

UNESCO
WORLD ANTI PIRACY OBSERVATORY

BAHRAIN

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I. Legislation

1. Copyright laws

Copyright is protected in Bahrain through international Agreements, Law No. 22 of 2006 related to Copyright and Neighboring Rights as amended by Law No. 12 of 2008, and other legislation related to enforcement of copyright or affecting copyright protection.

The copyright law No. 22 of 2006 was issued on June 25, 2006, and published in the official gazette No. 2745 on July 5, 2006. Amendments to Article 13 of the Copyright law were brought by virtue of Law No. 12 of 2008.

The implementing regulations and decisions for the copyright law shall be issued by the competent Minister. Until that date, current regulations and decisions consistent with the copyright law shall remain in force.

The Copyright Law No. 22/2006 abolished all previous legislation contrary to its provisions including [Copyright Law No. 10 of 1993](#). (مرسو بقانون رقم (10) لسنة 1993 بشأن حماية حقوق المؤلف).

2. Other laws

The other laws pertaining to anti-piracy measures and copyright enforcement are:

- The Legislative decree No. 19 of 2001 with respect to promulgating the Civil Code
- The Legislative decree No.46 of the year 2002 with respect to promulgating the Code of Criminal Procedures as amended by Law No. 41/2005.
- The Legislative decree No.12 of the year 1971 with respect to promulgating the Law on Civil and Commercial Procedures as amended by Laws No. 9/1980, 15/1985, 1/1990, and 3/1999.
- The Legislative decree No.15 of the year 1976 with respect to promulgating the Criminal Law as amended by Laws No. 4/1982, 1/1986, 6/1993, 10/1996, 21/1999, 21/2000, and 65/2006.
- The GCC Unified Customs Law No. 10 of 2003.

3. Latest developments and perspectives

No amendments are foreseen for the time being.

4. Summary of legislation

Copyright applies to any created literary, artistic or scientific work, irrespective of its value, quality, purpose or mode of expression. This includes books, pamphlets and other writings; computer programs; lectures, speeches, and any other oral works; dramatic, dramatico-musical works, choreographic works and pantomimes; musical works with or without words; audiovisual works; works of applied art, works of drawing and painting; works of applied art; photographic works; three-dimensional geographic or topographic works; and titles of the works provided they are original (Article 2). Copyright also applies to derivative works provided they do not prejudice to the rights in the original work, in particular; translations, adaptations and arrangements of music; collection of works and expressions of folklore, such as encyclopedias and databases, whether in machine readable or other form, provided that the selection and arrangement of their contents constitute intellectual creations (Article 3).

- *Exclusive rights of the authors and of the owners of neighbouring rights*

Exclusive Rights of the authors

a) Economic Rights

Copyright holders have the exclusive right to authorize or prohibit the reproduction of the work, translation and transformation of the work including musical arrangements; distribution to the public of the original and copies of the work through sale or other transfer of ownership; the commercial rental of the original or copies of the audiovisual work, work incorporated in a phonogram, or computer program; the public performance of the work; the exhibition of the original or copies of the work in any way; the broadcasting of the work; and the communication to the public of the work (Article 6 of the Law on Copyright and Neighboring Rights).

b) Moral Rights

In addition to the aforementioned economic rights, the author enjoys imprescriptible and perpetual moral rights which include the right to make the work available to the public for the first time in the way and time he chooses; claim authorship of his work in any way he decides it; to use a pseudonym or not to have his name indicated on his work; to object to any distortion, deformation or any other modification of his work and to prohibit any other use of his work which would be prejudicial to his honor or reputation; and the right to withdraw the work from circulation, based on a court decision, in case serious and legitimate reasons existed for this withdrawal, provided third parties are compensated for the damages resulting thereof (Article 5 of the Law on Copyright and Neighboring Rights).

Exclusive right of the owners of neighboring rights

Related/ Neighboring rights are protected under Articles 14 to 18 of the Law on Copyright and Neighboring Rights. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; radio and television broadcasting organizations in their radio and television programs.

Performers have the exclusive economic right to authorize or prohibit the broadcast and communication to the public of their unfixed performance; the fixation of their unfixed performance; the reproduction of their fixed performance; the distribution to the public of the original or copies of their fixed performance through sale or other transfer of ownership; the commercial rental of the original or copies of their fixed performance; and the communication to the public of their performance. Performers enjoy also perpetual and imprescriptible moral rights which consist of the right to claim authorship of their live or fixed performances provided that this would not contradict with the exploitation of the performance; and to object to any distortion, deformation or modification of their performance that would be prejudicial to their honor or reputation (Articles 14 and 15).

Producers of sound recordings have the exclusive economic right to authorize or prohibit the reproduction of their recordings; the distribution to the public of the original or copies of their recordings through sale or other transfer of ownership; the commercial rental of the original or copies of their recordings; the communication to the public and broadcast of their recordings (Article 16).

Radio and television broadcasting organizations have the exclusive economic right to authorize or prohibit the fixation of their programs, the reproduction of their fixed programs, the

rebroadcast of their programs and the communication to the public of their television programs (Article 17).

- *Exceptions and limitations to copyright*

Excluded from copyright protection are mere ideas, work methods and procedures, mathematical concepts, principles, discoveries and mere data; official documents such as laws, regulations, decisions, international conventions, court decisions, decisions of administrative committees, and any official translation thereof; and news on current events that are mere media news. However, any of the aforementioned items should be eligible for protection if it is distinct in its selection or arrangement or its intellectual effort (Article 4 of the Law on Copyright and Neighboring Rights).

Limitations to exclusive rights are provided in Articles 19 to 30 of the Law on Copyright and Neighboring Rights provided that there is no conflict with the normal exploitation of the work or there is no unreasonable prejudice to the legitimate interests of the author. These limitations include:

- making a single copy of a work for personal use with exceptions
- making a temporary copy of a work in limited cases
- using the work for purposes of citation, illustration, demonstration or criticism in another work
- using the work through non-profit-making educational establishments for teaching purposes
- making a copy of a work, in limited cases, through non-profit making educational establishments, libraries or archiving centers
- using the work for judicial and administrative proceedings; reproducing or making available to the public articles published in newspapers or periodicals on political, economic, social, cultural or religious news or a broadcast work of the same nature
- communication to the public through broadcast of works of fine arts, applied art, architecture provided these works are permanently in public places
- making a single copy or an adaptation of a lawfully obtained copy of a computer program for replacing a lost or destroyed original copy or if necessary for compatibility with a specific computer and limited to a particular use provided the original or adapted copy is destroyed upon expiration of the property title
- public performance of a work in a religious ceremonies or in non-profit making educational establishments
- making an ephemeral reproduction of a work by broadcasting organizations provided the copy is destroyed six months after making it. In many cases, the use should be to the extent justified by the purpose and provided that the source and the name of the author are indicated.

Limitations to copyright apply also *mutatis mutandis* on the rights of performers, producers of sound recordings and broadcasting organizations.

- *Protection of foreign works*

In addition to the works, performances and sound recordings of Bahraini persons, the protection of the copyright law covers works of foreigners having their habitual residence in Bahrain; works which are first published in Bahrain and those which are first published in another country and then published in Bahrain within 30 days from their publication in the other country regardless of

the nationality or place of residence of their authors; audiovisual works whose producer has his headquarters or place of residence in Bahrain; architectural works constructed in Bahrain, or any other artistic work incorporated in a building or any other construction situated in Bahrain; non-Bahraini performers provided the performance took place in Bahrain, the performance is incorporated in a sound recording protected in Bahrain, or the unfixed performance is included in a radio broadcast protected in Bahrain; producers of sound recordings that have been first recorded or published in Bahrain; broadcasts or broadcasting organizations that have their headquarters in Bahrain or broadcasting organizations that broadcast through a transmitter in Bahrain; as well as works, performances, sound recordings and broadcast organizations protected through bilateral or international agreement in force in Bahrain (Articles 73 to 77 of the Law on Copyright and Neighboring Rights).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 70 years from the 1st of January of the year following the author's death; 70 years from the 1st of January of the year following the date of the death of the last surviving author in the event of co-authored work; 70 years from the 1st of January of the year following the first authorized publication for collective and audiovisual works - or 70 years from the 1st of January of the year following the creation of the work should the work not have been published within 50 years from its creation; 70 years from the 1st of January of the year following the calendar year of the authorized publication for anonymous or pseudonymous works - or 70 years from the 1st of January of the year following the creation of the work should the work not have been published within 50 years from its creation – or 70 years from the 1st of January of the year following the author's death or the death of the last surviving author (in the event of co-authored work), when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; 70 years from the 1st of January of the year following the first authorized publication for applied arts - or 70 years from the 1st of January of the year following the creation of the work should the work not have been published within 50 years from its creation. Moral rights are protected in perpetuity (Articles 5, 37 to 41 of the Law on Copyright and Neighboring Rights).

Rights of performing artists last for 95 years from the 1st of January of the year following the first authorized publication of fixed performance - or 70 years from the 1st of January of the year following the completion of the performance should the performance not have been published within 50 years from its completion; rights of producers of sound recordings last for 70 years from the 1st of January of the year following the first authorized publication of sound recording - or 70 years from the 1st of January of the year following the completion of the sound recording should the sound recording not have been published within 50 years from its completion; rights of broadcasting organizations last for 20 years from the 1st of January of the year following the year of first broadcast. Moral rights of performers are protected in perpetuity (Articles 14, 42 to 44 of the Law on Copyright and Neighboring Rights).

The Law provides for a retroactive protection for all works, performances, phonograms and broadcasts created or broadcasted before the entry into force of the Law on Copyright and neighboring Rights provided that the protection period had not lapsed under a previous legislation or the legislation in the country of origin of such works, performances or phonograms (Article 78 of the Law on Copyright and Neighboring Rights).

- *Registration*

Copyright protection does not depend on formalities. Failure to deposit the work or any act of disposal relating to it does not prejudice the author's rights provided for under the Copyright Law and related legislation.

Copyright holders who wish to make a deposit must submit to the competent administrative body on their own expenses an application duly completed. Details relating to deposit of works and any act of disposal thereof should be provided by a Ministerial decision upon the approval of the Council of Ministers (Article 13 of the Law on Copyright and Neighboring Rights as amended).

5. International treaties

Bahrain is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- [WIPO Copyright Treaty](#) (WCT)
- [WIPO Performances and Phonograms Treaty](#) (WPPT)
- [Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite of 1974 \(Brussels Convention\)](#)
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#)
- Arab Agreement for the Protection of Authors' Rights

Bahrain signed the following Convention but did not ratify it yet:

- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

Bahrain signed a free Trade Agreement (FTA) with the United States on September 14, 2004. The FTA entered into force on August 1, 2006. It requires Bahrain to abide by a standard of copyright protection consistent with U.S. standards and international trends. Provisions of the FTA on Copyright and Related Rights are found under Chapter 14 (Intellectual Property Rights) of the Agreement.

II. Measures and remedies

1. Copyright infringement

Article 45 of the Copyright Law defines a number of prohibited acts relating to effective technological measures, rights management information and transmission of television signals. These acts are as follows:

- Circumventing without authority any effective technological measure.
- Manufacturing, importing, distributing, offering to the public, providing, or otherwise trafficking in devices, products, or components, or offers to the public or providing services, that:
 - are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure;
 - have only a limited commercially significant purpose or use other than to circumvent any effective technological measure; or

- are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure.
- Performing without authority any of the following acts:
 - knowingly removes or alters any rights management information;
 - distributing or importing for distribution rights management information knowing that the rights management information has been removed or altered without authority; or
 - distributing, importing for distribution, broadcasting, communicating, or making available to the public copies of works, performances, or phonograms, knowing that rights management information has been removed or altered without authority.
- Manufacturing, assembling, modifying, importing, exporting, selling, leasing, or otherwise distributing a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted program-carrying satellite signal without a written authorization of the lawful distributor of such signal;
- Willfully receiving or further distributing a program-carrying signal that originated as an encrypted satellite signal knowing that it has been decoded without a written authorization of the lawful distributor of the signal.

Additional acts are punished by the copyright law and hence are considered to be infringing its provisions. These are found under Article 65 of the Law on Copyright and Neighbouring Rights, in particular:

- Violating any of the provisions of the copyright law.
- Violating any copyright or neighboring right (moral or economic).
- Violating treaties related to copyright and neighboring rights to which Bahrain is party.
- Willful infringements for purposes of commercial advantage or private financial gain.
- Willful copyright or related rights infringements that have no direct or indirect motivation of financial gain.
- Knowingly trafficking in counterfeit labels affixed or designed to be affixed to: a phonogram, a copy of a computer program, documentation or packaging for a computer program, or a copy of a motion picture or other audiovisual work.
- Knowingly trafficking in counterfeit documentation or packaging for a computer program.
- Using expressions of folklore in contradiction with the provisions of the Law on Copyright and Neighboring Rights.

2. Remedies to protect copyright holders

The Copyright law, the Civil Code, the Law on Civil and Commercial Procedures, the Criminal Law, the Code of Criminal Procedures and the GCC Unified Customs Law provide for a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to stop infringement of copyright and neighboring rights. In such a case, the competent court, upon a request made by the right holder, may order, by petition, the necessary provisional measures in particular, inventorying the violation or the alleged prohibited act as well as the pirated goods or goods, devices, instruments and equipment suspected of being involved in the prohibited activity and ensuring the preservation of evidence; seizing all infringing goods, any material, device or equipment used suspected of being involved in the prohibited activity and any profits attributable to the prohibited activity; preventing the entry into the channels of commerce

and the exportation of imported goods that involve the infringement including imported goods immediately after their customs clearance; and preventing the imminent or continuation of infringement of copyright (Article 63 of the Law on Copyright and Neighboring Rights, Article 147bis of the Law on Civil and Commercial Procedures and Article 135 of the GCC Unified Customs Law).

- Legal action may be instituted at the request of the right holder including fair and equitable civil judicial procedures (Article 63 of the Law on Copyright and Neighboring Rights, Articles 54 to 63 of the Law on Civil and Commercial Procedures, and Articles 24, 25 and 214 to 226 of the Code of Criminal Procedures).
- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense, any devices, instruments and equipment suspected of being involved in the prohibited activity, any documentary evidence relevant to the offense and any assets traceable to the infringing activity may be ordered by the court at the request of right holders or ex-officio by the general prosecutor, customs officials or the officers designated by the competent minister to this effect (Articles 63 to 65 of the Law on Copyright and Neighboring Rights, Articles 90 and 93 of the Code of Criminal Procedures and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law).
- Confiscation of any assets traceable to the infringing activity and confiscation and destruction, at the request of the right holder, of all goods that have been found to be pirated as well as the prompt destruction of materials and implements that have been used in the manufacture or creation of such pirated goods, without compensation of any sort, or, in exceptional circumstances, without compensation of any sort, disposed of outside the channels of commerce when there is a risk of damaging the public health or the environment or in such a manner as to minimize the risks of further infringements (Articles 64 and 65 of the Law on Copyright and Neighboring Rights and Article 152 of the GCC Unified Customs Law).
- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity; pre-established damages, which shall be available on the election of the right holder; court costs or fees and reasonable attorney's fees to be paid by the losing party. The right holder may, as an alternative of the damages resulting from the injury, request at any time the payment of damages of not less than 500 Dinars and not exceeding 9000 Dinars for each infringement (Article 64 of the Law on Copyright and Neighboring Rights and Articles 158 to 162, 164, Article 192 of the Law on Civil and Commercial Procedures, Article 22 of the Code of Criminal Procedures and 177 to 180 of the Civil Code, and Articles 24, 25 and 27 of the code of Criminal Procedures).
- Prevention of the exportation and the entry into the channels of commerce of imported goods that involve the infringement including imported goods immediately after their customs clearance shall be imposed by the court (Article 64 of the Law on Copyright and Neighboring Rights).
- Providing to the court and the right holder any information that the infringer possesses regarding any person(s) or entities involved in any aspect of the infringement and regarding the means of production or the distribution channel of such goods or services, including the identification of third parties that are involved in the production and distribution of the infringing goods or services and their channels of distribution (Article 64 of the Law on Copyright and Neighboring Rights and Article 140 of the Law on Civil and Commercial Procedures).
- Payment of the costs of experts, technical or otherwise appointed by the court. Such costs should be closely related, inter alia, to the quantity and nature of work to be

performed and should not unreasonably deter recourse to such proceedings (Article 64 of the Law on Copyright and Neighboring Rights).

- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of three months and a maximum term of one year and/ or by a fine varying from than 500 Dinars to 4,000 Dinars. In case of recidivism, the sanctions shall be doubled and the premises where the crime was committed shall be closed down or the activities stopped for a period varying between 15 days and six months. Sanctions are also imposed against co-conspirators (Article 65 of the Law on Copyright and Neighboring Rights and Article 44, 49 to 57 of the Criminal Law).
- Publication of court judgments in a local daily newspaper one time or more at the expense of the infringer (Article 65 of the Law on Copyright and Neighboring Rights).

3. Provisional measures

The Copyright Law permits the court, based on a request submitted by the right holder, to take provisional measures to stop or prevent an infringement of copyright and related rights (Article 63 of the Law on Copyright and Neighboring Rights, Article 147bis of the Law on Civil and Commercial Procedures).

In such a case, the competent court, upon a request made by the right holder, may order, by petition, the necessary provisional measures in particular, inventorying the violation or the alleged prohibited act as well as the pirated goods or goods, devices, instruments and equipment suspected of being involved in the prohibited activity and ensuring the preservation of evidence; seizing all infringing goods, any material, device or equipment used suspected of being involved in the prohibited activity and any profits attributable to the prohibited activity; preventing the entry into the channels of commerce and the exportation of imported goods that involve the infringement including imported goods immediately after their customs clearance; and preventing the imminent or continuation of infringement of copyright.

The court may order the plaintiff to provide any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the plaintiff's right is being infringed or that such infringement is imminent and to order the plaintiff to provide a reasonable security or equivalent assurance set at a level sufficient to protect the defendant and to prevent abuse, and so as not to unreasonably deter recourse to such procedures. The court shall act on the request for provisional measures expeditiously and shall execute such requests within ten days from the date of application, except in exceptional cases.

The court may adopt the provisional measures without notifying the defendant and in his absence in cases where the delay may cause irreparable damage to the right holder or where there is a proven risk that delay may lead to the loss of relevant evidence. The prejudiced parties shall then be notified as soon as the provisional measures have been ordered or, where appropriate, as soon as the provisional measures have been carried out. Accordingly, the defendant may appeal the court order, within ten days after his notification by the measures.

The right holder shall file a legal action with the competent court within 20 days from the date of issuance of the court order to carry out the provisional measures or from the date of notification of appeal by the defendant, otherwise the court order for provisional measures will cease to have effect.

See also Article 135 of the GCC Unified Customs Law.

4. Penalties for copyright infringement

The Copyright law, the Civil Code, the Law on Civil and Commercial Procedures, the Criminal Law, the GCC Unified Customs Law and the Code of Criminal Procedures provide for penalties in case of copyright or neighboring rights infringement. These penalties include the following:

- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity; pre-established damages, which shall be available on the election of the right holder; court costs or fees and reasonable attorney's fees to be paid by the losing party. The right holder may, as an alternative of the damages resulting from the injury, request at any time the payment of damages of not less than 500 Dinars and not exceeding 9000 Dinars for each infringement (Article 64 of the Law on Copyright and Neighboring Rights and Articles 158 to 162, 164, Article 192 of the Law on Civil and Commercial Procedures, Article 22 of the Code of Criminal Procedures and 177 to 180 of the Civil Code, and Articles 24, 25 and 27 of the Code of Criminal Procedures).
- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense, any devices, instruments and equipment suspected of being involved in the prohibited activity, any documentary evidence relevant to the offense and any assets traceable to the infringing activity may be ordered by the court at the request of right holders or ex-officio by the general prosecutor, customs officials or the officers designated by the competent minister to this effect (Articles 63 to 65 of the Law on Copyright and Neighboring Rights, Articles 90 and 93 of the Code of Criminal Procedures and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law).
- Confiscation of any assets traceable to the infringing activity and confiscation and destruction, at the request of the right holder, of all goods that have been found to be pirated as well as the prompt destruction of materials and implements that have been used in the manufacture or creation of such pirated goods, without compensation of any sort, or, in exceptional circumstances, without compensation of any sort, disposed of outside the channels of commerce when there is a risk of damaging the public health or the environment or in such a manner as to minimize the risks of further infringements (Articles 64 and 65 of the Law on Copyright and Neighboring Rights and Article 152 of the GCC Unified Customs Law).
- Prevention of the exportation and the entry into the channels of commerce of imported goods that involve the infringement including imported goods immediately after their customs clearance shall be imposed by the court (Article 64 of the Law on Copyright and Neighboring Rights).
- Providing to the court and the right holder any information that the infringer possesses regarding any person(s) or entities involved in any aspect of the infringement and regarding the means of production or the distribution channel of such goods or services, including the identification of third parties that are involved in the production and distribution of the infringing goods or services and their channels of distribution (Article 64 of the Law on Copyright and Neighboring Rights and Article 140 of the Law on Civil and Commercial Procedures).
- Payment of the costs of experts, technical or otherwise appointed by the court. Such costs should be closely related, inter alia, to the quantity and nature of work to be performed and should not unreasonably deter recourse to such proceedings (Article 64 of the Law on Copyright and Neighboring Rights).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of three months and a maximum term of one year and/ or by a fine varying from than 500 Dinars to 4,000 Dinars. In case of recidivism, the sanctions shall be doubled and the

premises where the crime was committed shall be closed down or the activities stopped for a period varying between 15 days and six months. Sanctions are also imposed against co-conspirators (Article 65 of the Law on Copyright and Neighboring Rights and Article 44, 49 to 57 of the Criminal Law).

- Publication of court judgments in a local daily newspaper one time or more at the expense of the infringer (Article 65 of the Law on Copyright and Neighboring Rights).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Bahraini courts. Bahraini courts have jurisdiction over cases brought against a foreigner who has a domicile or a residence in Bahrain with the exception of real estate rights cases where the real estate is located outside Bahrain (Article 14 of the Law on Civil and Commercial Procedures).

Bahraini courts have jurisdiction over cases brought against a foreigner who has no domicile or residence in Bahrain provided he has a chosen place of residence in Bahrain; the case relates to a good existing in Bahrain; the case relates to an obligation that was initiated or executed or was to be executed in Bahrain; the case relates to a bankruptcy declared in Bahrain; or if any of the defendants has a domicile or a residence place in Bahrain (Articles 15 of the Law on Civil and Commercial Procedures).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The police, public prosecutors, the judiciary, customs officials, and officers appointed by the competent minister to this effect are the competent authorities responsible for enforcing the Law on Copyright and Neighboring Rights and combating piracy in Bahrain (Articles 62 to 65, 67 of the Law on Copyright and Neighboring Rights and (Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

Officers appointed by the competent minister to verify the implementation of the copyright law have the power to inspect places that use intellectual works in their activities. These officers are given police power by the Minister of Justice, in agreement with the competent minister, with regard to crimes falling within their functions and related to their job duties. Reports related to these crimes should be forwarded to the General Prosecution through a decision by the competent minister or his delegate.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

Public prosecutors, Officers appointed by the competent minister to verify the implementation of the copyright law and customs authorities have police powers with regard to the implementation of the provisions of the Law on Copyright and Neighboring Rights. They may act ex-officio in cases of infringement of copyright and neighboring rights without the need for a formal complaint by a private party or right holder (Article 62 and 67 of the Law on Copyright and Neighboring Rights, Article 8 of the Code of Criminal Procedures and (Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

The Public Prosecutor shall, ex officio or through a member of the Public Prosecution, commence and conduct a criminal legal action according to the provisions of the Law.

Customs officers may initiate border measures ex officio, with respect to imported, exported, or in-transit merchandise, or merchandise in free trade zones, suspected of being pirated copyright goods, without the need for a formal complaint from a private party or right holder (Article 62 of the Law on Copyright and Neighboring Rights).

c) Courts dealing with copyright cases

There are no specialized courts for copyright or intellectual property rights (IPR) in Bahrain. The competent courts are the regular courts (civil, criminal and administrative). The court having jurisdiction over copyright and neighboring rights cases is the court of first instance in charge of civil cases (Article 1 of the Code of Civil and Commercial Procedures and Article 185 of the Code of Criminal Procedures).

2. Enforcement at the border

The Customs is the Authority responsible for combating piracy at the borders. Customs officers may initiate border measures ex officio, with respect to imported, exported, or in-transit merchandise, or merchandise in free trade zones, suspected of being pirated copyright goods, without the need for a formal complaint from a private party or right holder (Article 62 of the Law on Copyright and Neighboring Rights and Articles 2, 24, 53 to 56, 58, 59, 80, 81, 116, 121 to 128, 129 to 137, 143, 145, 150, 152 and 161 to 165 of the GCC Unified Customs Law).

Any right holder who has reasonable grounds to believe that goods infringing his copyright are being imported may submit a complaint to the customs authority to suspend the clearance procedures and the release into free circulation of the suspected pirated goods. The application should include adequate evidence to satisfy the customs authority that there is prima facie an infringement of the right holder's copyright, as well as sufficient information to make the suspected goods reasonably recognizable by the customs. The Customs authority shall issue its decision and notify the applicant (in writing) within seven days from the date of submission of the application. The application to suspend the release of goods shall remain in force for a period of not less than one year from the date of application, or the period that the good is protected by copyright, whichever is shorter, unless the applicant requests a shorter period. The customs authority may ask the applicant to provide a reasonable security or equivalent assurance sufficient to protect the defendant and the customs authority and to prevent abuse. Such security or equivalent assurance shall not unreasonably deter recourse to these procedures (Article 62 of the Law on Copyright and Neighboring Rights).

Accordingly, the customs authority may decide to stop the clearance procedures. In this case, it shall (1) notify the importer and the right holder about its decision; (2) inform the right holder, upon his written request, of the names and addresses of the consignor, the importer, and the consignee, and of the quantity of the goods in question; and (3) allow the concerned parties to inspect the detained suspected goods according to the customs procedures.

A legal action shall then be filed by the right holder before the competent court and notified to the customs authority within a period not exceeding ten working days from the notification of the right holder, otherwise the decision to stop the clearance procedures will cease to have effect, unless the customs authority or the competent court decide, in specific cases, to extend the

period to ten more working days. The court may agree with the decision to stop the clearance procedures, amend it or cancel it.

Goods that have been determined by the court to be pirated or in violation of the copyright law shall be destroyed at the expense of the importer, or disposed of outside the channels of commerce when there is a risk of damaging the public health or the environment.

The Minister of Finance shall issue a decision, upon the approval of the Council of Ministers, regarding the rules, procedures and fees relating to the application of suspending the clearance procedures and the release into free circulation of suspected pirated goods, the amount of the security or equivalent assurance and the merchandise storage fee.

Goods of a non-commercial nature contained in travelers' personal luggage or sent in small consignments shall not be subject to the provisions of the Law on Copyright and Neighboring Rights relating to border enforcement (Article 62 of the Law on Copyright and Neighboring Rights).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

IV. Public Awareness

1. Awareness campaigns and actions

Information not available

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

Private bodies have been created to promote intellectual property in Bahrain and to fight against piracy, in particular the following:

- **Brand Owners Protection Group**

The Brand Owners Protection Group (BPG) is a non-profit organization which seeks the enforcement of intellectual property laws, copyright, patent, and trademark protection, and licensing laws in order to protect consumers from counterfeits and all other forms of illicit trade. <http://www.gulfbpg.com/index.php>

- **ICC-Bahrain Commission on Intellectual Property**

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual *Roadmap on Current and Emerging IP Issues for Business and other publications*. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task

forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where ICC has observer status. <http://www.iccwbo.org/policy/ip/id2465/index.html>

- 4. Best practices**
Information not available

V. Capacity-building

- 1. Training**
Information not available

- 2. Establishment of specialized units and intersectoral groups**

- **Saba & Co. Intellectual Property**

Saba is one of the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- **Arab Society for Intellectual Property**

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies. <http://www.aspip.org/Default.aspx?&lang=en>

- 3. Best practices**
Information not available

VI. Other

1. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) through prohibiting and punishing the following acts (Article 45 of the Law on Copyright and Neighboring Rights):

- Circumventing without authority any effective technological measure*.
- Manufacturing, importing, distributing, offering to the public, providing, or otherwise trafficking in devices, products, or components, or offers to the public or providing services, that:
 - are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure;
 - have only a limited commercially significant purpose or use other than to circumvent any effective technological measure; or
 - are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure.
- Performing without authority any of the following acts*:
 - knowingly removes or alters any rights management information;
 - distributing or importing for distribution rights management information knowing that the rights management information has been removed or altered without authority; or
 - distributing, importing for distribution, broadcasting, communicating, or making available to the public copies of works, performances, or phonograms, knowing that rights management information has been removed or altered without authority.

* The provisions of these paragraphs shall not apply to lawfully authorized activities carried out by government employees, agents, or contractors for the purpose of law enforcement, intelligence, essential security, or similar government activities.

Violation of the aforementioned measures should entail a separate civil or criminal offence and independent of any infringement that might occur under the Law on Copyright and Related Rights.

Any person, other than a nonprofit library, archive, educational institution, or public noncommercial broadcasting entity, who is found to have engaged willfully and for purposes of commercial advantage or private financial gain in any of the aforementioned activities shall be liable and sentenced for a period of not less than three months and not more than one year of imprisonment and/ or by a fine of not less than 500 Dinars and not more than 4000 Dinars (Article 65 of the Law on Copyright and Neighboring Rights).

The infringer shall also be subject to the payment of damages adequate to compensate for the injury the right holder has suffered as a result of the infringement, as well as the payment of his profits that are attributable to the infringement. The right holder may, as an alternative of the above, request at any time the payment of damages of not less than 500 Dinars and not exceeding 9000 Dinars for each infringement. These damages shall not be available against a

nonprofit library, archive, educational institution, or public noncommercial broadcasting entity that sustains the burden of proving that it was not aware and had no reason to believe that its acts constituted a prohibited activity (Article 64 of the Law on Copyright and Neighboring Rights).

Moreover, Articles 46 to 56 of the Law on Copyright and Neighboring Rights provide for legal incentives for service providers to cooperate with copyright owners in deterring the unauthorized storage and transmission of copyrighted materials; as well as limitations regarding the scope of remedies available against service providers for copyright infringements that they do not control, initiate or direct, and that take place through systems or networks controlled or operated by them or on their behalf.

2. Licensing Schemes

Information not available

3. Optical Discs

Information not available

4. Hotlines

Information not available

5. Contact Details

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Web links

E-Government Portal (includes Database of Bahraini Laws):

http://www.e.gov.bh/wps/portal!/ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3g3E0cj0wAXlwMDvwBXAYNLbw8jkbXl3dzA_1wkA6zeD9_o1A3E09DQwszV0MDlzMPEyefME8DdxjilwBDuBooO_nkZ-bql-QnZ3m6KioCAAw5MuO/dl2/d1/L0IDUmITUSEhL3dHa0FKRnNBL1ICUIp3QSEhL2Fy/

Arab IP Center of the League of Arab States:

<http://www.arabipcenter.org>