



BRUNEI

INDUSTRIAL DESIGN 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.

You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any

Legislation

The Emergency (Industrial Designs) Order 1999, Industrial Design (International Registration) Rules, 2014.

Effective 01 October 2012, the Registry of Industrial Designs in Brunei has been transferred from the Attorney General's Chambers to the Patent Registry Office (PRO).

Definition

“Industrial Design” is defined “as features of shape, configuration, pattern or ornament applied to an article

by any industrial process, being features which in the finished article appeal to and are judged by the eye, but does not include -

- method or principle of construction; or
- features of shape or configuration of an article which –
 - Δ are dictated solely by the function which the article has to perform; or
 - Δ are dependent upon the appearance of another article of which the article is intended by the designer to form an integral part.”

Criteria

To claim protection, a design has to fulfill the following conditions:-

- design must be new, that is, it has not been registered, published, used or sold in Brunei Darussalam or elsewhere before the date on which the application of registration was logged appearance of article must be material;
- design must be applied industrially, that is, it has been applied to more than fifty articles which altogether do not constitute a single article or to articles manufactured in lengths and pieces except hand-made articles.

Rule of Priority

A claim to priority right must be applied for within six (6) months from the filing date of the first application in a Paris Convention Country or WTO member or successor in title, subject to compliance with any prescribed conditions.

Duration and Renewal

A Registered Design can last for an initial period of 5 years from the filing date of the application for registration. Thereafter, the registration may be renewed up to a maximum of 15 years, subject to the payment of renewal fees.

Procedures

▼ Application

Every design application has to be filed with the Registry.

▼ Examination

The Registrar on receipt will accord a filing date; and will proceed to examine the application on the "formal requirements". If there are deficiencies with regards to the formal requirements, the applicant will be notified and given the opportunity to correct the deficiencies within a prescribed period.

▼ Registration

If the formal requirements are satisfied then as soon as practicable after such examination, but subject to Section 27, the Registrar shall on payment of the prescribed fees register the industrial design by entering the prescribed particulars in the Register.

Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Brunei:-

- The name and address of the applicant.
- Where the applicant is not the industrial designer, a statement explaining the applicant's rights in relation to the industrial design.
- An address in Brunei Darussalam for the services of documents.
- A transliteration of the name of the application, if it is not in Roman letters.
- A statement identifying the article or articles to which the industrial design is intended to be applied.
- A statement identifying the classification of the article or articles to which the industrial design is intended to be applied, according to the class and sub-class of the classification established by the Lacarno Agreement.
- Six additional representations of the industrial design.

Documents To Be Furnished For Filing An Industrial Design Application in Brunei

Basic Requirements		
Documents	Remarks	Time of Filing
Drawing / Photographs	The size shall be not more than 160 millimeters by 160 millimeters, and one side of the representation shall not be less than 30 millimeters.	On filing date

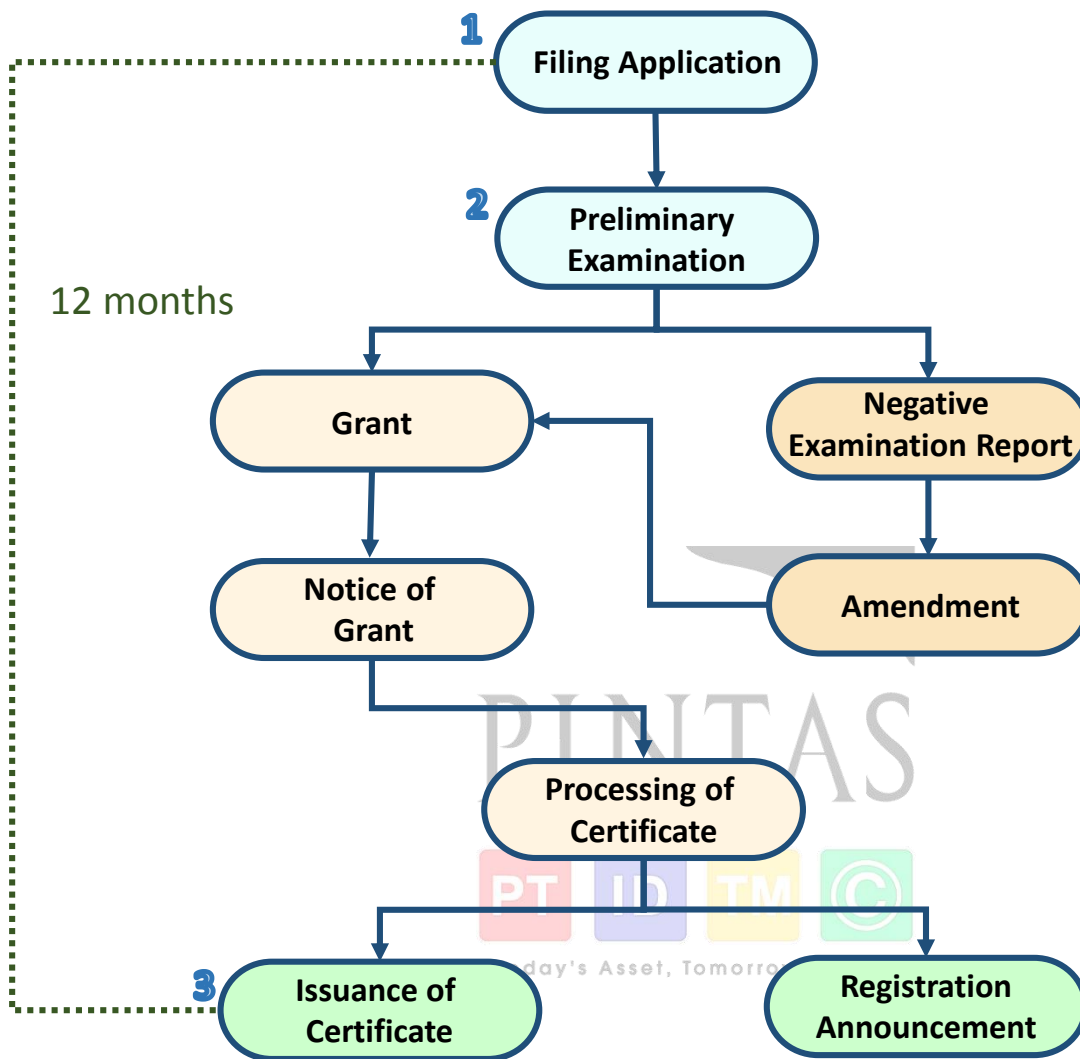
Note:

Where any document or part of a document is not in the English Language, it shall be accompanied by a translation into the English Language and such translation shall be verified to the satisfaction of the Registrar as corresponding to the original text. No notarization is required. This also applies to documents supporting any Statements.



" Today's Asset, Tomorrow's Value "

Industrial Design Application Process in Brunei (Formality Examination Regime)



1 Every design application has to be filed with the Registry.

2 The Registrar on receipt will accord a filing date; and will proceed to examine the application on the “formal requirements”. If there are deficiencies with regards to the formal requirements, the applicant will be notified and given the opportunity to correct the deficiencies within a prescribed period.

3 If the formal requirements are satisfied then as soon as practicable after such examination, but subject to Section 27, the Registrar shall on payment of the prescribed fees register the industrial design by entering the prescribed particulars in the Register.

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