PATENT   **TRADEMARK**   **INDUSTRIAL DESIGN**   **PVP**

GI PROTECTION IN BRUNEI DARUSSALAM

INTELLECTUAL PROPERTY OFFICE **BRUNEI DARUSSALAM**

OUTLINE

I. Introduction
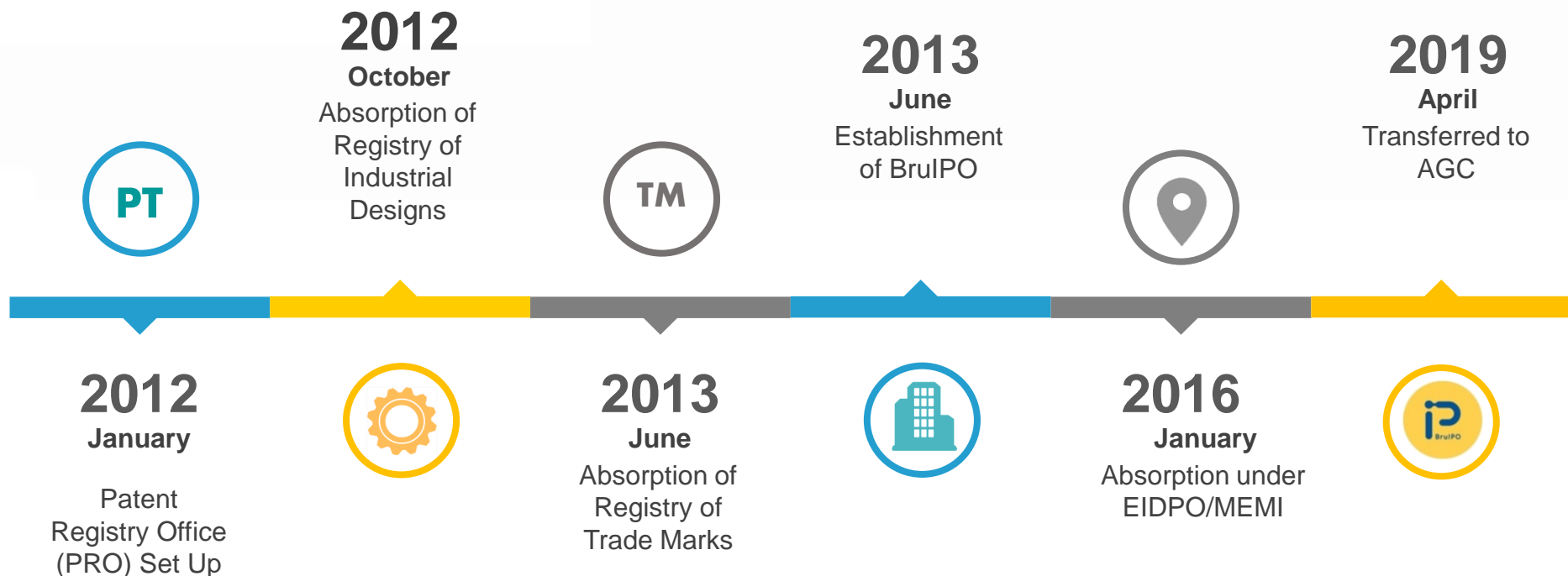
- Objectives

- IP Regime

II. How GI is Protected in Brunei

III. Analysis on the Current Protection for GI in Brunei
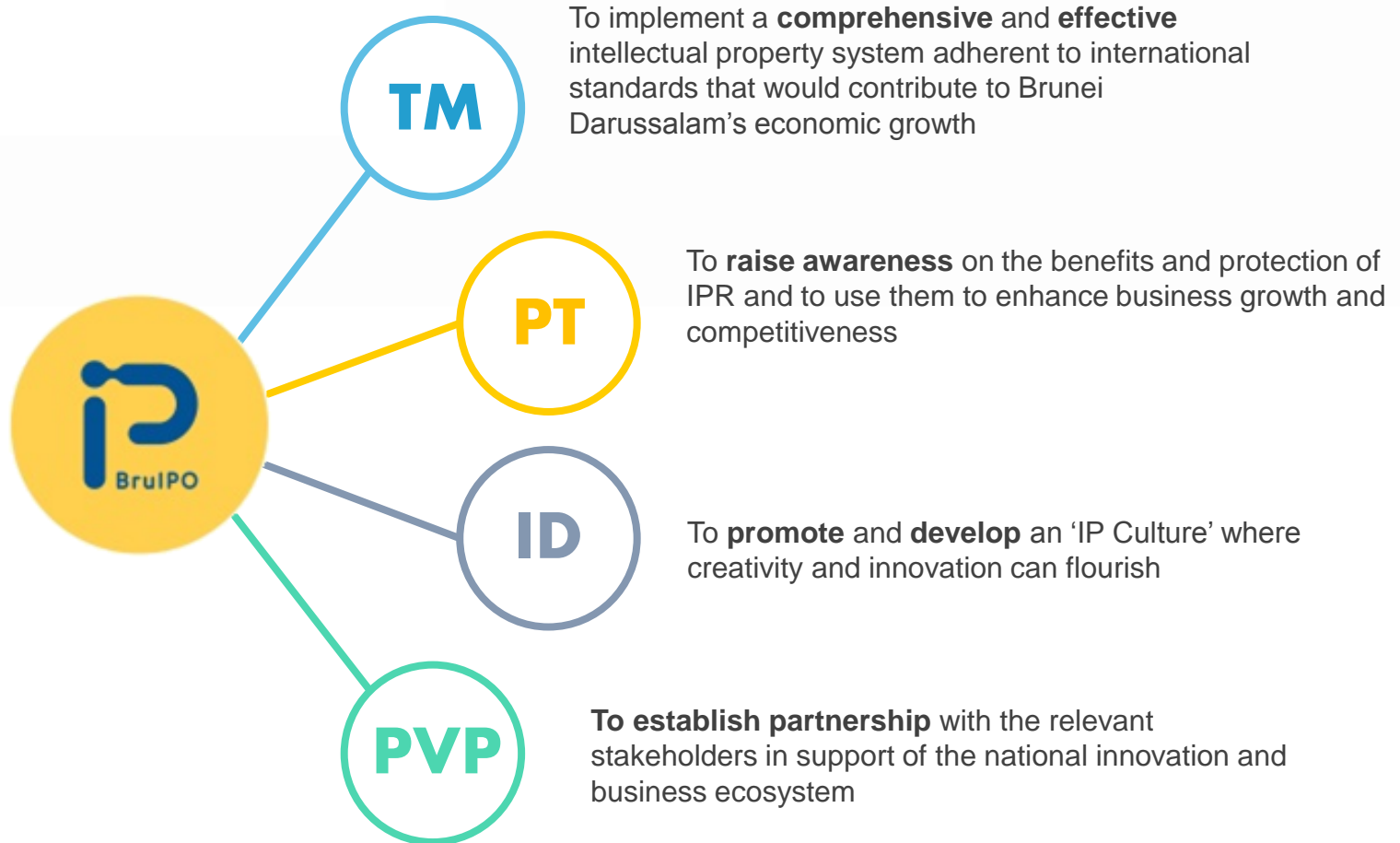
IV. The Future for GI in Brunei

V. Q&A

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INTRODUCTION

2012
October
Absorption of Registry of Industrial Designs

2013
June
Establishment of BruIPO

2019
April
Transferred to AGC

PT

TM

2012
January

Patent Registry Office (PRO) Set Up

2013
June
Absorption of Registry of Trade Marks

2016
January
Absorption under EIDPO/MEMI

iP BruIPO

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OBJECTIVES

TM

To implement a **comprehensive** and **effective** intellectual property system adherent to international standards that would contribute to Brunei Darussalam's economic growth

PT

To **raise awareness** on the benefits and protection of IPR and to use them to enhance business growth and competitiveness

ID

To **promote** and **develop** an 'IP Culture' where creativity and innovation can flourish

PVP

To establish partnership with the relevant stakeholders in support of the national innovation and business ecosystem

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INTELLECTUAL PROPERTY REGIME

PATENTS

LEGISLATION:
- Patents Order, 2011
- Patents Rules, 2012

INTERNATIONAL SYSTEM & WORK-SHARING INITIATIVES:
- Patent Cooperation Treaty (PCT)
- The Budapest Treaty on the International Recognition of the Deposit of Microorganisms
- ASEAN Patent Search & Examination (ASPEC)
- Patent Prosecution Highway (PPH-plus)

TRADEMARKS

LEGISLATION:
- Trade Marks Act (Cap 98)
- Trade Marks Rules, 2000

INTERNATIONAL SYSTEM:
- Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol)

INDUSTRIAL DESIGNS

LEGISLATION:
- Industrial Designs Order, 1999
- Industrial Designs Rules, 2000

INTERNATIONAL SYSTEM:
- The Hague System for the International Registration of Industrial Designs (Hague System)

PLANT VARIETIES PROTECTION (PVP)

LEGISLATION:
- Plant Varieties Protection Order, 2015
- Plant Varieties Protection Rules, 2016

CONVENTION:
- International Convention for the Protection of New Varieties of Plants (UPOV 1991) *Target accession by 2019

COPYRIGHT

LEGISLATION:
- Copyright Order, 1999

TREATY/CONVENTION:
- Berne Convention for the Protection of Literary and Artistic Works
- WIPO Copyright Treaty (WCT)
- WIPO Performances and Phonograms Treaty (WPPT)

Brunei does not have a *sui generis* system for GI

GI protection is subsumed under Trademarks Act (Cap 98)

GI can be registered as Collective or Certification mark

COLLECTIVE MARKS

Section 50 of Trademarks Act:

"a mark distinguishing the goods or services of <u>members of an association</u> which is the <u>proprietor of that mark</u> from those of other undertakings"

CERTIFICATION MARKS

Section 52 of Trademarks Act:

"a mark indicating that the goods or services in connection with which it is used are <u>certified by the proprietor of that mark</u> in respect of <u>origin, material, mode or manufacture of goods or performance of services, quality, accuracy or other characteristics</u>"

REGULATION FILING

Rule 56 (2):
"Within 9 months of the date of the application for the registration of a collective or certification mark, the applicant shall file form TM 23 accompanied by a copy of the regulations governing the use of the mark."

	Number	Class
1. Give details of the applications to which the regulations relate		
2. Does this request relate to — (a) certification marks or (b) collective marks *(indicate (a) or (b) as appropriate)*		
3. Full name of applicant for registration		
4. Name of agent *(if appropriate)*		
5. Attached is a copy of the regulation		
'Address for service' in Brunei Darussalam to which all correspondence should be sent [see note (f)]		
Signature:		
	Date:	
Name *(block capitals)*		
State number of sheets attached to this for		

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REGISTRATION PROCESS

Application → Filing Date → Search & Examination

Publication → Opposition → Registration

🕐 **8 months**

🛡 **10 years**

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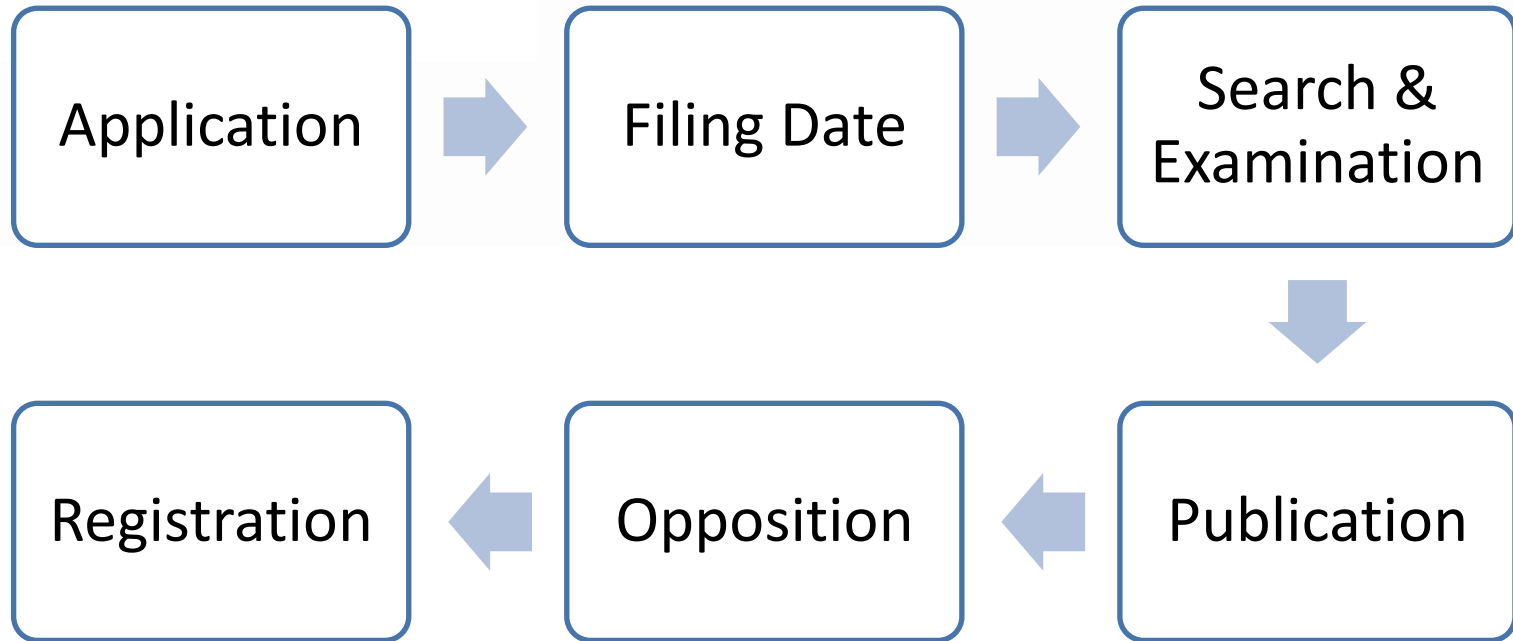
FILING COSTS

Trademark	
Filing Fee (TM 32)	BND 150 – Per class BND 150 – For each additional class
Filling of Regulations	-
Search & Examination	-
Publication	BND125
Certificate of Registration	-
Total costs *(excluding legal fees and miscellaneous)*	BND275

Analysis on the Current Protection for GI in Brunei

Issues arising from Brunei's lack of a *sui generis* system

1) **There will be marks that are GIs but does not necessarily fall within the category of collective / certification marks**

   o **Marks end up being filed as normal mark (trademark)**

   o **E.g. Brunei 100% Kelulut Honey**

2) Regulations surrounding the use of the certification / collective marks

- o **Producers would need to gain authorisation/licence from the proprietor**
- o **Producers should be free to use GI**

3) Requirement of acquired distinctiveness for geographical names to be registrable.

Distinctiveness can be achieved:-

    a. **through use; or**

    b. **the mark identifies a particular product, service, without indicating any geographical origin**

The Future for GI in Brunei

Need for a *sui generis* system and legislation to protect Geographical Indications in Brunei

POTENTIALS

POTENTIALS – Small, local producers

Source: thanislim.com

Wajid Jawa Temburong

Source: HAF Farm FB

Telur Masin Temburong

Source: sutera.co

Cendol Temburong

Beras Laila

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Source: bruneiresources.blogspot.com

Ambuyat

Source: thailand.prd.go.th

Kopi Beras Kampung Bukit

Source: bizbrunei.com

Jong Sarat

Umbut Luba

Kopi Labi

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POTENTIALS – Based on Current Registered Marks

ADVANTAGES OF A *SUI GENERIS* GI SYSTEM

- ✓ **Local producers would be free to use GI**

- ✓ **Economic exploitation of GI since GI is linked to source of origin and quality**

- ✓ **Tourism boost!**   **NO GI Tag Misuse**

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Thank You

**Brunei Darussalam
Intellectual Property Office (BruIPO)**

Patent | Trademark | Industrial Design | Plant Variety
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Anggerek Desa Technology Park (ADTP)
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