

LAWS OF BRUNEI
REVISED EDITION 1984

CHAPTER 72
INVENTIONS

ARRANGEMENT OF SECTIONS

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NCH The functions of the Minister of Law are transferred to the Registrar of Trade Marks - accy: 16-1-98. S 23/98

INVENTIONS ACT

An Act to provide for the grant of exclusive privileges in respect of inventions

1 of 1925 (Cap. 72 of 1951) 1 of 1956 S.99/59

Commencement: 1st March 1925

S 28/97 act 1-12-97 S 31/97 act 1-1-98 S 31/98 act 16-1-98

1. This Act may be cited as the Inventions Act.

Short title

2. (1) Any person who has obtained a grant (which word shall include a renewal of a grant) of a patent in the United Kingdom or in Malaysia or of sole and exclusive privileges in an invention in the Republic of Singapore, or any person deriving his right from such grantee by assignment, transmission or other operation of law, may apply to the State Secretary within 3 years from the date of issue of such grant to have such grant registered in Brunei.

Application for registration of U.K. or Malaysian patent

Minister responsible for inventions matters (BM S. 28/97)

(2) Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration.

(3) In this Act "State Secretary" means the State Secretary or any fit and proper person or persons appointed by him by notification in the Gazette to carry out the powers and duties conferred on and imposed upon the State Secretary under this Act.

Repealed by S 28/97

3. Every application under section 2 shall be accompanied by a certified copy of the specification or specifications including drawings, if any, relating to such grant, together with a certified copy of the grant of patent rights or exclusive privileges as the case may be.

Documents to accompany application

4. (1) Upon such application being received together with the documents mentioned in section 3, the State Secretary, if he is satisfied that the granting of exclusive
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Certificate of registration and effect thereof

BM S 28/97

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privileges in such invention would not be prejudicial to the public interest, shall issue to the applicant a certificate of registration in the form in the Schedule to this Act.

(2) Such certificate of registration shall confer on the applicant the sole and exclusive privilege of making, using and selling the said invention in Brunei during the remainder of the term for which the said letters patent or grant of exclusive privileges, or any renewal of the same, may be in force.

(3) Privileges and rights so granted shall date from the date of the grant in the United Kingdom or the Republic of Singapore or Malaysia respectively and shall continue in force only so long as the grant remains in force in the territory in which it was originally issued:

Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate or registration in Brunei.

Publication
of grant

5. The grant of every such certificate of registration shall be promulgated in some public place in Bandar Seri Begawan.

Fee
Am 4 28/94
waf 1.12.97

6. The fee for the certificate of registration shall be fixed by the State Financial Officer, but shall not exceed \$100.

Amendment
of grants
registered in
Brunei

7. (1) When the specification or drawings relating to an invention registered in Brunei has been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom or of the Republic of Singapore or of Malaysia, as the case may be, and the grantee desires such amendment to take effect in Brunei, he shall transmit to the ~~State Secretary~~ a duly certified copy of the amended specification and drawings, if any, together with an application to substitute a copy of the specification and drawings as amended for the specification and drawings originally filed.

Minister responsible
for inventions
matters
(Am 5 28/94)

(2) Upon receipt of such certified copy and application the ~~State Secretary~~ shall make the necessary amendment, and thereupon the said specification and drawings shall be read as if such amendment had formed a part thereof, when filed in the office of the ~~State Secretary~~.

Minister responsible
for inventions
matters
(Am 5 28/97)

8. When a person becomes entitled by assignment, transmission or other operation of law to the privileges and rights conferred by a certificate of registration or to any interest therein, he may apply to the ~~State Secretary~~ for the entry in the register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

Minister responsible for inventions
matters (Am 5 28/97)

Assignment
of grants
registered in
Brunei

Minister responsible
for inventions
matters
(Am 5 28/97)

9. (1) A register shall be kept in the office of the ~~State Secretary~~ wherein shall be entered particulars of every application and specification and of every certificate of registration and of every order made relating to the invention therein mentioned.

Register to
be kept

Minister responsible
for inventions
matters
(Am 5 28/97)

(2) Every such specification and certificate of registration shall be numbered according to the order in which it is entered in such book, and every order relating to the invention made subsequent to such certificate of registration shall be entered in an appropriate column of the register.

10. (1) A book open to inspection without fee shall be kept in the office of the ~~State Secretary~~ wherein every person applying for registration of a patent or grant of exclusive privileges shall cause to be stated under a number corresponding with the number of the application some place in Brunei where service of any proceedings for the purpose of cancelling or revoking his exclusive privileges or of any other process may be made.

Book of
applications

Minister responsible
for inventions
matters
(Am 5 28/97)

(2) Every person, partnership or company from time to time being proprietors of or having shares or interests in such exclusive privileges shall cause to be entered in such

book under such number as aforesaid their names, together with the address of some place in Brunei for the service of such proceedings and process as aforesaid.

(3) All such proceedings and process shall be deemed sufficiently served on any such person, partnership or company —

(a) if a copy thereof is left at the address entered in such book; or

(b) if any other address is substituted for the same by entry in the said book at the address last substituted by delivering the same to any person resident at or in charge of such place.

(4) If there is no person resident at or in charge of such place, and if any person, partnership or company neglects to make or cause to be made such entry, service of such proceeding or process may be effected by affixing a copy thereof on the notice board of the High Court or in such other manner as the Court directs.

Cessation of
privilege

11. Every exclusive privilege under this Act shall cease if His Majesty the Sultan and Yang Di-Pertuan declares by notification in some public place in Bandar Seri Begawan that the same, or the mode in which it is exercised, is mischievous to Brunei or generally prejudicial to the public.

Action for
infringement

12. (1) An action may be maintained in the High Court by an inventor against any person who, during the continuance of any exclusive privileges granted by this Act, without the licence of the said inventor makes, uses, sells or puts in practice the said invention or counterfeits or imitates the same.

(2) The High Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of

registration, to declare that the exclusive privileges and rights conferred by such certificate of registration have not been acquired on any of the grounds upon which the grant might be revoked under the law for the time being in force in the territory in which the grant was originally made.

(3) Such grounds shall be deemed to include the manufacture, use or sale of the invention in Brunei before the priority date applicable to the patent in the territory in which the grant was originally made, but not to include the manufacture, use or sale of the invention in Brunei by some person or persons after the priority date applicable to the patent in such territory and before the date of the issue of the certificate of registration under section 4(1).

13. Whenever it is adjudged by the Court that an exclusive privilege as to the whole or any part of an invention has not been acquired, the ~~State Secretary~~ shall, upon production of a certified copy of the judgment or order of the Court, cause an entry thereof to be made in the register in section 9 directed to be kept, and shall cause a reference to such entry to be made in the margin of the entry of the specification contained in such register.

Entry of
order of
Court in
register

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matters
(Am s 28(a))

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SCHEDULE

(Section 4(1))

Certificate of Registration

I, _____, hereby certify that a Certificate of Registration, numbered _____, was granted to _____ on the _____ day of _____, 19____, in respect of United Kingdom/Republic of Singapore/Malaysia patent numbered _____, granted to the said _____ on the _____ day of _____, 19____.

The said _____ shall be entitled in Brunei to all such privileges and rights subject to all conditions established by law as though the United Kingdom/Republic of Singapore/Malaysia patent numbered _____ had been issued in Brunei.

The privileges and rights so granted shall, subject to the provisions of section 11, remain in force only so long as the patent granted in the United Kingdom/Republic of Singapore/Malaysia remains in force.

Provided that no action for infringement shall be maintained in respect of any manufacture use or sale of the invention prior to the date of issue of this certificate.

Witness my hand this _____ day of _____, 19____.

State Secretary, Brunei

SUBSIDIARY LEGISLATION

Fee for certificate of registration under section 6.

\$250

In exercise of the power a fee of \$10 has been fixed for the Certificate of Registration.

S.48/56

S. 33/97

