

No. S 3

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

TRADE MARKS ACT (AMENDMENT) ORDER, 2017

ARRANGEMENT OF SECTIONS

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**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

TRADE MARKS ACT (AMENDMENT) ORDER, 2017

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation

1. This Order may be cited as the Trade Marks Act (Amendment) Order, 2017.

Amendment of section 2 of Chapter 98

2. Section 2 of the Trade Marks Act, in this Order referred to as the Act, is amended —

(a) by deleting the definition of “Minister” and by substituting the following new definition therefor —

““Minister” means the Minister of Energy and Industry in the Office of the Prime Minister;”;

(b) by inserting the following new definition immediately after “infringing material” —

““International Bureau” has the same meaning as in Article 2(1) of the Madrid Protocol;

“international trade mark (Brunei Darussalam)” means a trade mark which is entitled to protection in Brunei Darussalam under the Madrid Protocol or a trade mark prescribed by the Minister (by rules made under section 53A) as an international trade mark (Brunei Darussalam);

“Journal” means the Trade Marks Journal referred to in section 74;

“Madrid Protocol” means the Protocol relating to the Madrid Agreement concerning the International Registration of Marks, adopted at Madrid on 27th June 1989, as revised or amended from time to time.”.

Amendment of section 4

3. Section 4 of the Act is amended, in subsection (1), by deleting “visually” from the first line.

Amendment of section 73

4. Section 73 of the Act is amended, in subsection (1), by deleting “*Gazette*” from the first line and by substituting “*Journal*” therefor.

Substitution of section 74

5. Section 74 of the Act is repealed and the following new section substituted therefor —

“Power of Registrar to publish journal

74. (1) The Registrar may publish or cause to be published a journal to be called the Trade Marks Journal in which there may be published such documents and information relating to a registered trade mark or an application for registration as the Registrar thinks fit.

(2) For the avoidance of doubt, the Journal shall be the official journal of record.

(3) A publication specified under the Journal need not be in a documentary form.”.

Amendment of Part II

6. Part II of the Act is amended by inserting the following new provisions immediately before “Protection of Well-Known Trade Marks” —

“INTERNATIONAL MATTERS

The Madrid Protocol etc.

Power to make provision giving effect to Madrid Protocol etc.

53A. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to give effect in Brunei Darussalam to the provisions of the Madrid Protocol or of any treaty, convention, arrangement or engagement relating to trade marks to which Brunei Darussalam is a party.

(2) Without prejudice to the generality of subsection (1), rules may, in particular, be made to provide for —

(a) the making of applications for international registrations by way of the Registry as office of origin;

(b) the procedures to be followed where the basic Brunei Darussalam application or registration fails or ceases to be in force;

(c) the procedures to be followed where the Registry receives from the International Bureau or any body specified in the rules a request for extension of protection to Brunei Darussalam;

(d) the effects of a successful request for extension of protection to Brunei Darussalam;

(e) the transformation of an application for an international registration, or an international registration, into a national application for registration;

(f) the communication of information to the International Bureau; and

(g) the payment of fees and amounts prescribed in respect of applications for international registrations, extensions of protection and renewals.

(3) Provision may also be made in the rules to apply, in relation to an international trade mark (Brunei Darussalam), the provisions of section 22 and Part IV.”.

Made this 28th. day of Rabiulakhir, 1438 Hijriah corresponding to the 26th. day of January, 2017 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM