



MINISTRY OF ENERGY AND INDUSTRY  
BRUNEI DARUSSALAM



Patent



Trademark



Industrial Design



PvP



# NATIONAL SEMINAR ON BENEFIT OF THE PLANT VARIETY PROTECTION SYSTEM IN LINE WITH UPOV SYSTEM

2 August 2018  
Alabang, Muntinlupa, Philippines



INTELLECTUAL  
PROPERTY OFFICE  
BRUNEI DARUSSALAM

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# Brunei Intellectual Property Office (BruIPO)

- Established on 1 June 2013 - an Office under the Ministry of Energy and Industry;
- Facilitates the registration and renewal processes for industrial property namely Patents, Trademarks, Industrial Designs and Plant Varieties Protection (PVP);
- Promote and develop an 'IP Culture' where creativity and innovation can flourish;
- Raise awareness on the benefits of IPR protection for MSMEs in order to enhance business growth and competitiveness; and
- Establish partnership with the relevant stakeholders in support of the national innovation ecosystem.



Website: <http://www.bruipo.gov.bn>



# Comprehensive IP Regime

	PATENTS	INDUSTRIAL DESIGNS	TRADEMARKS	PLANT VARIETIES PROTECTION (PVP)	COPYRIGHTS*
Legislation	<ul style="list-style-type: none"> <li>Patents Order, 2011</li> <li>Patents Rules, 2012</li> </ul>	<ul style="list-style-type: none"> <li>Industrial Designs Order, 1999</li> <li>Industrial Designs Rules, 2000</li> </ul>	<ul style="list-style-type: none"> <li>Trade Marks Act (Cap 98)</li> <li>Trade Marks Rules, 2000</li> </ul>	<ul style="list-style-type: none"> <li>Plant Varieties Protection Order, 2015</li> <li>Plant Varieties Protection Rules, 2016</li> </ul>	<ul style="list-style-type: none"> <li>Copyright Order, 1999*</li> </ul>
Membership to International Conventions & Treaties and Work Sharing Initiatives	<ul style="list-style-type: none"> <li>Patent Cooperation Treaty (PCT) for the International Filing of Patents</li> <li>Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure</li> <li>ASEAN Patent Search &amp; Examination Cooperation (ASPEC)</li> <li>Patent Prosecution Highway (PPH-plus)</li> </ul>	<ul style="list-style-type: none"> <li>Hague System for the International Registration of Industrial Designs</li> </ul>	<ul style="list-style-type: none"> <li>Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol)</li> </ul>	<ul style="list-style-type: none"> <li>International Union for the Protection of New Varieties of Plants (UPOV) [Target accession by 2018/9]</li> </ul>	<ul style="list-style-type: none"> <li>Berne Convention for the Protection of Literary and Artistic Works</li> <li>WIPO Copyright Treaty (WCT)</li> <li>WIPO Performances and Phonograms Treaty (WPPT)</li> </ul>
	<ul style="list-style-type: none"> <li>Paris Convention for the Protection of Industrial Property</li> </ul>				<p>* Currently under the purview of the Attorney General's Chambers (AGC)</p>



# Global IP System

## WIPO | PCT

- The Patent Cooperation Treaty (PCT) enables applicants to seek international protection for their invention simultaneously in **152** PCT Contracting States by filing one international patent application. [24 July 2012]

## WIPO | HAGUE

- The Hague System for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in over **68** territories through filing one single international application. [24 December 2013]

## WIPO | MADRID

- The Madrid System is a one stop solution for registering and managing marks in **116** countries by filing one application, in one language and paying one set of fees. [6 January 2017]



# Role of Registry of Plant Varieties

- Receiving and processing PVP applications from local and foreign applicants.
- Issuing certificate of registration and publication of protected plant varieties.
- Providing general advice on application procedures under the governing legislation.
- Promoting awareness and effective use of the PVP system particularly for local breeders as a PVP system directly enhances their ability to expand and improve production.
- Taking preparatory steps for accession to the *International Union for the Protection of New Varieties of Plants (UPOV) Convention*.

# Our Stakeholders

Potential Stakeholders in Brunei Darussalam	
Consumers	Farmers Individuals
Breeders	Agriculture & Agrifood Department Wasan Vocational school Plant Biotechnology Unit Crop Protection Unit IHLs (UBD, ITB) Tropical Biodiversity Centre Biodiversity Research Centre Brunei Agricultural Research Centre Foreign Breeders
Receiving Office	BruIPO
Examination Office	Outsourced to foreign PVP offices
Investors	Local and Foreign Breeders

# Application Process for PVP Registration

Submission of Application

Applicant submits application to BrulPO.

Date of Filing

Registry issues an acknowledgement letter and records date of filing.

Preliminary Examination

Formalities check conducted by BrulPO.

Publication

Information concerning application details will be published in BrulPO's Plant Varieties Journal.

Technical Examination

Technical examination outsourced to foreign Plant Varieties offices.

Grant/Reject

Certificate of grant is issued to applicant following the results of the technical examination.

Publication of Grant

Registration published in BrulPO's Plant Varieties Journal.



# Roadmap to Accession

Plant Varieties  
Protection Order, 2015

UPOV Council Review  
October 2017

Plant Varieties Protection  
Rules, 2016

**UPOV**  
Accession  
2018/2019



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# Cooperation with UPOV Members

1. 1<sup>st</sup> EAPVP Forum Meeting, 23-25 July 2008, Japan
2. Study Tour and Meeting regarding EAPVP System, 26-21 January 2011, Japan
3. Seminar on PVP and Technology Transfer, 11-12 April 2011, Geneva
4. 4<sup>th</sup> EAPVP Forum Meeting, 24-26 May 2011, Makassar, Indonesia
5. Training course on DUS Growing Test, 10-22 October 2011, Japan
6. Workshop on PVP Law, 5-9 December 2011, Geneva, Switzerland

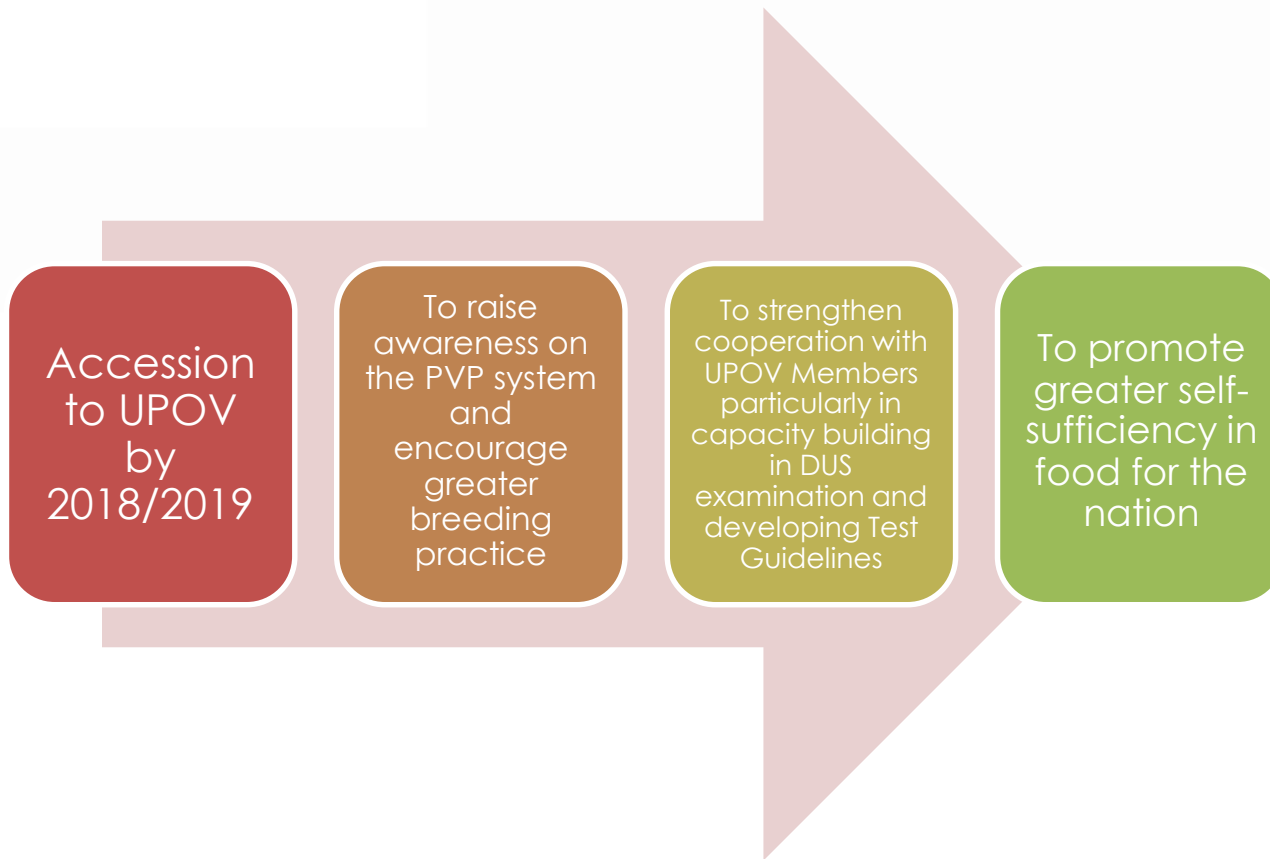


# Cooperation with UPOV Members

1. 5<sup>th</sup> EAPVP Forum Meeting, 28-30 May 2012, Bangkok, Thailand
2. The East Asia Plant Variety Protection (EAPVP) Technical Working Group Meeting; and 6<sup>th</sup> EAPVP Meeting, 2-5 July 2013, Kuching, Sarawak
3. Working visit by Mr Peter Button, the Vice Secretary General of UPOV, 2 July 2013, Brunei Darussalam
4. Mission on Plant Variety Protection Border Control (Consultant: Mr Mitsunori Numaguchi), 28-29 April 2014, Brunei Darussalam
5. EAPVP Workshop on Intellectual Property & Seed Laws: Exploring Policy Options, 18-20 August 2015, Hanoi, Vietnam
6. UPOV National Workshop on Introduction to Plant Variety Protection under the UPOV Convention and Impact Made to Agriculture Sector in Member Countries, 5 December 2015, Brunei Darussalam
7. Working visit by Ms Yolanda Huerta, UPOV Legal Counsel, 25 February 2017, Brunei Darussalam
8. Working visit by representatives from Ministry of Agriculture, Forestry and Fisheries (MAFF), Japan, 12 February 2018, Brunei Darussalam



# Way Forward



# Thank You!



SHAHRINAH YUSOF KHAN  
*Deputy Registrar & Head*

**Brunei Darussalam  
Intellectual Property Office (BruIPO)**

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