

**CHECKLIST OF ISSUES ON ENFORCEMENT<sup>1</sup>**

Responses from Bahrain

**Introductory Remarks**

Bahrain has in force the following main dedicated intellectual property legislation:

- Patents, Design and Trade Marks Law of 1955 and subsequent amendments by way of Legislative Decree No. 22 of 1977.
- Ministerial Order No. 2 of 1978 concerning the Implementing Regulations with respect to Patents, Design and Trade Marks Law of 1955 as amended by Legislative Decree No. 22 of 1977.
- Ministerial Order No. 13 of 1978 concerning amendments to the Implementing Regulations with respect to Patents, Design and Trade Marks Law of 1955 as amended by Legislative Decree No. 22 of 1977.
- Legislative Decree No.10 of 1991 with respect to Trade Marks Law.
- Ministerial Order No. 12 of 1993 concerning the Implementing Regulations of Legislative Decree No. 10 of 1991 with respect to Trade Marks Law.
- Legislative Decree No. 10 of 1993 with respect to Copyright Law.
- Ministerial Order No. 4 of 1993 with Respect to Deposit Rules at the Copyright Protection Office.
- Ministerial Order No. 1 of 1994 concerning the establishment of the Copyright Protection Office.

Bahrain has enacted Legislative Decree No. 7 of 1994 ratifying the WTO Agreements and subsequently Bahrain has also enacted Legislative Decree No. 30 of 1996 ratifying the Berne Convention for the Protection of Literary and Artistic works (as amended on 28 September 1979). Furthermore, Bahrain has also enacted Legislative Decree No. 31 of 1996 ratifying the Paris Convention on Industrial Property (as amended on 28 September 1979). Hence, by virtue of Article 37 of Bahrain's Constitution, the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the entire provisions of the Paris and Berne Conventions have direct applicability in Bahrain as they have become an integral part of the national Law of Bahrain.

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<sup>1</sup> Document IP/C/5.

However, Draft Laws for all categories of intellectual property rights incorporating the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights have been completed and placed in the national legislative channels for enactment which is expected to be during the first half of next year. Therefore, the responses provided hereunder to the checklist questions are based on those Draft Laws .

## **Civil and Administrative Procedures and Remedies**

### *(a) Civil judicial procedures and remedies*

#### **1. Specify the courts which have jurisdiction over IPR infringement cases.**

There are no specialized courts for intellectual property right cases, hence Bahrain's civil courts adjudicate upon matters involving infringements of intellectual property rights.

Article 7 of the Civil and Commercial Procedural Law of 1971 (CCPL) as amended describes the Bahraini Civil Court system and states that the courts are composed of:

- the Court of Cassation;
- the High Court of Appeal;
- the High Court;
- the Junior Court and the Court of Execution.

Jurisdiction on the merits of the dispute in cases involving a claim not exceeding BD 5000 lies with the Junior Court. Jurisdiction on the merits of the dispute in cases involving a claim exceeding BD 5000 lies with the High Court.

If the proceedings are initiated at the Junior Court, an appeal from a decision of the Junior Court is allowed on matters of fact and points of law and lies with the High Court and a further appeal from a decision of the High Court is allowed only on points of law and lies with the Court of Cassation.

If the proceedings are initiated at the High Court, an appeal from a decision of the High Court is allowed on matters of fact and points of law and lies with the High Court of Appeal and a further appeal from a decision of the High Court of Appeal is allowed only on points of law and lies with the Court of Cassation.

#### **2. Which persons have standing to assert IPRs? How may they be represented? Are there requirements for mandatory personal appearances before the court by the right holder?**

In pursuance of Article 5 of the Civil and Commercial Procedural Law, any person who has an existing and legally recognized interest has the right to assert its right. Article 5 of the Civil and Commercial Procedural Law states that presumed interest shall be sufficient to request an order for a provisional measure. Accordingly, any person who incurs a loss or suffers damage due to an infringement has a standing to claim. The basis for the claim is the relevant intellectual property law and Article 158 of the Civil Code which provides: "Every injurious act which causes damage or loss shall render the person by whom it has been committed to be liable for damages".

However, with respect to provisional measures, the intellectual property Draft Laws provide that the right holder has a standing to request an order for such measures. With respect to Geographical Indications, the respective law provides that the standing is to any party who stands to gain from the action, while the Copyright Law provides that the standing is to the right holder and its successor.

An individual may appear in person or be represented by a lawyer licensed to practice in Bahrain or by an immediate relative (Articles 19 and 20 of the Advocacy Law of 1982). However, a juridical person must be represented by a lawyer licensed to practise in Bahrain or alternatively in the case of a company, it may be represented by the Chairman of its Board of Directors. There are no mandatory requirements for personal appearance before the court by the right holder. However, any individual, including the right holder, may be summoned to appear as a witness if the court is satisfied that his testimony is required.

**3. What authority do the judicial authorities have to order, at the request of an opposing party, a party to a proceeding to produce evidence that lies within its control?**

In pursuance of Article 21 of the Evidence Law on Civil and Commercial Matters of 1996 (ELCCM), a party may petition the court for ordering its opponent to produce any document within its opponent's control which is useful for the case. Also, in pursuance of Article 27 of the ELCCM, the court is empowered to order a third party to produce a document or a copy thereof within its control and also order administrative departments to produce such information and documents in their possession that are necessary for adjudicating the case provided that producing such information or documents would not be detrimental to the public interest. Furthermore, in pursuance of Article 28 of the ELCCM, any person who holds or possesses any given thing shall be required to produce it to the party claiming a right thereto where the examination of such a thing is essential for deciding upon the right which is the subject of the claim in terms of its existence and scope.

**4. What means exist to identify and protect confidential information brought forward as evidence?**

Article 55 of the Civil and Commercial Procedural Law provides that the trial shall be held in public unless the court decides either at its own instance or at the instance of one of the litigants to hold it *in camera* in order to preserve public order or in deference to decency or the dignity of the family.

However, with respect to patents, in conformity with Article 34.3 of the Agreement on Trade-Related Aspects of Intellectual Property, Article 12 of the Patents and Utility Models Draft Law provides that in requiring the production of evidence, the court shall take into account the legitimate interests of the defendant in not disclosing its manufacturing and business secrets. Similarly, such provision is also applicable to the new plants varieties by virtue of Article 26 of the Protection of New Varieties of Plants Draft Law.

**5. Describe the remedies that may be ordered by the judicial authorities and criteria, legislative or jurisprudential, for their use;**

- **injunctions;**
- **damages, including recovery of profits, and expenses, including attorney's fees;**
- **destruction or other disposal of infringing goods and materials/implements for their production;**
- **any other remedies.**

Injunctions

All intellectual property Draft Laws provide for the court's authority to order provisional measures with respect to infringements. The provisional measures may include an order for the alleged infringement to be seized or to prevent the alleged infringement from taking place and for the seizure of the material and implements allegedly used for the infringement. The measure remains in

force unless set aside by an appeal or by proceedings which the right holder has to initiate within 15 days to obtain a decision on the merits of the dispute. The measure would not remain in force if the right holder fails within 15 days to initiate proceedings to obtain a decision on the merits of the case.

Damages, including recovery of profits and expenses, including attorney's fees

As infringement is considered a tort, hence any party who incurs loss or suffers damage as a result is entitled to damages. The following provisions of the Civil Code, in addition to Article 158 referred to above, govern the entitlement to and award of damages :

Article 27: The lawful exercise of a right shall not produce any liability, even if such exercise causes damage to others.

Article 28: The exercise of a right shall be considered unlawful in the following cases:

- if the sole aim is to cause damage to others;
- if the benefit or interest to be achieved is unlawful;
- if the benefit or interest to be achieved is disproportionate to the damage caused thereby to others;
- if the exercise of the right would cause a serious and uncustomary damage to others.

Article 161: The damage for which a person who committed an unlawful act is liable for damages towards is determined as the loss incurred and the profit lost, so long as this has been a natural result of the unlawful act.

The loss incurred or profit lost is considered a natural result of the unlawful act if the same is not possible to avoid by the ordinary person through exercising reasonable effort under the circumstances .

Article 162: Damages towards an unlawful act shall include the damage inflicted even though it is moral.

Moral damage particularly includes bodily harm or mental suffering that results from a trespass to a person's life, body, freedom, honour, dignity, reputation, social status or financial standing. Moral damage also includes grief.

Article 164: Liability for damages towards moral damage shall not devolve upon others unless the respective amount is determined by contract or claimed in court.

Article 177: If it is not agreed on the compensation for the damage resulting from the unlawful act, it shall be determined by the judge.

The Judge shall determine the compensation as a monetary amount.

The Judge may, however, depending on the circumstances of the case and upon application by the victim, order restitution or the performance of an act as damages.

Article 178: The Judge shall determine the compensation that is commensurate with the damage in accordance with the provision of Articles 161, 162, 163 and 164, taking into account the personal circumstances of the victim.

If it is not possible for the Judge, at the time of the judgment, to determine in a final manner the compensation to be paid, the judge may grant the victim the right to demand within a specified period of time , a reassessment of the compensation.

Article 179: The Judge may order that compensation be made in instalments or in the form of annuity for a specified time period or for a life payment, in which case the judge may, if necessary, order the debtor to provide an adequate security.

As far as the expenses including attorney's fees are concerned, Article 192 of the Civil and Commercial Procedural Law provides that:

"When issuing the final verdict on the litigation before it, the Court shall at its own instance rule on the costs of the case. The court shall award costs of the case, including attorney's fees, to be paid by the litigant who has lost the verdict. If the verdict goes against more than one litigant, the court shall order that costs be shared among them in proportion to the interest of each one in the case as assessed by the court. They shall not be bound by joint liability in this respect unless they were held to be jointly liable in the obligation which has been judged upon."

Destruction or disposal of infringing goods and materials/implements used for their production

All intellectual property right Draft Laws provide that the court has the authority to order the forfeiture and disposal of the goods constituting infringements to the intellectual property right together with the materials and implements used for their production. The relevant provisions are as follows:

|                                                   |              |
|---------------------------------------------------|--------------|
| Copyright and Neighbouring Rights:                | : Article 52 |
| Patents and Utility Models                        | : Article 41 |
| Trade Marks                                       | : Article 36 |
| Geographical Indicators                           | : Article 12 |
| Protection of Trade Secrets                       | : Article 7  |
| Industrial Designs                                | : Article 19 |
| Integrated Circuits                               | : Article 17 |
| Protection of Breeders of New Varieties of Plants | : Article 26 |

Other remedies

All the above Articles provide that if the offence is repeated, the court is empowered to order the closure of the premises for a period not less than 15 days and not more than 6 months and to order the judgment to be published in at least one daily newspaper at the expense of the convicted person.

**6. In what circumstances, if any, do judicial authorities have the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods of services found to be infringing and of their channels of distribution?**

There are no specific provisions that grant the judicial authorities the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods or services found to be infringing and of their channels of distribution.

However, the court may direct the defendant to provide any information relevant to the case, but the court is not empowered to compel the defendant to provide the information.

**7. Describe provisions relating to the indemnification of defendants wrongfully enjoined. To what extent are public authorities and/or officials liable in such a situation and what "remedial measures" are applicable to them?**

Article 198 of the Civil and Commercial Procedural Law provides that "compensation may be awarded against the person thus intending it if the intention of the litigation was merely malice". Furthermore, in line with the basic principles of the law, the right to initiate judicial proceedings if abused such that it is merely intended to cause damage to the other party, the person who initiated the proceedings is liable to pay damages to that party for the injuries suffered as a result of the abuse.

In addition, all intellectual property right Draft Laws provide that the court has the authority to order a provisional measure only upon the provision of a security bond by the party requesting such a measure. Such security is a deterrent to prevent the abuse of provisional measures and may be used to compensate defendants unlawfully enjoined.

By virtue of Article 172 of the Civil Code, the State is vicariously liable for any liability incurred by a public officer in the course of the exercise of his/her duties or statutory powers.

**8. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.**

No data is available with respect to duration and cost of judicial proceedings.

There are no legislative provisions governing the minimum and maximum duration of civil proceedings pertaining to the merits of the dispute. Orders for provisional measures are usually awarded on the same day the application is lodged at the competent court.

Naturally, the complexity, novelty of the issues, volume of evidence and the lawyers representing the parties influence the duration and cost involved in the proceeding leading to a decision on the merits of the dispute.

Filing fees are based on the amount of the claim. The current filing fees are as follows:

- Amount claimed up to BD 5000: varies between BD 1 up to a maximum of BD 192.
- Amount claimed in excess of BD 5000: 0.02 % of the amount claimed plus BD 192.

However, Article 1 of Ministerial Regulation No. 1 (2000) provides that the maximum fees payable upon filing the case is BD 30,000. An excess amount, subject to a maximum calculated as above, is to be determined by the court upon delivering its judgement.

The fees for an order for a provisional measure is BD 30 regardless of the value of the claim involved.

Attorneys' fees vary depending on the agreement between the parties and their respective lawyers.

(b) *Administrative procedures and remedies*

**9. Reply to the above questions in relation to any administrative procedures on the merits and remedies that may result from these procedures.**

None of the intellectual property right Draft Laws provide for any administrative procedures on the merits of IPR infringements. Findings on the merits are the exclusive jurisdiction of the courts of law.

**Provisional Measures**

(a) *Judicial measures*

**10. Describe the types of provisional measures that judicial authorities may order, and the legal basis for such authority.**

All intellectual property right Draft Laws provide for the President of the competent court to order provisional measures which may include:

- Injunction to cease the allegedly infringing act or to prevent it from taking place.
- Seizure of the allegedly infringing goods upon import or export as detailed in the responses to questions 15 to 19.
- Seizure at any place of the allegedly infringing goods together with materials and implements allegedly used for the infringement.
- Preserving or recording relevant evidence in regard to the alleged infringement.
- Upon ordering a provisional measure the court may appoint one or more experts to assist with the execution of the order.

The legal basis for ordering a provisional measure are the following Articles:

|                                                   |              |
|---------------------------------------------------|--------------|
| Copyright and Neighbouring Rights                 | : Article 44 |
| Patents and Utility Models                        | : Article 40 |
| Trade Marks                                       | : Article 34 |
| Geographical Indicators                           | : Article 11 |
| Protection of Trade Secrets                       | : Article 6  |
| Industrial Designs                                | : Article 18 |
| Integrated Circuits                               | : Article 16 |
| Protection of Breeders of New Varieties of Plants | : Article 26 |

**11. In what circumstances may such measures be ordered *inaudita altera parte*?**

Pursuant to all intellectual property right Draft Laws, the court may order a provisional measure *inaudita altera parte* in appropriate cases and in particular where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed.

**12. Describe the main procedures for the initiation, ordering and maintenance in force of provisional measures, in particular relevant time-limits and safeguards to protect the legitimate interests of the defendant.**

The president of the competent court may order provisional measures for all intellectual property right infringements. The procedure for obtaining a provisional measure is fairly simple. A petition requesting the provisional measure is presented to the president of the competent court supported by evidence of the infringement and ownership of the intellectual property right allegedly infringed. The president of the court considers the petition in chamber. If the president is satisfied that there is a *prima facie* case of the petitioner's claim that his intellectual property right is being infringed, or there is a real danger that the infringement is imminent, he has the authority to order a provisional measure. In appropriate situations, the order may be made *inaudita altera parte*. The president of the court has the authority to grant the order subject to the petitioner being required to provide an adequate security.

A provisional order remains in force unless it is set aside as a result of an appeal by the defendant, which must be submitted within 10 days from the date the measure was notified to the defendant, or otherwise ceases to have effect if proceedings leading to a decision on the merits of the case are not initiated within 15 days from the date the provisional measure was ordered.

**13. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.**

See the answer to question 8 above.

(b) *Administrative measures*

**14. Reply to the above questions in relation to any administrative provisional measures.**

Apart from an authority for the Customs Authority to suspend release of goods which appear based on *prima facie* evidence to constitute infringements to intellectual property rights as defined in the Copyright and Neighbouring Rights Draft Law and Trade Marks Draft Law, as shall be explained in detail in the response to question 15, there are no provisions under the intellectual property right Draft Laws to empower any administrative provisional measures.

**Special Requirements Related to Border Measures**

**15. Indicate for which goods it is possible to apply for the suspension by the customs authorities of the release into free circulation, in particular whether these procedures are available also in respect of goods which involve infringements of intellectual property rights other than counterfeit trademark or pirated copyright goods as defined in the TRIPS Agreement (footnote to Article 51). Specify, together with relevant criteria, any imports excluded from the application of such procedures (such as goods from another member of a customs union, goods in transit or *de minimis* imports). Do the procedures apply to imports of goods put on the market in another country by or with the consent of the right holder and to goods destined for exportation?**

As stated earlier, it is possible to apply for a suspension by the Customs Authority of the release into free circulation of goods, which constitute infringements to intellectual property rights defined in the Copyright and Neighbouring Rights, and the Trademarks Draft Laws. This is possible pursuant to Article 47 of the Copyright and Neighbouring Rights Draft Law and Article 35 of the Trademarks Draft Law, respectively. The relevant Articles provide that the General Directorate of Customs (the Customs Authority) has authority both on its initiative and upon application by the right

holder or the public prosecutor to suspend clearance of, and release into free circulation goods if convinced on the basis of *prima facie* evidence that such goods constitute an infringement of any of the intellectual property rights of the right holder. The authority of the Customs Authority applies to both imports and exports.

The administrative procedure referred to above does not preclude the right to resort to the court in the first place. The authority of the Customs Authority to suspend the release into free circulation of goods, which constitute infringements of intellectual property rights, does not apply to goods in transit or to *de minimis* imports or goods put on the market in another country by or with the consent of the right holder.

**16. Provide a description of the main elements of the procedures relating to the suspension of the release of goods by customs authorities, in particular the competent authorities (Article 51), the requirements for an application (Article 52) and various requirements related to the duration of suspension (Article 55). How have Articles 53 (security or equivalent assurance), 56 (indemnification of the importer and of the owner of the goods) and 57 (right of inspection and information) been implemented?**

Article 47 of the Copyright and Neighbouring Rights Draft Law and Article 35 of the Trademarks Draft Law both provide the following:

- A decision to suspend the release of the goods may be taken by the Customs Authority upon its own initiative or upon an application by the Public Prosecutor or the right holder.
- The application if made by the right holder or the Public Prosecutor must include a sufficiently detailed description of the goods to make them readily recognizable by the Customs Authority. The right holder applicant is also required to submit adequate evidence to satisfy the Customs Authority that there is *prima facie* an infringement of his intellectual property right.
- The Customs Authority has the authority to require the applicant to provide security. The objective is to protect both the defendant and the Customs Authority and to prevent abuse.
- The Customs Authority is required to decide within a period not exceeding 3 days on whether to accept the application. The Customs Authority is required to promptly notify the applicant and the importer of its decision to suspend the release of the goods. A petition to challenge the decision may be submitted to the court within 10 days. If within 10 working days after the right holder or applicant - as the case may be - has been served notice of the suspension, the Customs Authority is not informed that the right holder has initiated proceedings leading to a decision on the merits of the case, the goods shall be released, provided that all other conditions for importation or exportation - as the case may be - have been complied with. The 10 days time limit may be extended in appropriate cases for a further period not exceeding 10 days at the discretion of the General Director of Customs.
- The Customs Authority is required to provide both the right holder and the importer or exporter - as the case may be - sufficient opportunity to inspect the goods detained.
- The importer or exporter - as the case may be - and the owner of the goods may, through the court, seek equitable compensation based on Article 159 of the Civil Code for any injury caused to them through the wrongful detention of the goods.

- Further regulatory matters with respect to the form, payable fees, manner in which applications are to be submitted and how they are to be processed together with the amount of security to be provided will be the subject of an Implementing Ministerial Regulation to be issued by the Minister of Finance and National Economy and is currently being considered.

**17. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost. How long is the validity of decisions by the competent authorities for the suspension of the release of goods into free circulation?**

The fees for applications to the Customs Authority will be determined in the Implementing Regulation referred to above and is not expected to be more than BD 30 which is equivalent to the filing fees for a provisional measure obtainable from the court.

As stated above, both Article 47 of the Copyright and Neighbouring Rights Draft Law and Article 35 of the Trademarks Draft Law provide that the Customs Authority must decide within a period not exceeding 3 days on whether to accept the application.

The validity of the Customs Authority's decision was explained in the response to question 16.

**18. Are competent authorities required to act upon their own initiative and, if so, in what circumstances? Are there any special provisions applicable to *ex officio* action?**

Article 47 of the Copyright and Neighbouring Rights Draft Law and Article 35 of the Trademarks Draft Law both provide that the Customs Authority may act upon its own initiative to suspend the release of goods if satisfied that *prima facie* evidence indicates that they constitute an infringement of any of the intellectual property rights protected by the respective law. There are no special provisions applicable to *ex officio* action. As for an action which resulted from an application by a right holder, the provisions require the right holder and the importer or exporter - as the case may be - to be notified promptly and the decision remains in force unless subsequently annulled by the court or after the lapse of 10 days without the Customs Authority being informed that proceedings leading to a decision on the merits of the case have been initiated. As explained earlier the 10 day time limit may be extended further up to 10 more days in appropriate cases at the discretion of the General Director of Customs.

**19. Describe the remedies that the competent authorities have the authority to order and any criteria regulating their use.**

Other than an authority to temporarily suspend the release of infringing goods as explained above, the Customs Authority is not entitled to order remedies. Remedies are available only through recourse to the courts of law.

## **Criminal Procedures**

### **20. Specify the courts which have jurisdiction over criminal acts of infringement of IPRs.**

Article 7 of the Criminal Procedural Law (1996) provides that the criminal courts are composed of:

- the Court of Cassation;
- the High Court of Appeal;
- the High Court;
- the Junior Court.

The type of the offence determines the court which has jurisdiction over a criminal act. The type of the offence is classified according to the penalty determined in the law for the offending act. As the penalty determined in all intellectual property right Draft Laws for infringements indicates that the offence is a misdemeanor as classified under Article 50 of the Penal Code, therefore, pursuant to Article 8 of the Criminal Procedural Law of 1996, the court which has jurisdiction over all intellectual property right infringements is the Junior Court. Appeal on matters of fact and points of law lies with the High Court. Further appeal is allowed only on points of law and lies with the Court of Cassation.

### **21. In respect of which infringements of which intellectual property rights are criminal procedures and penalties available?**

Under all intellectual property right Draft Laws, criminal procedures and penalties are available to infringements of all intellectual property rights as defined in the respective Draft Law in the following Articles:

|                                                    |                      |
|----------------------------------------------------|----------------------|
| Copyright and Neighbouring Rights                  | : Articles 50 and 51 |
| Patents & Utility Models                           | : Article 41         |
| Trade Marks                                        | : Article 38         |
| Geographical indicators                            | : Articles 2 and 12  |
| Trade Secrets                                      | : Article 7          |
| Industrial Design                                  | : Article 12         |
| Integrated Circuits Design                         | : Article 17         |
| Protection of Breeders of New Varieties of Plants: | Article 25           |

### **22. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?**

Pursuant to Article 43 of the Organisation of Justice Law of 1973, the Public Prosecutor is charged with initiating and pursuing criminal proceedings where a specific law so provides. Hence all intellectual property right Draft Laws stipulate that the public prosecutor is responsible for initiating and pursuing criminal proceedings. The public prosecutor may initiate proceedings on its own initiative or in response to complaints. Furthermore, all intellectual property right Draft Laws provide for certain individuals to be named from time to time by the Minister of Commerce and Industry (or the Minister of Information in the case of Copyright and Neighbouring Rights) to ensure compliance with the provisions of these laws and to record and report all infringements to the public prosecutor.

### **23. Do private persons have standing to initiate criminal proceedings and, if so, who?**

Article 123 provides that the complainant or his attorney has the right to initiate criminal proceedings. To do so, an authorization from the Head of Police and Public Security or the Ruler must be obtained.

**24. Specify, by category of IPR and type of infringement where necessary, the penalties and other remedies that may be imposed:**

- **imprisonment;**
- **monetary fines;**
- **seizure, forfeiture and destruction of infringing goods and materials and implements for their production;**
- **other.**

Imprisonment and monetary fines

All intellectual property right Draft Laws provide that criminal liability arises in the infringements defined by the respective Law. Details of the offences together with the corresponding fines and imprisonment are indicated hereunder:

- Patents and Utility Models (Article 41), Trade Marks (Article 38), Geographical Indicators (Article 2 & 12), Trade Secrets (Article 7), Industrial Designs (Article 19), Integrated Circuits Designs (Article 17) and Protection of New Varieties of Plants:

Imprisonment for a term not less than 3 months and not more than 1 year or a penalty of not less than BD 500 and not more than BD 2000 or to both fine and imprisonment. If the offence is repeated the imprisonment is for a term not less than 3 months and not more than 2 years or a penalty of not less than BD 500 and not more than BD 4000 or to both fine and imprisonment.

- Copyright and Neighbouring Rights Law (Articles 49, 50 and 51):

Imprisonment for a term not less than 2 months and not more than 1 year or a penalty of not less than BD 300 and not more than BD 2000 or to both fine and imprisonment. If the offence is repeated the imprisonment is for a term not less than 3 months and not more than 2 years and a penalty of not less than BD 300 and not more than BD 4000 or to both fine and imprisonment.

Seizure, forfeiture and destruction of infringing goods together with materials and implements for their production

With respect to all infringements of intellectual property rights the court may order seizure, forfeiture and destruction of infringing goods, together with the materials and implements used for their production.

Other penalties and remedies

If the offender repeats the offence, the court is empowered to order the closure of the offending premises, if relevant, for a period not less than 15 days and not more than 6 months and also to order the verdict to be published in at least one daily newspaper at the expense of the convicted person.

**25. Describe provisions governing the length and any cost of proceedings. Provide any available data on the actual duration of proceedings and their cost, if any.**

There are no provisions governing the length of criminal proceedings. However, there are no fees payable either by the prosecutor or the accused, even if convicted.

Data on the actual duration of proceedings and their cost are not available.

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