

# ENFORCEMENT OF **IP** AND **DIGITAL COPYRIGHT** AND RELATED RIGHTS



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## Scope of Presentation

- 1) Cases Investigated by Commercial Crime Investigation Division.
- 2) Investigation of IP and Related Rights Cases
- 3) Challenges of Investigation into IP and Digital Copyright and Related Rights
- 4) Opportunity in IP and Digital Copyright and Related Rights



## 1. Cases Investigated by Commercial Crime Investigation Division.

- Economic Crime
- **Intellectual Property Offences**
- Counterfeit Currency
- Payment Card Fraud
- Cybercrime
- Money-Laundering Offences



## 1. Cases Investigated by Commercial Crime Investigation Division.

### ■ Intellectual Property Offences

#### **Main IP Laws: enacted by the Legislature**

[Chapter 98 - Trademarks \(Revised edition 2000\)](#) (2000)

[Chapter 92 - Business Names](#) (1984)

[Chapter 94 - Emblems and Names \(Prevention of Improper Use\)](#) (1968)

[Chapter 96 - Merchandise Marks](#) (1953)

#### **IP-related Laws: enacted by the Legislature**

[Companies Act \(Amendment\) Order, 2010](#) (2010)

[Chapter 22 - Penal Code \(Revised Edition 2001\)](#) (2001)

[Chapter 180 - Broadcasting \(Revised Edition 2000\)](#) (2000)

[Chapter 109 - Specific Relief Act](#) (1939)



## 1. Cases Investigated by Commercial Crime Investigation Division.

### ■ Intellectual Property Offences

#### **IP Laws: issued by the Executive**

[Plant Varieties Protection Order, 2015](#) (2015)

[Patents Order, 2011](#) (2012)

[Arbitration Order, 2009](#) (2009)

[Customs Order, 2006](#) (2006)

[Tobacco Order, 2005](#) (2005)

[Emergency \(Copyright\) Order, 1999](#) (1999)

[Emergency \(Industrial Designs\) Order, 1999](#) (1999)

[Emergency \(Layout Designs\) Order, 1999](#) (1999)

#### **IP Legal Literature**

[Intellectual Property Policy of University of Brunei Darussalam \(as amended on December 4, 2010\)](#) (2010)

WIPO. 2018. *Brunei Darussalam*. [ONLINE] Available at:

<http://www.wipo.int/wipolex/en/profile.jsp?code=BN>. [Accessed 7 May 2018].



## 1. Cases Investigated by Commercial Crime Investigation Division.

- The Copyright Order, 1999
- The Copyright (Amendment) Order, 2013

### ***Sec 210 - Search warrants. (Amendment in 2013)***

(1) Where a magistrate is satisfied by information given by a police officer that there are reasonable grounds for believing that –

{a} an offence against section 204 or 205 has been or is about to be committed in any place; and

{b) evidence that such an offence has been or is about to be committed in any place,

he may issue a warrant authorising a police officer to :

(i) enter and search that place, using such reasonable force as is necessary;

(ii) remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect; and

(iii) detain every person found in the place until the place has been searched.



## 1. Cases Investigated by Commercial Crime Investigation Division.

- The Copyright Order, 1999
- The Copyright (Amendment) Order, 2013

### ***Sec 210 - Search warrants. (Amendment in 2013)***

(2) A warrant under subsection (1) :

- (a) may authorise persons to accompany the police officer executing the warrant; and
- (b) remains in force for 28 days from the date of its issue.

(3) In executing a warrant issued under this section, the police officer may seize any article if he reasonably believes that it is evidence that an offence against section 204 or 205 has been or is about to be committed.

(4) In this section, "police officer" means a police officer not below the rank of an Inspector or a police officer in charge of a police station."



## 1. Cases Investigated by Commercial Crime Investigation Division.

- The Copyright Order, 1999
- The Copyright (Amendment) Order, 2013

### ***Sec 210 A – Entry without warrant. (Amendment in 2013)***

“If a police officer is satisfied upon information received that he has reasonable grounds for believing that by reason of delay in obtaining a search warrant, any article, vehicle, book, document, copy or contrivance used to commit or to be used to commit an offence against this Order is likely to be removed or destroyed, he may enter any premises without a warrant and seize any such article, vehicle, book, document, copy or contrivance from therein.”





## 1. Cases Investigated by Commercial Crime Investigation Division.

- The Copyright Order, 1999
- The Copyright (Amendment) Order, 2013

### ***Sec 210 B – Arrest without warrant.*** (Amendment in 2013)

Any police officer may arrest without a warrant any person who, in any public place :

(a) sells, exposes or offers for sale; or

(b) has, or is reasonably suspected of having, in his possession for the purpose of selling or letting for hire,

any infringing copy of any work and may seize any infringing copy of any work.



## 1. Cases Investigated by Commercial Crime Investigation Division.

- The Copyright Order, 1999
- The Copyright (Amendment) Order, 2013

### ***Sec 210 C – Stop, Search and Board Vehicles. (Amendment in 2013)***

- (1) Any officer may, without a warrant issued under section 210(1):
  - (a) stop, search and forcibly board any vehicle in which he reasonably suspects that there is any infringing copy of any work; and
  - (b) seize, remove or detain any such infringing copy and anything which appears to him to be or to contain, or likely to be or to contain, evidence of an offence against this Order.
- (2) In this section, "officer" means :
  - (a) a police officer;
  - (b) an officer of customs as defined in the Customs Order, 2006 (S 39/2006); or
  - (c) any officer or class or description of officers appointed by the Minister, by notification published in the Gazette, to exercise the powers and perform the duties conferred and imposed on an authorised officer by this section.



## 2. Investigation of IP and Related Rights Cases.

### Statistic of IP Cases Investigated between 2008 - 2017

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Copyright	2		3					3		
Trade Mark										1

*Prepared by : Commercial Crime Investigation Division, Criminal Investigation Department of the Royal Brunei Police Force*



## 2. Investigation of IP and Related Rights Cases.

- BSB/CR/2184/2008 – Copyright Order 1999
  - ❖ **Report Lodged by Microsoft Corporation**
    - Ecoprime Networks Sdn Bhd, an IT training institution for running business utilizing non-genuine or rather Non-Licensed Microsoft Software.
  - **Case APC**
    - Fine B\$10,000.00 and confiscation about 90 computers (reformatted) and servers with 200 copies of illegal software.
- Trigger
  - Window Vista And Office 2007 – 1800 Officers and Staff MHA



### 3. Challenges of Investigation into IP and Digital Copyright and Related Rights.

- Lack of Training in identifying IP infringement for frontline officers.
- Lack of expertise in furnishing “Expert Reports” by Law Enforcement or Licensee or Authorised Distributor/Agents.
- IPs’ owners view of Brunei Darussalam being a small Market.
- Lack of Public awareness.
- Lack of Local Market access to ‘Genuine’ products.



## 4. Opportunity in IP and Digital Copyright and Related Rights.

<b>CHALLENGES</b>	<b>OPPORTUNITY</b>
Lack of Training	<ul style="list-style-type: none"><li>• New IP Related Programs by Higher Institutions.</li><li>• Training Opportunity by SME.</li></ul>
Lack of expertise	<ul style="list-style-type: none"><li>• Specialised Employment Opportunity for Domestic and International Needs.</li></ul>
Brunei Darussalam being a small Market	<ul style="list-style-type: none"><li>• “Niche” Market.</li></ul>
Lack of Public awareness	<ul style="list-style-type: none"><li>• Marketing Opportunity for Licensee and Authorised Agents/Distributors.</li><li>• “Creative Industry”.</li></ul>
Lack of Access to ‘Genuine’ Product	<ul style="list-style-type: none"><li>• Consumers access to quality products</li></ul>

**THE END**

*Thank You*

*Terima Kasih*

