

Copyright Protection in Bahrain

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This article considers the scope of copyright protection in Bahrain.

What is the legal framework?

Bahrain is a member of the Berne Convention according to Law no. 30 of 1996 and the WIPO Copyright Treaty according to Law no. 14 of 2004. This membership was effectively translated into the local legislative system, providing wide protection for copyright in respect of both moral and financial rights.

The Bahraini Copyright Law no. 22 of 2006 as amended ("Copyright Law") replaced Law no. 10 of 1993, providing wider protection which we consider in some further detail below. Further, copyright protection is not only imposed by the Copyright Law and the Press and Publication Law no. 47 of 2002 sets out certain rights in respect of attribution, publishing and distribution.

The Copyright Law extends the protection period to be the authors' life plus 70 years instead of 50 years, and adding specific provisions in relation to customs and preliminary procedures.

Under the Copyright Law, the copyright owner may request the customs authority to seize any infringing products provided that evidence of the possible infringement is provided along with adequate details to enable customs to reasonably detect infringing products. Once the request is accepted by customs, the recordal remains valid for a year or for the remaining period of protection whichever is less.

Further, the customs authority, even without a request by the copyright owner, may seize any products it suspects will infringe copyright and notify the importer and the copyright owner, who has the right to file an action before the court within ten working days of the notification.

What are the possible sanctions?

The Copyright Law provides that infringement actions before the court may be civil or criminal, in addition to setting out the preliminary procedures to (i) prevent the infringement, (ii) to prove it and (iii) to seize the infringing products.

The court in a copyright civil case shall determine the adequate compensation based on the evidence before it as in any regular civil case. However, the Copyright Law provided an additional remedy allowing the copyright owner to claim compensation of not less than BHD 500, and not exceeding BHD 9000 if the owner cannot otherwise prove the amount of damages.

Criminal protection is imposed with a minimum of three months and a maximum of one year of imprisonment, or a fine not less than BHD 500 and not exceeding BHD 4000, or both, in respect of any infringement with the intention of a commercial or a material gain.

Are there registration formalities?

As applied by the majority of countries, and according to the Berne Convention, copyright protection is obtained automatically without the need for registration or other formalities. However, depositing the copyrighted work before the Ministry of Information provides evidence of ownership which assists in resolving ownership disputes, document assignments or any other financial transactions.

The legislative part of Copyright protection in Bahrain can only be described as robust, as laws and regulations in the Kingdom are detailed and precise. However, the difficulty we face as lawyers is the few number of judicial and administrative precedents, specifically in relation to IP enforcement, which leaves most of the provisions untested.