

The New Trademarks Law in Bahrain: Increase in Fees for Trademark Registration

Diana Abu Al Adel - Senior Associate - Intellectual Property
d.aladel@tamimi.com - Doha

June - July 2016

According to the New Law, the official fees for filing a trademark application have increased from BHD 30 (USD \$79) to BHD 100 (USD \$265); the fee for obtaining a registration certificate has increased from BHD 60 (USD \$160) to a staggering BHD 500 (USD \$1,320); and, renewal fees have increased from BHD 60 (USD \$160) to BHD 550 (USD \$1,460).

The New Law not only increases the fees, it also sets additional non-extendable deadlines, such as the 90-day period from the date of the official notification, within which to complete the application (Article 6 of the New Law). At the same time, other deadlines have been modified, such as the time limit within which an appeal against a refusal of an application must be lodged, previously 30 days, which has now been set to 60 days (Article 7 of the New Law).

In general, the procedures for filing an application up to registration remain unchanged. Amongst the information to be provided in the application are the applicant's name, the applicant's representative's name, a detailed description of the subject trademark, and the classes of goods and services covered by the trademark. As a next step, the Industrial Property Office examines the application within 90 days from the date of submission. Once the trademark has been accepted, the trademark will be published in the online Trademarks Special Publications Gazette.

A period of 60 days from the date of publication is provided to any third party who may want to file an opposition against the published trademark. If the trademark is published without any third party opposition, the trademark passes to the next phase also known as the registration phase. It should be further added that the registration is also published in the online Trademarks Special Publications Gazette.

The reason behind issuing the New Law and its implementing regulations, as issued by the GCC Commercial Cooperation Committee, is to enhance economic cooperation between the GCC countries. Although the implementing regulations determine the current official fees to be applied, the same regulations reaffirm that member states of the GCC may amend the mentioned official fees according to their own standards.

How this increase in the official fees will affect the number of trademark applications filed in Bahrain, and trademark prosecution as a whole, is a recurring question and one that will be answered by time. Nonetheless, it is possible that, due to the increase in fees, brand owners may forgo some trademark applications as a result of budget constraints. With a decrease in trademark registrations, brand owners might face more infringements to their brand, which begs the question whether the repercussions of the New Law may in fact undermine its very purpose, to foster economic growth. Time will tell.