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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

**BAHRAIN**

The present document reproduces the text<sup>1</sup> of the Draft Law (2001) on Layout-Designs of Integrated Circuits, which is under consideration by the competent authorities of the Bahrain Government, notified by Bahrain under Article 63.2 of the Agreement by means of a communication from its Delegation dated 28 November 2001.

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**BAHREÏN**

Le présent document contient le texte<sup>1</sup> du projet de Loi de 2001 sur les schémas de configuration de circuits intégrés, actuellement examiné par les autorités compétentes du gouvernement bahreïnite et notifié par Bahreïn au titre de l'article 63:2 de l'Accord dans une communication de sa délégation datée du 28 novembre 2001.

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**BAHREIN**

En el presente documento se reproduce el texto<sup>1</sup> del proyecto de Ley de Esquemas de Trazado de los Circuitos Integrados de 2001, que está siendo examinado por las autoridades del Gobierno y que Bahrein ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo mediante una comunicación de su Delegación de fecha 28 de noviembre de 2001.

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<sup>1</sup> In English only./En anglais seulement./En inglés solamente.

**DRAFT LAW NO. ---- (2001)**

**ON LAYOUT-DESIGNS OF INTEGRATED CIRCUITS**

**Article 1**

For the purposes of this Law, "integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in an/or on a piece of material and which is intended to perform an electronic function.

In an addition, "layout-design" means the three-dimensional disposition prepared for an integrated circuit intended for manufacture.

**Article 2**

The Ministry of Commerce and Industry shall establish a register to be known as the "The Register of Layout-designs of Integrated Circuits", in which are entered applications for the registration of data relating to layout-designs; names, addresses and certificates of owners; as well as related legal procedures and disposal. Procedures for the filing, examination and registration of applications shall be determined under the Regulations.

An application may not contain the registration of more than one single layout-design.

**Article 3**

a) Without prejudice to the provisions of international treaties in force in the State of Bahrain, any natural person or legal entity being a national of the State of Bahrain, from a Member of the World Trade Organization or from a State holding reciprocal relations with the State of Bahrain, shall be entitled to apply for the protection of a layout design.

b) In accordance with the provisions of this Law, protection shall be granted to new layout-designs of integrated circuits.

A layout-design shall be considered as new if it is the result of its creator's own intellectual effort and is not commonplace among manufacturers of the related industry. A layout-design shall also be considered as new if the combination and interconnection of its elements are new even if the components it is composed of are commonplace among manufacturers of the related industry.

An application shall not be accepted if it is filed after the expiration of a period of two years from the date of the first exploitation of the layout-design for commercial purposes with the consent of the right holder in the State of Bahrain or abroad.

#### **Article 4**

(a) The creator of a layout-design, or his successor in title, shall be entitled to register it. Where a layout-design is created by many persons, they shall all be equally entitled to register it, unless agreed otherwise. Any person whose efforts were limited to assistance in implementing the design without contributing to any inventive step, may not be considered as creator.

(b) Where the layout-design is created by many persons working separately from each other, the right for registration shall belong to the first applicant.

#### **Article 5**

The property of the layout-design shall belong to the employer where the creation is the result of fulfillment of a contract or an undertaking with the objective of making efforts to achieve a creation, provided that the employer is in a position to establish that the employee has achieved the layout-design using resources made available to him by the employer.

The provisions provided for in this Article shall apply to civil servants as well as their subordinates.

In all cases, the name of the creator shall appear in the certificate for the property of the layout-design.

## **Article 6**

(a) The owner of the layout-design shall alone be entitled to exploit it for commercial purposes. Third parties may not reproduce, whether by incorporation in an integrated circuit or otherwise, the protected layout-design in its entirety or any new part thereof; nor import, sell or otherwise distribute for commercial purposes a layout-design or an integrated circuit in which a layout-design is incorporated, without the authorization of the holder of the right.

(b) Notwithstanding, where any of the acts referred to in paragraph (a) are performed by a person who did not know and had no reasonable ground to know, when performing such act, that the integrated circuit or article contains a protected layout-design, he may, after being notified by the right holder with registered mail and acknowledgment of receipt that the integrated circuit or article contains a protected layout-design, dispose of the stock of articles in his possession or the articles that he ordered to buy against a fair compensation for the right holder.

## **Article 7**

Without prejudice to the provisions on protection prescribed under this Law, any natural person or legal entity may perform one or more of the following acts without the consent of the right holder:

1. use of a protected layout-design for personal purposes or for the purpose of testing, examination, analysis, teaching, training or scientific research; where such acts result in the creation of new layout-design, the creator shall be entitled to its protection.

2. creation, through independent efforts, of a layout-design which is identical to another protected layout-design.

3. importation of a protected layout-design or the integrated circuit containing it, separately or incorporated in his articles, or an article which contains an integrated circuit containing a protected layout-design, when any of these is circulated in the State of Bahrain or abroad.

### **Article 8**

Layout-designs of integrated circuits shall be protected for a period of 10 years calculated from the filing date in the State of Bahrain, or from date of its first exploitation for commercial purposes in the State of Bahrain or abroad, whichever is the earliest.

In all cases, the term of protection for layout-designs shall expire after 15 years from the date on which it is created.

### **Article 9**

Any interested person may request the Supreme Civil Court to order the cancellation of the registration of the layout-design if it is established that such registration is contrary to the provisions of this Law.

The competent administration shall cancel such registration upon reception of a final order for that purpose.

### **Article 10**

Property of the layout-design may be transferred, in its entirety or any part thereof, with or without compensation, including through inheritance, and it may also be mortgaged. No objection may be made against the transfer or mortgage of the property of a layout-design prior to its recordal in the appropriate Register, as the case may be.

The layout-design may also be seized under the law governing civil and commercial proceedings in respect of seizure of movables or the creditor's holdings by third parties. [sic: The competent administration shall exempt provisions concerning the declaration by the party seizing of his property to the party being seized].

### **Article 11**

The owner of the layout-design may grant a third party a license for the purposes of exploiting the layout-design under a written contract which shall be registered with the competent administration at the Ministry of Commerce and Industry.

### **Article 12**

The Minister of Commerce and Industry may issue a non-exclusive compulsory license for the exploitation of a layout design in the following cases:

- a. National emergency or other circumstances of extreme urgency or for public non-commercial use provided that the owner of the layout-design is notified as soon as possible after the license is granted.
- b. Where the owner of the layout-design has not made sufficient use of the layout-design to the extent that he has failed to satisfy the need of the domestic market, at reasonable prices taking into account those prevailing internationally, after the lapse of 3 years from the date of the grant of the layout-design or 4 years from the date of the filing of the layout-design application, whichever is longer.

In such a situation, the Minister shall have the right to issue a compulsory license to any person to whom the layout-design owner has refused to grant a license or to whom the owner has imposed unfair commercial terms in order to grant him such a license.

- c. Where the owner of the layout-design exercises his rights for anti-competitive ends.

### **Article 13**

The following provisions shall apply to compulsory licenses:

- a. Applications for compulsory licenses shall be considered each upon its own merits.
- b. The applicant shall pay the prescribed fee in respect of the application
- c. The license shall be exploited predominantly for the supply of the domestic market.

- d. The applicant must be capable of effectively exploiting the invention through an enterprise existing in the State of Bahrain.
- e. Except in the case referred to under Article 12(a), the license shall only be granted if the applicant has made reasonable efforts to obtain a license from the layout-design owner on reasonable commercial terms and conditions, and that such efforts have not been successful within a reasonable period of time.
- f. The applicant shall agree to limit the exploitation of the invention to the purpose, scope, conditions and period for which the license is to be granted.
- g. Authorisation shall only be granted for public non-commercial use or to remedy practices determined to be anti-competitive.
- h. The proposed user shall not assign the license except with the enterprise or the part thereof relating to the exploitation of the invention and after the approval of the Minister of Commerce and Industry.
- i. The layout-design owner shall be entitled to adequate remuneration taking into account the monetary value of the license. The need to remedy anti-competitive practices, if applicable, may be taken into account in determining the remuneration.
- j. The conditions provided for in items (c) and (e) of this Article shall not apply to situations where a license is granted to remedy anti-competitive practices.
- k. The Minister of Commerce and Industry shall ex officio or at the request of any interested party has the authority to amend the conditions of a compulsory license in case of change in circumstances.

#### **Article 14**

Except in cases of national emergency and other circumstances of extreme urgency as referred to under Article 12(a), the competent Directorate at the Ministry of Commerce and Industry shall provide the layout-design owner with a copy of the license application. The layout-design owner shall be provided a reasonable opportunity to respond in writing to the application. The processing of the application shall be in accordance with the procedure specified in the Implementing Regulation.

The Minister of Commerce and Industry shall issue a decision accepting or rejecting the application and may grant an acceptance subject to any conditions he deems appropriate. In all cases, the Minister shall notify the owner of the layout-design and the applicant of his decision within 30 days of the issuance of such a decision and the competent Directorate shall enter the decision in the register of patents. The decision shall also be published in the manner specified in the Implementing Regulation.

### **Article 15**

The Minister of Commerce and Industry shall ex officio or at the request of the layout-design owner have the authority to terminate the license before the end of its term in the following cases:

- a. The circumstances, which led to the granting of the license, have ceased to exist and are unlikely to recur. In such case, the legitimate interests of the licensee shall be adequately protected in accordance with the terms and procedures specified in the Implementing Regulation.
- b. The licensee has not exploited the license for two years from the date of its issuance.
- c. The licensee has not complied with any of the conditions of the license or has failed to fulfil his obligations under this Law and the related Implementing Regulation.

The decision of the Minister of Commerce and Industry in respect of the application for a compulsory license may be challenged based on Article (36) of the draft Law which provides:



“ Subject to the provisions for challenges provided for under Articles (18) and (19) and without prejudice to the provisions of Article (15) of this Law, any interested party may submit a petition to the Minister of Commerce and Industry in respect of any final decision issued in accordance with this Law within 30 days of its notification to that person. A decision in respect of the petition shall be issued within 30 days of its submission and the interested party shall be notified of the decision in writing within 30 days of its date of issuance. If the interested party is not notified of a decision within 60 days of the date of submission of his petition, such petition shall be deemed rejected.

Where a petition has been rejected or deemed rejected, the interested party may appeal such rejection before the High Civil Court within 60 days of its notification or lapse of the period beyond which the petition is deemed rejected as the case may be. An appeal may not be brought before the court until a petition has been filed and a decision has been issued or the period for a decision has lapsed”.

#### **Article 16**

(a) The President of the competent court may, upon demand from the interested person or pursuant to a request, order one or more of the following measures and any other appropriate provisional measures in case of, or to prevent infringement of any right provided for under this Law:

- 1) Preserving the evidence and establishing an official record and a detailed description of goods and products, including imported articles upon their arrival, as well as machines and tools used for that purpose; and safeguarding the relevant evidence;
- 2) undertaking provisional seizure of the objects referred to in the preceding paragraph.
- 3) Order the alleged infringement to cease or prevent it from taking place.

(b) The request shall be accompanied with sufficient evidence proving that the applicant is the right holder and that such right is, or is likely to be, subject to infringement.

The President of the court may require from the applicant to provide the necessary information to assist the authorities responsible for implementing the provisional measure in determining the relevant goods.

(c) The President of the court may, as appropriate, issue the said order urgently without summoning the other party - where any delay in issuing such order is likely to cause irrecoverable damage to the applicant or result in the destruction of evidence - provided that the other party is notified upon issuing that order. This order establishing any such measures may include the designation of one or more experts to assist in implementation and prescribe the deposit of an appropriate bank or money bail for the safeguard against any unfair prejudice deriving from the procedure. The person against whom the order is issued may file an appeal with the competent court within ten days from the date on which the order is issued or on which he is notified, as the case may be. In such case, the court may confirm the order or reject it in full or in part.

(d) The case concerning the substance of the conflict shall be initiated within 15 days from the date on which the order is issued, otherwise the measure taken shall be void.

### **Article 17**

Without prejudice to any more severe sanction provided for under any other Law, any person who, knowingly and unlawfully, performs one of the following acts shall be punishable by imprisonment for a period of at least three months and not exceeding one year and by a fine of at least 500 Dinars and not exceeding 2000 Dinars or by either one:

(a) the act of reproducing a protected layout-design without the authorization of the right holder;

(b) the act of selling, distributing or importing a registered layout-design or a product in which an integrated circuit is incorporated, without the authorization of the right holder.

The court may prescribe the publication of the order in one or more issues of a daily newspaper at the expense of the party against whom the decision is taken.

In case of a second offence, infringement shall be punishable by imprisonment for a period of at least three months and not exceeding two years and a fine of at least 500 Dinars and not exceeding 4000 Dinars or by either one, together with the closure of the commercial establishment or business or the cease of the activity, as the case may be, for a period of at least 15 days and not exceeding six months. Such order shall be published in one or more issues of a daily newspaper at the expense of the party against whom the decision is taken.

In case of conviction, the court may order the seizure or destruction of the products or goods obtained from the offence, including imported articles upon their arrival, as well as the machines and tools used for that purpose.

In case of discharge, the court may order the seizure or destruction of the objects referred to in the preceding paragraph if they have caused any damage or been used to infringe the rights of the right holder.

The General Prosecutor shall initiate sanctions on the offences referred to in this Article.

### **Article 18**

The Minister of Commerce and Industry shall issue the implementing decisions containing detailed provisions concerning the application of this Law, particularly:

- 1) organizing the administration for registration of layout-designs and maintaining Registers;
- 2) determining the fees for recordal, renewal and copies of extracts, delivering certificates as well as detailing the procedures provided for under this Law, as appropriate.

The determination and change of such fees shall be subject to approval of the Cabinet.

**Article 19**

The Minister of Commerce and Industry shall promulgate the Rules and Regulations necessary for the implementation of this Law.

**Article 20**

Ministers shall, each within their capacity, implement this Law after three months from its publication in the Official Gazette.

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