



DESIGNS FILING REQUIREMENTS

# BRUNEI DARUSSALAM



JULY 2015



## RECEIPT OF THE APPLICATION

The application must be filed using the prescribed application form: (Designs Form D1). The filing language is English. The form may be downloaded from the website of the Brunei Intellectual Property Office (BruIPO) (<http://www.bruipo.com.bn>).

The Office accepts paper applications only.

## FILING REQUIREMENTS

The request for registration of the industrial design must include the following;

- (a) a representation of the industrial design suitable for reproduction;
- (b) the name and address of the applicant;
- (c) where the applicant is not the industrial designer, a statement explaining the applicant's rights in relation to the industrial design; and
- (d) an address in Brunei Darussalam for the service of documents.

The application shall also include:

- (a) a statement identifying the article or articles to which the industrial design is intended to be applied;
- (b) a statement identifying the Locarno classification of the article or articles to which the industrial design is intended to be applied;
- (c) six additional representations of the industrial design corresponding exactly to the original.
- (d) a transliteration of the name of the applicant, if it is not in Roman letters;
- (e) the signature of the applicant; and
- f) any other information required in the prescribed application form.

The prescribed filing fee must be paid upon filing the application.

Two or more industrial designs may be the subject of the same application for registration if the industrial designs relate to the same class of articles as classified in the Locarno Classification.

## FILING DATE

The filing date of an application for registration of an industrial design is the latest of the dates on which

- (1) The following requirements are submitted;
  - (a) Request for registration of the industrial design;
  - (b) Representation of the industrial design suitable for reproduction;
  - (c) Statement that the industrial design is new.



(2) The prescribed filing fee is paid.

In case of any formal defects, the Registrar shall give the applicant an opportunity to remedy the deficiencies and if they are not remedied within the prescribed period, the application shall be deemed to have been abandoned. The application shall also be deemed abandoned if the prescribed filing fee is not paid.

## REPRESENTATION

The representation of the industrial design may be either a drawing or a photograph and shall not be more than 160 millimetres by 160 millimetres, and one side of the representation shall be not less than 30 millimetres.

Where the application is made for the registration of an industrial design intended to be applied to a set of articles, the representation shall show the industrial design as applied to each article included in the set.

The application shall be accompanied by six additional representations of the industrial design corresponding exactly to the original.

## STATEMENT OF NOVELTY

A statement describing the features of the industrial design which the applicant considers to be new shall appear on each representation of the industrial design.

Where practicable, the statement shall appear on the front of each representation. The statement of novelty shall appear separately from any other statement appearing on the representation.

## PRIORITY

**AN APPLICATION MAY CLAIM THE PRIORITY OF AN EARLIER APPLICATION FILED IN A COUNTRY THAT IS MEMBER OF THE PARIS CONVENTION OR THE WTO FOR THE PURPOSES OF REGISTERING THE SAME INDUSTRIAL DESIGN IN RESPECT OF ANY OR ALL OF THE SAME ARTICLES, FOR A PERIOD OF SIX MONTHS FROM THE FILING DATE OF THE FIRST APPLICATION, SUBJECT TO COMPLIANCE WITH CERTAIN CONDITIONS.**

**A SUBSEQUENT APPLICATION FOR THE REGISTRATION OF AN INDUSTRIAL DESIGN THAT WAS THE SUBJECT OF A PREVIOUS APPLICATION, AND THAT WAS FILED IN OR IN RESPECT OF THE SAME PARIS CONVENTION COUNTRY OR WTO MEMBER, SHALL BE CONSIDERED AS THE FIRST APPLICATION FOR THE PURPOSE OF DETERMINING PRIORITY IF, ON THE FILING DATE OF THE SUBSEQUENT APPLICATION -**

**(A) THE PREVIOUS APPLICATION HAS BEEN WITHDRAWN, ABANDONED OR REFUSED, WITHOUT HAVING BEEN OPEN TO PUBLIC INSPECTION AND WITHOUT LEAVING ANY RIGHTS OUTSTANDING; AND**

**(B) HAS NOT SERVED AS A BASIS FOR CLAIMING A RIGHT OF PRIORITY.**



## WHAT MAY BE REGISTERED

An industrial design which is new may, upon application by the person claiming to be the owner, be registered in respect of any article or set of articles specified in the application.

An industrial design for which an application for registration is made shall not be regarded as new if it is the same as -

- (a) an industrial design that has been registered in pursuance of a prior application filed or having effect in Brunei Darussalam, whether or not that industrial design has been registered in respect of the same article for which the application is made or in respect of any other article; or
- (b) an industrial design that has been disclosed in Brunei Darussalam or elsewhere before the filing date, whether or not it has been published in respect of the same article for which the application is made or in respect of any other article, or if it differs from such an industrial design only in immaterial details or in features which are variants commonly used in the trade.

The Registrar may, in such cases as may be prescribed, direct that, for the purpose of deciding whether an industrial design is new, an application for registration shall be treated as made on a date earlier or later than that on which it was in fact made.

## WHAT IS NOT REGISTRABLE

Industrial designs contrary to public order or morality not registrable.

- (a) works of sculpture (other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process);
- (b) wall plaques, medals and medallions;
- (c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles

## EXAMINATION AND REGISTRATION

If an application for registration of an industrial design has been accorded a filing date and has not been withdrawn, the Registrar shall examine the application to determine whether it complies with the formal requirements.

Where the Registrar determines that there are deficiencies as regards the formal requirements, he shall notify the applicant and give him an opportunity to correct the deficiencies within the prescribed period.

Where after an examination it is determined that not all the formal requirements have been complied with, the Registrar shall give the applicant an opportunity to make representations and to



amend the application within such period as the Registrar may specify so as to comply with those requirements, if the applicant fails to do so, the Registrar may refuse the application.

If upon examination, an application for registration of an industrial design is found to have satisfied the formal requirements and the prescribed fees paid, the Registrar shall:

- (a) register the industrial design by entering the prescribed particulars in the Register, including the name of the applicant, or the successor in title to the application, in the Register as the owner of the industrial design;
- (b) issue a certificate of registration to the registered owner of the industrial design at the time the industrial design is registered; and
- (c) advertise the fact of such registration and publish a representation of the industrial design by notice in the Gazette.

### **INVALIDATION**

A notice of opposition may be filed by any person (including the registered owner) who wishes to oppose an application. The notice shall be filed within two months from the date of the advertisement in the Gazette, and shall state fully the grounds on which the objection to the application is based and the facts relied upon to support the objection.

Within three months from transmission by the Registrar of the notice of opposition, the applicant shall file a counter-statement in the prescribed form setting out the grounds on which he relies to support this application and the facts, if any, alleged in the notice of opposition which he admits.

The counter-statement shall be filed together with a duplicate copy which the Registrar shall forward to the opponent.

### **TERM OF PROTECTION**

The initial period of registration of an industrial design is five years counted from the filing date of the application for registration. The registration of an industrial design may be extended for two additional periods of five years each. The total term of protection shall not exceed fifteen years.

### **CONTACT**

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