

TRADE MARKS UPDATE

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CHANGES TO BRUNEI TRADE MARKS LEGISLATION

Effective from 26 January 2017, the following changes in the Brunei Trade Marks Act (Cap 98) and the Brunei Trade Marks Rules of 2000 will be in operation.

Acceptance of non-conventional marks

The word “visually” has been deleted from the definition of “trade mark”, such that trade marks in Brunei no longer need to be visually perceptible. This means that non-conventional marks such as sound and smell marks can now be registered, subject to the usual requirements. As stated above, this change is effective from 26 January 2017.

New trade marks journal

A new Section 106A has been inserted into the Brunei Trade Marks Act. This Section empowers the Registrar to publish the ‘Trade Marks Journal’, where various documents and information relating to a registered trade mark or an application for a registration will be published.

Previously, such information was only published in the Government Gazette, which made obtaining it a difficult task. The Trade Marks Journal will be published online on BrulPO’s website (<http://www.ei.gov.bn/BrulPO>) from 1st April 2017.

The form and function of the Trade Marks Journal will likely be similar to the trade marks portals already operated by national authorities in other countries. See e.g. Singapore’s portal (<https://www.ip2.sg/>) and Australia’s (<https://search.ipaustralia.gov.au/trademarks/search>).

Madrid Protocol

On 6 October 2016, the Government of Brunei deposited with the Director General of WIPO its instrument of accession to the Madrid Protocol. On 6 January 2017, Brunei officially became a party to the Madrid Protocol.

Following the accession, a new Section 109 has been inserted into the Brunei Trade Marks Act. This Section gives effect to the Madrid Protocol and enables BrulPO to accept international applications made under the treaty. Such applications can be made from 6 January 2017 onwards.

Clarification on the relevant procedures will be found in the Trade Marks (International Registration) Rules, which is expected to be published later this year.



Classification of Goods and Services

The Third Schedule of the Brunei Trade Marks Rules of 2000 has been amended to include classes 43, 44 and 45 to ensure conformity with the Nice classification. This change is effective from 26 January 2017. Previously, the Brunei Trade Marks Rules of 2000 only provided for 42 classes.

The new classes cover the following services:

- **Class 43:** Services provided by persons or establishments whose aim is to prepare food and drink for consumption and services provided to obtain bed and board in hotels, boarding houses or other establishments providing temporary accommodation.
- **Class 44:** Medical care, hygienic and beauty care given by persons or establishments to human beings and animals; it also includes services relating to the fields of agriculture, horticulture and forestry.
- **Class 45:** Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.

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