



Brunei Darussalam

IP OFFICES

Intellectual Property (Patents, Trademarks, Industrial Designs, Copyright and Plant Varieties Protection)	
Competent Authority	Brunei Darussalam Intellectual Property Office (BruIPO) Attorney General's Chambers (AGC)
Web site address	http://www.bruipo.gov.bn
Address	Knowledge Hub (Khub) Simpang 32-37, Anggerek Desa Technology Park Jalan Berakas BB3713, Brunei Darussalam
Telephone	(673) 238 0965
E-mail	enquiries@bruipo.gov.bn

MAIN IP INTERNATIONAL CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Signature	In Force Since
1.	Berne Convention	August 30, 2006
2.	Budapest Treaty	July 24, 2012
3.	Hague Agreement	December 24, 2013
4.	Madrid Protocol	January 6, 2017
5.	Paris Convention	February 17, 2012
6.	Patent Cooperation Treaty	July 24, 2012
7.	WIPO Convention	April 21, 1994
8.	WIPO Copyright Treaty	May 2, 2017
9.	WIPO Performances and Phonograms Treaty	May 2, 2017

For more information please refer to: https://www.wipo.int/directory/en/contact.jsp?country_id=21

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	- Originality	Life of author + 50 years	Brunei Darussalam Intellectual Property Office (BruIPO)

Trademarks	<ul style="list-style-type: none"> - Distinctiveness - Not in conflict with prior signs - Not generic - Not descriptive - Not contrary to Public Order/Morality 	10 years renewable indefinitely every 10 years	Brunei Darussalam Intellectual Property Office (BrulPO)
Patents	<ul style="list-style-type: none"> - Novelty - Inventive step - Industrial Applicability 	20 Years Renewable starting the 5 th year.	Brunei Darussalam Intellectual Property Office (BrulPO)
Industrial Designs	<ul style="list-style-type: none"> - Novelty - Industrial Applicability 	5 Years renewable for two periods of 5 years each, for a total of 15 years	Brunei Darussalam Intellectual Property Office (BrulPO)
Plant Varieties Protection	<ul style="list-style-type: none"> - Novelty - Distinctiveness - Uniform in its relevant characteristics - Stable (remain unchanged after repeated propagation) 	25 years	Brunei Darussalam Intellectual Property Office (BrulPO)

PATENT SYSTEM	
National Law	The Patents Order, 2011
Requirement of Agent by receiving office for foreigner	Yes
Language in which request may be filed	English
Non-Patentable Subjects	<ul style="list-style-type: none"> - An invention the publication or exploitation of which would be generally expected to encourage offensive, immoral or anti-social behaviour is not a patentable invention. - Behavior shall not be regarded as offensive, immoral or anti-social only because it is prohibited by any law in force in Brunei Darussalam. - In the case of an invention consisting of a substance or composition for use in a method of treatment of the human or animal body by surgery or therapy or of diagnosis practised on the human or animal body, the fact that the substance or composition forms part of the state of the art shall not prevent the invention from being taken to be new if the use of the substance or composition in any such method does not form part of the state of the art. [Section 13 (2) & (3); Section 14 (7)]
Substantive Examination	Yes (Section 29)
PCT international application through	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/

the national office of the country as a receiving office under the PCT	annexes/annexc/ax_c_bn.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/bn.pdf

INDUSTRIAL DESIGN SYSTEM	
National Law	The Emergency (Industrial Designs) Order, 1999 (1st May 2000)
Language	English
Non-Registrable Subjects	<ul style="list-style-type: none"> - Design should not be contrary to public order or morality (Section 10). - A design in an article is not registrable if aesthetic considerations are not normally considered to a material extent by persons acquiring or using articles (Section 11).
Substantive Examination	No (Section 25).
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	https://www.wipo.int/hague/memberprofiles/#/result?countries=10178&datafields=9579,9580,9578,9577,9581,9590,9587,9591,9593,9588,9585,9592,9589,9586,9582,9583,9584,9645

TRADEMARK SYSTEM	
National Law	The Trade Marks Act (Chapter 98, Revised Edition 2000)
Subjects of Protection	Words (including personal names), Designs, Letters, Numerals, Shape of Goods and Packaging. (Section 4)
Language	English
Non-Registrable Subjects	<p>Absolute and relative grounds listed in Sections 6, 7 and 8 including:</p> <ul style="list-style-type: none"> - Trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or of rendering of services, or other characteristics of goods or services. - Trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade. - Trade marks contrary public policy or to accepted principles of morality; - Deceptive marks.
Substantive Examination	Yes
Opposition System	Yes. Opposition against a trademark application can be filed

	within 3 months after its publication in the official Journal.
International application through the national office of the country as an office of origin under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9132&datafields=9579,9580,9581,9577,9578
International application to the national office of the country as a designated office of designated country under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9132&datafields=9579,9577,9581,9578,9580,9584,9582,9583,9624,9622,9625,9623,9626,9627,9638,9593,9587,9591,9594,9588,9589,9585,9590,9586,9592,9600,9603,9604,9596,9597,9602,9599,9601,9605,9598,9637,9634,9633,9635,9636,9639,9640,9607,9609,9611,9610,9612,9621,9613,9615,9620,9616,9606,9618,9608,9617,9614,9619,9628,9630,9629,9631,9595

COPYRIGHT SYSTEM	
National Law	The Copyright Order, 1999
Subjects of Protection	<ul style="list-style-type: none"> - Literary works, Dramatic and Musical Work - Artistic works - Sound Recordings and Films - Broadcasts - Cable Programs - Published Editions (Sections 5 – 10)
Foreign Copyright Holders	Brunei is a party to Berne Convention hence works of foreign copyright holders are automatically protected.
Moral Rights	Moral Rights consists of: <ul style="list-style-type: none"> - Paternity Right (the right to be identified as author or director). - Integrity Right (the right to object to a derogatory treatment of work). - False Attribution Right (the right not to have work falsely attribute). - Privacy Right (the right of privacy to certain photographs and films) (Sections 80 – 92)
Economic Rights	They include: <ul style="list-style-type: none"> - Rights of reproduction, - Rights of communication to public, - Rights to perform, showing or playing to the public, Rights of distribution and rights of commercial rental. (Sections 18 – 25)

PLANT VARIETIES PROTECTION SYSTEM	
National Law	Plant Varieties Protection Order, 2015
Language	English
Non-Registrable Subjects	<ul style="list-style-type: none"> - The plant Variety is not new or distinct within the meaning of section 21 at the time of the grant of the protection. - The grant of protection was essentially based upon information and documents furnished by the breeder. - The grant of protection has been made to a person who is not entitled to it, unless it is transferred to the person who is entitled.
Substantive Examination	No

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY
The Office of AVC (IE) is responsible for transforming UBD into a university of innovation and enterprise. The office functions include Education on IP, Entrepreneurship, Patents Application, Innovation Wharf, Prototype Development Unit, Industry Outreach, Marketing and Licensing, Business development, Start-ups, Consultancies, and UBD focal point of contact with Industry. https://innovation.ubd.edu.bn/

ATTORNEYS IN THE COUNTRY
While there is no official list, information regarding Intellectual Property Law Firms in Brunei can be found at: https://www.hg.org/law-firms/intellectual-property/brunei.html

FILING PROCEDURES

Patents

Procedures for obtaining a Patent in Brunei under the National Law

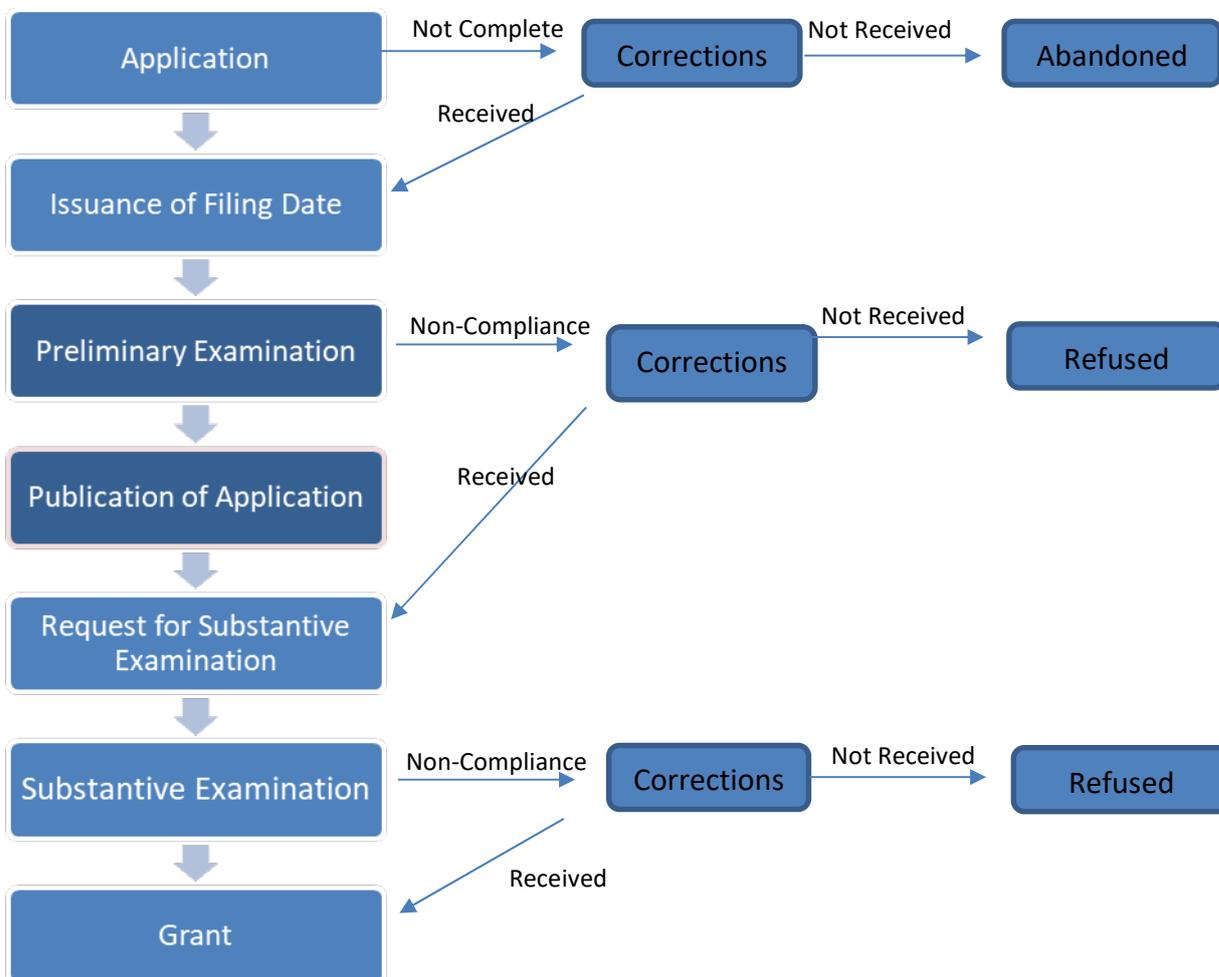
1. Every application for the grant of patent has to be filed with the registry in the manner prescribed in this regard under Section 25.
2. Once a complete application is filed with the Brunei Patent Office, a filing date is issued and the application is processed for preliminary examination (Section 26). In case of any irregularity, the Registrar informs the applicant.
3. After a filing date is issued, the Registrar of patents publishes the application, unless the same is withdrawn (Section 27).
4. The Registrar of Patents carries out a detailed formal examination of the application once the application is filed in compliance with Section 25 and fees are paid.
5. If the application passes this preliminary examination, a detailed search and substantive examination of the same is conducted (Section 28).
6. In case of any irregularities, the Registrar may ask the applicant to modify the application within a prescribed time (Section 28 (4)). In case the applicant does not comply with the directions of the Registrar, the application is refused (Section 28 (5)).

7. If the application complies with all the conditions of formal examination, the Registrar sends a notification to the applicant to request for search and examination report and pay the fees prescribed in this regard (Section 29 (2))
8. After the request is made and the prescribed fees paid, the Registrar causes the examiners to conduct a substantive examination of the application. After the search and examination is concluded, the Registrar sends the search and examination report to the applicant (Section 29).
9. During the substantive examination, if the application is accepted, the applicant assesses if he/she would proceed to obtain a grant of a patent.
10. If granted, a certificate of grant is issued, and this fact and date of grant is published in the Patents Journal (Section 30).

Additional information relating to the Procedures for obtaining a Patent in Brunei through PCT

- The time limit for entering the Brunei National Phase of a PCT application is 30 months from the priority date.
- Special Requirement of Brunei IP Office for entry into National Phase:
 - Name and address of the inventor if they have not been furnished in the “Request” part of the international application.
 - Statement justifying the applicant’s right to the patent where the applicant is not the inventor.
 - Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application.
 - Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau.
 - Appointment of an agent if the applicant is not resident in Brunei.
 - Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form.
- An application has to be filed in the national phase, along with its translation and prescribed fees. The Applicant has to provide a proof of service in Brunei and appoint an agent in this regard.
- The applicant has to request for substantive examination within 42 months from the date of International Filing. The application has to be in English. The applicant can, at any point of time before the grant of the patent, request for the amendment of the patent application.

Flow Chart for obtaining a Patent in Brunei



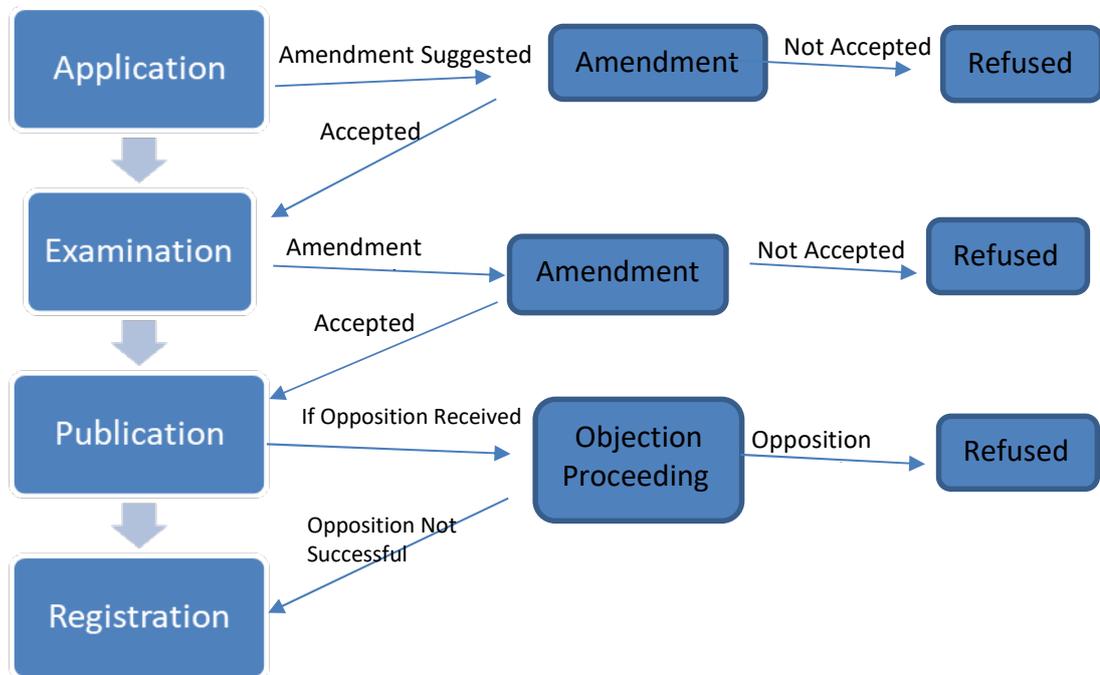
Trademarks

Procedure for obtaining a Trademark in Brunei under the National Law

1. An application has to be filed in a prescribed manner (see Rule 13), accompanied by the payment of the prescribed fees. In case the Registrar is of the opinion that the mark is not properly represented, he can ask the applicant to file another representation (Rule 14).
2. Once the application is properly filed with the Trademark office, it undergoes examination. In the course of the examination, if the Registrar finds any irregularity, it gives a notice to the applicant to correct the application within 2 months (Rule 24).
3. If the Registrar accepts the trademark application, he sends a notice to the applicant. On receipt of such notice, the applicant must comply with the requirements sent in the notice within 2 months of receipt of such notice (Rule 25).
4. After acceptance of the application, it is published in official Journal (Rule 26).
5. Possible oppositions be filed within three months from the official publication (Rule 29).
6. The Registrar decides on the opposition (Rule 31).

- If the registration is finally accepted, a certificate of registration is issued to the applicant (Rule 34).

Flow Chart for obtaining a Trademark in Brunei



Industrial Designs

Procedure for obtaining an Industrial Design in Brunei

- Applications for the grant of a design must be filed with the Registrar in the manner prescribed under Section 15.
- Once a complete application is filed, it passes through the preliminary examination. (Section 15 (5)).
- If the application passes the preliminary examination stage, a filing date is issued (Section 16).
- Once the filing date is accorded to an application, the Registrar examines the application if the application complies with the formal requirements of the law (Section 25).
- On satisfaction that the application complies with the formal requirements, the Registrar registers the industrial design, issues the certificate of registration and advertises the registration in the official Journal (Section 26).
- If the Registrar is not satisfied after examination under section 25, he may refuse the application (Section 27).

Flow Chart for obtaining an Industrial Design in Brunei

