

TRADEMARKS REGISTRATION PROCEDURES IN BRUNEI DARUSSALAM

The *Trade Marks Act (Cap 98)* and *Trade Marks Rules of 2000* are the legislation governing the registration of trademarks in Brunei Darussalam. To be registrable under the Act, a trademark must be visually perceptible, capable of being represented graphically (smell, sound and scent marks are excluded) and capable of distinguishing goods and services of one undertaking from those of others. In addition, the proposed trademark must satisfy the formalities and substantive requirements as set out in the Act that governs the registration procedures.

The Registry conducts both formalities and substantive examination on all applications based on the procedures set out in the current law. After an application has been accepted for registration, it will be published in the *government gazette* for 2 months for any opposition by third parties. If there is no opposition, a certificate of registration will be issued to the applicant.

Any person, whether an individual, partnership or company and whether local or foreign, who is claiming to be the owner of the trade mark which is used or proposed to be used by him in Brunei Darussalam may make an application for the registration of the trade mark. Under the Act, it is mandatory for a foreign applicant to provide an address for service in Brunei Darussalam where all correspondences from the Registrar relating to his application will be sent.

To register a trademark, the applicant must file **Form TM1** together with the prescribed fee of **B\$150.00** for each class of goods or services in respect of which registration is sought. Currently, the Registry accepts for registration **Classes 1 to 42** of the *International Nice Classification of Goods and Services (7th Edition)*. Application forms are obtainable from the **Office of the Registrar of Trade Marks**, First Floor, The Law and Courts Building, KM 1 Jalan Tutong, Bandar Seri Begawan BA1910, Brunei Darussalam. Tel: (673) 2231200, 2220382, 2231193/4/6, Fax: (673) 2231230, E-mail: info@agc.gov.bn.