



# BRUNEI

## PATENT HANDBOOK

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Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change.

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**On 1 January 2012, the Patents Order 2011 and Patents Rules 2012 came into effect. The Brunei's Patent Order 2011 replaces the previous re-registration system of Singapore, Malaysia, UK and EP (designating UK) patents and establishes an independent patent system.**

### **Legislation**

Patents Order 2011 and Patents Rules 2012

### **Patentability Criteria**

- A patent should satisfy the following criteria to claim protection:
  - △ new
  - △ involves an inventive step
  - △ capable of industrial application
- An invention of a method of treatment on the human and/or animal body involving surgery, therapy, or diagnosis is not patentable as they cannot be applied industrially.
- An invention that encourages offensive, immoral or anti-social behavior is not patentable – even if it satisfies the criteria of patentability.

### **Utility Innovations**

N/A in Brunei

### **Membership**

- √ - Paris Convention
- √ - PCT

### **Rule of Priority**

Convention priority cannot be claimed in Brunei. The application system in Brunei Darussalam operates on a 'first-to-file' basis, that is, the first person to file an application will have priority over others for the same invention.

### **Duration**

The term of a patent granted under the Order shall be 20 years from its filing date. Annual fees shall be payable in respect of the fifth year onwards.

## Procedures

### ▼ Application

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

### ▼ Publication

The application will be published after 18 months after the date of filing of the application.

### ▼ Preliminary Examination

A formalities examination for forms will be carried out to ensure statutory compliance within 21 months from the filing date.

### ▼ Examination

There are 4 ways of examination, details of which can be found in the following page.

### ▼ Registration

Upon the receipt of a search and examination report, the applicant would have to assess if it is worthwhile to proceed to obtain a grant of a patent and maintain the patent. If the applicant chooses to do so, he would then submit a request for grant within 42 months from filing date. The grant of a patent will take approximately 2-4 years depending on the complexity of the invention. On grant, a certificate of grant would be issued, and this fact and date of grant will be published in the Patents Journal.

#### Examination Option 1:

##### Request For Local Search and Examination (Non-PCT)

The applicant may request a search within 13 months from the priority date to be followed by a request for examination within 21 months from the priority date or a combined search and examination within 21 months from the priority date.

#### Examination Option 2.1:

##### Notification To Rely on Prescribed Information From a Prescribed Patent Office (Non-PCT) or International Preliminary Report on Patentability ( For PCT National Entry)

The applicant can furnish prescribed information ( ie, search, examination results and claims in English) of corresponding foreign application from a prescribed patent office (namely, from either Europe, USA, Japan, Australia, Canada, United Kingdom, New Zealand or South Korea) ( for non-PCT filing) or IPRP ( for PCT national entry) to meet local grant requirements within 42 months from the priority date. Please be informed that under this option, the claims must either be the same or narrow in scope as compared to the claims in the corresponding application that have been examined for novelty, inventive step and industrial applicability.

#### Examination Option 2.2:

##### Notification To Rely on Prescribed Information Under the Slow Track (Non-PCT)

If the applicant is unable to produce prescribed information showing final results or grant of foreign application from a prescribed patent office, the applicant can opt to proceed under the slow track by filing a block extension of time by 39 months and extend the deadline for filing the notification or prescribed information to 60 months.

#### Examination Option 3:

##### Request For Local Search and Examination Under the Slow Track (PCT National Entry)

The applicant can file a block extension of time by 39 months and request local examination based on the International Search Report or request combined search and examination at time of requesting the block extension, similar to the slow track option of a non-PCT application.

## Filing Requirements

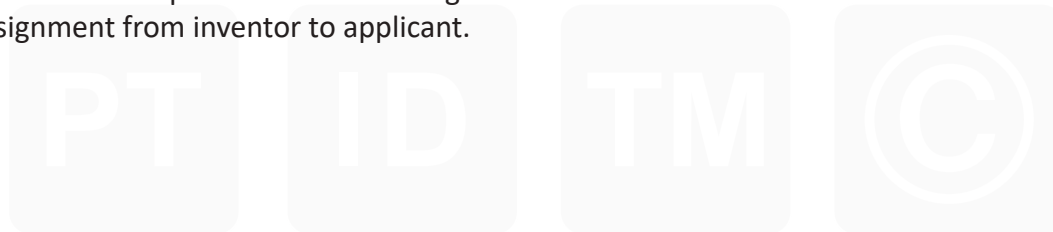
**The following information and/or documents are required to file an application for a patent application in Brunei:-**

### Direct National Application:-

- Request for the grant of a patent:-
  - △ the name and address of the applicant;
  - △ the name and address of the inventor;
  - △ a specification comprising a description, claims and any necessary drawings; and
  - △ the country and filing particulars of basic application whose priority is claimed.
- Appointment of Patent Agent.
- A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.
- There is no requirement for the filing of an assignment from inventor to applicant.

### PCT National Phase Application:-

- Request for the grant of a patent;
- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- One copy of the PCT specification as originally filed (in or translated to English);
- One copy of any amendments filed in the international phase (in or translated to English);
- An Appointment of Agent form signed by the applicant; and
- A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.



" Today's Asset, Tomorrow's Value "

## Documents To Be Furnished For Filing A Patent Application in Brunei

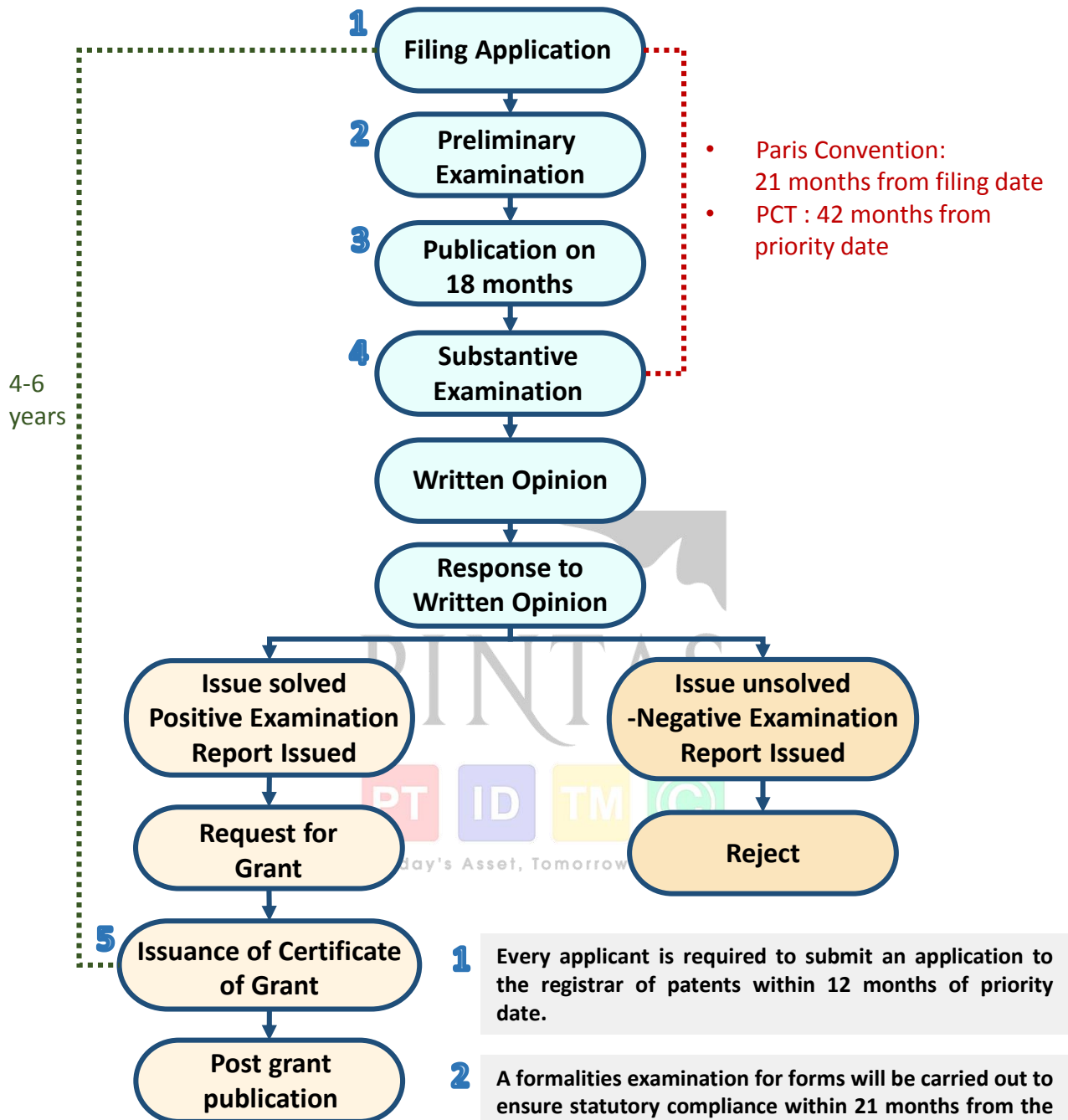
Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	No legalization required	On filing date
Drawings	(If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic patent application	Within 2 months after filing
Appointment of Agent (PF41)		Within 2 months after filing

Additional Documents for Entry of PCT National Phase in Brunei	
Documents	Time of Filing
International Preliminary Report on Patentability based on International Preliminary Search Report (Chapter I); or	On filing date
International Preliminary Report on Patentability based on International Preliminary Examination Report (Chapter II)	On filing date

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# Patent Application Process In Brunei (Substantive Examination Regime)



**3** The application will be published after 18 months after the date of filing of the application.

**4** There are 4 ways of examination, details of which can be found in the following page.

**1** Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

**2** A formalities examination for forms will be carried out to ensure statutory compliance within 21 months from the filing date.

**5** Upon the receipt of a search and examination report, the applicant would have to assess if it is worthwhile to proceed to obtain a grant of a patent and maintain the patent. If the applicant chooses to do so, he would then submit a request for grant within 42 months from filing date. The grant of a patent will take approximately 5 years depending on the complexity of the invention. On grant, a certificate of grant would be issued, and this fact and date of grant will be published in the Patents Journal.

MALAYSIA  
OFFICE

Kuala Lumpur / Corporate Office

Pintas Consulting Group Sdn Bhd (461057-W)

Adds: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,  
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,  
Malaysia.

Selangor / Correspondence Operation Office

Adds: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.

Tel: +603-7876 5050

Fax: +603-7876 2678

H/P: +6012-797 5077

Email: marketing@pintas-ip.com

Pintas Pte Ltd (20010467111)

Adds: Suite 12-14, Manhattan House, 151 Chin Swee Road,  
Singapore 169876.

Tel: +65-6250 2070

Fax: +65-6737 1805

H/P: +65-9747 2579

Email: pintas.sg@pintas-ip.com

SINGAPORE  
OFFICE

CHINA  
OFFICE

Pintas Inc (Customer Service Office)

Adds: Room1811, 18th Floor, Far East Tower,  
No. 1101 Pudong Road (s) Pudong, Shanghai,  
200120, China.

Tel: +86-21 32180770

Fax: +86-13 022176477

Email: pintas.china@pintas-ip.com

USA  
OFFICE

Pintas LLC (Customer Service Office)

Adds: P.O. Box 190943, Boise, Idaho  
83719-0943, United States of  
America.

Tel / Fax: +1 208 899 8528

Email: pintas.usa@pintas-ip.com

BRUNEI  
OFFICE

Pintas Consulting Group (Customer Service Office)

Adds: P.O.Box 18, Anggerek Desa Complex,  
BB3780 Brunei Darussalam.

Tel: +673-873 8478

Fax: +673-245 2112

Email: pintas.brunei@pintas-ip.com