

**TRADE MARKS ACT**  
**(CHAPTER 98)**  
**TRADE MARKS RULES**

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**SUBSIDIARY LEGISLATION**

**Rules under section 106(3)**

**TRADE MARKS RULES**

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## SUBSIDIARY LEGISLATION

## Rules under section 106(3)

## TRADE MARKS RULES

*Commencement: 1st June 2000*

*[S 18/2000]*

## PART I

## PRELIMINARY

**Citation.**

1. These Rules may be cited as the Trade Marks Rules.

**Interpretation.**

2. (1) In these Rules, unless the context otherwise requires —

“old law” means the Trade Marks Act (Chapter 98) repealed by the Act and any rules made thereunder existing immediately before the commencement of the Act;

“proprietor” means the person registered as the proprietor of the trade mark;

“publish” means publish in the *Gazette*;

“send” includes give;

“specification” means the statement of goods or services in respect of which a trade mark is registered or proposed to be registered.

(2) In these Rules, except where otherwise indicated, a reference to a section is a reference to that section in the Act, a reference to a rule is a reference to that rule in these Rules, a reference to a Schedule is a reference to that Schedule to these Rules and a reference to a form is a reference to that form as published by the Registrar under rule 4.

(3) In these Rules references to the filing of any application, notice or other document are references to its being sent or delivered to the Registrar.

**Requirements as to fees.**

3. (1) The fees to be paid in respect of any application, registration or any other matter under the Act and these Rules shall be those prescribed in relation to such matter by the First Schedule to these Rules.

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(2) Any form required to be filed with the Registrar in respect of any specified matter shall be subjected to the payment of the fee prescribed in respect of that matter by the First Schedule.

#### **Forms and directions of the Registrar.**

4. (1) Any forms required by the Registrar to be used for the purpose of registration of a trade mark or any other proceedings before him under the Act pursuant to section 62 and any directions with respect to their use shall be published and any amendment or modification of a form or of the directions with respect to its use shall be published.

(2) A requirement under this rule to use a form as published is satisfied by the use either of a replica of that form or a form which is acceptable to the Registrar and contains the information required by the form as published and complies with any directions as to the use of such a form.

#### **Size of documents.**

5. Subject to any directions that may be given by the Registrar, all forms, notices and other documents required or authorised by the Act or by these Rules to be given or sent to, filed with or served on the Registrar shall be given, sent, filed or served using A4 size paper.

#### **Signature on documents.**

6. (1) A document to be signed for or on behalf of a partnership shall contain the name of all the partners in full and shall be signed by —

(a) all the partners;

(b) any partner stating that he signs on behalf of the partnership; or

(c) any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the partnership.

(2) A document to be signed for or on behalf of a body corporate shall be signed by a director, the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the body corporate.

(3) A document to be signed by or on behalf of an unincorporated body or association of persons may be signed by any person who appears to the Registrar to be qualified to so sign.

(4) For the purpose of this rule, “document” means a document to be given or sent to, filed with or served on the Registrar in respect of any matter under the Act or these Rules.

**Service of documents.**

7. (1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on any party, the giving, sending, filing, or service may be effected by sending it by post and, if so sent, shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document and, unless the contrary is proved, shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2) For the purposes of sub-rule (1), a letter is taken to have been properly addressed if it is addressed to the party concerned at his address for service referred to in rule 9.

**Furnishing of address.**

8. (1) Where any person is by the Act or these Rules required to furnish the Registrar with an address, the address furnished shall be as full as possible for the purpose of enabling any person easily to find the place of business of the person whose address is given.

(2) The Registrar may require the address to include the name of the street, the number of the block of building, the number of premises or name of premises, if any, and the postal code.

**Address for service.**

9. (1) For the purposes of any proceedings before the Registrar under these Rules or any appeal from a decision of the Registrar under the Act or these Rules, an address for service in Brunei Darussalam shall be filed by —

- (a) every applicant for the registration of a trade mark;
- (b) every person opposing an application for registration of a trade mark;
- (c) every applicant applying to the Registrar under section 47 for the revocation of the registration of a trade mark, under section 48 for the invalidation of the registration of a trade mark, or under section 61 for the rectification of the register;
- (d) every person granted leave to intervene under sub-rule (5) of rule 55 (the intervener);
- (e) every proprietor of a registered trade mark which is the subject of an application to the Registrar for the revocation, invalidation or rectification of the registration of the mark; and
- (f) every other party to any proceedings before the Registrar.

(2) The address for service of an applicant for registration of a trade mark shall, upon registration of the mark, be deemed to be the address for service of the registered proprietor, subject to any filing to the contrary under sub-rule (1) of this rule or sub-rule (2) of rule 38.

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(3) In any case in which an address for service is filed at the same time as the filing of a form required by the Registrar under rule 4 which requires the furnishing of an address for service, the address shall be filed on that form and in any other case it shall be filed on Form TM 22.

(4) Anything sent to any applicant, opponent, intervener or registered proprietor at his address for service shall be deemed to be properly sent and the Registrar may, where no address for service is filed, treat as the address for service of the person concerned his trade or business address in Brunei Darussalam, if any.

(5) An address for service in Brunei Darussalam may be filed at any time by the proprietor of a registered trade mark and by any person having an interest in or charge on a registered trade mark which has been registered under rule 51.

(6) Where an address for service is not filed as required by sub-rule (1), the Registrar shall send the person concerned notice to file an address for service within 2 months of the date of the notice and if that person fails to do so —

(a) in the case of an applicant as is referred to in paragraph (a) or (c), the application shall be treated as abandoned;

(b) in the case of a person as is referred to in paragraph (b) or (d), he shall be deemed to have withdrawn from the proceedings;

(c) in the case of the proprietor referred to in paragraph (e), he shall not be permitted to take part in any proceedings.

**Proof of authorisation of agent may be required.**

**10.** (1) Where an agent has been authorised under section 75, the Registrar may in any particular case require the personal signature or presence of the agent or the person authorising him to act as agent.

(2) Where after a person has become a party to proceedings before the Registrar, he appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file Form TM 22, and any act required or authorised by the Act in connection with the registration of a trade mark or any procedure relating to a trade mark may not be done by or to the newly appointed agent until or after the date on which he file that form.

(3) The Registrar may by notice in writing sent to an agent require him to produce evidence of his authority.

**PART II****REGISTRATION OF TRADE MARKS****Registrability of Trade Marks****Prohibition on registration of mark consisting of arms.**

**11.** Where a representation of any arms or insignia as is referred to in subsection (4) of section 7 appears on a mark, the Registrar shall refuse to accept an application for the registration of the mark unless satisfied that the consent of the person entitled to the arm has been obtained.

**Persons living or recently dead.**

**12.** (1) Where the name or representation of any person appears on a trade mark which is the subject of an application for registration, the Registrar, before proceeding to register the mark, may require the applicant to furnish the Registrar with consent of the person or, in the case of a person recently dead, of his legal representatives.

(2) Where such consent is not furnished within the time specified by the Registrar and the applicant fails to satisfy the Registrar that it is impossible or impracticable in the circumstances of the case to obtain the consent, the Registrar shall refuse to register the mark.

**Application for Registration****Application for registration.**

**13.** (1) An application for the registration of a trade mark shall be filed on Form TM 1 and shall be subject to the payment of the application fee and such class fees as may be appropriate.

(2) An application for the registration of a 3-dimensional shape as a trade mark shall not be treated as such unless the application form contains a statement to that effect.

(3) Where colour is claimed as part of a trade mark, it shall not be treated as such unless the application form contains a statement to that effect.

**Representation of trade marks.**

**14.** (1) The applicant shall provide a clear and durable representation of the mark in the space provided on a separate sheet of paper to be annexed to the application form.

(2) Where the representation exceeds the space in size, the representation shall be provided on a separate sheet of paper to be annexed to the application form.

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(3) The Registrar, if dissatisfied with any representation of a trade mark, may at any time require another representation satisfactory to him to be filed before proceeding with the application, and the applicant shall substitute the representation by filing with the Registrar on Form TM 13.

#### **Division of trade marks.**

15. (1) At any time before registration an applicant may send to the Registrar a request on Form TM 8 for a division of his application for registration (the original application) into 2 or more separate applications, (divisional applications), indicating for each division the specification of goods or services; each divisional application shall be treated as a separate application for registration with the same filing date as the original application.

(2) Where the request to divide an application is sent after publication of the application, any objections in respect of, or opposition to, the original application shall be taken to apply to each divisional applications and shall be proceeded with accordingly.

(3) Upon division of an original application in respect of which notice has been given to the Registrar of particulars relating to the grant of a licence, or a security interest or any right in or under it, the notice and the particulars shall be deemed to apply in relation to each of the applications into which the original applications has been divided.

#### **Merger of separate applications for registration.**

16. (1) An applicant who has made separate applications for registration of a mark may, at any time before preparations for the publication of any of the application have been completed by the Registry, request the Registrar on Form TM 12 to merge the separate applications into a single application.

(2) The Registrar shall, if satisfied that all the applications which are the subject of the request for merger —

- (a) are in respect of the same trade mark;
- (b) bear the same date of application;
- (c) are, at the time of the request, in the name of the same person,

merge them into a single application.

(3) The proprietor of 2 or more registrations of a trade mark may request the Registrar on Form TM 12 to merge them into a single registration; and the Registrar shall, if satisfied that the registrations are in respect of the same trade mark, merge them into a single registration.

(4) Where any registration of a trade mark to be merged under sub-rule (3) is subject to a disclaimer or limitation, the merged registration shall also be restricted accordingly.

(5) Where any registration of a trade mark to be merged under sub-rule (3) has been registered in relation to its particulars relating to the grant of a licence or a security interest or any right in or under it, or of any memorandum or statement of the effect of a memorandum, the Registrar shall enter in the register the same particulars in relation to the merged registration.

(6) The date of registration of the merged registration shall, where the separate registrations bear different dates, be the latest of those dates.

### **Series of trade marks.**

**17.** (1) The proprietor of a series of trade marks may apply to the Registrar on Form TM 1 for their registration as a series in a single registration and there shall be included in such application a representation of each mark claimed to be in the series; and the Registrar shall, if satisfied that the marks constitute a series, accept the application.

(2) At any time before preparations of publications of the application have been completed by the Registry, the applicant under sub-rule (1) may request on Form TM 8 the division of the application into separate applications in respect of one or more marks in that series and the Registrar shall, if he is satisfied that the division requested conforms with subsection (2) of section 42, divide the application accordingly.

(3) At any time the applicant for registration of a series of trade marks or the proprietor of a registered series of trade marks may request the deletion of a mark in that series, and the Registrar shall delete the mark accordingly.

(4) The division of an application into one or more applications under sub-rule (2) shall be subject to the payment of a divisional fee and such application and class fees as are appropriate.

### **Claim to priority.**

**18.** (1) Where a right to priority is claimed by reason of an application for protection of a trade mark duly filed in a Convention country under section 36 or in another country or territory in respect of which provision corresponding to that made by section 36 is made under subsection (7) of that section, particulars of that claim shall be included in the application for registration under rule 13 and, where no certificate as is referred to sub-rule (2) is filed with the application, such particulars shall include the country or countries and the date or dates of filing.

(2) Unless it has been filed at the time of the filing of the application for registration, there shall be filed, within three months of the filing of the application under rule 13, a certificate by the registering or other competent authority of that country certifying, or verifying to the satisfaction of the Registrar, the date of the filing of the application, the country or registering or competent authority, the representation of the mark, and the good or services covered by the application.

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### **Classification of goods and services.**

**19.** (1) For the purposes of trade mark registrations in respect of goods and services, these are classified in accordance with the Third Schedule to these Rules which sets out the current version of the classes of the International Classification of Goods and Services.

(2) Every application form shall contain a specification of the goods or services to which the application relates and the class number or numbers of those goods or services a set out in the Third Schedule.

(3) An application may be made in respect of more than one class of goods or services in that Schedule, and in such a case the specification shall set out the classes in consecutive numerical order and list under each class the goods or services to which the application relates.

(4) If the specification contained in the application lists items by reference to a class in the Third Schedule in which they do not fall, the applicant may request, by filing Form TM 2, that his application be amended to include the appropriate class for those items, and upon the payment of such class fee as may be appropriate the Registrar shall amend his application accordingly.

### **Transliteration and translation.**

**20.** (1) Where a trade mark contains or consists of a word or words in characters other than Roman or in a language other than English or Malay, there shall, unless the Registrar otherwise directs, be endorsed on the application form —

(a) a translation and, if the case requires, a transliteration, of each word in English to the satisfaction of the Registrar; and

(b) the language to which each word belongs.

(2) The Registrar may at any time require a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar, to be filed with the Registrar.

### **Deficiencies in application.**

**21.** Where an application for registration of a trade mark does not satisfy the requirements of subsections (2), (3) or (4) of section 33 or rule 13 or sub-rule (3) of rule 19, the Registrar shall send notice thereof to the applicant to remedy the deficiencies or, in a case under subsection (4) of section 33, the default of payment and if within 2 months of the date of the notice the applicant —

(a) fails to remedy any deficiency notified to him in respect of subsection (2) of section 33, the application shall be deemed never to have been made; or

(b) fails to remedy any deficiency notified to him in respect of subsection (3) of section 33 or rule 13 or sub-rule (3) of rule 19 or fails to make payment as required by subsection (4) of section 33, the application shall be treated as abandoned.



### Amendment of Application

#### Amendment of application.

22. (1) A request for an amendment of an application to correct an error or to change the name or address of the applicant or in respect of any amendment of the application shall be made on Form TM 13.

(2) An application to amend an application for registration to correct or change the name or address of the applicant shall be accompanied by relevant documentary evidence of such change.

(3) No application to change the class of goods or services in the specification shall be allowed.

(4) Before acting on an application to amend an application for registration, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit.

#### Amendment of application after publication.

23. (1) Where, pursuant to section 40, a request is made for amendment of an application which has been published and the amendment affects the representation of the trade mark or the goods or services covered by the application, the amendment or a statement of the effect of the amendment shall also be published.

(2) Notice of opposition to the amendment shall be sent to the Registrar on Form TM 4 within one month of the date on which the application as amended was published under sub-rule (1), and shall include a statement of the grounds of objection and, in particular, how the amendments would be contrary to subsection (2) of section 40.

(3) The provisions of rule 29 shall apply to proceedings relating to the opposition to the amendment of the application as they apply to proceedings relating to opposition to the registration of a trade mark.

### Examination of Application for Registration

#### Examination report and applicant's response.

24. (1) If, in the course of an examination of an application for registration, it appears to the Registrar that the requirements for registration are not met, the Registrar shall give a written notice of this to the applicant.

(2) If, within 2 months from the date of the written notice of the Registrar, the applicant fails to —

- (a) make representations in writing;
- (b) apply to Registrar for a hearing; or

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(c) apply to have the application amended,

the Registrar shall refuse to accept the application.

(3) If the applicant requests for a hearing to make representations, the Registrar shall give notice to the applicant of a date on which he will hear the applicant's arguments.

(4) For the purposes of the hearing, the applicant shall file with the Registrar his written submissions and bundle of authorities at least 14 days before the date of the hearing.

(5) The decision of the Registrar, in respect of the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing or in such other manner as the Registrar thinks fit.

(6) If the applicant objects to the decision of the Registrar, the applicant may, within one month from the date of the decision, by filing Form TM 3 with the Registrar, request the Registrar to state the grounds of his decision.

(7) In a case where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues his decision in writing.

(8) The date on which the decision is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

#### **Acceptance of application.**

25. (1) When the Registrar accepts the application for registration, he shall send to the applicant a notice on Form TM 27.

(2) The applicant shall, within 2 months from the date of the notice —

(a) comply with the requirements set out in the notice;

(b) check and sign the notice; and

(c) file the duly signed notice with the Registrar.

(3) If the applicant fails to comply with sub-rule (2), he shall be deemed to have withdrawn his application.

#### **Publication**

##### **Publication of application.**

26. (1) An application which has been accepted for registration shall be published in the *Gazette* during such times and in such manner as the Registrar may direct.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the proprietor of, or

the applicant for the registration of, another trade mark, the words “By Consent” and the number of that other mark shall appear in the publication.

### **Photographs and artworks etc.**

**27.** (1) For the purposes of the publication of an application for registration, the applicant shall, within such time as the Registrar determines, file with the Registrar —

(a) 3 copies of photograph or artwork (in black and white) of the trade mark which —

- (i) agree in all respects with the representation appearing on the application form; and
- (ii) are of such dimensions as may from time to time be approved or directed by the Registrar; and

(b) such information or other means of publishing the trade marks as may be required by the Registrar.

(2) The Registrar, if dissatisfied with the copies of photograph or artwork filed by the applicant, may require fresh copies to be filed with him before proceeding with the publication.

(3) In the case of an application for registration of a colour mark, the applicant shall file with the Registrar, in addition to those matters referred to in sub-rule (1), 10 copies of photograph or artwork in colour.

### **Publication of series of trade marks.**

**28.** (1) When an application for registration relates to a series of trade marks, the applicant may be required to furnish the copies of photograph or artwork in accordance with rule 27 of any or of each of the trade marks constituting the series.

(2) The Registrar may, if he thinks fit, publish together with the publication of an application a statement of the manner in respect of which the several trade marks differ from one another.

## **Opposition Proceedings**

### **Opposition proceedings.**

**29.** (1) Notice of opposition to the registration of a trade mark shall be sent to the Registrar on Form TM 4 within 3 months of the date on which the application was published under rule 26, and shall include a statement of the grounds of opposition; the Registrar shall send a copy of the notice and the statement to the applicant.

(2) Within 3 months of the date on which a copy of the statement is sent by the Registrar to the applicant, the applicant may file, in conjunction with notice of the same on

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Form TM 5, a counter-statement; the Registrar shall send a copy of the Form TM 5 and the counter-statement to the person opposing the application.

(3) Within 3 months of the date on which a copy of the counter-statement is sent by the Registrar to the person opposing the registration, that person shall file such evidence by way of statutory declaration or affidavit as he may consider necessary to adduce in support of his opposition and shall send a copy thereof to the applicant.

(4) If the person opposing the registration files no evidence under sub-rule (3), he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition.

(5) If the person opposing the registration files evidence under sub-rule (3) or the Registrar otherwise directs under sub-rule (4), the applicant shall, within 3 months of the date on which either a copy of the evidence or a copy of the direction is sent to the applicant, file such evidence by way of statutory declaration or affidavit as he may consider necessary to adduce in support of his application, and shall send a copy thereof to the person opposing the application.

(6) Within 3 months of the date on which a copy of the applicant's evidence is sent to him, the person opposing the application may file evidence in reply by statutory declaration or affidavit which shall be confined to matters strictly in reply to the applicant's evidence, and shall send a copy thereof to the applicant.

(7) No further evidence may be filed, except that, in relation to any proceedings before him, the Registrar may at any time if he thinks fit give leave to either party to file evidence upon such terms as he may think fit.

(8) Where there are exhibits to any evidence filed in an opposition, the party who is relying on the exhibits in support of his case shall, at the request of the other party and at that other party's expense, send a copy of each exhibit to that other party.

(9) If such copy cannot conveniently be furnished, the originals shall be filed with the Registrar in order that they may be open to inspection.

(10) The original exhibits shall be produced at the opposition hearing unless the Registrar otherwise directs.

### **Opposition hearing.**

**30.** (1) Upon completion of the filing of evidence by the parties, the Registrar shall give notice to the parties of a date on which he will hear arguments on the case.

(2) The parties shall file with the Registrar their written submissions and bundles of authorities at least one month before the date of hearing, and shall at the same time exchange with one another their respective written submissions and bundles of authorities.

(3) Any party who intends to appear at the hearing shall file with the Registrar Form TM 28 before the hearing.

(4) Any party who does not file with the Registrar Form TM 28, before the hearing may be treated as not desiring to be heard, and the Registrar may proceed with the hearing in the absence of that party or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(5) If, after filing with the Registrar Form TM 28, a party does not appear at the hearing, the Registrar may proceed with the hearing in the absence of that party, or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(6) If neither party appears at the hearing, the proceedings may be struck out of the list except that it may thereafter be restored on the direction of the Registrar.

(7) Any decision made by the Registrar pursuant to a hearing in which any party does not appear may, on the application of that party, be set aside by the Registrar on such terms as he thinks fit.

(8) An application under this rule to restore any proceedings or to set aside any decision under sub-rule (6) or (7) shall be made within 7 days after the proceedings have been struck out of the list or after the hearing, as the case may be.

#### **Decision of Registrar in opposition proceedings.**

**31.** (1) When the Registrar has made a decision on the acceptability of an application for registration following the procedure under rule 29, he shall send the applicant and the person opposing the application written notice of it, stating the reasons for his decision.

(2) For the purpose of any appeal against the Registrar's decision the date of the decision shall be the date when notice of the decision is sent under sub-rule (1).

#### **Extension of time in opposition proceedings.**

**32.** Where any extension of time is granted to any party, the Registrar may, if he thinks fit, without giving the party a hearing, grant a reasonable extension of time to the other party in which to take any subsequent step.

#### **Cost in uncontested oppositions.**

**33.** Where an opposition is uncontested by the applicant, the Registrar, in deciding whether costs should be awarded to the opponent, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

[Subsidiary]

## Registration

### Certificate of registration.

34. Upon the registration of a trade mark, the Registrar shall issue to the applicant a certificate of registration on Form TM 31.

## PART III

### THE REGISTER

#### The Register

### Form of register.

35. The register required to be maintained by the Registrar under subsection (1) of section 60 need not be kept in documentary form.

### Entry in register of particulars of registered trade marks.

36. In addition to the entries in the register of registered trade marks required to be made by paragraph (a) of subsection (2) of section 60, there shall be entered in the register in respect of each trade mark registered therein the following particulars —

(a) the date of registration as determined in accordance with subsection (3) of section 41 (that is to say, the date of the filing of the application for registration);

(b) the actual date of registration (that is to say, the date of the entry in the register);

(c) the priority date (if any) to be accorded pursuant to a claim to a right to priority made under subsection (7) of section 36;

(d) the name and address of the proprietor;

(e) the address for service (if any) as furnished pursuant to rule 9;

(f) any disclaimer or limitation of rights under paragraph (a) or (b) of subsection (1) of section 15;

(g) any memorandum or statement of the effect of any memorandum relating to a trade mark of which the Registrar has been notified on Form TM 16;

(h) the goods or services in respect of which the mark is registered;

(i) where the mark is a collective or certification mark, that fact;

(j) where the mark is registered pursuant to subsection (5) of section 8 with the consent of the proprietor of an earlier trade mark or other earlier right, that fact.

**Registration subject to disclaimer or limitation.**

**37.** Where the applicant for registration of a trade mark or the proprietor by notice in writing sent to the Registrar —

(a) disclaims any right to the exclusive use of any specified element of the trade mark; or

(b) agrees that the rights conferred by the registration shall be subject to a specified territorial or other limitation,

the Registrar shall make the appropriate entry in the register and publish such disclaimer or limitation.

**Request for change of name or address in register.**

**38.** (1) The Registrar shall, on a request made on Form TM 13 by the proprietor of a registered trade mark or a licensee or any person having an interest in or charge on a registered trade mark which has been registered under rule 51, enter any change in his name or address as recorded in the register.

(2) The Registrar may at any time, on a request made on Form TM 22 by any person who has furnished an address for service under rule 9, if the address is recorded in the register, change that address.

**Death of applicant before registration.**

**39.** If an applicant for the registration of a trade mark dies after the date of his application and before the date the trade mark is entered in the register, the Registrar —

(a) after the expiration of the time referred to in rule 29 to file a notice of opposition (including any extension of such time); or

(b) after the determination of any opposition to the registration,

may, on being satisfied that the applicant is dead, enter in the register, in place of the name, of the deceased applicant, the name, address and other particulars of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

**Public inspection of register.**

**40.** (1) The register shall be open for public inspection at the Registry during the hour of business of the Registry as published in accordance with rule 70.

[Subsidiary]

(2) Where any portion of the register is kept otherwise than in documentary form, the right of inspection is a right to inspect the material on the register.

#### **Supply of certified copies etc.**

**41.** The register shall supply a certified copy or extract or uncertified copy or extract, a requested on Form TM 21, of any entry in the register.

#### **Removal of matter from register.**

**42.** (1) Where it appears to the Registrar that any matter in the register has ceased to have effect, before removing it from the register —

(a) he may, where he considers it appropriate, publish his intention to remove that matter;

(b) where any person appears to him to be effected by the removal, he shall send notice of his intention to that person.

(2) Within 3 months of the date on which his intention to remove the matter is published, or notice of his intention is sent, as the case may be —

(a) any person may file notice of opposition to the removal on Form TM 4; and

(b) the person to whom a notice is sent under sub-rule (1)(b) may file, in writing —

(i) his objections, if any, to the removal; or

(ii) a request to have his objections heard orally,

and where such opposition or objections are made, rule 29 shall apply.

(3) If the Registrar is satisfied after considering any objections or opposition to the removal that the matter has not ceased to have effect, he shall not remove it.

(4) Where there has been no response to the Registrar's notice he may remove the matter; where representations objecting to the removal of the entry have been made (whether in writing or orally) the Registrar may, if he is of the view after considering the objections that the entry or any part thereof has ceased to have effect, remove it or, as appropriate, the part thereof.

#### **Request for information, inspection of documents and confidentiality**

##### **Request for information.**

**43.** A request for information relating to an application for registration or to a registered trade mark shall be on Form TM 20.



**Information available before publication.**

**44.** Before publications of an application for registration the Registrar shall make available for inspection by the public the application and any amendments made to it and any particulars contained in a notice given to the Registrar under rule 52.

**Inspection of documents.**

**45.** (1) Subject to sub-rule (2) and (3), the Registrar shall permit all documents filed or kept at the Registry in relation to a registered mark or, where an application for the registration of a trade mark has been published, in relation to that application, to be inspected.

(2) The Registrar shall not be obliged to permit the inspection of any such documents as is mentioned in sub-rule (1) until he has completed any procedure, or the stage in the procedure which is relevant to the document in question, which he is required or permitted to carry out under the Act or these Rules.

(3) The right of inspection under sub-rule (1) does not apply to —

(a) any document until 14 days after it has been filed at the Registry;

(b) any document prepared in the Registry solely for use therein;

(c) any document sent to the Registry, whether at its request or otherwise, for inspection and subsequent return to the sender;

(d) any request for information under rule 43;

(e) any document issued by the Registry which the Registrar considers should be treated as confidential;

(f) any document in respect of which the Registrar issues directions under rule 46 that it be treated as confidential.

(4) Nothing in sub-rule (1) shall be construed as imposing on the Registrar any duty of making available for public inspection any document or part of a document which in his opinion disparages any person in a way likely to damage him.

(5) No appeal shall lie from a decision of the Registrar under sub-rule (4) not to make any document or part of a document available for public inspection.

**Confidential documents.**

**46.** (1) Where a document other than a form required by the Registrar and published in accordance with rule 4 is filed at the Registry and the person filing it requests, at the time of filing or within 14 days of the filing, that it or a specified part of it be treated as confidential, giving his reasons, the Registrar may direct that it or part of it, as the case may be, be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the Registrar.

[Subsidiary]

(2) Where such direction has been given and not withdrawn, nothing in this rule shall be taken to authorise or require any person to be allowed to inspect the document or part of it to which the direction relates except by leave of the Registrar.

(3) The Registrar shall not withdraw any direction given under this rule without prior consultation with the person at whose request the direction was given, unless the Registrar is satisfied that such prior consultation is not reasonably practical.

(4) The Registrar may where he considers that any document issued by the Registry should be treated as confidential so direct, and upon such direction that document shall not be open to public inspection except by leave of the Registrar.

(5) Where a direction is given under this rule for a document to be treated a confidential a record of the fact shall be filed with the document.

#### PART IV

### RENEWAL OF REGISTRATION OF TRADE MARK

#### **Reminder of renewal of registration.**

**47.** At any time not earlier than 6 months nor later than one month before the expiration of the last registration of a trade mark, the Registrar shall (except where renewal has already been effected under rule 49) send to the registered proprietor notice of the approaching expiration and inform him at the same time that the registration may be renewed in the manner described in rule 48.

#### **Renewal of registration.**

**48.** Renewal of registration shall be effected by filing a request for renewal on Form TM 7 at any time within the period of 6 months ending on the date of the expiration of the registration.

#### **Delayed renewal and removal of registration.**

**49.** (1) If on the expiration of the last registration of a trade mark, the renewal fee has not been paid, the Registrar shall publish that fact; and if, within 6 months from the date of the expiration of the last registration, the request for renewal is filed on Form TM 7 accompanied by the appropriate renewal fee and additional renewal fee, the Registrar shall renew the registration without removing the mark from the register.

(2) Where no request for renewal is filed as aforesaid, the Registrar shall, subject to rule 50, remove the mark from the register.

(3) Where, in the case of a mark the registration of which (by reference to the date of application for registration) becomes due for renewal, the mark is registered at any time

within 6 months before the date on which renewal is due, the registration may be renewed by the payment of —

- (a) the renewal fee within 6 months after the actual date of registration; or
- (b) the renewal fee and additional renewal fee within the period commencing on the date 6 months after the actual date of registration (that is to say, at the end of the period referred to in paragraph (a) and ending on the date 6 months after the due date of renewal),

and, where the fees referred to in paragraph (b) are not paid within the period specified in that paragraph the Registrar shall, subject to rule 50, remove the mark from the register.

(4) Where, in the case of a mark the registration of which (by reference to the date of application for registration) becomes due for renewal, the mark is registered after the date of renewal, the registration may be renewed by the payment of the renewal fee within 6 months of the actual date of registration; and where the renewal fee is not paid within that period the Registrar shall, subject to rule 50, remove the mark from the register.

- (5) The removal of the registration of a trade mark shall be published.

### **Restoration of registration.**

**50.** (1) Where the Registrar has removed the mark from the register for failure to renew its registration in accordance with rule 49, he may, upon a request filed on Form TM 9 within 6 months of the date of the removal of the mark accompanied by the appropriate renewal fee and appropriate restoration fee, restore the mark to the register and renew its registration if, having regard to the circumstances of the failure to renew, he is satisfied that it is just to do so.

(2) The restoration of the registration shall be published, with the date of restoration shown.

## **PART V**

### **REGISTRABLE TRANSACTIONS**

#### **Entry in register of particulars of registrable transactions.**

**51.** Upon application made to the Registrar by such person as is mentioned in paragraph (a) or (b) of subsection (1) of section 26 there shall be entered in the register the following particulars of registrable transactions, that is to say —

- (a) in the case of an assignment of a registered trade mark or any right in it —
  - (i) the name and address of the assignee;
  - (ii) the date of the assignment;

[Subsidiary]

- (iii) where the assignment is in respect of any right in the mark, a description of the right assigned;
- (b) in the case of the grant of a licence under a registered trade mark —
  - (i) the name and address of the licensee;
  - (ii) where the licence is an exclusive licence, that fact;
  - (iii) where the licence is limited, a description of the limitation;
  - (iv) the duration of the licence if the same is or is ascertainable as a definite period;
- (c) in the case of the grant of any security interest over a registered trade mark or a right in or under it —
  - (i) the name and address of the grantee;
  - (ii) the nature of the interest (whether fixed or floating);
  - (iii) the extent of the security and the right in or under the mark secured;
- (d) in the case of the making by personal representatives of an assent in relation to a registered trade mark or any right in or under it —
  - (i) the name and address of the person in whom the mark or any right in or under it vests by virtue of the assent;
  - (ii) the date of the assent;
- (e) in the case of a court or other competent authority transferring a registered trade mark or any right in or under it —
  - (i) the name and address of the transferee;
  - (ii) the date of the order;
  - (iii) where the transfer is in respect of a right in the mark, a description of the right transferred, and, in each case, there shall be entered the date on which the entry is made.

**Application to register or give notice of transaction.**

**52.** (1) An application to register particulars of a transaction to which section 26 apply or to give notice to the Registrar of particulars of a transaction to which subsection (3) of section 28 applies shall be made, subject to sub-rule (2) —

- (a) relating to an assignment or transaction other than a transaction referred to in sub-paragraphs (b) to (d), on Form TM 11;

- (b) relating to a grant of a licence, on Form TM 25;
- (c) relating to an amendment to, or termination of, a licence, on Form TM 26;
- (d) relating to the grant, amendment or termination of any security interest, on Form TM 16; and
- (e) relating to the making by personal representatives of an assent or to an order of a court or other competent authority, on Form TM 16.

(2) An application under sub-rule (1) shall —

- (a) where the transaction is an assignment, be signed by or on behalf of the parties to the assignment;
- (b) where the transaction falls within paragraphs (b), (c) or (d) of sub-rule (1), be signed by or on behalf of the grantor of the licence or security interest,

or be accompanied by such documentary evidence as suffices to establish the transaction.

(3) Where the transaction is effected by an instrument chargeable with duty, the application shall be subject to the Registrar being satisfied that the instrument has been duly stamped.

(4) Where an application to give notice to the Registrar has been made of particular relating to an application for registration of a trade mark, upon registration of the trade mark, the Registrar shall enter those particulars in the register

## PART VI

### ALTERATION OF REGISTERED TRADE MARK

#### **Alteration of registered trade mark.**

**53.** (1) The proprietor may request the Registrar on Form TM 17 for such alteration of his registered mark as is permitted under section 45; and the Registrar may require such evidence by statutory declaration or otherwise as to the circumstances in which the application is made.

(2) Where, upon the request of the proprietor, the Registrar proposes to allow such alteration, he shall publish the mark as altered.

(3) Any person claiming to be affected by the alteration may within 3 months of the date of publication of the alteration under sub-rule (2) send a notice on Form TM 4 to the Registrar of opposition to the alteration and shall include a statement of the grounds of opposition; the Registrar shall send a copy of the notice and the statement to the proprietor and thereafter the procedure in rules 29 to 33 shall apply to the proceedings as they apply to proceedings relating to opposition to an application for registration.

## PART VII

## SURRENDER OF REGISTERED TRADE MARK

**Surrender of registered trade mark.**

**54.** (1) Subject to sub-rule (2), the proprietor may surrender a registered trade mark, by sending a notice to the Registrar —

(a) on Form TM 14 in respect of all the goods or services for which it is registered; or

(b) on Form TM 15 in respect only of those goods or services specified by him in the notice.

(2) A notice under sub-rule (1) shall be of no effect unless the proprietor in that notice

(a) gives the name and address of any person having a registered interest in the mark; and

(b) certifies that any such person —

(i) has been sent not less than 3 months notice of the proprietor's intention to surrender the mark; or

(ii) is not affected or if affected consents thereto.

(3) The Registrar shall, upon the surrender taking effect, make the appropriate entry in the register and publish the same.

## PART VIII

REVOCATION, INVALIDATION, RECTIFICATION  
AND CANCELLATION**Procedure on application for revocation, declaration of invalidity and rectification of the register.**

**55.** (1) An application to the Registrar for revocation under section 47 or declaration of invalidity under section 48 of the registration of a trade mark or for the rectification of an error or omission in the register under section 61 shall be made on Form TM 18 together with a statement of the grounds on which the application is made.

(2) Where any application is made under sub-rule (1) by a person other than the proprietor of the registered trade mark, the Registrar shall send a copy of the application and the statement to the proprietor.

(3) Within 3 months of the date on which the Registrar sends a copy of the application and the statement to the proprietor, the proprietor may file a counter-statement together with Form TM 5 and the Registrar shall send a copy thereof to the applicant:

Provided that where an application for revocation is based on the ground of non-use under paragraph (a) or (b) of subsection (1) of section 47, the proprietor shall file (within the period allowed for the filing of any counter-statement) evidence of the use by him of the mark; and if he fails so to file evidence the Registrar may treat his opposition to the application as having been withdrawn.

(4) Subject to sub-rule (2) and sub-rules (6) and (7), the provisions of rules 29 to 33 shall apply to proceedings relating to the application as they apply to opposition proceeding for the registration of a trade mark, save that, in case of an application for revocation on the grounds of non-use under paragraph (a) or (b) of subsection (1) of section 47, the application shall be granted where no counter-statement is filed.

(5) Any person, other than the registered proprietor, claiming to have an interest in proceedings on an application under this rule may file an application to the Registrar on Form TM 19 for leave to intervene, stating the nature of his interest and the Registrar may, after hearing the parties concerned if so required, refuse such leave or grant leave upon such terms or conditions (including any undertaking as to costs) as he thinks fit.

(6) On an application under this rule, any person granted leave to intervene (the intervener) shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party for the purposes of the application of rule 29 to the proceedings.

(7) When the Registrar has made a decision on the application following any opposition, intervention or proceedings held in accordance with this rule, he shall send the applicant, the person opposing the application and the intervener (if any) written notice of it, stating the reasons for his decision; and for the purposes of any appeal against the Registrar's decision the date when the notice of the decision is sent shall be taken to be the date of the decision.

## PART IX

### COLLECTIVE MARKS AND CERTIFICATION MARKS

#### **Application for registration and filing of regulations.**

**56.** (1) An application for the registration of a collective or certification mark shall be filed on Form TM 32 and shall be subject to the payment of the application fee and such class fee as may be appropriate.

(2) Within 9 months of the date of the application for the registration of a collective or certification mark, the applicant shall file Form TM 23 accompanied by a copy of the regulations governing the use of the mark.

[Subsidiary]

(3) Any person may, within 2 months from the date of the publication of an application for registration of a collective mark or certification mark, give written notice in duplicate to the Registrar in Form TM 4 opposing the registration; and rules 29 to 33, with the necessary modifications, shall apply to the proceedings thereon.

(4) For the purposes of applying rules 29 to 33, Form TM 5 shall be substituted with Form TM 29 and Form TM 28 shall be substituted with Form TM 30.

(5) In case of doubt, any party may apply to the Registrar for directions.

#### **Amendment of regulations**

**57.** (1) An application for the amendment of the regulations governing the use of a registered collective or certification mark shall be filed on Form TM 24.

(2) Where it appears expedient to the Registrar that the amended regulations should be made available to the public he shall publish a notice indicating where copies of the amended regulations may be inspected.

(3) Any person may, within 3 months of the date of publication of the notice, file notice on Form TM 4 to the Registrar of opposition to the amendment, accompanied by a statement of the grounds of opposition, indicating why the amended regulations do not comply with the requirements of sub-paragraph (1) of paragraph 5 of the First Schedule of the Act or, as the case may be, sub-paragraph (1) of paragraph 7 of the Second Schedule of the Act.

(4) The Registrar shall send a copy of the notice and the statement to the proprietor and thereafter the procedure in rules 29 to 33 shall apply to the proceedings as they apply to proceedings relating to opposition to an application for registration.

### **PART X**

#### **EVIDENCE, COSTS AND DECISION OF REGISTRAR**

##### **Decision of Registrar to be taken after hearing.**

**58.** (1) Without prejudice to any provisions of the Act or these Rules requiring the Registrar to hear any party to proceedings under the Act or these Rules, or to give such party an opportunity to be heard, the Registrar shall, before taking any decision on any matter under the Act or these Rules which is or may be adverse to any party to any proceeding before him, give that party an opportunity to be heard.

(2) The Registrar shall give that party at least 14 days notice of the time when he may be heard unless that party consents to shorter notice.

(3) The Registrar shall notify that party of his decision made in the exercise of his power.



**Hearing before Registrar to be in public.**

**59.** The hearing before the Registrar of any dispute between 2 or more parties relating to any matter in connection with an application for the registration of a mark or a registered mark shall be in public unless the Registrar, after consultation with those parties who appear in person or are represented at the hearing, otherwise directs.

**Evidence in proceedings before Registrar.**

**60.** (1) Where under these Rules evidence may be admitted by the Registrar in any proceedings before him, it shall be by the filing of a statutory declaration or affidavit.

(2) The Registrar may in any particular case take oral evidence in lieu of or in addition to such evidence and shall, unless he otherwise directs, allow any witness to be cross-examined on his statutory declaration, affidavit or oral evidence.

**Making and subscription of statutory declaration or affidavit.**

**61.** (1) Any statutory declaration or affidavit filed under the Act or these Rules shall be made and subscribed as follows —

(a) in Brunei Darussalam, before any justice of peace, or any commissioner for oaths, or other officer authorised by law in any part of Brunei Darussalam to administer an oath for the purpose of any legal proceedings;

(b) elsewhere, before an Ambassador or a High Commissioner, a consul or vice-consul or other person performing the functions of a vice-consul of the Government of Brunei Darussalam, or before a notary public, judge or magistrate, or any officer authorised by law to administer an oath for the purpose of any legal proceedings.

(2) Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by sub-rule (1) to take a declaration may be admitted by the Registrar without proof of the genuineness of the seal or signature, or of the official character of the person or his authority to take the declaration.

**Costs of proceedings.**

**62.** The Registrar may, in any proceedings before him under the Act or these Rules, by order award to any party such costs as he may consider reasonable, and direct how and by what parties they are to be paid.

**Security for costs.**

**63.** (1) The Registrar may require any person who is a party in any proceedings before him under the Act or these Rules to give security for costs in relation to those proceedings; and he may require security for the costs of any appeal from his decision.

[Subsidiary]

(2) In default of such security being given, the Registrar, in the case of the proceedings before him, or, in the case of an appeal, may treat the party in default as having withdrawn his application, opposition, objection or intervention, as the case may be.

#### **Decision of Registrar.**

**64.** (1) When, in any proceedings before him, the Registrar has made a decision following a hearing or, if a hearing has not been requested, after considering any submission in writing, he shall send notice of his decision in writing to each party to the proceedings, and for the purpose of any appeal against the Registrar's decision, subject to sub-rule (2), the date of the decision shall be the date when the notice is sent.

(2) Where a statement of the reasons for the decision is not included in the notice sent under sub-rule (1), any party may, within one month of the date on which the notice was sent to him, request the Registrar on Form TM 3 to send him a statement of the reasons for the decision and upon such request the Registrar shall send such a statement; and the date on which that statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of any appeal against it.

## **PART XI**

### **APPEAL**

#### **Appeals from Registrar.**

**65.** (1) Notice of appeal under section 70 shall be forwarded to the Registrar within one month of the date of the Registrar's decision which is the subject of the appeal accompanied by a statement in writing of the appellant's grounds of appeal and of his case in support of the appeal.

(2) Within one month, the Registrar shall forward the notice of appeal and the statement to the court and, where any person other than the appellant was a party to the proceedings before the Registrar in which the decision appealed against was made, to that person.

## **PART XII**

### **CORRECTION OF IRREGULARITIES, CALCULATION AND EXTENSION OF TIME**

#### **Correction of irregularities of procedure.**

**66.** (1) Any irregularity in procedure in or before the Registry or the Registrar may be rectified, subject to sub-rule (2), on such terms as he may direct.

(2) In the case of an irregularity or prospective irregularity —

(a) which consists of a failure to comply with any limitation as to times or periods specified in the Act, these Rules or the old law as that law continues to apply and which has occurred or appears to the Registrar as likely to occur in the absence of a direction under this rule;

(b) which is attributable wholly or in part to an error, default or omission on the part of the Registry or the Registrar; and

(c) which it appears to him should be rectified,

the Registrar may direct that the time or period in question shall be altered in such manner as he may specify.

(3) Sub-rule (2) is without prejudice to the Registrar's power to extend any time or periods under rule 68.

#### **Calculation of times and periods.**

**67.** (1) Where, on any day, there is —

(a) a general interruption or subsequent dislocation in the postal services of Brunei Darussalam; or

(b) an event or circumstances causing an interruption in the normal operation of the Registry,

the Registrar may certify the day as being one on which there is an "interruption" and, where any period of time specified in the Act or these Rules for the giving, making or filing of any notice, application or other document expires on a day so certified the period shall be extended to the first day next following (not being an excluded day) which is not so certified.

(2) Any certificate of the Registrar given pursuant to this rule shall be posted in the Registry.

(3) If in any particular case the Registrar is satisfied that the failure to give, make or file any notice, application or other document within any period of time specified in the Act or these Rules for such giving, making or filing was wholly or mainly attributable to a failure or undue delay in the postal services in Brunei Darussalam, the Registrar may, if he thinks fit, extend the period so that it ends on the day of the receipt by the addressee of the notice, application or other document (or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day), upon such notice to other parties and upon such terms as he may direct.

(4) In this rule "excluded day" means a day which is not business day of the Registry under the Registrar's direction pursuant to section 73, as published in accordance with rule 70.

[Subsidiary]

**Alteration of time limits.**

**68.** (1) Subject to sub-rule (3) the times or periods —

(a) prescribed by these Rules, other than the times or periods prescribed by the rules mentioned in sub-rule (3); or

(b) specified by the Registrar for doing any act or taking any proceedings,

may, at the request of the person or party concerned, be extended by the Registrar as he thinks fit, upon such notice to any other person or party affected and upon such terms as he may direct.

(2) A request for the extension of a period prescribed by these Rules which is filed after the application has been published under rule 26 shall be on Form TM 6 and shall in any other case be on that form if the Registrar so directs.

(3) The rules excepted from sub-rule (1) are sub-rule (6) of rule 9 (failure to file address for service), rule 21 (deficiencies in application), sub-rule (1) of rule 29 (time for filing opposition), sub-rule (2) of rule 29 (time for filing counter-statement), rule 49 (delayed renewal) and rule 50 (restoration of registration).

(4) Subject to sub-rule (5), a request for extension under sub-rule (1) shall be made before the time or period in question has expired.

(5) Where the request for extension is made after the time or period has expired, the Registrar may, at his discretion, extend the period or time if he is satisfied with the explanation for the delay in requesting the extension and it appears to him that any extension would not disadvantage any other person or party affected by it.

(6) Where the period within which any party to any proceedings before the Registrar may file evidence under these Rules is to begin upon the expiry of any period in which any other party may file evidence and that other party notifies the Registrar that he does not wish to file any, or any further, evidence, the Registrar may direct that the period within which the first mentioned party may file evidence shall begin on such date as may be specified in the direction and shall notify all parties to the dispute of that date.

## PART XIII

### FILING OF DOCUMENTS AND HOURS OF BUSINESS

**Filing of documents by electronic means.**

**69.** The Registrar may, at his discretion, permit as an alternative to the sending by post or delivery of the application, notice or other document in legible form the filing of the application, notice or other document by electronic means subject to such terms or conditions as he may specify either generally by published notice or in any particular case by written notice to the person desiring to file any such documents by such means.

**Directions on hours of business.**

**70.** Any directions given by the Registrar under section 73 specifying the hours of business of the Registry and business days of the Registry shall be published and posted in the Registry.

**PART XIV****ADDRESS ALTERED BY PUBLIC AUTHORITY****Address altered by public authority.**

**71.** (1) No fee need to be paid for filing a request with the Registrar to alter an address or address for service (as the case may be) if the alteration of the address was made by a public authority and the altered address designates the same premises as before.

(2) A request referred to in sub-rule (1) shall be accompanied by relevant documentary evidence of such alteration by public authority.

**PART XV****TRANSITIONAL PROVISIONS****Pending applications for registration.**

**72.** Where an application for registration of a mark made under the old law is advertised on or after 1st June, 2000, the period within notice of opposition may be filed shall be 3 months from the date of advertisement, and such period shall not be extendible.

**Form for conversions of pending application.**

**73.** A notice to the Registrar under sub-paragraph (2) of paragraph 11 of the Third Schedule to the Act, claiming to have the registrability of the mark determined in accordance with the provisions of the Act, shall be in the Form TM 10.

[Subsidiary]

## FIRST SCHEDULE

(rule 3)

## FEES

Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
1. Filing of address for service or a change of address of service; or request to alter agent's name or address on record	9, 38(2)	\$6.00	22
2. Application to register a trade mark —			
(a) where the specification consists of goods or services included in one class in the Third Schedule;	13, 17	\$150.00	1
(b) where the specification consists of goods or services included in more than one class in the Third Schedule		\$150.00 x number of classes	2
3. Application for additional classes	19(4)	\$150.00	2
4. Application to amend an application or a registration of a trade mark	22(1), 38	\$40.00 per item	13
5. Request to the Registrar for a statement of grounds of decision	24(6), 64(2)	\$300.00	3
6. Publication of an application for registration for a specification of goods or services included in one class in the Third Schedule	25	\$125.00	27
7. Filing of a notice of opposition to the registration of a trade mark or to the removal of any matter from the register	29(1), 23(2), 53(3), 42(2)(a), 56(3), 57(3)	\$250.00 for each notice of opposition	4
8. Request for an extension of time on an application			6

Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
9. Filing of a counter-statement to notice of opposition to the registration of a trade mark	29(2)	\$200.00 for each counter-statement	5
10. Filing of a counter-statement to an application to alter a registered trade mark	53(3)	\$200.00 for each counter-statement	5
11. Filing of a counter-statement to an application for revocation or a declaration of invalidation of a registration, or for rectification of register	55(3)	\$200.00 for each counter-statement	5
12. Filing of notice of attendance at a hearing	30(3), 56(4)	\$300.00	28, 30
13. Issue of a Certificate of Registration	34		31
14. Application for renewal registration of a trade mark	48	\$200.00 in respect of each registration	7
15. Application to restore and renew a registration removed from the register because of non-payment of the renewal fee	50	\$150.00 for each trade mark	9
16. Application to register a change of proprietor	52(1)(a)	\$65.00 in respect of each trade mark	11
17. Application to register licensees	52(1)(b)	\$50.00 in respect of each trade mark	25
18. Application to remove or amend the recordal of a licence	52(1)(c)	\$50.00 in respect of each trade mark	26
19. Application to record or cancel a registrable transaction other than an assignment or licence	52(1)(d) and (e)	\$50.00 in respect of each trade mark	16

[Subsidiary]

	<b>Matter</b>	<b>Corresponding Rule(s)</b>	<b>Fee</b>	<b>Corresponding Form(s)</b>
20.	Request for alteration of a registered mark	53(1)	\$200.00	17
21.	Filing of notice of opposition to an alteration of a registered trade mark	53(3)	\$325.00 for each notice of opposition	4
22.	Application for the revocation, invalidation or rectification of a registration	55(1)	\$225.00	18
23.	Application to intervene in proceedings for the revocation, invalidation or rectification of a registration	55(5)	\$100.00	19
24.	Notice to surrender a registration —			
	(a) where the surrender relates to all the goods or services in respect of which the trade mark is registered;	54(1)(a)	\$30.00	14
	(b) notice of partial surrender of the specification of goods or services for which the mark is registered	54(1)(b)	\$35.00	15
25.	Application to register a collective or certification mark —			
	(a) where the specification consists of goods or services included in one class in the Third Schedule;	56(1)	\$150.00	32
	(b) where the specification consists of goods or services included in more than one class in the Third Schedule		\$150.00 x number of classes	32



	Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
26.	Filing of regulations governing the use of certification or collective marks	56(2)		23
27.	Application to amend the regulations governing the use of a certification or collective mark	57(1)	\$60.00	24
28.	Filing of a notice of opposition to —			
	(a) the registration of a collective mark or certification mark;	57(3)	\$325.00 for each notice of opposition	4
	or			
	(b) an application to amend the regulations governing the use of a registered collective mark or certification mark	57(4)		
29.	Filing of a counter-statement to a notice of opposition to the registration of a collective mark or certification mark	56(4)	\$290.00 for each counter-statement	29
30.	Filing of a counter-statement to an application to amend the regulations governing the use of a registered collective mark or certification mark	57(3)	\$290.00 for each counter-statement	5
31.	Filing of notice under paragraph 11 of the Third Schedule to the Act (Conversions of pending application (including certification and collective marks))	73	\$250.00	10

[Subsidiary]

	Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
32.	Publication of an amendment to an application for registration or a statement of the effect of the amendment, or publication of a registered trade mark that is proposed to be altered	23, 53	\$75.00	
33.	Request to make any entry in the register, or to rectify any entry therein, for which no fee is expressly provided		\$25.00	
34.	Inspection of —			
	(a) any notice of opposition;		\$10.00 in respect of each trade mark for every half hour or less	
	(b) any application for revocation or for a declaration of invalidity of a registration or rectification of the register;			
	(c) any counter-statement or any decision, given in relation to any opposition proceeding;		\$10.00 in respect of each trade mark for every half hour or less	
	or			
	(d) any counter-statement, or any decision, given in relation to any application for revocation or for a declaration of invalidity of a registration or for the rectification of the register		– ditto –	
35.	Inspection of —			
	(a) Register;		\$10.00 for every half or less	
	or			
	(b) any notice of classified representations of trade marks			

Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
36. Searching and obtaining copies of documents and computer print-outs —			
(a) for each search per file;		\$5.00	
(b) for any document placed in the public search room, photocopying of each page or part thereof by the staff of the Registry;		\$0.50	
(c) for photocopying of each page or part thereof of any other document by the staff of the Registry;		\$0.50	
(d) for each page of computer print-out from an electronic data-base of the Registry		\$0.50	
37. For certifying office copies, manuscripts or printed matter	41	\$20.00 per certificate	21
38. Request for information about applications and registered mark	43	\$50.00 per information	20
39. Request to divide an application	15		8
40. Request to merge either application or registration	16		12

[Subsidiary]

## SECOND SCHEDULE

(rule 4)

## FORMS

Matter or Proceeding	Corresponding Form No.	Amount \$
1. Application to register a trade mark	TM 1	\$150.00 per class
2. Application for additional classe	TM 2	\$150.00
3. Request to the Registrar for a statement of grounds of decision	TM 3	\$300.00
4. Notice of opposition	TM 4	\$250.00 for each notice of opposition
5. Form for counter-statement	TM 5	\$200.00 for each counter-statement
6. Request for an extension of time on an application	TM 6	
7. Renewal of trade mark registration	TM 7	\$200.00 in respect of each registration
8. Request to divide an application	TM 8	
9. Request for the restoration and renewal of a registration removed from the register because of non-payment of the renewal fee	TM 9	\$150.00 for each trade mark
10. Conversions of pending application (including certification and collective marks)	TM 10	
11. Application to register a change of proprietor	TM 11	\$65.00 in respect of each trade mark
12. Request to merge either applications or registrations	TM 12	\$150.00 per class
13. Request to change the details of an application or a registration	TM 13	\$40.00 per item

Matter or Proceeding	Corresponding Form No.	Amount \$
14. Notice to surrender a registration	TM 14	\$30.00
15. Notice of a partial surrender of the specification of goods or services for which the mark is registered	TM 15	\$35.00
16. Application to record or cancel a registrable transaction other than an assignment or licence	TM 16	\$50.00 in respect of each trade mark
17. Request for alteration of a registered mark	TM 17	\$200.00
18. Application for the revocation, invalidation or rectification of a registration	TM 18	\$225.00
19. Application to intervene in proceedings for the revocation, invalidation or rectification of a registration	TM 19	\$100.00
20. Request for information about applications and registered marks	TM 20	\$50.00 per information
21. Request for a certified copy	TM 21	\$20.00 per certificate
22. Request to appoint or change an agent or to enter or change an address for service	TM 22	\$6.00
23. Filing of regulations governing the use of certification or collective marks	TM 23	
24. Application to amend the regulations governing the use of a certification or collective mark	TM 24	\$60.00
25. Application to register a licensee	TM 25	\$50.00 in respect of each trade mark
26. Application to remove or amend the recordal of a licence	TM 26	\$50.00 in respect of each trade mark
27. Form for publication	TM 27	\$125.00

[Subsidiary]

<b>Matter or Proceeding</b>	<b>Corresponding Form No.</b>	<b>Amount \$</b>
28. Notice to the Registrar of attendance at hearing	TM 28	\$300.00
29. Counter-statement to notice of opposition in respect of collective or certification marks	TM 29	\$290.00 for each counter-statement
30. Notice to the Registrar of attendance at hearing in respect of a collective or certification mark	TM 30	\$350.00
31. Certificate issued under section 41 and rule 34	TM 31	
32. Application to register a collective or certification mark	TM 32	\$150.00 per class

## FORM TM 1

**BRUNEI DARUSSALAM  
TRADE MARKS ACT****APPLICATION TO REGISTER A TRADE MARK****Under sections 33 to 35 and rules 13 and 17***Please refer to notes for guidance on completing this form*

1. Full name and address of the applicant	
2. If the applicant is a corporate body, give country or State of Incorporation	
3. Representation of mark	

[Subsidiary]

4. If the mark is not a word mark or a picture, indicate here (for example 3-dimensional)	
5. If the application is for a series of marks, indicate how many marks in the series	
6. If the application claims priority, indicate the priority date(s) claimed, the country and the number.  Date ..... Country ..... Number .....	
7. If colour is claimed, please indicate here and state the colour(s)	
8. Indicate any limitations or disclaimers	
9. If the mark contains or consists of word(s), provide the derivation of the word(s) and state whether it is invented	
10. If the mark contains or consists of non-English word(s) and/or foreign character(s), provide the following details —	



- (a) The ..... (specify language) word(s) appearing on the mark is/are ..... (specify the non-English word(s)) meaning .....
- (b) The transliteration of the ..... (specify language) characters appearing in the mark/of which the marks consist is ..... meaning .....

Attach a certified translation and/or transliteration

11. Name of agent (if appropriate)	
12. 'Address for service' in Brunei Darussalam to which all the correspondence should be sent [See note (d)]	
<p>13. Specification of goods or services</p> <p>If the space provided for the specification of goods or services is insufficient then please continue the list on preprinted continuation sheets. List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that clas</p>	
CLASS NUMBER	LIST OF GOODS OR SERVICES





[Subsidiary]

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**DECLARATION**

**THE TRADE MARK IS BEING USED BY THE APPLICANT OR WITH HIS CONSENT, IN RELATION TO THE GOODS OR SERVICES STATED OR THERE IS A *BONA FIDE* INTENTION THAT IT WILL BE SO USED.**

**SIGNATURE:**

**NAME (*BLOCK CAPITALS*) :**

**DATE:**

**STATE NUMBER OF ANY SHEETS ATTACHED TO THIS FORM:**

## FORM TM 1

*General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 2

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## APPLICATION FOR ADDITIONAL CLASSE

## Under rule 19(4)

*Please refer to notes for guidance on completing this form*

1. Application to which the request relate	Number	Class
2. Classes to be added to the original application		
3. Specification of goods/services for the additional classe  <i>List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class</i>		
Class number	List of goods/services	

<p>4. Particulars of applicant</p> <p style="text-align: center;"><i>Name:</i></p> <p style="text-align: center;"><i>Address:</i></p>	
<p>5. Name of agent (if appropriate)</p>	
<p>6. 'Address for service' in Brunei Darussalam to which all correspondence should be sent</p>	
<p style="text-align: center;">Signature:</p>	<p style="text-align: center;">Date:</p>
<p style="text-align: center;">Name (<i>block capitals</i>)</p>	
<p>State number of sheets attached to this for</p>	

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[Subsidiary]

**FORM TM 2***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



## FORM TM 3

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST TO THE REGISTRAR FOR A STATEMENT  
OF GROUNDS OF DECISION

Under rules 24(6) and 64(2)

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registration	Number	Class
2. Date of Registrar's decision		
3. Date of hearing		
4. Full name and address of applicant or agent making the request		
Signature:	Date:	
Name ( <i>block capitals</i> )		
State number of sheets attached to this for		

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[Subsidiary]

**FORM TM 3***Specific notes*

- (a) *If your application for a trade mark is refused you can ask the Registrar for a statement of grounds of the decision. This must be requested within one month of the date on which the decision was sent to you.*

*General notes*

- (b) *Complete this form in capital letters or type it.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have completed this form you must remember to sign and date it.*
- (e) *If your address for service is different from your agent, then please give us full details of both.*
- (f) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 4

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## NOTICE OF OPPOSITION

section 39(2) and rule 29(1)  
 section 40(3) and rule 23(2)  
 section 45 and rule 53(3)  
 rule 42(2)(a)

First Schedule paragraph 10 of the Act and rule 56(3)  
 Second Schedule paragraph 9 of the Act and rule 57(3)

Please refer to notes for guidance on completing this form

1. Give details of the application or registration	Number	Class	Gazette
2. Full name of applicant or registered proprietor			
3. Full name and address of opponent			
4. Name of agent ( <i>if appropriate</i> )			
5. Attach a statement of grounds of opposition			
6. 'Address for service' in Brunei Darussalam to which all correspondence should be sent			
Signature:			
Date:			

[Subsidiary]

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

## FORM TM 4

*Specific notes*

- (a) *This form is used to notify the Registrar that you want to oppose any of the following —*
  - (1) *an application*
  - (2) *an amendment of an application*
  - (3) *an amendment to a registered trade mark*
  - (4) *an amendment to the regulations relating to collective or certification marks.*
- (b) *This form must be filed within the period allowed for such action.*
- (c) *Please indicate the class you wish to oppose.*
- (d) *A statement of the grounds of your opposition must accompany this form.*

*General notes*

- (e) *Complete this form in capital letters or type it.*
- (f) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (g) *Once you have completed this form you must remember to sign and date it.*
- (h) *If your address for service is different from your agent, then please give us full details of both.*
- (i) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 5

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## FORM FOR COUNTER-STATEMENT

## Under rules 29(2) and 55(3)

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registration	Number	Class
2. Full name of applicant or registered proprietor		
3. Opposition or revocation number		
4. Name of agent ( <i>if appropriate</i> )		
5. On a separate sheet of paper, provide the following —  (a) details of the grounds upon which the applicant/ registered proprietor* of the trade mark relies to support the application/registration/alteration*  (b) details of any allegations in the notice of opposition/ application for revocation, or declaration of invalidity, or rectification* that the applicant/ registered proprietor is admitting  *delete as appropriate		
'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (f)]</i>		

Signature:  Date:	
Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

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[Subsidiary]

**FORM TM 5***Specific notes*

- (a) *This form is used if you want to defend your application against a third party who has lodged either an opposition against your application or an application to revoke, rectify or invalidate your registration. (Rule 55 of the Trade Marks Rules).*
- (b) *You must send us details of the grounds for this counter-statement on a separate sheet of paper.*

*General notes*

- (c) *Complete this form in capital letters or type it.*
- (d) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (e) *Once you have completed this form you must remember to sign and date it.*
- (f) *If your address for service is different from your agent, then please give us full details of both.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



## FORM TM 6

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST FOR AN EXTENSION OF TIME  
ON AN APPLICATION

## Under rule 68(2)

*Please refer to notes for guidance on completing this form*

1. Give details of the application	Number	Class
2. Give the period of further time required in months		
3. Give the reasons for this request		
4. Full name of requestor		
5. Name of agent ( <i>if appropriate</i> )		
'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (d)]</i>		
Registry reference		

[Subsidiary]

Signature:	Date:
Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

**FORM TM 6***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 7

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## RENEWAL OF TRADE MARK REGISTRATION

Under section 44 and rule 48 and rule 49

*Please refer to notes for guidance on completing this form*

1. Give details of the application	Registration Number	Class
2. Full name and address of registered proprietor		
3. Due date of renewal		
4. Full name and address to which the certificates should be sent		
Signature:	Date:	
Name ( <i>block capitals</i> )		
State number of sheets attached to this for		

## FORM TM 7

*Specific notes*

- (a) *Please sign and return the Form TM 7 with appropriate fee for renewal of your trade mark.*
- (b) *If you want to renew a multiclass registration you must send a fee for each class of goods or services. You may choose to renew only those classes which you retain an interest in.*
- (c) *The request for renewal must be made and the renewal fee paid before the expiry of the registration. Failing this if the request is made and the fee paid within 6 month then the mark may be renewed but an additional renewal fee will be payable. (Section 44(3) of the Trade Marks Act refers).*
- (d) *If you have not renewed the registration within the 6 months period immediately after expiry (see (c) above) you have a further 6 months in which to request the restoration of the registration on Form TM 9 and pay the appropriate fee. Applications for restoration will not be accepted if they are received by the Registry of Trade Marks more than 12 months after the date of expiry. (Rule 50 of the Trade Marks Rules refers).*
- (e) *You must send a separate form for each trade mark number.*

*General notes*

- (f) *Complete this form in capital letters or type it.*
- (g) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (h) *Once you have completed this form you must remember to sign and date it.*
- (i) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 8

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## REQUEST TO DIVIDE AN APPLICATION

Under section 42, rule 15(1) and rule 17(2)

*Please refer to notes for guidance on completing this form*

1. Give details of the application to be divided	Number	Class
2. Is this request to —  (a) divide the specification of goods or services?  or  (b) divide a series of marks?  <i>*tick as appropriate [see note (b)]</i>		
3. If this request is to divide an application into more than 2 parts, write how many parts you want it divided into		
4. Full name and address of applicant		
5. Name of agent ( <i>if appropriate</i> )		
‘Address for service’ in Brunei Darussalam to which all correspondence should be sent <i>[see note (h)]</i>		
Signature:	Date:	

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

*Reminder:*

*List on a separate sheet (a) the goods or services (by class number) to be removed to a divisional application, or (b) representations of the marks to be divided.*

[Subsidiary]

### FORM TM 8

#### *Specific notes*

- (a) *You may use this form to divide a specification of goods or services, or on the basis of a geographical limitation or both, or to divide a series of marks. You cannot divide both a specification of goods or services and series of marks on the same form.*
- (b) *Section 42(1) of the Trade Marks Act allows for the division of an application (rule 15 of the Trade Marks Rules also refers). This may apply, for example, where a multiclass application may not proceed because of objections arising against some of the goods or services covered by the application. In this case, the application could be divided, with part of the application proceeding to registration in respect of those goods or services which do not face objections, whilst the other part is held up until the objections are settled.*
- (c) *You cannot divide a registered trade mark.*
- (d) *If you are dividing a specification of goods or services then the only fee payable is the division fee.  
If you are dividing a series of marks then the following fees are payable —  
one divisional fee;  
a fresh application fee for each extra application created; and  
any class fee if appropriate.*

#### *General notes*

- (e) *Complete this form in capital letters or type it.*
- (f) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (g) *Once you have completed this form you must remember to sign and date it.*
- (h) *If your address for service is different from your agent, then please give us full details of both.*
- (i) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



## FORM TM 9

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST FOR THE RESTORATION AND RENEWAL  
OF A REGISTRATION REMOVED FROM THE REGISTER  
BECAUSE OF NON-PAYMENT OF THE RENEWAL FEE

Under section 44(5) and rule 50

*Please refer to notes for guidance on completing this form*

1. Give details of the application	Registration Number	Class
2. Full name and address of the registered proprietor		
3. Full name and address of applicant for restoration and renewal <i>(if different from 2 above)</i>		
4. Name of agent <i>(if appropriate)</i>		
5. 'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (f)]</i>		
Signature:	Date:	

[Subsidiary]

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

*Reminder:*

*You can only apply to restore a registration on this form after 6 months of the mark having expired but not later than 12 months.*

## FORM TM 9

*Specific notes*

- (a) *If you have not renewed the registration within the 6 months period after the date of expiry, you have another 6 months to request the restoration of the registration by filling in Form TM 7 along with this one and sending us the fees. We will not accept applications to restore the registration after 12 months from the date of expiry. (Section 44 of the Trade Marks Act and rule 50 of the Trade Marks Rules refer).*
- (b) *If you want to renew a multiclass registration you must send a fee for each class of goods or services. You may choose to renew only those classes which you retain an interest in.*

*General notes*

- (c) *Complete this form in capital letters or type it.*
- (d) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (e) *Once you have completed this form you must remember to sign and date it.*
- (f) *If your address for service is different from your agent, then please give us full details of both.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 10

BRUNEI DARUSSALAM  
TRADE MARKS ACTCONVERSIONS OF PENDING APPLICATION  
(INCLUDING CERTIFICATION & COLLECTIVE MARKS)

## Under Third Schedule, paragraph 11 and rule 73

Notice under Third Schedule, paragraph 11 of the Act: Claim to have registrability of a mark applied for before ..... determined under the Act (Conversion of application)

1. Give details of the application you made under the Trade Marks Act	Number	Class
2. Full name and address of the applicant		
3. Name of agent ( <i>if appropriate</i> )  'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (d)]</i>		
I claim to have the registrability of the mark determined in accordance with the provisions of the Trade Marks Act. I acknowledge that this notice is irrevocable.		
Signature:		
Name ( <i>block capitals</i> )		
State number of sheets attached to this for		

**FORM TM 10***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 11

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## APPLICATION TO REGISTER A CHANGE OF PROPRIETOR

Under section 26 and rule 52(1)(a)

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registrations for which a change in ownership is to be recorded	Number	Class
2. Full name of current applicant/registered proprietor		
3. Full name and address of new proprietor		
4. If the new proprietor is a corporate body give country and if applicable State of Incorporation		
5. Date new proprietor took over ownership		
6. If only part of the ownership has been transferred give the rights or goods or services transferred		

<p>7. Address for service of subsequent proprietor/applicant for registration*</p> <p>*NOTE :The address for service inserted here is effective only for the purposes of this assignment/transmission. If the subsequent registered proprietor/applicant for registration's address for service for all other matters relating to the registered trade mark/application (as the case may be) is different from that of the current registered proprietor/applicant for registration, Form TM 22 has to be filed.</p> <p>Please note that original Agent and address for service will be re-entered into our records as soon as this transaction has been completed</p>	
<p>8. Please sign and confirm that Stamp Duty</p> <ul style="list-style-type: none"> <li>• has been paid/is not payable</li> </ul> <p>* (delete as appropriate) [see note (c)]</p> <p style="text-align: right;">Signature:</p>	
<p>9. Provide below an authorisation to change the record or send separate documentary evidence [see note (a)]</p> <p style="text-align: center;">Signature of the registered proprietor (or his or her representative)</p>	
<p>Status of Signatory</p>	
<p>Name (<i>block capitals</i>)</p>	
<p>Date:</p>	

[Subsidiary]

Signature of the new proprietor (or his or her representative)	
Status of Signatory	
Name ( <i>block capitals</i> )	
State number of sheets attached to this for	



## FORM TM 11

*Specific notes*

- (a) *This form is used to record the details of the transfer of ownership of a Trade Mark (section 26 of the Trade Marks Act refers). The form must be signed by the assignor and the assignee (or his or her representative). It is acceptable for this to be signed in the name of the firm or company. If you cannot do this, you may send u documentary evidence to support this transaction. Any documentary evidence submitted with this form will be open to public inspection.*
- (b) *If no address for service is shown in Part 7, or, if the address for service is for thi transaction only, the existing address for service (if any) will be re-entered on the register.*
- (c) *The declaration, relating to Stamp Duty, at Part 8 must be completed or proof of payment of the duty must be shown to the Registrar (rule 52(3) of the Trade Mark Rules refers).*
- (d) *In order to claim the date the transaction took effect this form must be filed at the Registry of Trade Marks within 6 months of that date (section 26(4) of the Trade Marks Act refers). If the transaction is not registered within the 6 months period, the effective date will be recorded as the actual date of filing the form.*

*General notes*

- (e) *Complete this form in capital letters or type it.*
- (f) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (g) *Once you have completed this form you must remember to sign and date it.*
- (h) *If your address for service is different from your agent, then please give us full details of both.*
- (i) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 12

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST TO MERGE EITHER APPLICATIONS  
OR REGISTRATIONS

Under section 42 and rule 16

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registration to which this request relates	Number	Class
2. Full name and address of the applicant or registered proprietor		
3. Give details of the merged specifications <i>[see note (e)]</i>		
'Address for service' in Brunei Darussalam which all correspondence should be sent		
Signature:	Date:	
Name ( <i>block capitals</i> )		
State number of sheets attached to this for		

## FORM TM 12

*Specific notes*

- (a) *Section 42 of the Trade Marks Act allows the merging of separate applications or registrations into a single application or registration (rule 16 of the Trade Mark Rules also refers). Applications cannot be merged with registrations.*
- (b) *Application can be merged at any time before they are accepted for advertisement and must —*
- have the same application date (this is the date of filing, section 41(3) of the Trade Marks Act;*
  - be for the same marks; and*
  - be in the same ownership.*
- (c) *Registrations to be merged must —*
- be for the same marks; and*
  - be in the same ownership.*

*Registered marks can be merged even if the registration dates (this is the date of entry onto the register) are different, but the new merged registration will be given the latest filing date.*

*The renewal date for the merged registration will be the one with the latest filing date. Renewal fees for all the classes covered by the merged registration will be due on this date.*

- (d) *You may want to use this procedure, for example, if an application has been divided or part of a registration was transferred legally to someone else but now returned to a single ownership.*
- (e) *You may wish to suggest an amended specification for all the merged applications or registrations. The Registry will consider the acceptability of the edited specification.*

*General notes*

- (f) *Complete this form in capital letters or type it.*
- (g) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (h) *Once you have completed this form you must remember to sign and date it.*
- (i) *If your address for service is different from your agent, then please give us full details of both.*
- (j) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 13

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST TO CHANGE THE DETAILS OF AN APPLICATION  
OR A REGISTRATION

Under sections 40(2) and 61(4) and rules 14(3), 22(1) and 38

*Please refer to notes for guidance on completing this form*

1. Give details of the applications or registrations	Number	Class	Licensee numbers (if applicable)
2. Full name and address of the proprietor or the licensee on the record			
3. Do you wish to record a change of —  (a) name of the proprietor  (b) name of the licensee(s)  (c) name of person having an interest in the mark  (d) address of the proprietor(s)  (e) address of the licensee(s)  (f) address of the person having an interest in the mark  (indicate (a) to (f) as appropriate) <i>For other changes please see Part 5</i>			
4. New name or address to be entered on the Register			

<p>5. Other amendments —</p> <p>(a) give details of the changes (including if appropriate, specifications)</p> <p>(b) give details if the change is because of a clerical error</p>	
<p>6. Name of agent (<i>if appropriate</i>)</p>	
<p>‘Address for service’ in Brunei Darussalam to which all correspondence should be sent [see note (d)]</p>	
	<p>Declaration</p> <p><i>I declare that there has been no change in the actual proprietorship of the application(s) or registration(s)</i></p>
<p>Signature:</p>	<p>Date:</p>
<p>Name (<i>block capitals</i>)</p>	
<p>State number of sheets attached to this form</p>	

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[Subsidiary]

**FORM TM 13***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 14

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## NOTICE TO SURRENDER A REGISTRATION

## Under section 46 and rule 54(1)(a)

Please refer to notes for guidance on completing this form

1. Give details of the registration to be surrendered	Registration Number	Class
2. Full name and address of registered proprietor		
'Address for service' in Brunei Darussalam to which all correspondence should be sent [see note (i)]		
3. State whether any licensee(s) or any other person has a registered interest in the registered trade mark. If yes, give details	<p>Declaration</p> <p><i>I confirm that there are no parties having a registered interest in the mark</i></p> <p><i>or</i></p> <p><i>I confirm that those with a registered interest in the mark (see Part 3 above), have been notified 3 months prior to this form being filed, or that they consent to the surrender</i></p> <p>Signature:</p> <p>Date:</p>	

[Subsidiary]

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	



## FORM TM 14

*Specific notes*

- (a) *The proprietor of a registered trade mark can surrender their legal rights to all or part of the goods or services for which it is registered. (Section 46 of the Trade Marks Act refers).*
- (b) *This form is used if you are giving up your legal rights to the whole trade mark registration, and you should use a separate form for each trade mark affected.*
- (c) *Do not use this form if you are giving up your legal rights to only some of the good or services. Please use Form TM 15 instead.*
- (d) *A separate form is required for each registration to be surrendered.*
- (e) *You must tell the people that have an interest in your mark that you are going to give up your rights in the mark 3 months beforehand, or they should consent to this. You also need to attach a list of all the interested parties to this form. (Section 46 of the Trade Marks Act and rule 54(1)(a) of the Trade Marks Rules refer).*

*General notes*

- (f) *Complete this form in capital letters or type it.*
- (g) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (h) *Once you have completed this form you must remember to sign and date it.*
- (i) *If your address for service is different from your agent, then please give us full details of both.*
- (j) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 15

BRUNEI DARUSSALAM  
TRADE MARKS ACTNOTICE OF A PARTIAL SURRENDER OF THE SPECIFICATION OF GOODS  
OR SERVICES FOR WHICH THE MARK IS REGISTERED

Under section 46 and rule 54(1)(b)

*Please refer to notes for guidance on completing this form*

1. Give details of the registration this apply to	Registration Number	Class
2. Full name and address of the registered proprietor		
'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (j)]</i>		
3. Goods or services to be surrendered <i>[see note (f)]</i>		
4. Are there any licensees or does any one else have a registered interest in the registration? <i>(if yes write the details on an attached sheet)</i>		
Signature:	Declaration  <i>I confirm that there are no parties having a registered interest in the mark or I confirm that those with a registered interest in the mark (see Part 4 above), have been notified 3 months prior to this form being filed, or that they consent to the surrender</i>  Date:	

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

[Subsidiary]

**FORM TM 15***Specific notes*

- (a) *The proprietor of a registered trade mark can surrender their legal rights to all or part of the goods or services for which it is registered. (Section 46 of the Trade Marks Act refers).*
- (b) *This form is used if you are giving up your legal rights to only some of the goods or service and you should use a separate form for each trade mark affected.*
- (c) *Do not use this form if you are giving up your legal rights to all of the goods or services. Please use Form TM 14 instead.*
- (d) *Only one registration number is allowed on each form.*
- (e) *You must tell the people that have an interest in your mark that you are going to give up your rights in the mark 3 months beforehand, or they should consent to this. You also need to attach a list of all the interested parties to this form. (Section 46 of the Trade Marks Act and rule 54(1)(b) of the Trade Marks Rules refer).*
- (f) *If the goods or services to be surrendered fall in more than one class they should be listed by class.*

*General notes*

- (g) *Complete this form in capital letters or type it.*
- (h) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (i) *Once you have completed this form you must remember to sign and date it.*
- (j) *If your address for service is different from your agent, then please give us full details of both.*
- (k) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 16

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION TO RECORD OR CANCEL A REGISTRABLE TRANSACTION  
OR MEMORANDUM RELATING TO A TRADE MARK OTHER THAN  
AN ASSIGNMENT OR LICENCE

Under section 26 and rule 36 and rule 52(1)(d) and (e)

*Please refer to notes for guidance on completing this form*

1. Give details of the registration this will affect	Number	Class
2. Full name and address of the grantor		
3. Full name and address of the person recorded, or to be recorded, as having an interest in the registered trade marks shown above		
'Address for service' of person at Part 3 above		
4. Details of the registrable transaction to be recorded or cancelled including — (where appropriate)  (a) the nature of the interest (whether fixed or floating)  (b) the extent of the security and the right in or under the mark secured		

[Subsidiary]

<p>Signature of the grantor <i>(or his or her representative)</i></p> <p style="text-align: right;">Signature:</p>	<p style="text-align: right;">Date:</p>
<p style="text-align: center;">Name <i>(block capitals)</i></p>	
<p>Signature of the person shown at Part 3 <i>(or his or her representative)</i></p> <p style="text-align: right;">Signature:</p>	<p style="text-align: right;">Date:</p>
<p style="text-align: center;">Name <i>(block capitals)</i></p>	
<p>State number of sheets attached to this for</p>	

## FORM TM 16

*Specific notes*

- (a) *Section 26 of the Trade Marks Act and rule 52 of the Trade Marks Rules allow for a person who claims to have an interest in, (or under) a registered trade mark to apply to have the details of that claim entered onto the register. This claim may stem from —*
- the person being granted the trade mark as a security interest, or any right in or under it;*
  - the making by personal representatives of an assent for the trade mark, or any right in or under it;*
  - a court or other competent authority transferring the trade mark, or any right in or under it.*
- (b) *Such a right may also be removed.*
- (c) *For changes in name and addresses of the person having an interest in the trade mark, please use Form TM 13.*
- (d) *In the case of transferring your legal rights to someone else, please use Form TM 11.*
- (e) *To record a licence, please use Form TM 25.*

*General notes*

- (f) *Complete this form in capital letters or type it.*
- (g) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (h) *Once you have completed this form you must remember to sign and date it.*
- (i) *If your address for service is different from your agent, then please give us full details of both.*
- (j) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 17

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## REQUEST FOR ALTERATION OF A REGISTERED MARK

Under section 45 and rule 53(1)

*Please refer to notes for guidance on completing this form*

1. Give details of the registration this will affect	Number	Class
2. Full name and address of the registered proprietor		
3. Detail of the change to the mark  <i>If the mark is pictorial then please attach a copy of the amended mark here</i>		

*Footnote:*

*The Trade Marks Act, section 45 states the Registrar may, at the request of the proprietor, allow the alteration of a registered trade mark where the mark includes the proprietor's name or address and the alteration is limited to alteration of that name or address and does not substantially affect the identity of the mark.*



<p>'Address for service' in Brunei Darussalam to which all correspondence should be sent  <i>[See note (d)]</i></p>	
<p style="text-align: right;">Signature:</p>	<p style="text-align: right;">Date:</p>
<p style="text-align: center;">Name (<i>block capitals</i>)</p>	
<p>State number of sheets attached to this for</p>	

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[Subsidiary]

**FORM TM 17***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 18

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION FOR THE REVOCATION, INVALIDATION OR  
RECTIFICATION OF A REGISTRATION

Under sections 47, 48 and 61 and rule 55(1)

*Please refer to notes for guidance on completing this form*

1. Give details of the registration this will affect	Number	Class
2. Is this request for —  (a) revocation  or  (b) rectification  or  (c) declaration of invalidity  <i>(indicate as appropriate. You may use this for more than one category of request)</i>		
3. Full name and address of registered proprietor		
4. Full name and address of applicant for revocation, rectification or invalidity*  <i>(delete where appropriate)</i>		

[Subsidiary]

<p>5. Name of agent (<i>if appropriate</i>)</p> <p>‘Address for service’ of the applicant for revocation/declaration of invalidity/rectification* [See note (h)]</p> <p>(<i>delete where appropriate</i>)</p>	
<p>Attach a statement of grounds on which the application is made</p>	
	<p>Declaration</p> <p><i>I declare that to the best of my knowledge there is no action concerning the registration pending in the Courts</i></p>
<p>Signature:</p>	
<p>Name (<i>block capitals</i>)</p>	
<p>State number of sheets attached to this for</p>	

## FORM TM 18

*Specific notes*

- (a) *This form is used to request the revocation, invalidation or rectification of a registered trade mark.*
- (b) *If proceedings concerning the trade mark are waiting to be dealt with in court, you must apply to the court.*
- (c) *The Registrar may refer an application for revocation, rectification or declaration of invalidity to the court at any stage.*
- (d) *This form must be accompanied by a statement of the grounds of your application.*

*General notes*

- (e) *Complete this form in capital letters or type it.*
- (f) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (g) *Once you have completed this form you must remember to sign and date it.*
- (h) *If your address for service is different from your agent, then please give us full details of both.*
- (i) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 19

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION TO INTERVENE IN PROCEEDINGS FOR THE REVOCATION,  
INVALIDATION OR RECTIFICATION OF A REGISTRATION

Under sections 47, 48 and 61 and rule 55(5)

*Please refer to notes for guidance on completing this form*

1. Give details of the registration this will affect	Number	Class	Revocation/invalidation number
2. Full name and address of the registered proprietor			
3. Full name and address of the applicant for intervention			
Give details of the grounds of the application to intervene			
4. Name of agent ( <i>if appropriate</i> )			
'Address for service' of applicant for intervention <i>[see note (e)]</i>			

*Reminder:**Have you attached the grounds of your application to intervene?*

Signature:	Date:	
Name ( <i>block capitals</i> )		
State number of sheets attached to this form		

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[Subsidiary]

**FORM TM 19***Specific notes*

- (a) *This form is used if you wish to intervene in proceedings for the revocation, rectification or declaration of invalidity of the registration of a trade mark.*
- (b) *A statement of the grounds of your application must accompany this form.*

*General notes*

- (c) *Complete this form in capital letters or type it.*
- (d) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (e) *If your address for service is different from your agent, then please give us full details of both.*
- (f) *Once you have completed this form you must remember to sign and date it.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



## FORM TM 20

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST FOR INFORMATION ABOUT  
APPLICATIONS AND REGISTERED MARKS

## Under section 63 and rule 43

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registration to which this request relates	Number	Class
2. Indicate for which category or categories of events you require notification  <i>(A to H as detailed below)</i>  <i>(A separate fee is payable for each category indicated)</i>		
<i>Category</i>	<i>You will be notified of:</i>	
A	application published or withdrawn, refused or deemed abandoned before publication	
B	current or future formal opposition filed against a new trade mark application	
C	application registered or withdrawn, refused or abandoned after publication	
D	unpaid renewal (registration in additional renewal fee period)	
E	registration renewed or expired	
F	full surrender or successful revocation resulting in the removal of a mark from the register	
G	assignment application received	
H	assignment in full or partial assignment	

[Subsidiary]

3. If your request is for an event not listed in 2, give details here	
4. Full name and address to which notifications should be sent	
Signature:	Date:
Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

*Reminder:**A fee is required for each category you have indicated.*

**FORM TM 20***Specific notes*

- (a) *Since the Trade Marks Register is a public record, anyone can ask to be told about any action on any application or registration. The form list the categories which you can be notified about. This form is not open to public inspection and information is disclosed only to the person filing the form.*
- (b) *A separate form should be used for each trade mark number.*
- (c) *A separate fee is payable for each category you want to be notified of.*

*General notes*

- (d) *Complete this form in capital letters or type it.*
- (e) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (f) *Once you have completed this form you must remember to sign and date it.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 21

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## REQUEST FOR A CERTIFIED COPY

## Under section 63(3)(b) and rule 41

Please refer to notes for guidance on completing this form

1. Give details of the applications or registrations which the certificate are for	Number	Class
2. State the number of certified copies required		
3. If certificates are for obtaining registration abroad list the countries		
4. State any special requirements needed — (a) representation of the mark in colour [see note (c)] (b) details as filed [see note (c)] (c) for use in legal proceedings (d) anything else, please specify (indicate (a) to (d) as appropriate)		
5. Full name, address and postcode to which the certificates should be sent		
Signature:	Date:	
Name (block capitals)		
State number of sheets attached to this for		

Reminder:

A fee is required for each certificate requested.

## FORM TM 21

*Specific notes*

- (a) *This form is used to request a certificate from the Registrar concerning the detail of a trade mark. You might need a certificate to prove you have made an application or have a registration in Brunei Darussalam or in legal proceedings.*
- (b) *If you are going to use the certificate for obtaining registration abroad you must list the country or countries, so that the certificate is prepared in the correct way.*
- (c) *Please provide a copy of the Form TM 1 as originally filed if you require a certificate showing —*
  - (i) *Trade mark in colour; or*
  - (ii) *Form TM 1 as filed if the Form TM 1 has subsequently been amended during the course of the examination.*

*General notes*

- (d) *Complete this form in capital letters or type it.*
- (e) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (f) *Once you have completed this form you must remember to sign and date it.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 22

BRUNEI DARUSSALAM  
TRADE MARKS ACTREQUEST TO APPOINT OR CHANGE AN AGENT OR  
TO ENTER OR CHANGE AN ADDRESS FOR SERVICE

Under section 61(4) and rules 9(3) and 38(2)

*Please refer to notes for guidance on completing this form*

1. Give details of the applications or registrations this will affect	Number(s)	Class	Licensee Numbers
2. Full name of —  (a) proprietor (b) opponent (c) licensee  (indicate (a) or (b) as appropriate)			
3. On behalf of the proprietor, grantor, licensee or opponent we notify you that we are the authorised —  (a) agent and address for service or (b) address for service or (c) agent  (indicate (a) or (b) as appropriate)			
‘Address for service’ in Brunei Darussalam to which all correspondence should be sent <i>[see note (f)]</i>			
4. New address for service or agent’s detail to be recorded			
Signature:	Date:		
Name ( <i>block capitals</i> )			
State number of sheets attached to this for			

## FORM TM 22

*Specific notes*

- (a) *This form is used if you want to appoint an agent either for the first time or to replace an existing agent recorded against a trade mark application or registration. You may also use it to enter or change an address for service. (Rules 9(3) and 38(2) of the Trade Marks Rules refer).*
- (b) *This form can be used for as many case as you need. You should indicate in Part 1 the registration or application numbers of all the cases affected by these changes.*

*General notes*

- (c) *Complete this form in capital letters or type it.*
- (d) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (e) *Once you have completed this form you must remember to sign and date it;*
- (f) *If your address for service is different from your agent, then please give us full details of both.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 23

BRUNEI DARUSSALAM  
TRADE MARKS ACTFILING OF REGULATIONS GOVERNING THE  
USE OF COLLECTIVE OR CERTIFICATION MARKUnder First Schedule paragraph 5 and Second Schedule paragraph 6 of the Act  
and rule 56(2)

Please refer to notes for guidance on completing this form

1. Give details of the applications to which the regulations relate	Number	Class
2. Does this request relate to — <i>(a)</i> certification marks  <i>or</i> <i>(b)</i> collective marks  <i>(indicate (a) or (b) as appropriate)</i>		
3. Full name of applicant for registration		
4. Name of agent <i>(if appropriate)</i>		
5. Attached is a copy of the regulation		
'Address for service' in Brunei Darussalam to which all correspondence should be sent <i>[see note (f)]</i>		
Signature:	Date:	
Name <i>(block capitals)</i>		
State number of sheets attached to this for		



## FORM TM 23

*Specific notes*

- (a) *This form is used to file the regulations for a certification or collective mark within 9 months from the date of application (First Schedule paragraph 5, and Second Schedule paragraph 6, of the Trade Marks Act refer).*
- (b) *You should say in Part 2 of the form if the regulations apply to certification or collective marks. The regulations can refer to a number of marks, but they cannot apply to a mixture of both certification and collective marks.*

*General notes*

- (c) *Complete this form in capital letters or type it.*
- (d) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (e) *Once you have completed this form you must remember to sign and date it.*
- (f) *If your address for service is different from your agent, then please give us full details of both.*
- (g) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 24

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION TO AMEND THE REGULATIONS GOVERNING  
THE USE OF COLLECTIVE OR CERTIFICATION MARKSUnder First Schedule paragraph 10 and Second Schedule paragraph 11 of the Act  
and rule 57(1)

Please refer to notes for guidance on completing this form

1. Give details of the application or registration	Number	Class
2. Does this request relate to — (a) certification marks or (b) collective marks (indicate (a) or (b) as appropriate)		
3. Does this request relate to — (a) applications or (b) marks already registered (indicate (a) or (b) as appropriate)		
4. Details of amendments	The amendments required should be shown in red on a copy of the Regulations to be attached to this for	
5. Full name and address of applicant		
6. Name of agent (if appropriate)		
'Address for service' in Brunei Darussalam to which all correspondence should be sent [see note (d)]		
Signature:	Date:	
Name (block capitals)		
State number of sheets attached to this for		

**FORM TM 24***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 25

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## APPLICATION TO REGISTER A LICENSEE

Under section 26 and rule 52(1)(b)

*Please refer to notes for guidance on completing this form*

1. Give details of the trade marks you want a licensee recorded against	Number	Class
2. Full name and address of the registered proprietor		
3. Full name and address of the licensee		
4. (a) Date licence starts		
(b) Date licence ends (if any)		
5. Is the licence to be exclusive	Yes/No (Please delete)	
6. Is the licensee to be recorded for all goods or services for which the mark is registered/application applied for?	Yes/No (Please delete)	
If not, state which specific goods or services or area the licensee is to be recorded against in each case		

7. Name of agent ( <i>if appropriate</i> )	
8. 'Address for service' of registered proprietor  (Note: The address for service entered here is for the purpose of correspondence concerning this application to register a licensee only)	
9. Address for service of licensee (if different from the address for service of registered proprietor)	
10. Signature of the registered proprietor or grantor ( <i>or his or her representative</i> )  Signature:	
Name ( <i>block capitals</i> )	
Date:	
11. Signature of the new licensee ( <i>or his or her representative</i> )  Signature:	
Name ( <i>block capitals</i> )	
Date:	
State number of sheets attached to this for	

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[Subsidiary]

**FORM TM 25***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 26

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION TO REMOVE OR AMEND THE RECORDAL  
OF A LICENCE

Under section 26 and rule 52(1)(c)

*Please refer to notes for guidance on completing this form*

1. Give details of the trade marks affected	Number(s)	Class	Licensee number(s)
2. Full name and address of the registered proprietor			
3. Full name of the licensee whose licence will be removed or amended			
4. Please indicate whether this request is for — <i>(a)</i> removal <i>(b)</i> amendment (Please state the date of filing Form TM 25)  If <i>(a)</i> please give details of removal  If <i>(b)</i> please give details of amendment			
5. Name of agent ( <i>if appropriate</i> )			
Address for service of the registered proprietor  (Note: The address for service entered here is for the purpose of correspondence concerning this application only)			

[Subsidiary]

6. Signature of grantor of licence <i>(or his or her representative)</i>	
Name <i>(block capitals)</i>	
Date:	
7. Name of person completing this for <i>(if different from 6 above)</i>	
State number of sheets attached to this for	



## FORM TM 26

*Specific notes*

- (a) *This form is used if an existing record of a licence is to be removed or amended (section 26 of the Trade Marks Act refers).*
- (b) *If you are the licensee you must get either the registered proprietor or the grantor (or the representative) of the trade mark to sign the form.*
- (c) *This form must be signed by the grantor of the licence (or his or her representative). It is acceptable for this to be signed in the name of the firm or company. If you cannot do this, you may send us documentary evidence to support this transaction. Any documentary evidence submitted with this form will be opened to public inspection.*

*General notes*

- (d) *Complete this form in capital letters or type it.*
- (e) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (f) *Once you have completed this form you must remember to sign and date it.*
- (g) *If your address for service is different from your agent, then please give us full details of both.*
- (h) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

## FORM TM 27

BRUNEI DARUSSALAM  
TRADE MARKS ACT

## FORM FOR PUBLICATION

*Please refer to notes for guidance on completing this form*

1. Give details of application	Number	Class
2. Description of goods/services		
3. Name of applicant		
4. Address of applicant		
5. Date of application received		
6. 'Address for service' in Brunei Darussalam to which all the correspondence should be sent		
7. Clauses		

8. I have read the enclosed instructions and confirm that the particulars are correct	
..... (Signature of applicant)	..... (for Registrar of Trade Marks)

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[Subsidiary]

**FORM TM 27***Instructions for Advertising Trade Marks*

1. *Applicant are required to furnish at their own expenses, 3 CLEAR PHOTOGRAPHS OR 3 FINISHED ARTWORKS (6cm x 4cm) in black and white of the approved trade mark mounted on a white paper or cardboard of post card size, except where the mark is a word mark or a convenient number of words in plain block type of uniform size.*
2. *The photographs or artworks furnished by the applicants must have the TRADE MARK NUMBER marked at the back.*
3. *As it is necessary that the photographs or artworks should CORRESPOND EXACTLY (except as regard size) with the one as applied, a representation of the mark is attached herewith for your guidance. This representation should be returned to this office.*
4. *After advertisement of the Trade Mark, the Photographs or Artwork supplied for such advertisement cannot in any case be returned to applicants, even for temporary use.*
5. *Applicants should carefully read the particulars entered in the previous page(s) and sign the Form, if those particulars correspond with their claim. This Form, when signed, is to be returned to the Registrar of Trade Marks within 2 months with —*
  - (i) *three photographs or artworks;*
  - (ii) *the attached representation of the mark (if any); and*
  - (iii) *fee of \$125/-.*
6. *Failure to comply with paragraph 5 will result in the application being deemed withdrawn.*

FORM TM 28

BRUNEI DARUSSALAM  
TRADE MARKS ACT

NOTICE TO THE REGISTRAR OF ATTENDANCE AT HEARIN

Under section 69(1) and rule 30(3)

Please refer to notes for guidance on completing this form

1. Trade Mark Number in respect of which the hearing is being held .....	
Class Number: .....	
2. Reason for hearing	
Opposition	
Revocation of registration	
Declaration of invalidity of the register	
Other matters. <i>(Please specify)</i>	
<i>(please delete as appropriate)</i>	
3. I, the ..... (insert status) in the matter indicated at	
Part 2 above, confirm that the hearing of the Registrar arranged for .....	
(insert time) hours on ..... (day) ..... (month) ..... (year)	
will be attended by me/us or by some person on my/our behalf.	
Signature:	
Date:	
State number of sheets attached to this for	

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[Subsidiary]

**FORM TM 28***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

## FORM TM 29

BRUNEI DARUSSALAM  
TRADE MARKS ACTCOUNTER-STATEMENT TO NOTICE OF OPPOSITION  
IN RESPECT OF COLLECTIVE OR CERTIFICATION MARKS

## Under rule 56(4)

*Please refer to notes for guidance on completing this form*

1. Give details of the application or registration	Number	Class
2. Full name of applicant or registered proprietor		
<p>3. On separate sheet of paper provide the following information —</p> <p>(a) details of the grounds upon which the applicant for registration of the collective or certification marks relies to support his application</p> <p>(b) details of any allegations in the notice of opposition that the applicant is admitting</p>		
<p>Signature:</p> <p style="text-align: right;">Date:</p>		
Name ( <i>block capitals</i> ):		
State number of sheets attached to this for		

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[Subsidiary]

**FORM TM 29***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



FORM TM 30

BRUNEI DARUSSALAM  
TRADE MARKS ACT

NOTICE TO THE REGISTRAR OF ATTENDANCE AT HEARING IN RESPECT  
OF A COLLECTIVE OR CERTIFICATION MAR

Under rule 56(4)

Please refer to notes for guidance on completing this form

<p>1. Trade Mark Number in respect of which the hearing is being held .....</p> <p>Class Number: .....</p>
<p>2. Reason for hearing</p> <p>.....Opposition to application for registration</p> <p>.....Opposition to amendment of regulations</p> <p>.....Other matters. (<i>Please specify</i>)</p> <p> (please tick as appropriate)</p>
<p>3. I, the ..... (insert status) in the matter indicated at Part 2 above, confirm that the hearing of the Registrar arranged for .....</p> <p>hours (insert time on) ..... (day) ..... (month) ..... (year) will be attended by me/us or by some person on my/our behalf.</p>
<p>Signature:</p> <p>          </p> <p style="text-align: center;">Date:</p>

[Subsidiary]

Name ( <i>block capitals</i> )	
State number of sheets attached to this for	

**FORM TM 30***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*

[Subsidiary]

FORM TM 31

BRUNEI DARUSSALAM  
TRADE MARKS ACT

Certificate issued under section 41 and rule 34

Trade Mark No.: .....

To:

I HEREBY CERTIFY THAT under the provisions of the Trade Marks Act, your name has been entered in the Register as proprietor of the above numbered Trade Mark as from the ..... day of ....., ..... in Class ..... in respect of the following goods:

Registry of Trade Marks,  
BRUNEI DARUSSALAM

.....  
Registrar

Registration of this Trade Mark will expire on the ..... but may be renewed for a further period of 10 years and upon the expiration of each succeeding period of 10 years.

## FORM TM 32

BRUNEI DARUSSALAM  
TRADE MARKS ACTAPPLICATION TO REGISTER A COLLECTIVE MARK OR  
CERTIFICATION MARK

Under First Schedule, Second Schedule of the Act and rule 56(1)

*Please refer to notes for guidance on completing this form*

1. Full name and address of the applicant	
2. If the applicant is a corporate body, give country or State of Incorporation	
3. This application is for the registration of a—  (a) collective mark (b) certification mark	
4. Representation of the marks	

[Subsidiary]

<p>5. If the mark is not a word mark or a picture, indicate here (for example 3 – dimensional)</p>	
<p>6. If the application is for a series of mark indicate how many marks in the series</p>	
<p>7. If the application claims priority, indicate the priority date(s) claimed, the country and the number</p> <p style="text-align: right;">Date: .....</p> <p style="text-align: right;">Country: .....</p> <p style="text-align: right;">Number: .....</p>	
<p>8. If colour is claimed, please indicate here and state the colour(s)</p>	
<p>9. Indicate any limitations or disclaimers</p>	
<p>10. If the mark contains or consists of word(s) provide the derivations of the word(s). If it is invented, state so. If there is a translation, fill in Part 11</p>	
<p>11. If the mark contains or consists of non-English word(s) and/or foreign character(s), provide the English translations and/or transliteration as follows —</p> <p>(a) The ..... (specify language) word(s) appearing in the mark  is/are ..... (specify the non-English word(s)),  meaning .....</p>	

(b) The transliteration of the ..... (specify language) character(s) ..... (specify the foreign character(s)) appearing in the mark/of which has ..... meaning.  
(Attach a certified translations and/or transliteration)

12. Name of agent ( <i>if appropriate</i> )	
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'Address for service' in Brunei Darussalam to whom all the correspondence should be sent [ <i>see note (d)</i> ]	
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13. Specifications of goods/service	
-------------------------------------	--

14. Declaration

The mark is used in the course of trade, by the applicant or with his consent, in relation to the goods and services stated, or there is *bona fide* intention that it will be so used.

Signature:

  
  
  
  
  

Name (*block capitals*):

  
  
  
  
  

Date:

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[Subsidiary]

**FORM TM 32***General notes*

- (a) *Complete this form in capital letters or type it.*
- (b) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (c) *Once you have completed this form you must remember to sign and date it.*
- (d) *If your address for service is different from your agent, then please give us full details of both.*
- (e) *If you need help or have any questions, please contact the Registry of Trade Mark on 02-244872.*



## THIRD SCHEDULE

(rule 19)

## CLASSIFICATION OF GOODS AND SERVICES

## PART I

## CLASSES OF GOODS

- Class 1** Chemicals used in industry, science and photocopy, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
- Class 2** Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, mordants, raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
- Class 3** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices.
- Class 4** Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.
- Class 5** Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings, material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides; herbicides.
- Class 6** Common metals and their alloys; metal building materials, transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
- Class 7** Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements; incubators for eggs.
- Class 8** Hand tools and implements (hand operated); cutlery; side arms; razors.

[Subsidiary]

- Class 9** Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
- Class 10** Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials.
- Class 11** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- Class 12** Vehicles; apparatus for locomotion by land, air or water.
- Class 13** Firearms; ammunition and projectiles; explosives; fireworks.
- Class 14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
- Class 15** Musical instruments.
- Class 16** Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type, printing blocks.
- Class 17** Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
- Class 18** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery
- Class 19** Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- Class 20** Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

- Class 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
- Class 22** Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
- Class 23** Yarns and threads, for textile use.
- Class 24** Textiles and textile goods, not included in other classes; bed and table covers.
- Class 25** Clothing, footwear, headgear
- Class 26** Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
- Class 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- Class 28** Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
- Class 29** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
- Class 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments); spices; ice.
- Class 31** Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.
- Class 32** Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- Class 33** Alcoholic beverages (except beers).
- Class 34** Tobacco; smokers' articles, matches.

**PART II****CLASS OF SERVICE**

- Class 35** Advertising; business management; business administration; office functions.
- Class 36** Insurance; financial affairs; monetary affairs; real estate affairs.
- Class 37** Building construction; repair, installation services.
- Class 38** Telecommunications.
- Class 39** Transport; packaging and storage of goods; travel arrangement.
- Class 40** Treatment of materials.
- Class 41** Education; providing of training, entertainment; sporting and cultural activities.
- Class 42** Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming.