

No. S 50

**PLANT VARIETIES PROTECTION ORDER, 2015**  
(S 17/2015)

**PLANT VARIETIES PROTECTION RULES, 2016**

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**PLANT VARIETIES PROTECTION ORDER, 2015**  
(S 17/2015)

**PLANT VARIETIES PROTECTION RULES, 2016**

In exercise of the power conferred by section 66 of the Plant Varieties Protection Order, 2015, the Minister of Energy and Industry in the Office of the Prime Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Rules —

**PART I**

**PRELIMINARY**

**Citation**

1. These Rules may be cited as the Plant Varieties Protection Rules, 2016 and shall commence on the same date as the Plant Varieties Protection Order, 2015.

**Definitions**

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

“examination authority” means any person, organisation or authority or such entity appointed by the Registrar for the purpose of any question or matter relating to a grant of protection;

“Plant Varieties Protection Journal” means the Journal by that name published under rule 78.

(2) Unless the context otherwise requires, the word “month”, wherever it occurs in any decision, direction or other document issued by the Registrar, means calendar month.

(3) Any period of time fixed by these Rules or by any decision, direction or other document for the doing of any act shall be reckoned in accordance with subrules (4) and (5).

(4) Where the act is required to be done within a specified period from or after a specified date, the specified period begins immediately after that date.

(5) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

**Fees**

3. (1) The fees specified in the First and Second Schedules shall be payable to the Registrar in respect of the matters specified in the respective Schedules.

(2) Unless otherwise provided for in the Order or these Rules, or the Registrar permits or directs otherwise in any particular case —

*(a)* any fee specified in the First or Second Schedule in respect of a matter shall be paid at the same time as —

- (i) the filing of the form for that matter; or
- (ii) if no form is prescribed for the matter, the request for the matter is made; and

*(b)* if the fee is not paid, the form or request shall not be treated as filed or made (as the case may be).

#### Forms

4. (1) The Registrar shall publish in the Plant Varieties Protection Journal —

*(a)* the forms to be used for any purpose relating to —

- (i) any application for or grant of a plant variety right;
- (ii) any proceedings before the Registrar under the Order or these Rules; or
- (iii) any other matter under the Order or these Rules;

*(b)* the Registrar's directions relating to the use of any form; and

*(c)* any amendment or modification of any such form or direction.

(2) Any form may be modified on the direction of the Registrar for use in a case other than the case for which it is intended.

(3) Any reference in these Rules to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is —

*(a)* described in the Second Schedule; and

*(b)* published in the Journal.

#### Filing of documents

5. (1) The Registrar may refuse to accept or process any document filed at the Registry that fails to comply with the Order or these Rules.

(2) Every document filed at the Registry shall —

(a) be in the English language or where the document is not in the English language, be accompanied by an English translation of the document in accordance with rule 79;

(b) be filed using durable paper; and

(c) be in writing that is legible and permanent.

(3) Where the Registrar refuses to accept any document that does not comply with subrule (2), the Registrar may return the document with a notice stating the manner in which the document does not comply with that subrule.

(4) Where any document filed at the Registry is a copy, the Registrar may —

(a) decide whether to accept or process the document; and

(b) require the original to be filed with the Registry.

#### **Signature on documents**

6. (1) A document to be signed for or on behalf of a partnership shall contain the names 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 company 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 for 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) In this rule, “document” means any document to be given or sent to, filed with or served on the Registrar in any manner in respect of any matter under the Order or these Rules.

#### **Service of documents**

7. (1) Where the Order 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 the document by post and if so sent, shall be deemed —

*(a)* to be effected by properly addressing, prepaying and posting a letter containing the document; and

*(b)* unless the contrary is proved, 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 subrule (1), a document is sent to a party by post if the document is sent by prepaid post to the party at his address for service referred to in rule 9.

#### **Furnishing of address**

8. (1) Where the Order or these Rules require that an address be furnished, the address furnished shall be as full as possible for the purpose of enabling any person to easily find the place of business of the person or partnership or association of persons or body corporate, whose address is furnished.

(2) The Registrar may require the address to include the name of the street, the number of the block of building, the number of the 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, an address for service in Brunei Darussalam shall be filed in accordance with subrule (2) or (5) by or on behalf of —

*(a)* every applicant in respect of an application for a grant of protection;

*(b)* every person objecting to the making of a grant of protection or the registration of a proposed denomination;

*(c)* every applicant applying to the Registrar for the rectification of the register under section 40;

*(d)* every grantee in respect of a protected plant variety which is the subject of the grant of protection to the Registrar for the renunciation of the grant of protection or the rectification of the register under section 40; and

*(e)* every other party to any proceedings before the Registrar.

(2) Where a form is required to be filed under these Rules for any matter in relation to the proceedings, being a form which requires the furnishing of an address for service, the address for service shall be filed on that form.

{3} The filing of an address for service in accordance with subrule {2} shall be effective only for the matter for which the form is filed.

{4} Notwithstanding subrule {3} —

*(a)* where the address for service is filed on Form PVP 12, the filing of the address for service shall be effective for the purposes of all proceedings in respect of the plant variety in relation to which that form is filed; and

*(b)* where the address for service is filed on Form PVP 6, the filing of the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed and any related proceedings.

{5} In a case where subrule {2} or {4} does not apply, the address for service shall be filed on Form PVP 1.

{6} Where an address for service is not filed as required under subrule {1}, the Registrar may send to the person concerned notice to file an address for service within 2 months from the date of the notice and if that person fails to do so —

*(a)* in the case of an applicant referred to in subrule {1}{*a*} or {*c*}, the application shall be treated as withdrawn;

*(b)* in the case of a person referred to in subrule {1}{*b*}, he shall be deemed to have withdrawn from the proceedings in question; and

*(c)* in the case of a grantee referred to in subrule {1}{*d*} or a party referred to in subrule {1}{*e*}, he shall not be permitted to take part in the proceedings in question.

{7} An application requesting the Registrar to alter an address for service shall be made on Form PVP 1.

{8} Anything sent to or served on a person at his address for service shall be taken to have been duly sent to or served on the person.

{9} Subject to any filing to the contrary under subrules {2} to {7}, or under any part of these Rules, the Registrar may —

*(a)* treat the address for service of an applicant for grant of protection as that of the grantee upon the grant of protection; and

*(b)* treat the trade or business address in Brunei Darussalam of a person as his address for service.

### **Procedural representatives**

10. (1) A breeder shall notify the Registrar of the appointment of a procedural representative in Form PVP 2.

(2) The Registrar may, in dealing with any matter under the Order or these Rules in respect of which a person has been appointed to act as a procedural representative on behalf of a breeder (referred to in this rule as the procedural representative's principal), require the personal signature or presence of either the procedural representative or his principal.

(3) The Registrar may, by notice in writing sent to a procedural representative, require the procedural representative to produce evidence of his appointment.

(4) Where a breeder substitutes one procedural representative for another, the newly appointed procedural representative shall file with the Registrar Form PVP 2 on or before the first occasion he acts as the procedural representative.

(5) Where there is a change in the name of a procedural representative and the procedural representative remains the same legal entity after such change, the procedural representative may file one Form PVP 2 in respect of such change in name for all the matters under the Order for which the procedural representative has been appointed.

(6) Any act required or authorised by the Order in connection with the making of a grant of protection, or any procedure relating to a grant of a protection, may not be done by or to the newly appointed procedural representative referred to in subrule (4) until after he has complied with that subrule.

## **PART II**

### **GRANT OF PROTECTION**

#### *Division 1 — Application*

#### **Application for grant of protection**

11. (1) An application under section 13 shall be made on Form PVP 3 and shall be accompanied by —

(a) the technical questionnaire in Form PVP-TQ; and

(b) payment of the application fee specified in the First Schedule.

(2) Where any of the requirements specified in the Forms are not satisfied, the Registrar shall send a notice to the applicant stating the omission, error or deficiency, and the applicant shall have 2 months in which to rectify the

omission, error or deficiency in the application, failing which his application shall lapse in accordance with section 18.

### **Representation of plant variety**

12. (1) An application may be accompanied by a representation of the plant variety in respect of which the application is made, which may be in the form of a drawing or photograph.

(2) The drawings or photographs shall be —

*(a)* suitable for reproduction; and

*(b)* of a size and presentation as may be specified by the Registrar in practice directions.

### **Claim to priority**

13. (1) If a right of priority is claimed under section 14, particulars of that claim shall be included in the application made under rule 11(1).

(2) The particulars which shall be given, in respect of a foreign application referred to in section 14, are —

*(a)* the serial or application number allocated to the foreign application on filing;

*(b)* the date of filing of the foreign application; and

*(c)* any other information, documents or material that is necessary for the making of a grant of protection in Brunei Darussalam, as set out in the Order and these Rules.

(3) The Registrar may require the applicant to file a certificate by the registering or other competent authority concerned certifying or verifying to the satisfaction of the Registrar —

*(a)* the date of filing of the foreign application;

*(b)* the registering or competent authority;

*(c)* the country or territory of the registering or competent authority (where applicable); and

*(d)* the full particulars of the plant variety (including but not limited to a description of the plant variety and the proposed denomination).

(4) Where the certificate referred to in subrule (3) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.

#### **Samples or specimens**

14. (1) Unless otherwise required by the Order or the Registrar, no samples of live biological material or plant specimens shall be lodged with the Registrar.

(2) The Registrar may, in his discretion, refuse to accept any sample or specimen.

#### **Deficiencies in applications**

15. (1) Where an application for registration does not satisfy the requirements of rule 11(1), the Registrar shall send notice of this to the applicant requiring the applicant to remedy any such deficiency.

(2) Where the Registrar refuses to approve a proposed denomination under section 35(3) which has been submitted in the application, the Registrar shall send a notice to the applicant requiring the applicant to propose another denomination.

(3) If the applicant fails to remedy all deficiencies set out in the notice referred to in subrule (1), or propose another denomination in accordance with subrule (2) within 2 months from the date of the notice, the application shall lapse in accordance with section 18.

#### **Publication of application**

16. A notice of every application shall be published under section 15 and each notice shall contain the following particulars —

- (a) the date of application;
  - (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 14 and the name of the UPOV member concerned;
  - (c) the name, address and address for service of the applicant;
  - (d) the proposed plant variety;
  - (e) the proposed denomination for the plant variety;
  - (f) a representation of the plant variety, if submitted in the application;
- and
- (g) any other matters which the Registrar thinks fit.

**Amendment of application or document**

17. (1) Subject to subrule (2), an applicant may apply to amend an application for a grant of protection and such application shall be made on Form PVP 4.

(2) An application to amend an application for a grant of protection to correct or change the name or other particulars of the applicant shall be made on Form PVP 1.

(3) An application to amend an application for a grant of protection to correct or change the name of the applicant shall be accompanied by relevant documentary evidence of such change.

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

(5) Where an application is made for amendment of an application for a grant of protection which has been published, and the amendment affects any of the particulars specified in rule 16, the amendment or a statement of the effect of the amendment shall be published.

(6) A request for amendment of any error in any document filed at the Registry in connection with an application shall be made on Form PVP 4 and the correction shall be clearly identified on a document and filed together with the form or, if not, on the form itself.

**Withdrawal of application**

18. (1) An applicant may, before a grant of protection is made, withdraw his application by submitting a notice of withdrawal on Form PVP 5.

(2) Upon receipt of Form PVP 5, the Registrar shall make all necessary rectifications and corrections to the register or in any other document or publication as is necessary to reflect the withdrawal.

*Division 2 — Objections*

**Objections to application or registration of denominations**

19. (1) A person (referred to in this Division as the objector) may, within 2 months from the date of publication of an application or a denomination proposed for registration, file with the Registrar a notice objecting to the application or the denomination in Form PVP 6 (referred to in this Division as a notice of objection).

(2) The objector shall serve on the applicant a copy of the notice of objection at the same time as the notice is filed with the Registrar.

(3) A request for an extension of time to file the notice of objection shall be made by filing with the Registrar Form PVP 15 within 2 months from the date of publication of the application or denomination.

(4) The total extension of time for which the Registrar may allow to file the notice of objection shall not exceed 4 months from the date of publication of the application or denomination.

(5) Before making a request for an extension of time, the person seeking the extension shall serve a notice on the applicant and every other person likely to be affected by the extension, which shall contain —

(a) a statement of the person's intention to request for the extension, the extension requested for, and the reason for the extension; and

(b) a request for the consent of the applicant or other person to the extension.

(6) The request for the extension shall be supported by a copy of the notice referred to in subrule (5) and the consent in writing, if this is given.

(7) The Registrar may refuse to grant the extension —

(a) if the person requesting the extension fails to show a good and sufficient reason for the extension; or

(b) if the person fails to show, to the Registrar's satisfaction, that a notice referred to in subrule (5) has been served on the applicant and every person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in subrule (5) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

#### **Contents of notice of objection**

20. The notice of objection shall, in addition to any other requirement in these Rules, contain a statement of the grounds and the facts upon which the objector objects to the making of a grant of protection or the registration of the denomination.

#### **Counter-statement**

21. (1) Within 2 months from the date of receipt of the copy of the notice of objection from the objector, the applicant shall file with the Registrar a counter-statement in Form PVP 7 (referred to in this Division as the counter-statement) setting out —

*(a)* the grounds on which the applicant relies as supporting his application or the registration of the proposed denomination; and

*(b)* the facts alleged in the notice of objection which the applicant admits, if any.

(2) The applicant shall serve a copy of the counter-statement on the objector at the same time as the counter-statement is filed with the Registrar.

(3) If the applicant does not comply with subrule (1) or (2), he shall be deemed to have withdrawn his application for a grant.

(4) A request for an extension of time to file the counter-statement shall be made by the applicant to the Registrar in Form PVP 15 within 2 months from the date of receipt of the notice of objection from the objector.

(5) The total extension of time for which the Registrar may allow to file the counter-statement shall not exceed 4 months from the date of receipt by the applicant of the notice of objection.

(6) Before making a request for an extension of time, the applicant shall serve a notice on the objector and every other person likely to be affected by the extension, which shall contain —

*(a)* a statement of the applicant's intention to request for the extension, the extension requested for, and the reason for the extension; and

*(b)* a request for the consent of the objector or other person to the extension.

(7) The request for the extension shall be supported by a copy of the notice referred to in subrule (6) and the consent in writing, if this is given.

(8) The Registrar may refuse to grant the extension —

*(a)* if the applicant fails to show a good and sufficient reason for the extension; or

*(b)* if the applicant fails to show, to the Registrar's satisfaction, that a notice referred to in subrule (6) has been served on the objector and every person likely to be affected by the extension.

(9) Where a person on whom a notice referred to in subrule (6) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.



**Evidence in support of objection**

22. (1) Within 2 months from the date of receipt of the counter-statement from the applicant, the objector shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his objection and shall, at the same time, send to the applicant a copy of that evidence.

(2) If the objector does not file any evidence in accordance with subrule (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his objection.

**Evidence in support of application or registration**

23. (1) Within 2 months from the date of receipt by the applicant of the copy of the objector's evidence referred to in rule 22, the applicant shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his application or the registration of the proposed denomination and shall, at the same time, send to the objector a copy of that evidence.

(2) If the applicant does not file any evidence in accordance with subrule (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his application.

**Evidence in reply by objector**

24. (1) Within 2 months from the date of receipt of the copy of the applicant's evidence referred to in rule 23, the objector may file with the Registrar evidence in reply by way of a statutory declaration and shall, at the same time, send to the applicant a copy of that evidence.

(2) Evidence in reply shall be confined to matters strictly in reply to the applicant's evidence.

**Further evidence**

25. No further evidence may be filed by either party except that, in any proceedings before the Registrar, the Registrar may at any time, if he thinks fit, give leave to either party to file further evidence upon such terms as to costs or otherwise as the Registrar thinks fit.

**Exhibits**

26. (1) Where there are exhibits to any evidence filed in an objection, 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.

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

(3) Notwithstanding any provision in these Rules, the Registrar shall not accept as an exhibit any live biological material or plant specimens, unless such exhibit is requested.

#### **Pre-hearing review**

27. (1) At any time after the completion of the filing of evidence by the parties, the Registrar may direct the parties to attend a pre-hearing review at which he may give such directions as he considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings.

(2) At the pre-hearing review, the Registrar may consider any matter including the possibility of settlement of all or any of the issues in the proceedings and may require the parties to furnish him with such information as he may require.

(3) If any party fails to comply with any direction given under subrule (1) or (2), the Registrar may dismiss the proceedings or make such other order as he thinks fit.

(4) Any direction or order by the Registrar may be set aside or varied by him on such terms as he thinks fit.

(5) If, at any time during the pre-hearing review, the parties are agreeable to a settlement of all or some of the matters in dispute in the proceedings, the Registrar may give his decision in relation to the proceedings or make such order as he thinks just to give effect to the settlement.

(6) If any party does not appear at the pre-hearing review, the Registrar may dismiss the proceedings or make such other order as the Registrar thinks fit, or he may adjourn the review.

(7) An order made by the Registrar in the absence of a party may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

#### **Objection hearing**

28. (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 PVP 8 before the hearing.

(4) Any party who does not file with the Registrar Form PVP 8 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 PVP 8, 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 off 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 subrule (6) or (7) shall be made within 7 days after the proceedings have been struck off the list or after the hearing, as the case may be.

#### **Technical advisor**

29. (1) The Registrar may appoint an officer of an examination authority as a technical advisor to any objection proceedings to render an opinion on the evidence provided by the parties.

(2) A technical advisor to any objection proceedings shall, within a reasonable time and after having sight of all the evidence and exhibits provided by the parties, provide the Registrar a report as to the merits of both the application and the objection, as well as a recommendation on whether to allow or disregard the objection.

#### **Registrar's decision in objection proceedings**

30. The Registrar shall, within 3 months from the date of the hearing, inform the parties of his decision and the grounds thereof.

#### **Extension of time in objection proceedings**

31. Unless expressly stated otherwise in these Rules, 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.

**Costs in uncontested objection**

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

**No registration of denomination pending outcome of objection hearing**

33. The Registrar shall not register any denomination where an objection in relation to that denomination is pending under this Division.

*Division 3 — Examination*

**Request for examination**

34. (1) Upon receipt of notification from the Registrar that the application is in order, an applicant shall, within 3 months from the date of the notification, submit a request for an examination to the Registrar in Form PVP 9 together with the appropriate fee specified in the Second Schedule.

(2) The Registrar shall forward such request for examination to an examination authority referred to in section 17 for the conduct of the examination.

**Examination by examination authority**

35. (1) The applicant shall, within one month of any written request of the an examination authority which receives a request for examination under rule 34(2), submit to the examination authority at the address specified by that authority, propagating material, descriptions, drawings or photographs of the plant variety in respect of which the examination is to be conducted, or any other material or document that is necessary for conducting an examination.

(2) If during an examination, the examination authority is of the opinion that the plant variety —

(a) is not distinct, stable or uniform within the meaning of section 21;  
or

(b) is unsuitable for registration for any other reason which, in the opinion of the examination authority, is relevant to the grant of protection in respect of the plant variety,

the examination authority shall notify the applicant in writing of that opinion and shall state fully the reasons for the opinion.

(3) A copy of the written opinion referred to in subrule (2) shall be sent to the Registrar.

(4) The applicant may respond to the written opinion referred to in subrule (2) by submitting to the Registrar, and to the examination authority at the same time –

(a) written arguments disagreeing with the examination authority's opinion;

(b) supporting documents for the further consideration of the examination authority; or

(c) an amendment to the description of the application for plant variety rights.

(5) Where the applicant wishes to file written arguments and an amendment to the description of the application under subrule (4), he shall submit both at the same time.

(6) Any response by the applicant to a written opinion referred to in subrule (5) shall be made within 2 months from the date of the examination authority's letter enclosing the written opinion.

(7) Where the applicant has filed an argument or amendment under subrule (4), the examination authority may, in its discretion, issue a further written opinion to the Registrar stating fully the reasons for the opinion referred to in subrule (2) and the requirement to notify the applicant in subrule (2) and the right of the applicant to respond in accordance with subrule (4) shall apply to such further written opinion.

(8) Any response by the applicant to the further written opinion referred to in subrule (7) shall be made within 2 months from the date of the further written opinion.

(9) A further written opinion issued by the examination authority to the Registrar referred to in subrule (7) need not take into account any argument or amendment filed by the applicant under subrule (4) after it has commenced drawing up its opinion.

#### **Corresponding examination report**

36. (1) An applicant may, *in lieu* of submitting a request for an examination under rule 34(1), submit to the Registrar, within 3 months from the date of the notification referred to in that rule, in Form PVP 10, a request to rely on an examination report issued and certified by an examination authority in any UPOV member other than Brunei Darussalam (referred to in this rule as a corresponding examination report) together with the fee specified in item 4 of the Second Schedule.

(2) Subject to subrule (3), the applicant referred to in subrule (1) shall submit to the Registrar the corresponding examination report within 3 years from the date of the foreign application referred to in section 14.

(3) Where a corresponding examination report has been issued but the applicant is unable to submit the corresponding examination report, the applicant shall, if he intends to rely on the corresponding examination report, ensure that the examination authority which issued that report delivers a copy of the report to the Registrar within 3 years from the date of the foreign application.

(4) The Registrar shall forward any corresponding examination report it receives under subrule (2) or (3) to an examination authority for consideration by the examination authority for the purposes of the examination report issued under rule 37.

(5) Notwithstanding subrule (4), where the Registrar rejects a corresponding examination report under section 17A, the Registrar shall notify the applicant in writing of the rejection and the reasons why the report was rejected.

(6) Where the Registrar rejects a corresponding examination report, the applicant shall submit a request for examination to an examination authority and, for the purposes of determining the time within which a request for examination is to be submitted, the date of the notification of rejection referred to in subrule (5) shall be taken to be the date of notification that the application is in order under rule 34(1).

#### **Examination report**

37. The examination authority referred to in rule 35 or 36(4) shall issue an examination report to the Registrar upon conclusion of –

(a) its examination under rule 35; or

(b) its consideration of a corresponding examination report under rule 36,

as the case may be, consisting of a report on whether the plant variety which is the subject of the application is distinct, stable and uniform within the meaning of section 21.

#### **Removal of material**

38. (1) The applicant shall effect the removal or disposal of any propagating or other material of any plant variety submitted to the examination authority –

(a) in a case where the application has been withdrawn before the examination has been concluded, within 2 months of the date of withdrawal; or

(b) in a case where the examination has been concluded, within 2 months from the date the applicant has been notified by the Registrar as to whether a grant of protection has been made.

(2) If the applicant does not comply with subrule (1), the examination authority may remove or dispose of any propagating or other material of any plant variety and recover the expenses reasonably incurred in so doing from the applicant.

*Division 4 — Making and publication of grant of protection*

**Making of grant of protection**

39. (1) Where the Registrar makes a grant of protection in respect of an application, he shall notify the applicant accordingly and send a certificate of grant of protection to the applicant.

(2) Where the Registrar declines to make a grant of protection in respect of an application, he shall notify the applicant accordingly.

**Publication of grant of protection**

40. A grant of protection or the rejection of an application shall be published at such time and in such manner as the Registrar may direct.

*Division 5 — Exceptions to infringement of grant of protection*

**Plant genera and species exempt from rights of grantee under section 30(2)**

41. All plant genera and species are prescribed under section 30(2) as exempt from the rights of the grantee.

*Division 6 — Replacement denominations*

**Submission and registration of replacement denominations**

42. (1) For the purposes of section 37(2), where a grantee is required by the Registrar to submit a suitable replacement denomination, the grantee shall do so within 3 months from the date the Registrar notifies him in writing of the requirement to do so.

(2) The Registrar shall publish every replacement denomination submitted under section 15.

(3) Any person who wishes to object to the registration of a replacement denomination shall, within 2 months from the date of publication of the replacement denomination referred to in subrule (1), file with the Registrar a notice of objection in Form PVP 6.

(4) The notice of objection shall contain a statement of the grounds upon which the person objects to the registration of the denomination.

(5) Rules 19(2) to (8) and 21 to 33 shall apply, with the necessary modifications, to any proceedings arising from the notice of objection.

(6) For the purposes of the application of the rules referred to in subrule (5) —

*(a)* any reference to the registration of a denomination shall be read as a reference to the registration of a replacement denomination referred to in subrule (1);

*(b)* any reference to the notice of objection shall be read as a reference to the notice of objection referred to in subrules (3) and (4); and

*(c)* any reference to the objector shall be read as a reference to the person referred to in subrules (3) and (4).

### PART III

#### REGISTER

##### Entry in register of particulars of application, grant of protection and other matters

43. (1) No entry shall be made in the register in respect of any application for a grant of protection before the application has been published in accordance with section 15.

(2) Upon the publication of an application for a grant of protection, the Registrar shall cause to be entered in the register —

*(a)* the name and address of the applicant or applicants;

*(b)* the date of filing and the file reference of the application;

*(c)* the address for service of the applicant or applicants;

*(d)* the date on which the application was published;

*(e)* the details, descriptions and drawings or photos, or both, of the plant variety in respect of which the application is made; and

*(f)* where applicable, the date of filing and the file reference of any foreign application referred to in section 14 and the country or territory in which the foreign application was made.

(3) The Registrar shall, in addition to the matters referred to in subrule (2), cause to be entered in the register —



(a) the date on which the application has lapsed, has been withdrawn or treated as having been withdrawn, or rejected;

(b) where a grant of protection has been made in respect of an application, the date on which the grant of protection is made;

(c) the address for service, if different from the entry made in accordance with subrule (2)(c);

(d) the cessation of the grant of protection, where applicable;

(e) particulars of any decision to revoke the grant of protection;

(f) particulars of any decision to change the particulars as recorded in the register with regards to the grant of protection; and

(g) particulars of any court order in relation to the grant of protection.

(4) Any person may apply to the Registrar in Form PVP 18 for any matter to be entered in the register, and the Registrar may, in his discretion, under section 15(i), enter such matter in the register.

**Application for registration of transactions, instruments etc.**

44. (1) An application to register, or to give notice to the Registrar of —

(a) any grant of licence;

(b) any change in ownership of the rights in relation to the grant of protection;

(c) any transfer of a grant of protection; or

(d) any transfer of a licence,

shall be made on Form PVP 12.

(2) The application shall, unless the Registrar otherwise directs, be accompanied by —

(a) a certified copy of any document which establishes the transaction or matter referred to in subrule (1); or

(b) a certified copy of such extracts from such document as suffice to establish the transaction or matter referred to in subrule (1).

(3) The Registrar may require such other information to be furnished for an application under subrule (1) as he thinks necessary before entering the particulars of such transaction or matter in the register.

**Rectification of error or omission in register**

45. (1) An application to rectify an error or omission in the register under section 41(1) shall be made on Form PVP 4.

(2) Where a request is sought to correct the same error in both the register and any document filed at the Registry in connection with the registration, the request may be made on a single form.

(3) The Registrar may call for such written explanation of the reasons for the request or evidence in support of it as he may require in order to satisfy himself that there is an error and shall, upon being so satisfied, make such correction as may be agreed between the applicant and the Registrar.

(4) This rule is without prejudice to the power of the Registrar to correct any irregularity in the register which is attributable wholly or in part to an error, a default or an omission on the part of the Registry.

**Application to change name and address in register**

46. (1) A request by a grantee for the alteration of his name or address or address for service entered in the register or on any application or other document filed at the Registry shall be made on Form PVP 1.

(2) If the Registrar is satisfied that a request to alter a name or an address or address for service may be allowed, he shall cause the register, application or other document to be altered accordingly.

**PART IV**

**ANNUAL FEE AND INFORMATION**

**Payment of annual fee and submission of information**

47. (1) At any time not less than 2 months but not more than 3 months before each anniversary of the date of the grant of protection, the Registrar shall send a notice in writing to a grantee at his address for service, notifying him of the date on which the annual fee specified in the First Schedule is due.

(2) Payment of the annual fee shall be made to the Registry together with Form PVP 11.

**Extension of time for payment of annual fee or submission of information**

48. (1) Subject to subrule (2), if the applicant wishes to have an extension of time to pay the annual fee or to submit the duly completed form required under rule 47, he shall file with the Registrar a request for an extension of time in Form PVP 15 before the expiry of the time specified in the notice in that rule or any extended period previously allowed by the Registrar.

(2) The total period of extension which may be granted under subrule (1) shall not exceed 4 months.

**Cancellation of grant of protection upon failure to provide information or pay annual fee**

49. (1) The Registrar may cancel a grant of protection under section 25(2)(a) if the grantee does not provide such information, documents or material as required in Form PVP 11 for verifying the maintenance of the plant variety, within the period specified in the notice in rule 47, or any extended period allowed by the Registrar.

(2) The Registrar may cancel a grant of protection under section 25(2)(b) if the grantee does not pay the annual fee at the end of the period specified in the notice in rule 47, or any extended period allowed by the Registrar.

**PART V**

**CANCELLATION AND RENUNCIATION**

**Application to cancel grant of protection**

50. (1) An application to the Registrar to cancel a grant of protection under section 25(2) shall be made on Form PVP 13.

(2) The application shall be accompanied by a statement of the grounds on which the application is made.

(3) The applicant shall, if he is not the grantee, serve a copy of the application and statement on the grantee at the same time as he files these documents with the Registrar.

**Counter-statement**

51. (1) Within 2 months from the date of receipt of the copies of the application and statement, the grantee may file with the Registrar a counter-statement in Form PVP 7 setting out –

(a) the grounds on which he relies as supporting his grant of protection; and

(b) the facts alleged in the application which he admits, if any.

(2) The grantee shall serve on the applicant a copy of the counter-statement at the same time as he files the counter-statement with the Registrar.

(3) A request for an extension of time to file the counter-statement shall be made to the Registrar on Form PVP 15 within 2 months from the date of receipt of the copies of the application and statement.

(4) The total extension of time for which the Registrar may allow to file the counter-statement shall not exceed 4 months from the date of receipt of the copies of the application and statement.

(5) Before making a request for an extension of time, the grantee shall serve a notice on the applicant and every other person likely to be affected by the extension, which shall contain —

*(a)* a statement of the grantee's intention to request for the extension, the extension requested for, and the reason for the extension; and

*(b)* a request for the consent of the applicant or other person to the extension.

(6) The request for the extension shall be supported by a copy of the notice referred to in subrule (5) and the consent in writing, if this is given.

(7) The Registrar may refuse to grant the extension —

*(a)* if the grantee fails to show a good and sufficient reason for the extension; or

*(b)* if the grantee fails to show, to the Registrar's satisfaction, that a notice referred to in subrule (5) has been served on the applicant and every other person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in subrule (5) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

(9) Where no counter-statement has been filed within the time allowed, the application for cancellation referred to in rule 50 shall be granted.

#### **Further procedure**

52. (1) Upon an application being made under rule 50 and a counter-statement being filed under rule 51, rules 22 to 32 shall apply, with the necessary modifications, to further proceedings thereon.

(2) For the purposes of the application of rules 22 to 32 —

*(a)* references in those rules to the applicant shall be treated as references to the grantee;

*(b)* references in those rules to the application shall be treated as references to the grantee's grant of protection;

*(c)* references in those rules to the objector shall be treated as references to the applicant for cancellation; and

*(d)* the reference in rule 23(2) to the withdrawal of the application shall be treated as a reference to the admission by the grantee to the facts alleged by the applicant in his application for cancellation.

#### **Intervention by third parties**

53. (1) Any person, other than the grantee, claiming to have an interest in a grant of protection which is the subject of an application under rule 50 may apply to the Registrar in writing for leave to intervene.

(2) The Registrar may, after hearing the parties concerned if he so required, refuse leave to intervene, or grant leave to intervene upon such terms (including any undertaking as to costs) as he thinks fit.

(3) Any person granted leave to intervene shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party to the proceedings in question.

#### **Application for renunciation of grant of protection**

54. (1) The grantee may apply for the renunciation of his grant of protection under section 26(1) by filing with the Registrar a notice in Form PVP 14.

(2) A notice under subrule (1) shall have no effect unless the grantee in that notice —

*(a)* gives the name and address of every other person having a right in the protected variety concerned (if any); and

*(b)* certifies that each such person —

(i) has been given not less than 3 months' notice of the grantee's intention to renounce the grant of protection; or

(ii) is not affected by the renunciation or if affected consents to the renunciation.

#### **Publication and entry into register of cancellation or renunciation**

55. Where the Registrar —

*(a)* cancels a grant of protection pursuant to an application referred to in rule 50; or

(b) is satisfied that a notice of application for the renunciation of a grant of protection referred to in rule 54 complies with subrule (2) of that rule and is otherwise regular,

the Registrar shall publish the cancellation or renunciation, as the case may be, and make the appropriate entry in the register.

## PART VI

### EVIDENCE AND PROCEDURE

#### Right of affected party to be heard

56. (1) Without prejudice to any of the provisions of the Order or these Rules requiring the Registrar to hear any party to proceedings under the Order or these Rules, or to give such party an opportunity to be heard, the Registrar shall, before exercising any power given to the Registrar by the Order or these Rules adversely to any party, give that party an opportunity to be heard.

(2) The Registrar shall give that party at least 10 days' notice of the date on which he may be heard.

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

#### Hearing before Registrar to be in public

57. The hearing before the Registrar of any dispute between 2 or more parties relating to any matter under the Order or these Rules 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

58. (1) In any proceedings before the Registrar under the Order or these Rules, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Order or these Rules or directed by the Registrar.

(2) Subject to the provisions of these Rules and the Statutory Declarations Act (Chapter 12), Oaths and Affirmations Act (Chapter 3), and Order 41 of the Rules of the Supreme Court (Chapter 5, Rule 1) shall apply, with the necessary modifications, in relation to a statutory declaration filed or used in any proceedings before the Registrar as it applies to an affidavit filed or used in any proceedings before the Court.

(3) Any such statutory declaration may, in the case of an appeal to the Court, be used before the Court *in lieu* of evidence by affidavit, and if so used, shall have all the incidents and consequences of evidence by affidavit.

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

#### Statutory declarations

59. Any statutory declaration filed under the Order or these Rules, or used in any proceedings under the Order or these Rules, shall be made and subscribed as follows –

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

(b) in any other part of the Commonwealth, before any court, judge, justice of the peace, notary public or any officer authorised by any written law to administer an oath there for the purpose of any legal proceedings; and

(c) elsewhere, before a Consul, Vice-Consul, or other person exercising the functions of a Brunei Darussalam Consul, or before a notary public, Judge or magistrate.

#### Notice of seal of officer taking declaration

60. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by rule 59 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.

## PART VII

### COSTS

#### Application for costs

61. (1) For the purposes of section 12, a party to proceedings before the Registrar who desires to obtain costs shall apply to the Registrar for an award of costs in relation to the proceedings –

(a) during the proceedings; or

(b) within one month from –

(i) the day on which the Registrar makes a decision in the proceedings that ends those proceedings; or

- (ii) the date of the Registrar's notice to the party that the proceedings have been withdrawn, discontinued or dismissed, as the case may be.

(2) Before awarding costs in respect of the proceedings, the Registrar shall give each party to the proceedings an opportunity to be heard in relation to the award of costs.

#### **Taxation of costs**

62. (1) Where the Registrar has awarded party and party costs to a party to proceedings before the Registrar, if the party wishes to have the costs taxed by the Registrar, the party shall, within one month from the date of the award of costs —

*(a)* apply for the costs to be taxed by filing a copy of the bill of costs with the Registrar; and

*(b)* send at the same time a copy of the bill of costs to every other person having an interest in the taxation proceedings.

(2) Every bill of costs shall set out the following —

*(a)* the work done in the cause or matter;

*(b)* all disbursements made in the cause or matter;

*(c)* the sum claimed for each item; and

*(d)* in chronological order and with dates, all events in the cause or matter which are relevant to the taxation proceedings.

(3) Where costs have already been awarded for any of the items set out in the bill of costs, this fact and the amount awarded shall be indicated.

(4) Any party on whom a copy of the bill of costs has been served in accordance with subrule (1) shall, if he wishes to dispute the bill or any part thereof, within one month from the receipt of the copy of the bill, mark the copy in accordance with subrule (5) and send copies of the marked copy to the Registrar and the party requesting for taxation.

(5) The marking of a copy of a bill of costs shall be effected by writing on the right hand margin against each item the word "Agree" if the party concerned agrees with the cost claimed for that item, or the word "Disagree" if the party concerned disagrees with the cost claimed for that item.

(6) Upon expiry of the period referred to in subrule (4), the Registrar shall give to the parties having an interest in the taxation proceedings notice of the date and time appointed for taxation.



### Taxation proceedings

63. (1) If any party entitled to be heard in any taxation proceedings does not attend at the time appointed for taxation, the Registrar may proceed with the taxation.

(2) The Registrar may, if he thinks it necessary to do so, adjourn the proceedings.

### Scale of costs

64. (1) The provisions in the Third Schedule shall apply in relation to taxation proceedings.

(2) Costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

### Certificate

65. When a bill of costs has been taxed, the party who requested the taxation may file with the Registrar Form PVP 19, and the Registrar shall proceed to issue to him a certificate for the amount of the taxed costs.

## PART VIII

### EXTENSION OF TIME

#### Request for extension of time

66. (1) Any period of time —

(a) prescribed by these Rules; 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 by such period and upon such terms as the Registrar considers fit.

(2) Before making a request for an extension of time, the person seeking the extension shall serve a notice on every person or party likely to be affected by the extension, which shall contain —

(a) a statement of his intention to request for the extension, the extension requested for, and the reason for the extension; and

(b) a request for the consent in writing of the person or party to the extension.

(3) The request for extension shall be made before the expiry of the period of time in question and shall be supported by a copy of the notice referred to in sub-rule (2) and the consent in writing, if this is given.

(4) The Registrar may refuse to grant the extension —

*(a)* if the person requesting the extension fails to show a good and sufficient reason for the extension; or

*(b)* if the person fails to show, to the Registrar's satisfaction, that a notice referred to in subrule (2) has been served on every person or party likely to be affected by the extension.

(5) Where a person or party on whom a notice referred to in paragraph (2) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

(6) Subrules (1) to (5) shall not apply to the following matters —

*(a)* the doing of any act referred to in rules 9(6), 28(8), 35(1), (6) and (8), 38(1), 48(2), 61(1)/*(b)* and 62(1) and (4);

*(b)* the filing of a notice of objection under rule 19 or 42; and

*(c)* the filing of a counter-statement under rule 21 or 51.

#### **Where non-compliance with time caused by Registry**

67. (1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to an application for the grant of plant varieties right or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding the provisions of these Rules, extend the period for doing the act or taking the step by such period as the Registrar thinks fit.

(2) Notwithstanding the provisions of these Rules, the period of time for doing an act or taking a step under subrule (1) may be extended although the period has expired.

#### **Change of commencement date of period for filing evidence**

68. 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 the Registrar shall notify all parties to the dispute of that date.

**PART IX**

**GENERAL**

**Hours of business and excluded days**

69. (1) Any business done under the Order or these Rules —

(a) on any day after the hours of business of the Registry for that class of businesses; or

(b) on any day which is an excluded day for that class of business,

shall be taken to have been done on the next following day which is not an excluded day for that class of business.

(2) Where the time for doing any business under the Order or these Rules expires on an excluded day for the doing of that class of business, that time shall be extended to the next following day which is not an excluded day for the doing of that class of business.

**Extension of period where interruption in postal service etc.**

70. (1) Where, on any day, there is an interruption in —

(a) the postal service of Brunei Darussalam; or

(b) the operation of the Registry,

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

(2) A certificate given under subrule (1) shall be posted on the notice board of the Registry.

(3) If in any case the Registrar is satisfied that the failure to give, send, file or serve any notice, application or other document within the period specified in the Order or these Rules was wholly or mainly attributable to a failure of or delay in the postal service of Brunei Darussalam, the Registrar may, if he thinks fit and upon such terms as he may direct, 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.

(4) The Registrar shall give notice of an extension referred to in subrule (3) to all parties to the matter.

#### **Certificates and copies**

71. An application under section 39(3) for —

- (a) a certified copy of an entry in the register; or
- (b) a certified extract from the register.

shall be made on Form PVP 16.

#### **Irregularities**

72. Any irregularity in procedure which, in the opinion of the Registrar, is not detrimental to the interests of any person or party may be corrected on such terms as the Registrar may direct.

#### **Case management conference**

73. Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or parties to attend a case management conference in order that the Registrar may make such order or give such direction as he thinks fit for the just, expeditious and economical disposal of the matter.

#### **Registrar's power to require documents, information or evidence**

74. At any stage of any proceedings before the Registrar, the Registrar may direct that such documents, information or evidence as he may reasonably require shall be filed within such period as he may specify.

#### **Address altered by public authority**

75. (1) No fee need 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 subrule (1) shall be accompanied by the relevant documentary evidence of such alteration by the public authority.

#### **Application to Court**

76. A person who makes an application to the Court under the Order shall, as soon as practicable, file a copy of the application with the Registrar.

**Filing of court orders**

77. (1) Where an order is made by the Court in any matter under the Order, the person or persons in whose favour the order is made shall, as soon as practicable, file a copy of the order with the Registrar on Form PVP 17.

(2) If the order is to rectify or alter the register, the person in whose favour the order is made or, if there is more than one person, such one of them, as the Registrar may direct, shall file with the Registrar Form PVP 17.

(3) The Registrar shall rectify or alter the register in accordance with such order.

**Plant Varieties Protection Journal**

78. The Registrar shall publish a journal, to be called the Plant Varieties Protection Journal, which shall contain —

(a) all such matters as are required to be published in that Journal under rules 4(1) and (3), 16, 18(2), 40, 42(2) and 55; and

(b) such other information as the Registrar thinks fit.

**Translations**

79. (1) Unless otherwise provided for in these Rules, where any document or part of a document which is in a language other than the English language is filed at the Registry or sent to the Registrar in pursuance of the Order or these Rules, it shall be accompanied by a translation into the English language of the document or that part, verified to the satisfaction of the Registrar as corresponding to the original text.

(2) Where the document is or forms part of an application, the Registry shall not, in the absence of such a translation, take any further action in relation to that document, unless the Registrar otherwise directs.

(3) Where more than one copy of the document referred to in subrule (1) or (2) is required to be so filed or sent, a corresponding number of copies of the translation shall accompany it.

(4) The Registrar may refuse to accept any translation which is in his opinion inaccurate and thereupon another translation of the document in question verified as aforesaid shall be furnished, together with the appropriate number of copies thereof.

**Inspection of register etc.**

80. Any person may, upon request and payment of the applicable fee referred to in the First Schedule —

- (a) inspect the register; or
- (b) search and retrieve —
- (i) information on applications for the grant of protection; and
- (ii) any other information as the Registrar may allow, in his absolute discretion, to be retrieved from the register

## FIRST SCHEDULE

(rules 3(1) and (2), 11(1)(b), 47(1) and 80)

## FEES

<i>Form No.</i>	<i>Matter</i>	<i>Corresponding Rule(s)</i>	<i>Fees</i>
PVP 1	(a) Request to change the name and/or address of applicant for grant of protection	Rules 9(5) and (7), 17(2) and 46(1)	\$20
	(b) Request to change the name and/or address of grantee		
	(c) Request to change address for service		
PVP 2	(a) Filing of notice of appointment or substitution of procedural representative	Rule 10(1), (4) and (5)	\$8.50
	(b) Change in name of procedural representative		
PVP 3	Application for grant of protection under section 13	Rule 11(1)	\$1,600
PVP-TQ	Technical questionnaire	Rule 11(1)(a)	—
PVP 4	(a) Application to amend an application for grant of protection	Rules 17(1) and (6) and 45(1)	\$40
	(b) Application for rectification of error or omission in the register under section 40		
PVP 5	Notice of withdrawal of application for grant of protection under section 20	Rule 18(1) and (2)	—

## FIRST SCHEDULE – (Continued)

PVP 6	Filing of notice of objection	Rules 9(4)(b), 19(1) and 42(3)	\$340
PVP 7	Filing of counter-statement	Rules 21(1) and 51(1)	\$325
PVP 8	Filing of notice of appearance at hearing	Rule 28(3), (4) and (5)	\$650
PVP 9	Request for examination by examination authority under section 17A	Rule 34(1)	\$20
PVP 10	Request to submit examination report by examination authority in any UPOV member	Rule 36(1)	\$20
PVP 11	Payment of annual fee and submission of information under section 23(3)	Rules 47(2) and 48(1)	\$100
PVP 12	(a) Application to register particulars of a transaction or matter under section 41  (b) Application to cancel or amend particulars of transaction or matter under section 41	Rules 9(4)(a) and 44(1)	\$80
PVP 13	Application for the cancellation of grant of protection	Rule 50(1)	\$50
PVP 14	Notice of renunciation of grant of protection	Rule 54(1)	\$50
PVP 15	Request for an extension of time	Rules 19(3), 21(4), 48(1) and 51(3)	\$30
PVP 16	Application for a certified copy of an entry in the register or a certified extract from the register under section 39(3)	Rule 71	\$30
PVP 17	Filing of an order of the Court with the Registrar (other than in relation to an application under PVP 12 or PVP 13)	Rule 77(1) and (2)	\$50

## FIRST SCHEDULE -- (Continued)

PVP 18	Request for publication of matters under section 15(i)	Rule 43(4)	\$75
PVP 19	Request to extract the Registrar's Certificate of Taxation	Rule 65	\$30
—	Inspection of register under section 39(2) and obtaining of copies of documents and computer print-outs under section 39i4) —	Rule 80	
	(a) for each search per file		\$6
	(b) for any document placed in the public search room —		
	(i) self-service photocopying of each page or part thereof using a stored-value card		\$0.15
	(ii) photocopying of each page or part thereof by staff of Registry		\$0.30
	(c) for photocopying of each page or part thereof of any other document by staff of Registry		\$0.30
	(d) for each page of computer print-out from an electronic database of Registry		\$0.30



**SECOND SCHEDULE**  
(rules 3(1) and (2), 34(1) and 35(1))

**FEE PAYABLE FOR SUBMISSION OF EXAMINATION REQUEST OR REQUEST  
TO RELY ON CORRESPONDING EXAMINATION REPORT**

<i>Matter</i>	<i>Fees</i>
1. Examination request for examination	\$4,560
2. Examination request for examination at premises of examination authority	\$3,420
3. Examination request for examination at premises of applicant	\$2,640
4. Request to rely on corresponding examination report	\$570

**THIRD SCHEDULE**  
(rule 64(1))

**SCALE OF COSTS**

<i>Matter</i>	<i>Amount</i>
1. Drawing and filing notice of objection, application for cancellation of a grant of protection, or application for rectification of an entry in the register, all including a statement of grounds	\$200
2. Drawing and filing counter-statement	\$200
3. Preparing and filing evidence for objection and revocation, invalidation or rectification proceedings	\$200 – \$1,000 per statutory declaration
4. Perusing any document referred to in items 1, 2 and 3	\$100 – \$200 per document

**INTERLOCUTORY HEARINGS**

5. Preparing for all interlocutory proceedings	\$50 – \$300
6. Attending all interlocutory proceedings	\$50 – \$300

**FULL HEARINGS**

7. Preparing for hearing	\$500 – \$2,000
8. Attendance at hearing	\$200 an hour or \$800 a day

**THIRD SCHEDULE – (Continued)**

- |   |   |
|---|---|
| 9. General expenses and travelling of each witness required to attend the hearing | \$100 - \$200 per day<br>(Expert)<br>\$50 - \$100 per day<br>(Non expert) |
|---|---|

**TAXATION**

- |   |               |
|---|---------------|
| 10. Drawing bill of costs   | \$3 per page  |
| 11. Attending taxation and obtaining the Registrar's certificate or order | \$100 - \$300 |

Made this 1st. day of Zulhijjah, 1437 Hijriah corresponding to the 3rd. day of September, 2016.

PEHIN DATU SINGAMANTERI COLONEL (R)  
DATO SERI SETIA (DR.) AWANG HAJI MOHAMMAD YASMIN  
BIN HAJI UMAR  
Minister of Energy and Industry in the Office of the Prime Minister,  
Brunei Darussalam.