulf national who has a commercial record in the Kingdom of Bahrain and do not have a Bahrain smart card, please create a new account through this link

XXXXXX@outlook.com

Login Register

Activate your account? Forgot password?

Enterprises and Individuals

If you are an individual or company with a commercial or industrial record, please use the advanced level of the electronic key

eKey login

Contact us

Please contact this email for any technical support

ip_support@moic.gov.bh

For support regarding the patent or design system, please contact the following email

PA-Support@moic.gov.bh

To view applications steps, please click on the button below

▶

Advanced eKey holders - Enterprises and Individuals

Login is by means of the email address and password³⁵ used in the registration process. Clicking the cursor on **eKey login** will open the eKey Login Page³⁶:

³⁵ For guidance on how to recover a forgotten password or to change a password, see the section Forgot password/Password change section further in the ePortal guidelines.

³⁶ Provided the user has previously accessed the ePortal and created the 'user profile' and activated the account.

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eKey Login Page

Login

Personal Number

Password

[Forgot Password?](#) [New User? Register](#)

SIGN IN



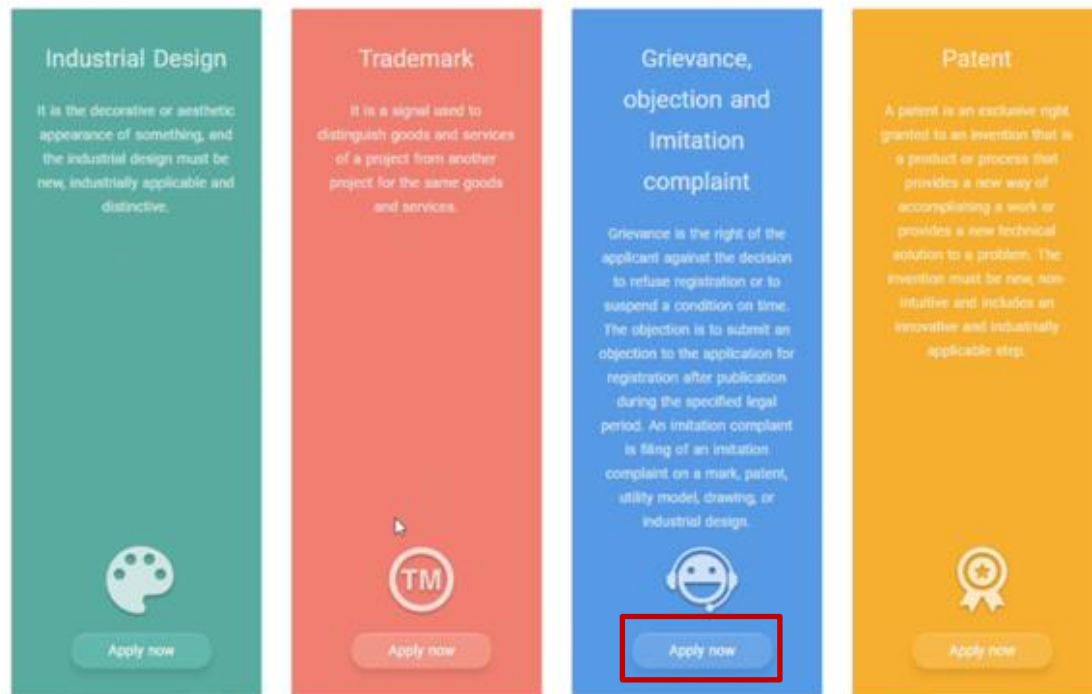
Log-in to eKey using the e-key Personal Number (CPR) and Password registered when obtaining the eKey and click the cursor on **SIGN IN**

After entering their login details at the Electronic Industrial Property Services ePortal landing page, all users will be taken to the following page:

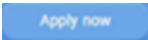
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Electronic Industrial Properties Services

It is the creative work of human thought and includes every intellectual product related to trademarks, patents, drawings, industrial designs and other branches of industrial property. The industrial property protection system helps to reconcile the interests of the innovator and the public by ensuring an environment in which creative and innovative activity can continue and thrive for the benefit of all.



From this page a range of industrial property actions can be initiated. The column headed **Grievances, objections and imitation complaint** is where the actions, related to applying for an opposition to a trademark before the Grievances and Opposition Section of the Kingdom of Bahrain must be completed.

Clicking the cursor on  will open up a screen giving the actions that may be started:

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Services of Grievance, Objection and Complaint office

Objections Forms		Grievance Forms		Imitation complaint Form	
Application for Opposition Against a Mark Registration	200 BHD →	Grievance against rejection of registering a mark or suspend a mark on a condition in front of the Grievance Committee	100 BHD →	Request for Imitation complain submission	0 BHD →
Request a hearing session	0 BHD →				
Respond to an opposition against a mark registration	0 BHD →				



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The screen is divided into three sections headed 'Objection Forms', Request a hearing session' and Imitation complaint form'.

An opposition to the registration of a trademarks is started in the section with the title 'Application for Opposition Against a Mark Registration' in the section headed 'Objection Forms'.

The section also shows the fee that is payable to make the application which will be paid using the national Payment Gateway before submitting the application. Clicking the cursor on the arrow will open the following information screen reminding the opponent that certain documents will be required to be attached to the application:

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Application for Opposition Against a Mark Registration



This form is used to respond to an opposition to an application of trademark registration, in accordance with law No.(6) of 2014 approving the trademarks law of gulf cooperation council states (Gulf Cooperation Council).

Required evidence

- Attach a copy of a signed and authenticated power of attorney document to the application
- Attach two copies of any documents supporting the opposition
- Attach English translation of the opposition letter in the event of an opposition is for international trademark

Caution!

The information will be saved in every step. Please hit the "Save" button while filling the form to continue in later time.

Start

The opponent is required to provide a copy of a signed and authenticated power of attorney. Any agent or representative used to file an opposition to a trademark application must be approved and recorded in the Register of trademark registration agents³⁷ Where the opponent is not resident in the Kingdom of Bahrain, a legalized and notarized Power of Attorney should be presented with the opposition action

if the opposing party is a resident in the Kingdom of Bahrain, a notarized Power of Attorney must be provided

Submitting the Application for Opposition using the ePortal only enables a copy of the Power of Attorney to be provided to the Grievances and Opposition Section. The original Power of Attorney must be provided to the Grievances and Opposition Section within the 60-day period for filing the opposition. The GCC Trademark Law does not provide for the possibility of presenting the original Power of Attorney after the 60-day period has expired. However, the Grievances and Opposition Section of the Kingdom of Bahrain will accept the opposition based on an electronically filed version and will request the filing of the original Power of Attorney.

In launching the opposition, the objecting party/opponent should set out their arguments and allegations in a letter or 'statement'. This should, as appropriate refer to any evidence being submitted to support the objections. One copy of the statement and any evidence should be attached to the objection or opposition. (see the sections under **Basis for the opposition** in these guidelines.

Start

³⁷ See Decision No. 58 of 2018 on the Registration of Industrial Property Agents.

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To begin the application for opposition, click the cursor on This will open the following screen where the mark being opposed is identified.

The screenshot shows a web interface for filing an opposition. At the top, a blue header reads 'Application for Opposition Against a Mark Registration'. Below this is a progress bar with seven steps; the first two steps are highlighted in red, indicating the current stage. Below the progress bar, the text 'Application no. [3943]' is displayed. The main section is titled 'Trademark Information' and contains a sub-header 'Trademark number *' with the instruction 'Request an objection to a trademark registration'. There are two radio buttons: 'National' (selected) and 'International'. Below these is a text input field for the 'Trademark number' with the placeholder 'ie: 115000'. At the bottom left is a red button labeled 'Preview Trademark'. At the bottom right are two buttons: 'Back' and 'Save & continue'.

In this screen the details of the trademark application being opposed must be entered. A separate 'Application for Opposition' must be made for each trademark to be challenged before the Grievances and Opposition Section .


The screen requires completion of two pieces of information:

- an indication of whether the Application for Opposition relates to a national trademark, or an international trademark.

National: A national trademark is an application for registration of a trademark made directly to the Trademark Registration office of the Kingdom of Bahrain.

International: An International Trademark is a registration submitted under the Madrid Protocol, designating the Kingdom of Bahrain

The type of mark is selected by clicking the cursor on the appropriate (round) button.

The trademark number of the application for registration being opposed must be entered. This is the number under which the trademark has been recorded on the Trademarks Register by the Trademarks Office of the Kingdom of Bahrain. The details relating to the trademark for the number entered may be reviewed by clicking the cursor on 

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Application for Opposition Against a Mark Registration



Application no. [3943] - File No. [132297]

Trademark Information

Trademark number *

Request an objection to a trademark registration

☒ National

☐ International

Trademark number

132297

Preview Trademark



Mark no.	132297		
Sequence no.	1		
Mark type	BH/T		
Application type	National		
Application date	Jun 8, 2021		
Protection date	Jun 8, 2021 - Jun 8, 2021		
Mark image			
Class number	29	List of Goods and services (in Arabic) اللحوم والأسماك ولحوم الدواجن والصيد، خلاصات اللحم، فواكه وخضروات محفوظة ومجففة ومملحة، هلام (جيلي) ومرببات وفواكه مطبوخة بالسكر، البيض والحليب ومنتجات الحليب، الزيوت والدهون الصالحة للأكل.	List of Goods and service (in English) Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.
Mark Owner			
Owner Type	Legal entity (company or institution)		
Name	الشرق لتعليب الأسماك ذ.م.م	EAST FISH PROCESSING L.L.C	
Address	ص.ب. 2741، الجرف، عجمان، الإمارات العربية المتحدة	P.O. Box: 2741, Al Jurf, Ajman, UAE	
Postal code			
Phone number	0097339474313		
Email	Bahrain@jahcoip.com		
Country of residence	الإمارات العربية المتحدة		
Nationality	الإمارات العربية المتحدة		
Nature of the legal entity	شركة ذات مسؤولية محدودة	Limited Liability Company	
Legal representative of the owner of the mark			
Legal representative no.			
Legal representative type	Intellectual property office		
Legal representative nature	Legal entity (company or institution)		
Name	جاء للملكية الفكرية ش.ش. و لمالكها منى عمر محمود	JAH INTELLECTUAL PROPERTY S.P.C	
Address	شقة 804، مبنى رقم 2795 طريق 2835 مجمع 428 منطقة السيف	Flat no. 804, Building no. 2795, Road 2835, Block 428 Al seef	
Postal code	26110		
Phone number	97333404161		
Email	bahrain@jahcoip.com		
Country of residence	البحرين		
Nationality	البحرين		

Back

Save & continue

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If the wrong trademark is shown, click the cursor on Back to return to the previous screen and re-enter the number.

To proceed with the opposition against the mark shown, click the cursor on

Save & continue

This will open the next screen where the details of the opponent and their representative are to be entered:

Application for Opposition Against a Mark Registration

1

2

3

4

5

6

Application no. [3943] - File No. [132297]

Objector Information *

☒ Natural person (individual)

☐ Legal entity (company or institution)

Name *
In Arabic

الاسم الكامل

Address *
In Arabic

مبنى 000 طريق 000 مجمع 000

Postal code

Email *

zhubail@moic.gov.bh

Nationality *

Select

Name *
In English

full name

Address *
In English

building000 road000 block000

Phone number *

39000000

Country of residence *

Bahrain

The Opponent's legal representative Information *

☒ Intellectual Property Office

☐ Law office

Name *
In Arabic

الاسم الكامل

Address *
In Arabic

مبنى 000 طريق 000 مجمع 000

Postal code

Email *

zhubail@moic.gov.bh

Nationality *

Bahrain

Name *
In English

full name

Address *
In English

building000 road000 block000

Phone number *

39000000

Country of residence *

Bahrain

Back

Save & continue

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

One of two (round) buttons must be selected to indicate whether the opponent is a 'natural person' or a legal entity.

Name

Where the opponent is a natural person (individual) this will be their given legal name such as entered on their certificate of birth or passport. In the case of a legal entity, the name entered is how the entity is officially recorded such as an official register.

The name must be entered in Arabic and English

Address

The address given in the case of an individual should be their usual, habitual place of residence. Legal entities should use their registered office address.

The address must be entered in Arabic and English

Phone number

This will be the number where the opponent can be contacted. If not a telephone number in the Kingdom of Bahrain, both the country code and telephone number should be provided.

Email

The Email address of the opponent. Any communication sent to the Email address given will be considered to have been duly and correctly notified within the requirements of the law³⁸.

Country of residence

This is selected by clicking on the arrow at the end of the field and selecting the appropriate country name. The country name selected must be where the opponent is habitually resident.

Nationality

³⁸ See Article 17.1 Legislative Decree No. 54 of 2018 Promulgating the Electronic Communications and Transactions Law

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

This is selected by clicking on the arrow at the end of the field and selecting the appropriate country name. For an individual this will be the nationality as entered on their certificate of birth or passport. Where dual nationality is held, either may be selected from the list of countries.

In the case of a legal entity, the nationality selected will be the country or State where the named entity is officially recorded, such as an official register or tax record, etc. For example, a named applicant that is a foreign subsidiary of another company will use the nationality of the country in which the subsidiary is registered.

The Opponents legal representative information

This section has two action buttons asking for an indication of whether the representative is an intellectual property office (a specialist trademark attorney), or a law office that handles trademarks along with other general law matters.

Name

This will be the legal name of the agency or business (legal entity) as recorded in an official register.

The name must be entered in Arabic and English

Address

The address given should, in the case of an individual, be their usual, habitual place of residence. Legal entities should use their registered office address.

The address must be entered in Arabic and English

Phone number

This will be the number where the legal representative of the applicant can be contacted. If not a telephone number in the Kingdom of Bahrain, both the country code and telephone number should be provided.

Email

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

The Email address of the legal representative. Any communication sent to the Email address given will be considered to have been duly and correctly notified within the requirements of the law³⁹.

Country of residence

This is selected by clicking on the arrow at the end of the field and selecting the appropriate country name. The country name selected must be where the legal representative is habitually resident.

Nationality

This is selected by clicking on the arrow at the end of the field and selecting the appropriate country name.

In the case of a legal entity, the nationality selected will be the country or State where the named entity is officially recorded, such as an official register.

To proceed with the opposition against the mark shown, click the cursor on

 Save & continue

This will open the 'Cause of Objection' screen.

³⁹ See Article 17.1 Legislative Decree No. 54 of 2018 Promulgating the Electronic Communications and Transactions Law

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Application for Opposition Against a Mark Registration



Cause of Objection *

- ☒ Trademark without distinctive character
- ☐ Trademark is contrary to public morals or to public order
- ☐ Trademark contains of general logos, flags, emblems or other symbols of any country or of the Arab or international organization
- ☐ Trademark contains the symbols of the Red Crescent or Red Cross and other similar symbols
- ☐ Trademark identical or similar to symbols of religious character
- ☐ Trademark contains names or geographical data that may occur in respect of the origin or origin of the goods or services
- ☐ Trademark contains name, surname, image or logo of other party, unless he or his heirs agree in advance to use it
- ☐ A Trademark that contains information on honor or degrees that the applicant does not prove it legally
- ☐ Trademark is misleading to the public or contains false information about the origin or source of the goods or services or that contains a false or fake trade name
- ☐ Trademark is owned by natural or legal persons, dealing with him is prohibited in accordance with a decision issued in this regard by the competent authority
- ☐ Trademark is similar or identical to a mark previously registered by others for the same goods or services, which may lead to the belief that the source of the two marks is the same or to harm its interests
- ☐ Trademark that arises from registration for certain goods or services is reduction in the value of the goods or services identified by the previous trademark
- ☐ Trademark which constitutes a copy, imitation or translation of a famous brand or a substantial part of it is owned by others that are identical or similar to the goods or services of the famous trademark and which may lead to the belief that the source of the trademarks is one or detrimental to the interests of the trademark's owner
- ☐ Trademark which constitutes a copy, imitation or translation of a famous brand or a substantial part of it is owned by others that are not identical or similar to the goods or services of the famous trademark and which may lead to the belief that the source of the marks is one or detrimental to the interests of the trademark's owner
- ☐ Trademark which includes the words 'privilege, registered, registered fee, copyright' or similar words and expressions
- ☐ Other reasons

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Save & continue

Cause of objection

In making the application for opposition in the ePortal, the opponent must indicate the reason(s) that have caused their objection to the trademark. This is done by placing clicking on the tick box next to the description of the objection.

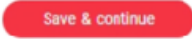
The ePortal provided sixteen options under which an objection or opposition to the registration of a trademark may be made. The first fifteen of these relate to Article 3.1 to Article 3.15 of the GCC Trademark Law. These Articles set out the situations that will cause a sign or mark submitted for registration with the Trademark Office of the Kingdom of Bahrain to be refused registration on the basis that the mark or sign is not considered a trademark and may not be registered as such.

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The final option 'Other reasons' allows for opposition to the registration of a trademark for other reasons. For example, where it is alleged that the application for registration has been made in 'bad faith'. Where the owner of a previously registered trademark has requested an amendment to the mark, this can result in an objection that the amendment should not have been accepted because it substantially alters the distinctive character of the mark.

At least one box must be ticked. An opponent may tick more than one box where they are objecting to (opposing) the application on multiple grounds.

An overview of each of the grounds listed under 'Cause of Opposition' can be found later in these guidelines under **Grounds of objection or opposition**

After checking the boxes that relate to the reasons for the objection or opposition, click the cursor on  This will open the next screen where the documents supporting (justifying) the objection are to be attached.

Application for Opposition Against a Mark Registration



Attachments *

Please attach the required documents such the power of attorney (if any)

File name

File Description

Add

Back

Save & continue

As mentioned in the 'Required evidence' screen at the beginning of the Application for Opposition process, the objecting party or opponent will need to provide a copy of a signed and authenticated Power of Attorney. The original will also be required to be submitted.

A letter (statement) setting out the opponent's arguments and allegations along with any evidence should also be attached. See the sections under **Basis for the opposition** in these guidelines.

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Clicking the cursor on **Add** will open the computer file directory from where the documents to be included with the Application for Opposition may be selected and attached.

Industrial Design Trademark Grievance, objection

Application for Opposition Against a Mark Registration

1 2 3 4 5 6 7

Application no. [3943] - File No. [132297]

Attachments *
Please attach the required documents such the power of attorney (if any)

File name	File Description
-----------	------------------

Add

Back Save & continue

It seems the form has no attachments included, are you sure you want to continue?
OK Cancel

Clicking the cursor on **Save & continue** without any documents attached will generate a pop-up 'It seems that the form has no attachments included are you sure you want to continue?' If no documents are to be attached, click the cursor on **OK** and then **Save & continue**. This will move to the next step in the Application for Opposition which is an 'Announcement' or 'Declaration'.

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Application for Opposition Against a Mark Registration



Announcement

By the owner:

- I hereby, undersigned, declare that all information & attached documents in this form are correct.

By legal representative:

- I hereby declare that I have been authorized to act as an agent of the owner of the trade mark application mentioned in this form and that all information & attached documents in this form is correct.

☐ I agree to the above announcement

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Save & continue

Where the Application for Opposition has been made by a trademark owner (natural person or legal entity) the 'Announcement confirms that all of the information entered into the application (opposition) and all of the documents attached are correct.

If the Application for Opposition has been submitted by a legal representative on behalf of a trademark owner, the announcement confirms their authorization to act for the trademark owner, and that the information entered into the application (opposition) and all of the documents attached are correct.

The announcement is signed by checking the box next to 'I agree to the above announcement'. Whilst the box remains unchecked, the **Save & continue** button will be disabled. It will not be possible to save the details entered and move to the next screen until the box confirming agreement has been checked.

After checking the box agreeing to the announcement, click the cursor on This will **Save & continue** move to a 'Preview' screen where the details entered in the Application for Opposition may be reviewed.

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Preview before confirmation

Application no. [3943] - File No. [132297]

Application Preview

Please be sure that all information are correct, a new request with payment will be required for any further changes

Application type	Application for Opposition Against a Mark Registration		QF327e
Application fee	200.000 BHD		
Trademark number	132297		

Mark owner/owners summary

Owner type	Natural person (individual)		
Name	الاسم الكامل	full name	
Address	مبنى 000 طريق 000 مجمع 000	building000 road000 block000	
Postal code			
Phone number	39000000		
Email	zhubail@moic.gov.bh		
Country of residence	Bahrain		
Nationality	Bahrain		

Legal representative summary

Commercial Registration Number in Kingdom of Bahrain

Power of Attorney

Name	الاسم الكامل	full name	
Address	مبنى 000 طريق 000 مجمع 000	building000 road000 block000	
Postal code			
Phone number	39000000		
Email	zhubail@moic.gov.bh		

Cause of Objection

- العلامة خالية من الصفة التمييزية
-

Edit Continue

If any amendment or correction is to be made, click the cursor on Edit. After making any required changes, click the cursor on Save and continue to return to the Preview section.

If no changes are required, click the cursor on Save & continue This will take the application to the next screen to begin the process of paying the fee for the Application for Opposition

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Payment of fee

Payment

12345

Application no. [3943] - File No. [132297]

Amount	200.000 BHD
Payment method	National Payment Gateway


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Proceed to Pay

Clicking the cursor on Proceed to pay will open a screen where the method used to make the payment can be entered.

English

About saving the cardInstructionsTerms and Conditions








payment information

Intellectual property registration service :
Personal number [REDACTED]
BHD 200,000 :

Service name
Payment reference number
Total amount

Choose the payment method


Visa Card-American Express/MasterCard/JCB


ATM Card

cancellation

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Arabic

Google Translate

الشروط والأحكام التعليمات حول حفظ البطاقة

معلومات الدفع

اسم الخدمة: خدمة تسجيل الملكية الفكرية
رقم مرجع الدفع: [redacted]
المبلغ الإجمالي: BHD 200.000

اختيار طريقة الدفع

بنك البحرين
بطاقة الصراف الآلي


فيزا كارد / ماستركارد / JCB

إلغاء

© مملكة البحرين. كل الحقوق محفوظة

Click the cursor on the icon to select the preferred payment method. This will show the method selected in red.

Clicking the cursor on **إلغاء** will open the following screen, giving the amount of fees that will be deducted from the selected payment method, and allowing information relating to the selected payment method to be entered:

 **BENEFIT PAYMENT GATEWAY**
07-04-2022 09:38

INTELLECTUAL PROPERTY
<https://www.Bahrain.bh>

Amount: **BD 200.00**

Card Type: **Debit**

Card Number:

Expiry Date:

Card Holders Name:

PIN:

Pay **Cancel**

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

After entering the information required, clicking the cursor on **PAY** will proceed with the payment. To cancel the transaction and return to the payment method selection screen, click the cursor on **Cancel**.

Payment

Payment Receipt



Your application has been successfully processed. Thank you for using the electronic services of the trademarks office.

Mark no.	Application no.	Receipt no	Service
132325	6858	952122	Payment of publication fee for one trademark

You may print this page or make a note of the application number for reference purpose

Payment Receipt

Done

A payment receipt may be printed by clicking the cursor on Payment receipt. Click the cursor on Done will close the screen.

If the payment has not been accepted, the following page will be displayed:

Payment

Payment Receipt



The payment transaction has been cancelled. The due amount has not been received

Payment gateway response

Application no.	Status no.	Status description
31284	4002	Transaction Declined - Bank Error

If the required amount has been deducted, please contact the intellectual property directorate.

Done

Grounds of objection or opposition

Cause of Objection

There are fifteen particular grounds of objection listed under 'Cause of Objection' in the ePortal application process. Although not indicated in their titles, each listed option corresponds with a subsection of Article 3 GCC Trademark Law. A sixteenth option 'Other reasons' allows for the indication of an objection that is not based on Article 3 GCC Trademark Law.

The 'Cause of Objection' and the related Article of the GCC Trademark Law to which it relates are listed below. Beneath each is an overview of the basis for objection on this particular ground. For a full information on these grounds please consult the **Examination Guidelines**.

✓ Trademark without distinctive character

Article 3.1 Marks devoid of any distinctive characteristic or consisting of mere generic designations of goods or services, or familiar drawings or ordinary images of goods.

The mention of 'goods' and/or 'services' in Article 3.1 is a reference to the goods or services for which the trademark is to be registered.

An objection indicating this ground is an allegation that the mark that is the subject of the application for registration is incapable of fulfilling the essential function of a trademark, that is, to identify the goods and services as being from a single undertaking; a 'badge of origin'.

Whether a trademark is capable of distinguishing the goods or services has two aspects:

- the ability of the sign to serve as a badge of origin, regardless of the goods or services.
- the capacity of the sign to distinguish the goods or services of one undertaking from those of another.

An objection under Article 3.1 does not need to directly relate to the goods or services, There will be marks or signs that although not designating the goods or services or any feature or aspect of the goods or services are none-the-less devoid of the distinctive character required for registration. For example, '1st class', 'Best

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quality', 'The best a man can get' say nothing about the goods or services themselves but will not say anything about their origin either.

A sign or mark that directly relates to the goods or services, or to some characteristic will face an objection under Article 3.1. The relationship may be direct, for example, the generic description 'soap' for 'soap', or less direct such as 'tea tree' which for soap products indicates a characteristic of 'scent' and/or 'ingredients.'

A mark may lack the ability to function as a badge of origin in respect of some or all of the goods or services for which registration is sought. Significant in the wording of Article 3.1 is the use of the word 'any'. This indicates that a mark having a distinctive character in part may be enough to make a mark acceptable as a trademark and defeat an objection under Article 3.1.

In assessing whether a mark has distinctive character, it is the impact of the mark on the perception of the relevant trade and amongst consumers that matters. Signs which do not enable an understanding that the goods or services for which the mark is used have a single origin will not function as a trademark.

That there may be alternative ways of designating the same goods, services or their characteristics, this will not save a sign or mark from an objection. If it can be shown that objection to the sign or mark is justified in the form in which it exists, it is objectionable even if there are other forms.

✓ **Trademark is contrary to public morals or public order**

Article 3.2 Expressions, drawings or signs that offend public morality or are contrary to public order.

An objection under Article 3.2 must allege that the sign or mark is, in itself, contrary to public policy, public order or accepted principles of morality. Unlike Article 3.1 of the GCC Trademark Law there is no mention of 'goods or services' although an objection may result and be justified when considering how and for what the sign or mark will be used.

Article 3.2 mentions two specific circumstances that may be invoked in an objection under Article 3.2; 'public morality' and 'public order'.

Morality is 'the belief that some behaviour is right and acceptable, and that other behaviour is wrong.' It is a 'system of principles and values concerning people's

behaviour, which is generally accepted by a society or by a particular group of people'.⁴⁰

Whether a mark offends public morality is an objective and not a subjective consideration. It is not concerned with bad taste, or the protection of individuals' feelings and such an objection is unlikely to be considered a justifiable reason to refuse registration. However, a sign that is likely to cause outrage, or significantly undermine religious, family, or social values may result in an objection found to be justifiable. How the trademark owner intends to use sign or mark is irrelevant.

Article 3.2 of the GCC Trademark Law also concerns signs or marks that offend public order. The term 'public order' does not only relate to acts that are 'criminal' but also actions that could cause offence, induce public disorder or increase the likelihood of criminal or other offensive behaviour.

In particular, the use of words and images having religious significance whether or not used in a negative way have the potential to cause offence and outrage. If the sign or mark parodies a religion or its values, an objection based on 'public order' or 'public morality' may be justified.

✓ **Trademarks contains of general logos, flags, emblems or other symbols of any country or of the Arab or international organization**

Article 3.3 Public emblems, flags, military insignia, honorary national and foreign decorations, metal and paper currency, and other symbols which are specific of a GCC Member State or any other State, or of Arab or international organizations or institutions, or any imitation thereof.

Article 3.3 of the GCC Trademark Law incorporates Article 6~~ter~~ of the Paris Convention for the Protection of Industrial Property. Under the provisions of Article 6~~ter~~ (1)(a), the countries of the Union⁴¹

'...agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization' either as trademarks or as elements of trademarks...'⁴²

⁴⁰ Collins English Dictionary.

⁴¹ Paris Convention, Establishment of the Union; Scope of Industrial Property – Article 1(1) 'The countries to which this Convention applies constitute a Union for the protection of industrial property.'

⁴² Members of the World Trade Organization (WTO) enjoy the same protection pursuant to Article 2(1) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under which members of the WTO must implement Articles 1 to 12 and Article 19 of the Paris Convention.

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The prohibition is on the use of state emblems symbols as a trademark or an element of a trademark in relation to any goods or services and can extend to reproductions of the symbol that are not exact.

The requirement to refuse extends to armorial bearings, flags and other state emblems of states that are party to the Paris Convention, as well as official signs and hallmarks indicating control and warranty, and the abbreviations and names of intergovernmental organisations. An objection will likely be justified where a sign or mark is identical to, or closely resemble flags, state emblems, etc., protected under the Paris Convention, or where use is prevented in the public interest.

If the applicant can provide the Trademark Office with authorisation from the authority that owns the protected emblem specifically allowing for registration of the protected emblem as a trademark the objection may be waived.

Flags of countries are also protected irrespective of whether they are included in the Article 6ter Database. If a sign or mark consists of or contains an element that is clearly that of a national flag in layout and colours, an objection will likely be justified. Color is not the deciding factor in determining whether an objection to a sign or mark is justified. An objection to a flag reproduced in black and white or monochrome that allows recognition of the flag can also be justifiable.

In addition to national flags, armorial bearings or heraldic emblems will be open to objection if they sufficiently resemble the armorial bearing or state emblem from a heraldic point of view, an objection may be justified.

The protection granted, and therefore the prohibition from registration as a trademark extends to the names of the organisations and their abbreviated forms. Use as a trademark or an element of a trademark is prohibited in relation to any goods or services. Reproductions that are not exact may also be excluded from registration if they sufficiently resemble the emblem, insignia, or names of intergovernmental organisations so as to suggest a connection with the organisation to the relevant public.

Representations of awards from an official body or authority do not denote a single undertaking. As such they will not function as an indicator of trade origin and an objection to their use in a trademark will be justified.

An objection to a sign or mark that consists of an ordinary representation of a medal, coin, banknote military insignia or honorary decoration, or reproductions that sufficiently resemble these items (with no additional distinctive elements) will be justified.

- ✓ **Trademark contains the symbols of the Red Crescent, Red Cross and other similar symbols**

Article 3.4 Symbols of the Red Crescent or the Red Cross and other similar symbols, as well as signs that are imitations thereof.

Article 3.4 of the GCC Trademark Law implements the provisions of Article 54 of the Geneva Convention⁴³ prohibiting the unauthorised use of the symbols and designations of the Red Cross. The prohibition prevents the registration of any sign or mark that consists of or incorporates any of the protected symbol or emblems, or imitations of the symbols and emblems.

The prohibition extends to the Red Cross symbol, the 'Geneva Cross', the symbols of the Red Crescent, Red Crystal and Red Lion and Sun symbols, the textual names of the protected symbols (Red Cross, Geneva Cross, Red Crescent, Red Crystal and Red Lion and sun) and 'the arms of the Swiss Confederation'.

An objection to a sign or mark will be justified if it found to consist of or contain a protected emblem or symbol or a representation that is considered an imitation of such emblems and symbols. The prohibition extends to all goods and services; there is no exception.

- ✓ **Trademarks identical or similar to symbols of religious character**

Article 3.5 Signs that are identical or similar to symbols of a purely religious nature.

In societies where consumers are accustomed to seeing religious symbols and references used in the marketplace, such signs and symbols are unlikely to be regarded as indicating the origin of goods or services. If the evidence shows this to be the case for the sign or mark in question, an objection to registration will be justified.

Where the use of religious symbols and words having strong religious significance and citations from religious texts would be considered disparaging and likely to cause extreme offense an objection to registration will also be justified.

An objection to a quotation taken from a religious text will be justified if the quotation or passage appears in any version of the relevant religious text for a refusal to result.

⁴³ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, August 12, 1949 (First Geneva Convention). Available from: <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>.

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A sign or mark may consist of or include a religious symbol or quotation from a religious text which the trademark owner asserts has become part of the common, everyday language. If the evidence shows that these have a meaning beyond the religious connotation an objection to the registration will not be justified.

✓ **Trademark contains names or geographical data that may occur in respect of the origin or the origin of the goods or services**

Article 3.6 Geographical names and indications if the use thereof is likely to create confusion with regard to the source or origin of the goods or services.

Signs or marks that consist of or incorporate a geographical name or indications will be open to objection where their use is likely to cause confusion as to the source or origin of the goods or services, or if it does not have a 'distinctive form'.

The mark must be capable of performing the essential function of any trademark, that is to identify and guarantee the origin or source of the goods or services bearing the mark.

An objection to a geographical name will be justified where it can be shown that the name designates a place which, in the mind of the consumer, is currently associated with the category of goods or services for which registration is sought.

Even where there is currently no such association, an objection may be justified if it can be shown that the geographical name is liable to be used in future to indicate the geographical origin of the goods or services of the application. It needs to be shown that the geographical name is, in the mind of the relevant consumer capable of designating the geographical origin of the goods or services listed in the application.

A geographic location or name may be any term identifying a particular country, city, state, continent, locality, region, area, or street, and includes adjectival forms of the names such as 'Bahraini', 'Peruvian' etc., Country names will include the official name of any sovereign states (including the names of dependent states) and may have several forms, for example, 'Algeria' in English, 'Algérie' in French (French being a common language or auxiliary language) and 'Al Jaza'ir' as a local name.⁴⁴

Regions includes a particular, identifiable region, for example, the 'Arabian Gulf', in the United States of America, these include "Midwest" "New England," in the United Kingdom 'Yorkshire and The Humber,' 'East Midlands', etc.

⁴⁴ World Countries List: https://www.nationsonline.org/oneworld/countries_of_the_world.htm.

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‘Local’ geographic names and ‘nicknames’ such as the "Big Apple" an abbreviation such a NY or other variants of the name of a geographic location may be regarded as the actual name of the geographic location.

For an objection to be justified it must be established that the purchasing public is likely to understand or identify the geographical name as an indication of the geographic location.

The fact that a term may be the name of a place that has a physical location does not necessarily make that term ‘geographic’. For example, an objection to the name of a business complex created by the applicant will not be justified on ‘geographic’ grounds.⁴⁵

Objections based on the use of the names of geographical features such as oceans, seas, lakes, rivers, mountains, deserts will be justified where the goods or services are associated with the feature by reputation, and the name concerned is a likely source of the goods or location of the services.

Famous buildings and structures attract tourists, creating a demand for information material, souvenirs and tourist services such as tour guides. For goods and services catering for the need of tourists, an objection to the use of a representation of a famous building or structure, or the names of such buildings or structures may be justified depending on the goods or services of the application, and the type of building or structure. If the building attracts tourism and the goods or services are those typically provided by the tourism industry, the objection will be justified.

- ✓ **Trademark contains name, surname image or logo of other party unless he or his heirs agree in advance to use it**

Article 3.7 Name, surname, image or logo of a third party, unless a prior agreement of use is obtained from that third party or his successors

To be accepted for registration a surname (family name) must possess a distinctive character. It must be capable of functioning as a trademark in the industry that trades in the goods or services listed in the application. If it is shown that traders habitually use family names as an identifier for their business, an objection will be justified. In most, instances, establishing whether there is use of surnames will require evidence.

Whether an objection to a mark consisting of the name of a famous individual or a well-known group is justified will depend on the goods or services covered by the

⁴⁵ See Pebble Beach Co., 19 USPQ2d 1687 (TTAB 1991).

application, and the level of fame enjoyed by that individual or group. If the name will be seen by the average consumer as an indication that the goods or services are about the person or group, the mark will not function as an indication of the trade origin and objection will be justified.

An application for registration of a famous individual's name, if not made by the individual concerned, will require consent. This may come from the individual concerned or the beneficiaries or executors of their estate. The consent must give permission to register and use the famous individual's name in trade. Without the consent expressly allowing for registration and use of the name by the applicant as a trademark, an objection to the registration will be justified.

Names of fictional characters that have become part of the language are unlikely to be taken as an indication of trade origin and objection to their registration as a trademark may be justified depending on the goods or services. For example, a fictitious name such as Sherlock Holmes used in connection with goods where the character can have no reasonable use or connection, for example, bananas or wedding dresses would not be open to objection.⁴⁶

- ✓ **A trademark that contains information on honor or degrees that the applicant does not prove it legally**

Article 3.8 Indications regarding honorary or academic degrees to which the applicant is not legally entitled.

An objection claiming that a trademark owner does not have the right to an honor, award, or academic degree claimed in a trademark will be difficult to prove; negatives are often difficult to prove. It will be for the applicant to establish that they have the right to make the claim, and if they cannot do so, the objection will be justified.

- ✓ **Trademark is misleading to the public or contains false information about the origin or source of the goods or services or that contains a false or fake trade name**

Article 3.9 Signs which are likely to mislead the public or contain false indications as to the origin or source of the goods or services, or other characteristics thereof, as well as signs that contain a fictitious, imitated or counterfeited commercial name.

⁴⁶ The UK Court of Appeal confirmed this approach in *TARZAN* ([1970] RPC 450).

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An objection alleging that the sign or mark will be likely to mislead the purchasing public will be justified if it is not possible for the sign or mark to be used in connection with the goods and services in the application without causing deception.

Deceptiveness involves signs and marks that are of such a nature as to be likely to deceive the public, for instance, as to the nature, quality, function, composition, use, or geographical origin of the goods or services.

An objection will generally only be justified where the sign or mark is likely to create a clear expectation that is clearly contradictory to, for example, the nature or quality or geographical origin of the goods. An objection that a mark is geographically deceptive will be justified where the place has a reputation for the goods or services.

Signs and marks that contain a name that does not relate to a real and existing commercial undertaking are not necessarily an attempt to deceive or defraud the public. It is not an uncommon practice in advertising to create an image by linking to a made-up name, for example, 'Moonbream Farm' for agricultural products.

Providing there is no obvious deception, and the name is not the illegitimate use of the name of another trader, the objection is unlikely to be justified.

- ✓ **Trademark is owned by natural or legal persons dealing with him is prohibited in accordance with a decision issued in this regard by the competent authority**

Article 3.10 Marks owned by natural persons or legal entities with whom dealings are prohibited by virtue of a decision issued in this regard by the Competent Authority

An objection will be justified where the Trademarks Office has a record of a decision issued by them in its role as the Competent Authority, prohibiting dealings with the person or entity.

An objection may allege that the named applicant (or one of them) is a person or entity with which dealings are prohibited, but their involvement has been disguised by the use of another name. In such cases, the objection will be justified by establishing the involvement of that person or entity, for example, by records from the register of businesses.

- ✓ **Trademark is similar or identical to a mark previously registered by others for the same goods or services which may lead to the belief that the source of the two marks is the same or to harm its interests**

Article 3.11 Any trademark that is identical or similar to a mark already deposited or registered by a third party for the same goods or services or for

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

related goods or services, if the use of the mark subject of the registration is likely to produce an impression of a link with the goods or services of the owner of a registered mark, or cause damages to the interests of that owner

Article 3.11 of the GCC Trademark Law prohibits the registration of any trademark which is identical or similar to an earlier trademark and is to be registered for the same or similar goods and services as the earlier trademark. If the answer is that the marks are not the same or similar, or the goods or services are not the same or similar, then an objection cannot be justifiable.

Having determined whether or not the marks are the same or similar, and whether the goods are the same or similar, the next question posed by Article 3.11 is whether this similarity is 'likely to produce an impression of a link with the goods or services of the owner of a registered mark.' What is meant by 'link' is not explained.

On registration of their mark, an owner acquires the exclusive right to use the registered mark and prevent third parties from using another mark 'where such a use could cause confusion to the public'. From this it seems reasonable to infer that the 'link' referred to in Article 3.11 is a link that could cause confusion.

The question then is not whether the mark applied for and the earlier mark, or the goods or services offered under the marks are likely to be confused. An objection under Article 3.11 is that there is a likelihood of confusion as to the origin of the goods or services created by the use of the marks in connection with the goods or services:

'The ultimate question before us is whether the marks as applied to the respective goods so resemble each other that there is a reasonable likelihood of confusion as to source...

...However, as we have said before, the question is not whether people will confuse the marks, but rather whether the marks will confuse people into believing that the goods they identify emanate from the same source⁴⁷.'

Where an application for registration is for a mark that is identical to an earlier filed mark, and is in respect of identical goods or services, it must follow that confusion is inevitable and an objection must be found to be justified. There will be a presumption of a likelihood of confusion without the need to consider any other factors.

⁴⁷ Paula Payne Prod. Co. v. Johnson Publishing 73 F.2d 901, 902, 177 USPQ 76, 77 (C.C.P.A. 1973).

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Where either the marks, or the goods or services of the application for registration are not identical, the objection must focus on whether they are regarded as being at least similar in mark and goods/services. Ultimately, the validity of an objection will turn on whether there is a likelihood of confusion, and if there is no likelihood of confusion, the objection is not justified.

- ✓ **Trademark that arises from registration for certain goods or services is reduction in the value of the goods or services identified by the previous trademarks**

Article 3.12 Signs whose registration results, for some goods or services, in the depreciation of the value of the goods or services which have been distinguished by the previous mark

Although there is no mention that an objection under this article requires that the mark of the application being the same or similar to a 'previous mark, this must be the case if the mark applied for is to be capable of having an adverse effect on the value of the 'previous mark'. In this ground of objection, the goods or services need not be identical or similar, only that the consumer is capable of believing that the same source is responsible for both the goods or services of the application, and those of the previous mark.

Assuming that the mark applied for, and the mark of the earlier registration are identical or similar, for an objection to be considered justified will require evidence to establish that the earlier mark enjoys a reputation, and that use of the later mark will have a detrimental effect on the distinctive character or reputation of the earlier mark.

The function and value of a trade mark is not solely its ability to function as an indication of origin. Trademarks also create an image such as a quality, luxury, lifestyle, exclusivity, or the kudos of owning a product or using the service of the trademark owner. Trademark owners invest considerable amounts of money and creative effort in cultivating a particular brand image for their trademark, with which comes economic value independent of the goods or services for which it is registered and used.

The rationale behind Article 3.12 is not to avoid public confusion as to origin of the goods or services for which the mark is used; there is no requirement that there be any likelihood of confusion. The Article aims to provide protection to the trademark owner against use that unfairly takes advantage of or harms the distinctive character, reputé and consequently the investment made in the mark.

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- ✓ **Trademark which constitutes a copy, imitation or translation of a famous brand or a substantial part of it owned by others that are identical or similar to the goods or services of the famous trademark and which may lead to the belief that the source of the trademarks is one or detrimental to the interests of the trademark owner**

Article 3.13 Signs which constitute a copy, imitation or translation of a well-known trademark owned by a third party, or a part thereof, to be used in distinguishing goods or services identical or similar to those for which the well-known mark is used as a distinctive sign.

- ✓ **Trademark which constitutes a copy, imitation or translation of a famous brand or a substantial part of it owned by others that are not identical or similar to the goods or services of the famous trademark and which may lead to the belief that the source of the trademarks is one or detrimental to the interests of the trademark owner**

Article 3.14 Signs which constitute a copy, imitation or translation of a well-known trademark owned by a third party, or a part thereof, to be used in distinguishing goods or services which are not identical or similar to those for which the well-known mark is used as a distinctive sign, if such a use establishes a link between those goods or services and the well-known mark, in a manner that it is likely to harm the interests of the owner of the well-known mark.

When a trademark has been used only on products or services outside of the Kingdom of Bahrain is so well-known or famous that its reputation is known within the Kingdom of Bahrain, the mark may to be afforded protection. There is no requirement that the trademark be registered in the Kingdom of Bahrain in order to gain protection as a well-known or famous trademark.

If a trademark is accepted as well-known in the Kingdom of Bahrain, any other application for a trademark must be refused 'ex-officio' if it is liable to cause confusion with the well-known trademark.

The grounds of objection under Articles 3.13 and Article 3.14 both relate to well-known or famous trademarks. Such marks receive additional protection to that of other trademarks because their high regard and attractiveness opens them to particular risks of their reputation being harmed or 'damaged'.

This includes protection against the dilution of a well-known or famous registered mark. The unauthorised use of a famous mark on identical, similar or unrelated goods will be open to objection where the in a manner in which the later mark is

used blurs or tarnishes the unique drawing power or value of a famous or well-known mark.

Article 6*bis* of the Paris Convention sets protection in respect of the use of well-known marks in relation to identical or similar goods 'liable to create confusion.' Article 16.3 of the TRIPs Agreement extends the protection to goods and services 'which are not similar'. To qualify for the extended protection of Article 16.3 in the Kingdom of Bahrain, the well-known mark must be registered and or used.

For an objection to be justified in respect of goods and services that are not similar, it must be shown that the use of the well-known trademark 'would indicate a connection between those goods or services and the owner of the registered trademark', and that 'the interests of the owner of the registered trademark are likely to be damaged' by such use.

Specific protection for well-known or famous trademarks is found in Article 4.3 of the GCC Trademark Law, which prohibits the registration of well-known marks in respect of goods or services which are neither identical nor similar to those for which the well-known mark is used as a distinctive sign.

For any objection based on a claim that a mark or sign is 'well known' or 'famous', will require evidence establishing:⁴⁸

- That the mark has a reputation which extends beyond the national borders of the country in which it is registered or has been used for identical or similar goods or services,
- the extent to which the mark is known by the concerned public as a result of its promotion,
- the duration of its registration period, or the duration of its use,
- the number of countries in which it has been registered or acquired fame,
- the number of countries in which it has acquired fame,
- the value of the mark and the extent of its impact on the promotion of goods or services for which it is used as a distinctive sign'

⁴⁸ Article 4.2 GCC Trademark Law

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In addition to the above , to establish that an objection is justified where the goods or services of the application are not the same as, or similar to those for which the well-known mark is used as a distinctive sign, it must be shown that:⁴⁹

The use of the mark indicates that there is a link between the goods or services in respect of which the mark is intended to be used as a distinctive sign, and the goods or services of the owner of a well-known mark.

The use of the mark is likely to harm the interests of the owner of the well-known mark

- **Trademark which includes the words privilege, registered, registered fee, copyright or similar words and expressions**

Article 3.15 Signs containing terms or expressions such as: "franchise", "franchised", "registered", "registered design", "copyright" or similar terms or expressions.

Whether an objection is justified will be a matter that can be determined from an examination of the sign or mark and without the need for documentary support. Any sign submitted for registration that contains the word franchise' 'franchised,' 'franchising,' franchisee,' 'franchiser,' or 'franchisor.' Or any indications of a connection with a franchise will be justified.

The word 'registered' used in isolation does not mean anything specific but can infer that there is some form of official recognition of the right to the mark. The use of the word 'registered' on its own will result in an objection being accepted as justified.

An objection to a sign or mark that contains the words 'Registered,' Registered Trademark, Registered TM or the generally accepted symbol ® denoting a Registered Trademark will be accepted as justified.

A claim to copyright can be indicated by the word 'copyright' (or variations) and by the use of the copyright symbol (©). An objection to a sign or mark submitted for registration that contains an indication of 'copyright,' the (©) symbol the ® symbol will be accepted as justified.

There is no symbol to denote a registered patent. The words 'patent pending,' or "patent applied for" or 'patented' is sometimes displayed on items. An objection to a sign or mark submitted for registration that contains any indication that a right in a

⁴⁹ Article 4.3 GCC Trademark Law

patent exists or that a patent registration has been applied for will be accepted as justified.

There is no universal symbol to denote a design is registered. The owners of a registered design can stamp or label their products with the word 'registered' and the relevant registered design numbers but there is no requirement for this. An objection to a sign or mark submitted for registration that contains an indication that a right in a registered design exists will be accepted as justified.

- **Other reasons**

No 'bona fide' intention to use the mark

In addition to the requirement that a mark submitted for registration have a distinctive form, the applicant for registration must either be using, or at least intending to use the mark to distinguish the goods or services of the application. Use means to use in commerce to distinguish their goods from similar goods or services of other establishments. For an intent to use to be considered 'bona fide' there must be a sufficient degree of intent to use a trademark and must be more than simply any intent.

The inquiry by the hearing must be objective; the applicant's subjective state of mind is not the deciding factor. A lack of any bona fide intention of using the mark may result from the fact that the applicant could not legitimately use the mark. For example, where under the terms of an agreement the applicant for registration is prohibited from using the mark as it is not in a form authorized under an agreement. By way of example:

The applicant, Karl Storz GmbH had an agreement with opponent's predecessor specifying the form in which each may use the word "STORZ" as a trademark or service mark. The agreement provided that applicant may use nine particular marks and allowed for the possibility that the applicant might use "additional trademark formatives." The Board stated

'The mark is therefore outside of the specific uses permitted by the Agreement. Because the Agreement permits use of the STORZ mark only as specified, we conclude that Applicant's Mark is prohibited'.⁵⁰

Amendment or addition to the representation of the mark

⁵⁰ Opposition No. 91174518 Bausch & Lomb Incorporated v Karl Storz GmbH & Co.

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The owner of a trademark may, at any time, file an application requesting an addition or amendment to a trademark that they own and have registered. The Trademarks Office is required to consider the request according to the same conditions and procedures that applied when the application for registration was originally submitted.⁵¹

An amendment or addition to a trademark may not be permitted if it is considered to 'profoundly alter its essence'.⁵² The word 'profoundly' does not refer to the 'quantity' of the alteration, but to its effect.

As with an application for registration, an amendment to a mark must be published in the Bulletin.⁵³ Publication opens up a period in which any person may file an objection to the amendment. The amended mark will be open to objection on any of the grounds that would be available had the mark been the subject of a new application.

There is the possibility of an additional ground of objection alleging that in allowing the amendment to the mark, the Trademarks Office had acted 'ultra vires'. The claim would be based on the assertion that the Trademarks Office had exceeded its power by allowing an amendment that '...profoundly altered its [the marks] essence'.

Justification of the opposition

In opposition proceedings, 'the opposer bears the burden of establishing that the applicant does not have the right to register its mark'.⁵⁴

Apart from indicating that any objection by an interested person must be 'written' and 'justified'; there is no explicit mention of any requirements for the objecting party or opponent in setting out its case. What the Regulations do require is that any objection or opposition to the registration of the trademark must be 'justified'.⁵⁵

'Justify' (adjective): having or shown to have a just, right, or reasonable basis⁵⁶

⁵¹ Article 18 GCC Trademark Law – 'The Competent Authority shall issue a decision in respect of this application according to the conditions and procedures applied to the original applications for registration.'

⁵² Article 18 GCC Trademark Law

⁵³ Article 16 Regulations

⁵⁴ Hoover Co. v. Royal Appliance Mfg. Co. , 238 F.3d 1357, 1360 (Fed. Cir. 2001)

⁵⁵ Article 12.1 Regulations – 'Any interested person may ... submit to the competent administration a justified objection to the registration of the trademark...'

⁵⁶ Merriam Webster Dictionary

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‘Justify’ (verb) To justify a decision, action, or idea means to show or prove that it is reasonable or necessary. Synonyms: explain, support, warrant, bear out⁵⁷

From the use of the word ‘justified’ it can be inferred that an assertion that simply restates the statute⁵⁸ for example, ‘The mark is devoid of any distinctive characteristic or consisting of mere generic designations of goods or services’ is not sufficient. The objecting party or opponent should provide a ‘statement’ that sets out the issues between the parties which, where required, must be proven in evidence. A statement should clearly set out:

- the facts to be relied upon
- the basis in law for the action, and
- the relief being sought

The statement should give sufficient detail to enable the applicant to understand the basis of any objection⁵⁹ and to consider and prepare a defence should they choose to contest the objections. It is important that a statement contains all of the grounds of objection as an opponent cannot rely upon a claim or objection that is not in the statement of opposition.

In particular, an opponent must specifically list the details for any earlier marks on which it is relying.⁶⁰

For each objection indicated under ‘Cause of Objection’ the statement:

- should set out each objection (allegation) in numbered paragraphs with each paragraph focusing on a single set of circumstances
- may state as many separate grounds or allegations as can be justified
- may state grounds or allegations in the alternative, with each being determined as a separate ground or allegation
- should include a reference to the legislative provision under which the objection is made
- must include a concise statement of the reasons that justify the objection

⁵⁷ Collins English Dictionary

⁵⁸ Indicating the cause (or causes) of objection that must be identified when submitting the opposition via the ePortal do not provide the ‘justified’ objection required by the Regulations

⁵⁹ Fair Indigo LLC v. Style Conscience

⁶⁰ Harry Winston, Inc. v. Bruce Winston Gem Corp

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- where the opposition is based on an earlier filed application(s) or registrations for trademarks, for each trademark on which the opponent is relying, provide:
 - trademark number
 - representation of the mark
 - the class according to the Nice Classification of the goods or services for which the mark has been applied for or registered
 - the goods or services for which the mark has been applied for or registered

Action by the Grievances and Opposition Section

Following the submission and receipt of an Application for Opposition, the Grievances and Opposition Section will download:

- the Application for Opposition
- documents (evidence) supporting the objection
- Power of Attorney authorizing the legal representative objector (opponent). An agent used to file an opposition to a trademark application must be approved and recorded in the Register of trademark registration agents⁶¹ and a Power of Attorney submitted with the opposition:
 - Where the opponent is not resident in the Kingdom of Bahrain, a legalized and notarized Power of Attorney should be presented with the opposition action
 - if the opposing party is a resident in the Kingdom of Bahrain, a notarized Power of Attorney must be provided

The application for opposition must be accompanied by an electronically filed version of the Power of Attorney authorizing the representative.

One copy of the opposition Application for Opposition and the attached files must have been provided by the opponent

⁶¹ See Decision No. 58 of 2018 on the Registration of Industrial Property Agents.

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After downloading the Application for Opposition and the attached files, the Grievances and Opposition Section will check that:

- the trademark number given in the notice of opposition relates to an application that has been published in the Bulletin
- the date and number of the Bulletin and match the date and number of the Bulletin in which the opposed trademark was published
- the objection has been submitted within the 60-days from the date of publication
- all required documents (Power of Attorney), notice of opposition and any evidence submitted by the opponents justifying the grounds of opposition have been downloaded and are complete
- that the file to be sent to the applicant notifying them of the objection contains all of the required documents

Missing or incomplete documents

The Grievances and Opposition Section will prepare and send the representative of the objecting party a request that the original Power of Attorney be submitted by a specified date.

At the same time, if the Application for Opposition to the mark or any notice of opposition refers to a document that has not been attached to application, or that appear to be incomplete or illegible, the Grievances and Opposition Section notify the opponent's representative.

Any missing or defective document must be submitted to the Grievances and Opposition Section no later than the end of the 60-day period allowed for filing the Application for Opposition to the mark. The exception is, as mentioned above, the original Power of Attorney. Any document not received by the Grievances and Opposition Section within the 60-day period will be disregarded, and the Application for Opposition considered on the basis of the papers as submitted.

Reply by the applicant for registration

The Grievances and Opposition Section must send the applicant for registration a copy of the Application for the Opposition, any documents setting out the grounds of opposition and any evidence submitted to support the allegations made in the grounds of opposition.⁶² This must be sent by the Grievances and Opposition Section within 30-days of the date of the submission of the Application for Opposition to the mark registration.⁶³

Should the applicant for registration of the trademark wish to contest the opposition, they must submit a written response to the Grievances and Opposition Section within 60-days from the date they being notified of the opposition.⁶⁴ Should the applicant not submit the written response, or not submit the response within this 60-day period, the application for registration will be deemed abandoned.⁶⁵ There is no provision in the GCC Trademark Law or its Regulations to grant an extension to this 60-day period.

The reply to an opposition is made using the Electronic Industrial Property Services ePortal

⁶² Article 14.2 GCC Trademark law and Article 12.2 Regulations

⁶³ Article 14.2 GCC Trademark law and Article 12.2 Regulations

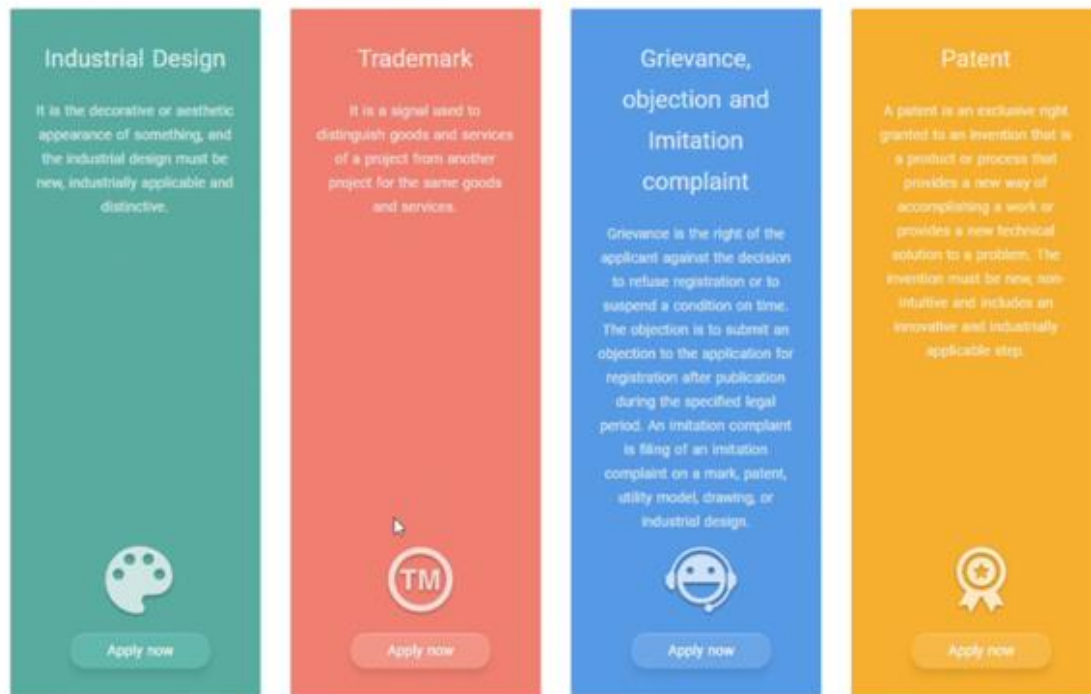
⁶⁴ Article 14.2 GCC Trademark law and Article 12.3 Regulations

⁶⁵ Article 14.2 GCC Trademark Law and Article 12.3 Regulations

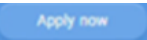
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Electronic Industrial Properties Services

It is the creative work of human thought and includes every intellectual product related to trademarks, patents, drawings, industrial designs and other branches of industrial property. The industrial property protection system helps to reconcile the interests of the innovator and the public by ensuring an environment in which creative and innovative activity can continue and thrive for the benefit of all.



From this page a range of industrial property actions can be initiated. The column headed **Grievances, objections and imitation complaint** is where the actions, related to applying for an opposition to a trademark before the Grievances and Opposition Section of the Kingdom of Bahrain must be completed.

Clicking the cursor on  will open up a screen giving the actions that may be started:

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Services of Grievance, Objection and Complaint office

Objections Forms		Grievance Forms		Imitation complaint Form	
Application for Opposition Against a Mark Registration	200 BHD →	Grievance against rejection of registering a mark or suspend a mark on a condition in front of the Grievance Committee	100 BHD →	Request for Imitation complain submission	0 BHD →
Request a hearing session	0 BHD →				
Respond to an opposition against a mark registration	0 BHD →				



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The screen is divided into three sections headed 'Objection Forms', Request a hearing session' and Imitation complaint form'.

The reply to an opposition to the registration of a trademarks is made in the section with the title 'Respond to an opposition against a marks registration'. Clicking the cursor on the arrow at the end of the section will the following screen containing an explanation and that the 'required evidence' must be attached:

Respond to an opposition against a mark registration

1

2

3

4

5

This form is used to respond an opposition to an application of trademark registration, in accordance with law No. (6) of 2014 approving the trademarks law of gulf cooperation council states (Gulf Cooperation Council)

Required evidence

- Any supported Documents Shall be Attached

Caution!

The information will be saved in every step. Please hit the "Save" button while filling the form to continue in later time.

Start

Start

Start

To proceed, click the cursor on This will open the following screen:

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Respond to an opposition against a mark registration

Application no. [374]

Trademark information

☒ National ☐ International

Trademark number

1155000

Preview Trademark

Back Save & continue

In this screen the information relating to the mark for which the response is being submitted must be identified. Under the heading 'Trademark information' the type of mark; 'national' or 'international' must be selected by clicking the cursor on the round field next to mark type.

The 'trademark number' must be entered. To ensure that the correct mark has been identified, clicking the cursor on **Preview Trademark** will retrieve the details relating to the number entered:

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Respond to an opposition against a mark registration

Application no. [374] - File No. [136431]

Trademark Information

☒ National ☐ International

Trademark number
136431

[Preview Trademark](#)

Mark Summary

Mark no.	136431
Sequence no.	1
Mark type	BHVT
Application type	National
Nationality	الهند
Nature of the legal entity	شركة قائمة على قوانين الهند
	A company established and organized under the laws of India

Legal representative of the owner of the mark

Legal representative no.	
Legal representative type	Intellectual property office
Legal representative nature	Legal entity (company or institution)
Name	جاء للملكية الفكرية لـ جيم JAH INTELLECTUAL PROPERTY W.L.L
Address	شقة 804, مبنى رقم 2795 طريق 2835 مجمع 428 منطقة السيف Flat no. 804, Building no. 2795, Road 2835, Block 428 Al seef
Postal code	26110
Phone number	97333404151
Email	bahrain@jahcoop.com
Country of residence	البحرين
Nationality	البحرين


[Back](#) [Save & continue](#)

If the wrong trademark is displayed, delete and re-enter the number.

If the correct trademark is displayed, click the cursor on [Save & continue](#) This will open the screen where a written statement is to be entered. This must be in Arabic.

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Respond to an opposition against a mark registration



Application no. [374] - File No. [136431]

Response to the objection *

Must be written in Arabic Only

B I A U

test

Back Save & continue

When the response statement is complete, click the cursor on **Save & continue** will open the next screen where documentary evidence supporting the response can be attached:

Respond to an opposition against a mark registration



Application no. [374] - File No. [136431]

Attachments *

Please attach the required documents with the power of attorney (if any)

File name	File Description	
24_05_23_12PM_31_test.pdf	test	

Add

Back Save & continue

Clicking the cursor on **Add** will open the computer file directory from where the documents to be included with the response to the Application for Opposition may be selected and attached.

When all of the required documents have been added, clicking the cursor on **Save & continue** will open the final screen

Guidelines concerning opposition proceeding against trademarks applied for in the Kingdom of Bahrain

Application no. [374] - File No. [136431]

Announcement

By the owner:

- I hereby declare that all information & attached documents in this form are correct.

By legal representative:

- I hereby declare that I have been authorized to act as an agent of the owner of the trade mark application mentioned in this form and that all information & attached documents in this form are correct.

☒ I agree to the above announcement

Back Save & continue

Where the response to the Application for Opposition has been made by a trademark owner (natural person or legal entity) the 'Announcement confirms that all of the information entered into the application (opposition) and all of the documents attached are correct.

Where the response to the Application for Opposition has been submitted by a legal representative on behalf of a trademark owner, the announcement confirms their authorization to act for the trademark owner, and that the information entered into the application (opposition) and all of the documents attached are correct.

The announcement is signed by checking the box next to 'I agree to the above announcement'. Whilst the box remains unchecked, the **Save & continue** button will be disabled. It will not be possible to save the details entered and move to the next screen until the box confirming agreement has been checked.

After checking the box agreeing to the announcement, click the cursor on **Save & continue** to submit the response.

Contents of reply by the applicant for registration

In any reply to the opposition, the requirement is for the applicant for registration to give a response or reply 'to the objection'. From this it can be inferred that the applicant for registration must consider and provide a response to each of the allegations made by the opponent in their statement of opposition.

Where the applicant for registration disagrees with an allegation made by the opponent, they should state this in the response and give reasons why. The

response should attach any evidence or documents upon which the applicant for registration relies on in its defence.

Where the applicant for registration accepts an allegation in the notice of opposition, they should state this in their response to the notice of opposition, making it clear which allegation they accept.

The applicant for registration can also give any additional grounds to support the trademark application.

Applicant relies on absence of confusion in the marketplace

It sometimes happens that an applicant for registration will use a defence based on a claim to a lack of confusion in the market place. Such a claim will seldom have an effect on the outcome of an opposition based on relative grounds under Article 3.11 GCC Trademark Law. In the COMPASS LOGISTICS trademark case⁶⁶, it was held:

'It is frequently said by trade mark lawyers that when the proprietor's mark and the defendant's sign have been used in the market place but no confusion has been caused, then there cannot exist a likelihood of confusion...

So, no confusion in the market place means no infringement of the registered trade mark. This is, however, no more than a rule of thumb. It must be borne in mind that the provisions in the legislation relating to infringement are not simply reflective of what is happening in the market. It is possible to register a mark which is not being used.

Infringement in such a case must involve considering notional use of the registered mark. In such a case there can be no confusion in practice, yet it is possible for there to be a finding of infringement. Similarly, even when the proprietor of a registered mark uses it, he may well not use it throughout the whole width of the registration or he may use it on a scale which is very small compared with the sector of trade in which the mark is registered and the alleged infringer's use may be very limited also.

In the former situation, the court must consider notional use extended to the full width of the classification of goods or services. In the latter it must consider notional use on a scale where direct competition between the proprietor and the alleged infringer could take place.

⁶⁶ Laddie J in *Compass Publishing BV v Compass Logistics Ltd* [2004] RPC 41 J

And in the EUROPEAN trademark case⁶⁷, it was stated:

‘Absence of evidence of actual confusion is rarely significant, especially in a trade mark case where it may be due to differences extraneous to the plaintiff’s registered trade mark.’

The role of the Grievances and Opposition Section in opposition proceedings

In determining an objection or ‘opposition’ to the registration of a trademark, the Grievances and Opposition Section of the Kingdom of Bahrain is an administrative tribunal acting in a quasi-judicial capacity.⁶⁸ It must discharge its responsibilities under, and within the powers granted to it under the GCC Trademark Law and Regulations. These texts empower the Grievances and Opposition Section to determine the right to register a trademark.

When acting as a tribunal, the Grievances and Opposition Section of the Kingdom of Bahrain must remain impartial at all times. As part of maintaining this impartiality the Grievances and Opposition Section cannot provide legal advice to the parties in dispute. In particular, the Trademarks Office cannot advise parties on the relative merits, strength or weakness of their case.⁶⁹

It is, permissible for the Grievances and Opposition Section to provide guidance on procedural matters and requirements such as timescales, status of the proceedings, etc⁷⁰. This does not extend to matters of substance such as what should be said or included in evidence.

The role of a Grievances and Opposition Section when acting in its quasi-judicial capacity was succinctly and clearly set out in the ADRENALINE case⁷¹. It was held that it is not for those arbitrating disputes to become involved in ‘debate’:

“10) Accordingly, in relation to opposition and revocation proceedings, the Registrar’s officers cease to perform an administrative function and act solely in a judicial (or quasi-judicial) capacity. The distinction is I believe an

⁶⁷ Millett LJ in *The European Limited v The Economist Newspaper Ltd* [1998] FSR 283

⁶⁸ Merriam Webster Dictionary: Quasi-judicial:

- having a partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts
- essentially judicial in character but not within the judicial power or function especially as constitutionally defined

⁶⁹ S. 11.305 US Code of Federal Regulations Impartiality and decorum of the tribunal. ‘Parties or their attorneys or other authorized representatives may telephone the Board to inquire about the status of a case or to ask for procedural information, but not to discuss the merits of a case or any particular issue.’

⁷⁰ *Melwani v. Allegiance Corp.*, 97 USPQ2d 1537, 1542 n.15 (TTAB 2010)

⁷¹ United Kingdom case BL O/440/99 before the Appointed Person

important one, particularly in the circumstances of the present case. When acting in an administrative capacity, the Registrar has to enter the debate with the applicant, has to reason with him and necessarily will engage in correspondence or in conversations with the applicant in order to seek to resolve any matters arising. If this can be done to the applicant's satisfaction, there is no need for a hearing.

11) Once the Registrar begins to perform his judicial function, the position is different. The Registrar or his officer is acting as a judge. The proceedings are adversarial, the issues are circumscribed by the pleadings and the parties are free to adduce the evidence and the arguments that they wish. It is the Registrar's duty to adjudicate upon the issues raised. It is not his duty and, indeed, it would be wrong for him, when exercising this function, to enter into a debate with either party as to the validity or otherwise of the contentions put forward on any of the issues raised in the proceedings."

Striking out and amendment of an Application for Opposition and/or Response by applicant for registration

Notwithstanding the requirement that objections be 'justified', there is nothing in the GCC Trademark Law or the Regulations that gives the Trademark Office of the Kingdom of Bahrain the power to strike out a notice of opposition, or any grounds on which the opposition is based simply because of an apparent lack of justification.

Before issuing any decision following the submission of an objection to the registration of a trademark, the Grievances and Opposition Section must allow the opportunity of an oral hearing⁷² to the objecting party and/or the applicant; a hearing is not mandatory, nor will a hearing be required by the Grievances and Opposition Section.

Hearing

The decision by the Grievances and Opposition Section may follow a hearing at which the opponent, the applicant for registration, or both may present oral arguments in support of their case⁷³.

In the circumstances where an oral hearing is not requested, the Grievances and Opposition Section may issue its decision based on the documents they have

⁷² Article 15 GCC Trademark Law: 'The Competent Authority shall dismiss the objection following its submission, after hearing the objecting party and the applicant or either one of them, where it is required.'

⁷³ Article 13.1 Regulations: 'The competent administration shall determine a date for the hearing of the statements of the registration applicant and the objecting party or either one of them following his request, and for the submission of supporting documents...'

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submitted into the proceedings. This may follow a meeting with the applicant for opposition arranged by the Grievances and Opposition Section.

Documents and evidence

The decision on what to file in evidence is in most cases a matter for the parties. Whether evidence is needed, and if so, what type of evidence, will depend upon the grounds under which the application for registration has been opposed. For example, the existence of an earlier trademark right cannot be proved without evidence such as registration certificates.

The exception is where the opponent is claiming that they are the owner of a well-known trademark. In such cases the GCC Trademark Law requires evidence that establishes:

‘the extent to which the mark is known by the concerned public as a result of its promotion, the duration of its registration period or use, the number of countries in which it has been registered or acquired fame, the value of the mark and the extent of its impact on the promotion of goods or services for which it is used as a distinctive sign...’⁷⁴

What documents or information should be filed in evidence (including where there is a claim to a well-known trademark) is a decision that the opponent or their representative.

The Grievances and Oppositions Section cannot advise either the opponent or the applicant for registration on the documents that should be submitted, or their sufficiency in justifying the opposition or the defence against the opposition; this will be determined either at the hearing, or if no hearing is requested, in the formal decision of the Grievances and Opposition Section.

Form in which evidence is submitted

Evidence is normally given in the form of an [affidavit/ witness statement] which must be authenticated, duly certified and translated into Arabic if the original was not drafted in Arabic.

Any exhibits filed with the [affidavit/witness statement] must be clearly identified, for example, by referencing them with the initials of the party submitting the evidence and numbered sequentially. For example, a [witness statement/affidavit] submitted by Samuel Smith with four exhibits would be referenced as SS1, SS2 SS3 and SS4.

⁷⁴ Article 5.2 GCC Trademark Law

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Each exhibit should have a cover sheet which clearly identifies the opposition proceedings and the exhibit. For example, 'This is exhibit SS1 referred to in the [affidavit/witness statement] of Samuel Smith dated on this XX day of XX 2023.

All proceedings are conducted in Arabic. Documents created in a language other than Arabic can be submitted in support of an opposition but must be accompanied by certified translation into Arabic.

Relevance of evidence

Relevance means evidence that provides facts which clearly relate to the issues raised in the opposition. Allegations in defendant's statement are not facts and must be proven by evidence.⁷⁵ Evidence is relevant if:

(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and

(b) the fact is of consequence in determining the action.⁷⁶

In considering evidential value, the Grievances and Opposition Section will take the following approach:

Large documents

Evidence consisting of complete documents, publications or a large number of internet pages will be given no evidential value without an explanation of the facts they establish.

Date from which evidence originates

Evidence from after the date on which the application for registration was filed will not be relevant without an explanation as to how this evidence contributes to establishing the factual position at, and before the date of application for registration.

Earlier applications or registrations

Detail of registrations showing marks with elements in common with the mark under opposition registered by third parties will not be given any evidential value unless accompanied by evidence establishing that the marks were in use in the Kingdom of Bahrain at the relevant date.

⁷⁵ Brown Shoe Co. v. Robbins, 90 USPQ2d 1752, 1755 (TTAB 2009)

⁷⁶ US Federal Rules of Evidence Rule 401. Test for Relevant Evidence

A trademark search report is not credible evidence of the existence of the registrations listed in the report⁷⁷

‘As opposer has noted, the trademark search report submitted by applicant is not credible evidence of the existence of third-party registrations; soft copies of the registrations themselves⁷⁸ are required for the purpose. Moreover, even copies of the registrations themselves are of limited probative value in the absence of evidence that the marks shown therein are actually in use.’⁷⁹

Search engine suggestions

Search engines analyze the words entered in a search and will displays a list of alternatives or common results based on the search term. Terms suggested by the search engine in response to the input of a search term is not evidence of a likelihood of confusion on the part of humans.

Position in search engine results

Where a search result appears in the results obtained from a search is of little, if any relevance. Pay -per-click (PPC) advertising will position results at the top of the results page.

Oral evidence

Whilst oral submissions at a hearing are permitted, any evidence or testimony that a party intends to rely on must have been presented in written form, such as by [affidavit or declaration].

The oral presentation of evidence, or testimony by witnesses that has not already been submitted in written form will not be permitted at the hearing.

A party may make support their arguments by referring to matter within their own and the other party’s written submissions. If a party wishes only to comment on the other side’s evidence or make submissions about the truth of it, it is more appropriate that this be done in writing.

Decisions of Courts outside the Kingdom of Bahrain

⁷⁷ National Football League v. Jasper Alliance Corp., 16 USPQ2d 1212 (TTAB 1990),

⁷⁸ Or electronic equivalents consisting of prints of the registrations from official electronic records

⁷⁹ TTAB Kellogg Company v.Pack’Em Enterprises INC. Opposition No. 80,586 February 2, 1990’

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Decisions of other national courts are not binding on the Grievances and Opposition Section of the Kingdom of Bahrain. In the UK, Laddie J. held:

‘It would not be right for an [English Court], if it is firmly of a different view, to follow the route adopted by the courts of another Member State simply because the other courts expressed a view first.’⁸⁰

Hearsay

Hearsay means a statement that:⁸¹

- (1) the declarant does not make while testifying at the current trial or hearing; and
- (2) a party offers in evidence to prove the truth of the matter asserted in the statement.

Statement means a person’s oral assertion, written assertion, or non-verbal conduct, if the person intended it as an assertion.⁸²

Hearsay is not admissible in evidence unless it is specifically allowed by an exception in the rules of evidence or another statute. There is nothing within the GCC Trademarks Law or the Regulations that specifically provides for the allowance of hearsay evidence.

In estimating the weight (if any) to be given to hearsay evidence the hearing should consider any circumstances from which an inference can reasonably be drawn as to the reliability of the evidence. In estimating the weight, if any, to be given to hearsay evidence the following should be considered:⁸³

4.—(1) In estimating the weight (if any) to be given to hearsay evidence in civil proceedings the court shall have regard to any circumstances from which any inference can reasonably be drawn as to the reliability or otherwise of the evidence.

(2) Regard may be had, in particular, to the following:

⁸⁰ *Wagamama* [1996] FSR 716

⁸¹ US Federal Rules of Evidence Rule 801(c)

⁸² US Federal Rules of Evidence Rule 801(a)

⁸³ United Kingdom - Section 4 of the Civil Evidence Act 1995

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- (a) whether it would have been reasonable and practicable for the party by whom the evidence was adduced to have produced the maker of the original statement as a witness;
- (b) whether the original statement was made contemporaneously with the occurrence or existence of the matters stated;
- (c) whether the evidence involves multiple hearsay;
- (d) whether any person involved had any motive to conceal or misrepresent matters;
- (e) whether the original statement was an edited account, or was made in collaboration with another or for a particular purpose;
- (f) whether the circumstances in which the evidence is adduced as hearsay are such as to suggest an attempt to prevent proper evaluation of its weight.

An example of hearsay (in fact multiple hearsay can be found in the BLUE IVY CARTER trademark opposition.⁸⁴ In a claim that the applicant for registration had no bona fide intent, the opponent relied on an interview that appeared in a magazine. In the interview, it was stated that the application had been filed as a trademark not because the applicant wanted to do anything with it, but to prevent others from benefitting from the name.

It was found because the statements were made to a reporter, and the reporter then included the statements in the article written for the magazine, they were “hearsay within hearsay (multiple hearsay)” and “particularly unreliable.”

Evidence of use

The most common form of evidence submitted is ‘evidence of use’, which will be submitted where the opponent is relying on the reputation or fame of their trademark in support of an allegation. The sort of evidence required for evidence of use would show, for example:

- use of the mark at issue
- the goods or services for which the trade mark has been used

⁸⁴ Veronica Morales d/b/a Blue Ivy v. BGK Trademark Holdings, LLC, Opposition No. 91234467 (TTAB June 30, 2020)

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- the financial turnover from sales of these goods or services under the trade mark
- the sales records, sales invoices etc, showing the mark in use for the goods or services
- how the trade mark is used in relation to the goods or services, such as by providing labels, signs, invoices. These should bear the date on which they were issued, published, created, etc.
- how and where the goods or services have been promoted or advertised under the trade mark, expenditure on advertising and promotion, examples of the advertising. These should bear the date on which it was used, published, created, etc.
- The geographical area in which the trademark has been used, advertised, promoted, etc.
- where trademark certificates are being submitted as evidence these should preferably be original, certified copies with translations if they are not in Arabic.

The evidence should span the period of time during which the trade mark has been used, from the date of first use claimed, up to the date of the application under opposition being submitted to the Grievances and Opposition Section.

Decision of the Grievances and Opposition Section

The Grievances and Opposition Section must issue a decision accepting or refusing the application for registration of the trademark.⁸⁵ The decision must include ‘the justifications for rendering such a decision’⁸⁶ and be issued to the opponent and the applicant for registration within 90-days from the hearing (if a hearing has been held).⁸⁷

If neither party has requested a hearing, the ninety days will begin on the date that the Grievances and Opposition Section notified the parties that it would make a decision from the papers and evidence submitted.

⁸⁵ Article 15.2 GCC Trademark Law

⁸⁶ Article 13.2 Regulations

⁸⁷ Article 13.2 Regulations

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In stating that the decision of the Grievances and Opposition Section must include the justification' for the decision, the Regulations are indicating that the hearing must provide a full and reasoned explanation for its decision. This requires a decision that in particular

- sets out the requirements of the statutes relevant to the basis of the objection
- provides an evaluation of the evidence; what does it establish (and not establish) and why?
- considers each of the arguments submitted by the parties, both in writing and if a hearing is held, also orally, focusing on their relevance in the context of the proceedings
- provides an explanation for each determination, stating where and how the facts and conclusions drawn from the evidence and arguments succeed or fall short in proving the allegation, as required under the relevant statute.

Decision to accept subject to condition or limitation

The decision by the Grievances and Opposition Section to accept the application for registration may be conditional on the applicant for registration agreeing to a restriction of the application.⁸⁸ For example, by the removal of certain goods or services, a disclaimer of any rights in a particular element of the mark, limiting the use of the mark to goods of a certain nature or geographic origin, etc.

Once the decision has been issued the Grievances and Opposition Section becomes 'functus officio'⁸⁹ meaning that the role of the Grievances and Opposition Section is complete, and it has no authority to take further action in the matter adjudicated. Any questions or explanations can only be pursued through the statutory route of appeal.⁹⁰

If the applicant for registration accepts any condition or limitation required in a decision, it need not do anything. Unless the opponent submits an appeal to the Civil Court, the applicant for registration will be deemed to have accepted the decision and the application will proceed to registration with the condition or limitation as part of the registration.

⁸⁸ Article 15.2 GCC Trademark Law

⁸⁹ Oxford Reference Dictionary – 'Describing a person who has discharged his duty and whose office or authority is at an end. Once a judgment has been given, the judge is functus officio: he has no power to make changes in his decision, which can only be questioned by others presiding in the further courts of appeal.'

⁹⁰ Article 15.3 GCC Trademark Law

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Should either the applicant or the opponent not accept the decision, they must appeal to the Civil Court; there is no option for discussion with the Grievances and Opposition Section.

Decision requires limitation of goods or services

In its decision, the Grievances and Opposition Section may determine the objection or opposition to be successful for some, but not all of the goods or services of the application for registration. This may be because the opposition was directed against particular goods or services, or the hearing has determined the objection to have been justified in respect of only some of the goods or services.

In such cases the decision may allow application may proceed to registration for a restricted list of goods or services;⁹¹ the goods or services where the hearing found there to be no substantiated objection.

Where the objection or opposition only affects some of the goods or services, and the hearing can easily identify the descriptions that are open to objection, the decision of the hearing should include a proposal specifying the goods or services to be removed from the application.

If an appeal against the decision is not submitted within the 30-days allowed for appeal following the issuance of the decision, the applicant and the opponent will be deemed to have accepted the decision. The application may proceed to registration in respect of the proposed list of goods in the decision. There is no need for the applicant to formally agree to, or request that the list of goods be limited.

Where the objection or opposition has been successful against some of the goods or services, but these cannot be clearly identified and deleted from the application without rewording the list, the decision of the hearing will indicate the extent to which the objection or opposition has been found to succeed. For example, in the following opposition involving clothing goods in Class 25:

Goods of the application (Class 25):

Clothing, shoes, headgear

Goods of the earlier mark (Class 25):

Opposed the application only in respect of “men’s and boys’ clothing”

⁹¹ Article 15.2 GCC Trademark Law

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The Hearing Officer found the opposition to have been successful, but as the hearing could not reflect the decision by proposing a deletion from the list of goods the application was refused in respect of all goods in Class 25. The matter went to appeal⁹² in which the judge commented:

‘I therefore find that the Hearing Officer erred in failing to give proper effect to the fact that the opposition in this case was limited only, and erred in ruling against the whole of the Class 25 part of the application.⁹³ She ought to have appreciated the scope of the opposition and provided a mechanism for ensuring that she was able to give a ruling as to what was left of the registration after the successful opposition. I shall therefore allow that part of the appeal of Armani. The question of the extent to which its registration application can go forward will have to be determined.’

The specification was subsequently reworded to ‘Clothing for women and girls, shoes and headgear’ and application subsequently protected.

Unlike the position in the above case, there is no explicit provision in the GCC Trademark Law or Regulations that requires, where grounds for refusal exist in respect of some of the goods or services applied for, that refusal of registration shall cover those goods or services only.

Nonetheless, the Grievances and Opposition Section must consider and determine whether, and to what extent the opposition has been justified. If there are any goods or services that are not open to objection, the application should be allowed to proceed for these goods or services. As far as possible, the hearing should try to determine whether there is a way to enable the application to proceed for the part of the application that is not open to objection.

In the appeal in respect of the trademark Sensornet⁹⁴ the Appointed Person stated that:

“50 if an objection to registrability only applies to some goods or services in the specification applied for, then the application should only be refused in so far as it covers those goods or services and should be allowed to proceed in respect of the remainder. I consider that this is equally true during examination and during opposition.

⁹² Giorgio Armani SpA v Sunrich Clothing Limited [2010] EWHC 2939 (Ch)

⁹³ This was in contravention of Article 13, Directive 2008/95/EC of the European Union 22 October 2008; Grounds for refusal or revocation or invalidity relating to only some of the goods or services

⁹⁴ UK Appointed Person Sensornet Trade Mark (BL O/136/06),

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It must, however, be borne in mind that a decision where there has been a hearing must be issued within 90-days of the hearing and any appeal against the decision of the Grievances and Opposition Section must be submitted to the Civil Court within 30-days from the date of the notification of the decision. There is no provision in the GCC Trademarks Law or Regulations for either of these periods to be extended.

Appeal against the decision

Either party may appeal the decision of the Grievances and Opposition Section to the Civil Court. Any appeal to the Civil Court must be filed within 30-days from the date of the notification of the decision of the Grievances and Opposition Section .

Action on the application for registration will be suspended in the Trademarks Office pending the decision of the Civil Court.

The applicant for registration may appeal against a decision to refuse an application for registration in its entirety, to refuse the application for registration for part of the goods or services, or where the Grievances and Opposition Section has made acceptance of the application for registration accepting a limitation or requirement.

Similarly, the opponent may appeal against a decision to accept an application for registration, whether for all of the goods or services, or some of them, or where the Grievances and Opposition Section has made acceptance of the application for registration conditional on the applicant for registration a limitation or requirement.

Once the decision has been issued the Grievances and Opposition Section has no authority to reconsider its decision or take any further action in the matter it has adjudicated. For example, it cannot accept proposals to amend the mark, limit the goods or services, or for the attachment of a limitation, requirement or disclaimer that was not part of the decision. Any questions or explanations that the parties may have can only be pursued through an appeal.

Should the parties reach an agreement after the decision has been notified to the parties, the Grievances and Opposition Section (and subsequently the Trademarks Office) may implement the terms of that agreement but only within the circumstances envisaged and permitted by the GCC Trademark Law and Regulations. For example, the deletion of some goods or services is permitted for a mark once it has been registered.⁹⁵

⁹⁵ Article 16.2 Regulations