



BRUNEI

TRADEMARK 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

Trade Marks Act (Cap 98– Revised edition 2000), Trademark (Importation of Infringing Goods) Regulations (Revised Edition 2000), Trademark Rules (Revised Edition 2000).

Definition

A trademark is defined as any visually perceptible sign capable of being represented graphically and capable of distinguishing goods or services of one undertaking from those of other undertakings. A trade mark may, in particular, consist of words (including personal names), designs, letters, numerals, or the shape of goods or their packaging.

Since 2017, Brunei Darussalam can now accept registration for non-traditional marks: smell, sound and taste - so long as an applicant can visually represent the product's mark in writing.

Criteria

- To be registrable, a trademark must be new (ie: there is no identical or confusingly similar mark in the same class by another applicant) and distinctive.
- Shape, colour and aspects of packaging are registrable in Brunei. There is also provision for the protection of well-known trademarks.
- Service marks are registrable. Multi-class applications, divisional applications, merger of applications and registrations are also available in Brunei.

Membership

- √ - Paris Convention
- √ - Madrid Protocol

Rule of Priority

The first user of a mark is entitled to its registration in Brunei. Classification is identical with international classification.

Duration and Renewal

Under the old law, trademark are viable for an initial period of seven years and renewable for a further period of fourteen years. After the amendment to Brunei's trademarks law on 1 June 2000, a 10-year term of renewal will be granted where the renewal falls due on or after 1 June 2000. The old 14-year term will be granted only if the renewal fell due before 1 June 2000.

Procedures

▼ Application

Every applicant is required to submit an application with the Brunei Trademark Office.

▼ Examination

On submission of the application, the Trademarks office will examine the application for statutory compliances. Such examinations could lead to office actions. Applicants will be informed and also given an opportunity to reply to such office actions.

▼ Publication

A trademark which passes through examination be published in the government gazette subject to the satisfaction of the registrar.

▼ Opposition

Third parties can oppose the application within three months of publication.

▼ Registration

If the opposition to the registration is resolved in favour of the applicant, or if there are no opposition, the trademark will be registered and a registration certificate will be issued.

Filing Requirements

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

- Application form.
- A clear representation of the trademark.
- The full name, nationality and registered address of the applicant.
- A list of goods or services (which closely follow the Nice International Classification).
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.
- If convention priority is claimed, a certified copy of the priority.

Documents To Be Furnished For Filing Trade / Service Mark Application

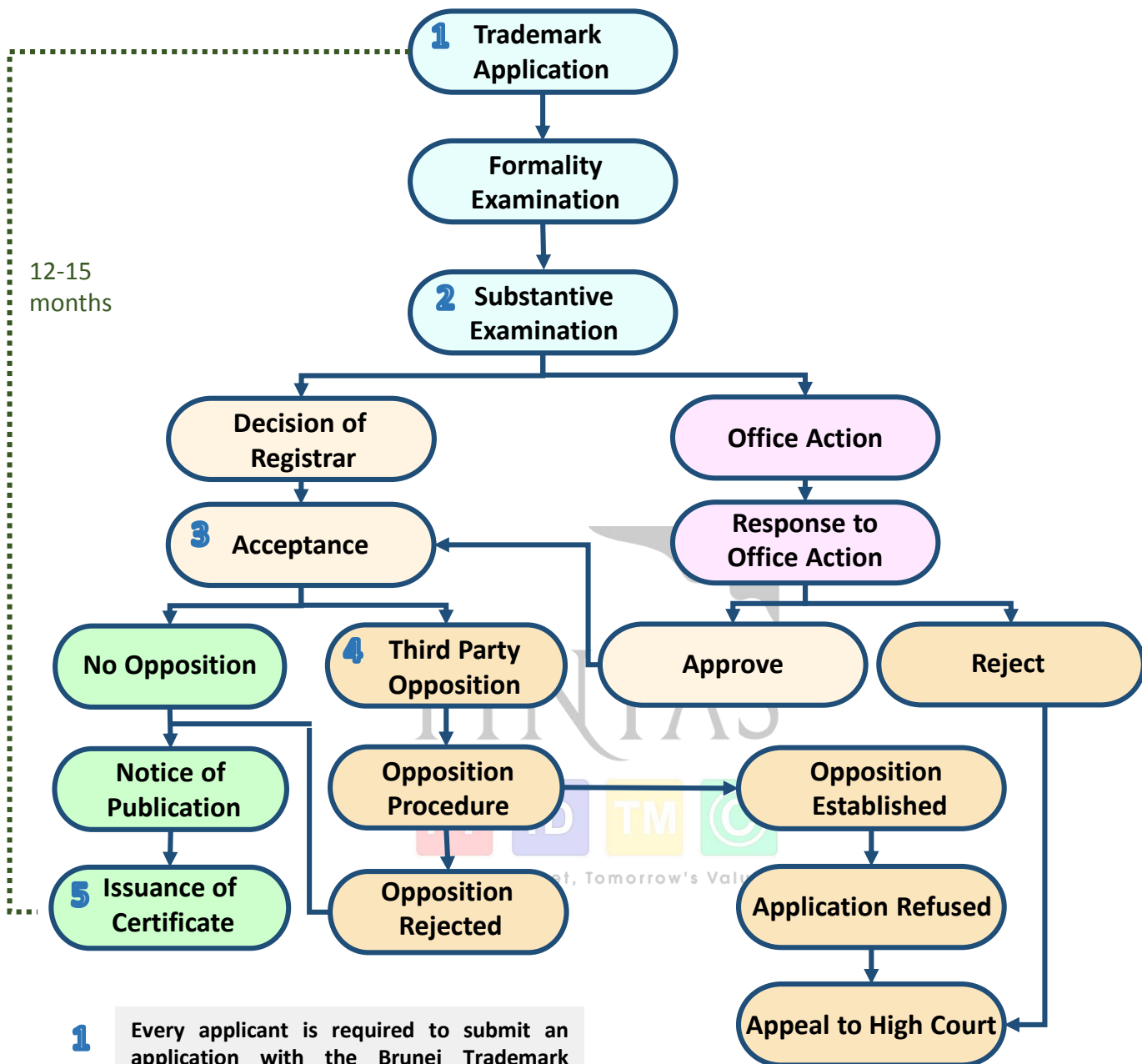
Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney and statement of mark owner	Certified	On Filing Date
Mark in the form of foreign characters has to be accompanied with transliteration in English	Certified by Translator	2 months from filing

Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic application. Documents in any other language has to be provided with its English translation.	2 months from filing

Documents for Filing a Request of Records of Assignments & Changes		
Documents	Remarks	Time of Filing
Copy of:- <ul style="list-style-type: none"> • Assignment deed • Document of name change • Document of address change 	<ul style="list-style-type: none"> • Notarized • Certified • Certified 	Anytime after registration

Documents for Filing an Opposition of Counter-Opposition (Deadline for Applying is during 3 Months Publication Period of the Trade Mark Application to be Opposed)		
Documents	Remarks	Time of Filing
Copy of registrations in various countries	no legalization	On filing date
Copy of advertisements / brochures of the products bearing the mark	no legalization; as many and as early as possible	On filing date

Trademark Registration Process in Brunei



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2 On submission of the application, the Trademarks office will examine the application for statutory compliances. Such examinations could lead to office actions. Applicants will be informed and also given an opportunity to reply to such office actions.

3 A trademark which passes through examination be published in the government gazette subject to the satisfaction of the registrar.

4 Third parties can oppose the application within three months of publication.

5 If the opposition to the registration is resolved in favour of the applicant, or if there are no opposition, the trademark will be registered and a registration certificate will be issued.

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