



INTELLECTUAL
PROPERTY OFFICE
BRUNEI DARUSSALAM

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PATENT JOURNAL

Brunei Darussalam Intellectual Property Office (BrulPO)

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General Information

The Brunei Darussalam Intellectual Property Office (BruIPO) is an Office under the Attorney General's Chamber and its premises with effect from the 1 April, 2019 and is situated at the following address:

Brunei Darussalam Intellectual Property Office (BruIPO)
Attorney General's Chamber
The Law Building,
Jalan Raja Isteri Pengiran Anak Hajah Saleha,
Bandar Seri Begawan BA1910
Brunei Darussalam
Tel: +673 2225919

Opening Hours

With effect from 1 January, 2020, the Brunei Intellectual Property Office (BruIPO) counter will operate as follows:

Monday to Thursday	: 8.00am to 12.00pm 2.00pm to 3.00pm
Saturday	: 8.00am to 11.00am
Friday and Sunday	: CLOSED

Submission of Applications

1. All applications for the registration of patents must be lodged with the Registrar of Patents at the Brunei Darussalam Intellectual Property Office (BruIPO).
2. Submission of applications via fax is acceptable provided the documents transmitted are clear and legible (in particular, representations). For applications that require the payment of a fee, actual lodgement of the prescribed fee is required before such applications can be processed.

Enquiries

1. For enquiries relating to any information in this Journal, kindly contact the Office at telephone numbers +673 2225919. Hard copies of the Journal can be purchased upon request from the Office at a cost of B\$10.00 per copy.
2. The website of the Brunei Darussalam Intellectual Property Office (BruIPO) is <http://www.bruipo.gov.bn>.
3. All Patent-related enquiries via email can be submitted to enquiries@bruipo.gov.bn



Patents Legislation

1. The legislation governing the registration of Patent in Brunei Darussalam is the Patents Order 2011, while the subsidiary legislation is the Patents Rule, 2012.
2. The hard copies of the legislation can be purchased from: Print Plus Sdn Bhd Prime Minister's Office Jalan Airport Lama Bandar Seri Begawan BB3510 Brunei Darussalam Tel: 238 2541
3. The soft copies of the legislation can be obtained from www.bruipo.gov.bn

Forms and Fees

1. For any proceedings before the Registry, the prescribed form to be used and the accompanying fee payable shall be in accordance with the First and Second Schedule of the Patents Rule, 2012.
2. Payment by cheque should be made out to 'THE GOVERNMENT OF BRUNEI DARUSSALAM'.

Restrictions on Applications Abroad by Residents of Brunei Darussalam

1. Local applicants intending to file a patent abroad must first obtain the Registrar's written authority as prescribed under section 33(1) of the Patents Order, 2011.
2. Failure to observe this requirement is an offence under section 33(1)(b)(3) of the Order.

Transitional Applications

1. Transitional applications under Section 115 shall be lodged with the Registrar of Patents in the following manner:
 - Request to the Registrar of Patents for re-registration of a Singapore, Malaysia or United Kingdom/European patent;
 - Lodgement of Patent Form PF46;
 - Certified true copy of the grant of patent in the relevant country;
 - Prescribed fee of B\$250.00; and
 - Any other supporting documents that the Registrar deems necessary.
2. The filing of a Power of Attorney accompanying a request for re-registration is no longer a requirement with effect from 1 January 2012.



3. Any renewal due for patents registered under the repealed Inventions Act (Cap 72) on or after 1 January 2012 shall be made in accordance with Section 54 on Patents Form PF20. Applicants must furnish supporting documents proving the validity of the patents which are due for renewal.

4. Search on the Register of patents (re-registrations) can be conducted at the Office by completing a Search Form PF30 and the payment of a search fee of \$6.50 per hour.



'INID' NUMBERS IN USE ON BRUNEI PATENT DOCUMENTS

'INID' is an acronym for **I**nternationally agreed **N**umbers for the **I**dentification of **D**ata'

(10) Document identification

- (11) Number of the document
- (12) Plain language designation of the kind of document
- (19) WIPO country code, or other identification, of the country publishing the document.

(20) Document filing data

- (21) Number(s) assigned to the application(s)
- (22) Date(s) of filing application(s)
- (23) Other date(s) of filing, including exhibition filing date and date of filing complete specification following provisional specification.
- (24) Date from which industrial property rights may have effect.

(30) Priority data

- (31) Number(s) assigned to priority application(s).
- (32) Date(s) of filing priority application(s).
- (33) Country (countries) in which the priority application(s) was (were) filed.

(40) Date(s) of making available to the public

- (43) Date of publication by printing or similar process of unexamined document, on which no grant has taken place on or before the said date.
- (44) Date of publication by printing or similar process of an examined document, on which no grant has taken place on or before the said date.
- (45) Date of publication by printing or similar process of a document, on which grant has taken place on or before the said date.
- (47) Date of making a granted patent available to the public by viewing, or copying on request

(50) Technical information

- (51) International Patent Classification
- (52) Domestic or national classification
- (54) Title of invention
- (56) List of prior art documents, if separate from descriptive text.
- (57) Abstract or claim.

(60) Reference(s) to other legally related domestic document(s)

- (60) Related by cognate(s).
- (61) Related by addition(s).
- (62) Related by division(s).

(70) Identification of parties concerned with the document



- (70) Name(s) of nominated person
- (71) Name(s) of applicant(s).
- (72) Name(s) of inventor(s) if known to be such.
- (74) Name(s) of attorney(s) or agent(s).
- (75) Name(s) of inventor(s) who is (are) also applicant(s)

- (80) Identification of data related to International Conventions other than the Paris Convention
 - (86) PCT Application Number.
 - (87) PCT Publication Number.

NOTE

- (1) The classification used is the International Patent Classification and is identified by the INID code (51). Further editions of the classification are identified as (51)2, (51)3, (51)4 and (51)5.
- (2) INID code 74 provides for the name of patent attorney, or firm of attorneys, prosecuting an application.



PRACTICE NOTE 2012/01

PATENT RENEWALS

- **RENEWAL OF PATENTS REGISTERED UNDER SECTION 115 OF THE PATENTS ORDER**

1. For Section 115 applications, the following original documents need to be signed and submitted to the Registry of Patents:

- (a) PF20;
- (b) PF46 (for the first instance of renewal payment if that agent is not previously appointed);
- (c) evidence of the original patent not having been revoked, and
- (d) a cheque drawn on a Brunei bank account including the correct fee for both the PF20 and PF46. Cheques must be made payable to 'THE GOVERNMENT OF BRUNEI DARUSSALAM'.

2. **PF20**

The notes at the top of the form and applicable provisions in the Patents Order and Patent Rules should be followed strictly. Additional formatting guidelines are as follows:

Section 2: Brunei registration number in format RP/XX/YYYY for pre 2012 cases, and RE YYYY/XXXX for 2012 onwards.

Section 3: Original Patent number in the format UK: GBXXXXXXX or EPXXXXXXX; MY: MY-XXXXXX-A; and SG: XXXXX.

Section 4: This should match the current details on the Brunei Register (rather than the original patent register details).

Section 5: Agents attending to the renewal on behalf of the proprietor should leave Section 5 blank and instead fill in details in Section 7 and 8.

Section 6: The renewal deadline is calculated from the date of filing for all UK, MY and SG original cases.

3. **PF46**

Section 6: Most commonly the appointment is for renewal matters only, so the "for renewals only" box should be checked, assuming the agent has not been previously appointed.

4. **PF21**

Extension fees will become payable for renewals as of 1 January 2013.

5. **Certification of original patent**

Evidence must be provided that the original patent must not be "revoked" as of the date of the renewal being paid. Please note it does not matter if the original patent has "lapsed" or "ceased". Evidence can be in the form of a certified true copy of the applicable online register printed on the day of filing or a



statutory declaration to the same effect. The online register of the original patent can be printed and certified as a true copy by the authorised agent for the renewal using a suitable chop and signature.

- **EXPIRY OF PATENT AT THE END OF THE TERM OF THE PATENT**

6. Agents are reminded that under Section 115(4)(a), the term of a Section 115 patent is 20 years from the date of filing of the original (UK/MY/SG) patent; subject to Section 35 and 36. It does not make any difference which country the original patent is from.

AMENDMENT OF RULE 92 OF S 19/2012

Rule 92 of the Patent Rules, 2012, is amended by repealing sub-rule (1) and by substituting the following new sub-rule therefor –

“(1) Subject to this rule, in relation to an international application for a patent (Brunei Darussalam) which is, under section 82, to be treated as an application for a patent under the Order, the prescribed period for the purpose of section 83(3) and (5) shall be, in a case where Brunei Darussalam has been designated and/or elected in accordance with the Patent Co-operation Treaty, 30 months from the relevant date.”.

AMENDMENTS AND CORRECTIONS

- **AMENDMENT OF SPECIFICATION (RULES 51) OR CORRECTION OF ERROR IN SPECIFICATION (RULE 64)**

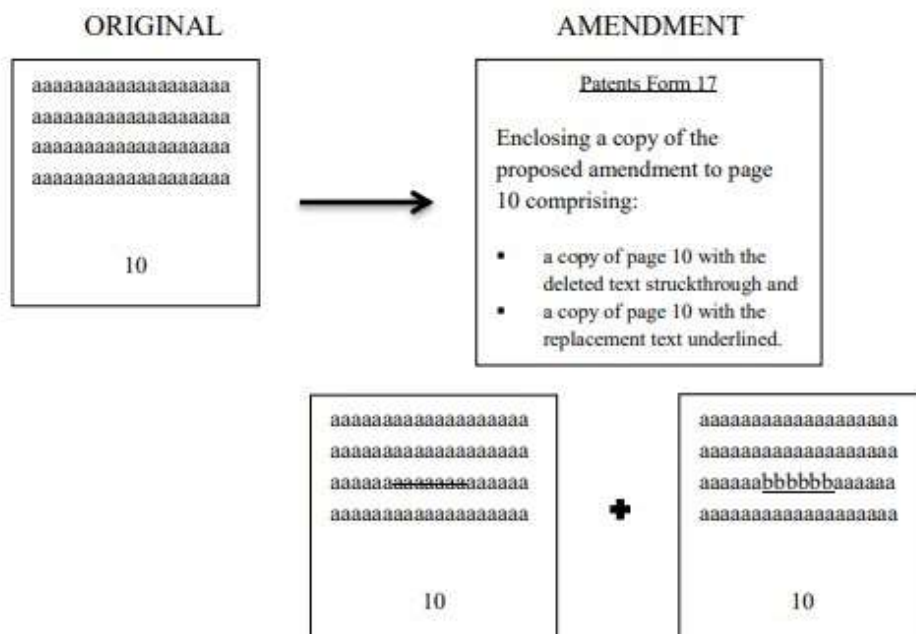
1. Unless required by the Registry under rules 51, an application for amendment of specification or a request for correction of an error in proposed amendment/correction incorporated; only a copy of the specification with the amendment/ correction indicated clearly therein is required. If a copy of the specification with the proposed amendment/correction incorporated is nonetheless filed, please be informed that the Registry will not review that document or consider it in any proceedings before the Registry.
2. The registry would also like to point out the replacement sheets with clear markings will reduce the need for clarification or further correspondences and hence will help expedite the processing of such requests.

- **AMENDMENTS/CORRECTIONS TO SPECIFICATION AND ABSTRACT**

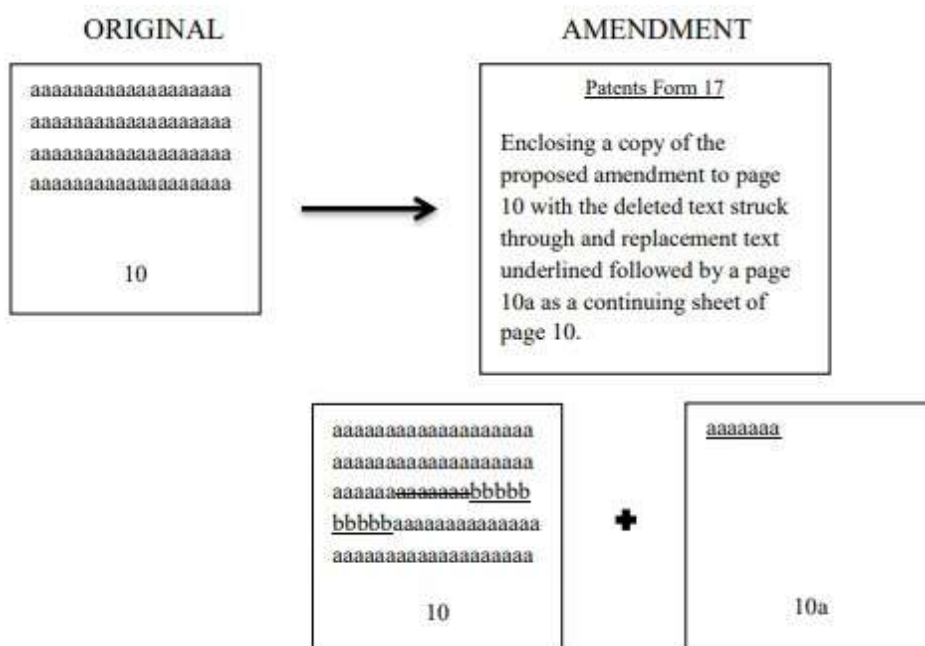
1. Amendments/corrections to patent specifications and abstracts are to be clearly marked and completed by striking through text/figure etc. to be replaced, and by underlining replacement text/figure etc.
2. The following 3 examples reflect 3 possible alternative ways to which the changes could be represented. Example 4 reflects a situation where Patents Form 19 is filed.



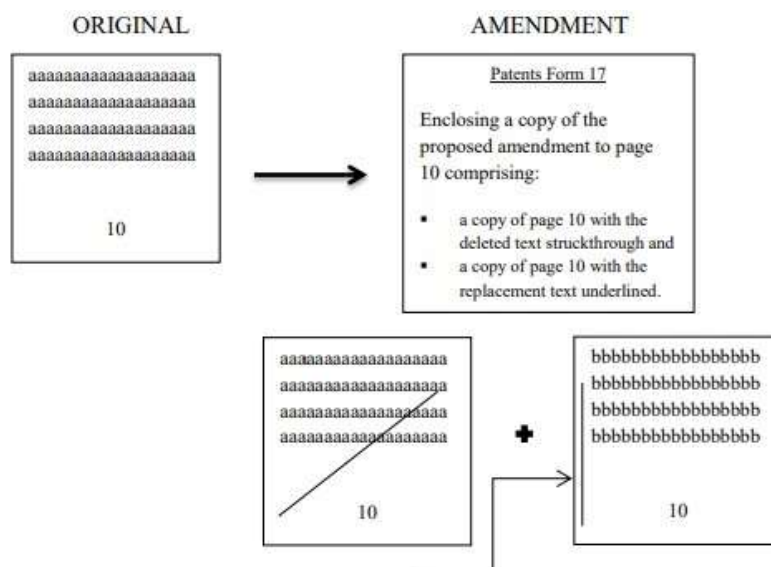
Example 1: Page 10 of 19 sheets (Specification) is amended



Example 2: Page 10 of 19 sheets (Specification) is amended

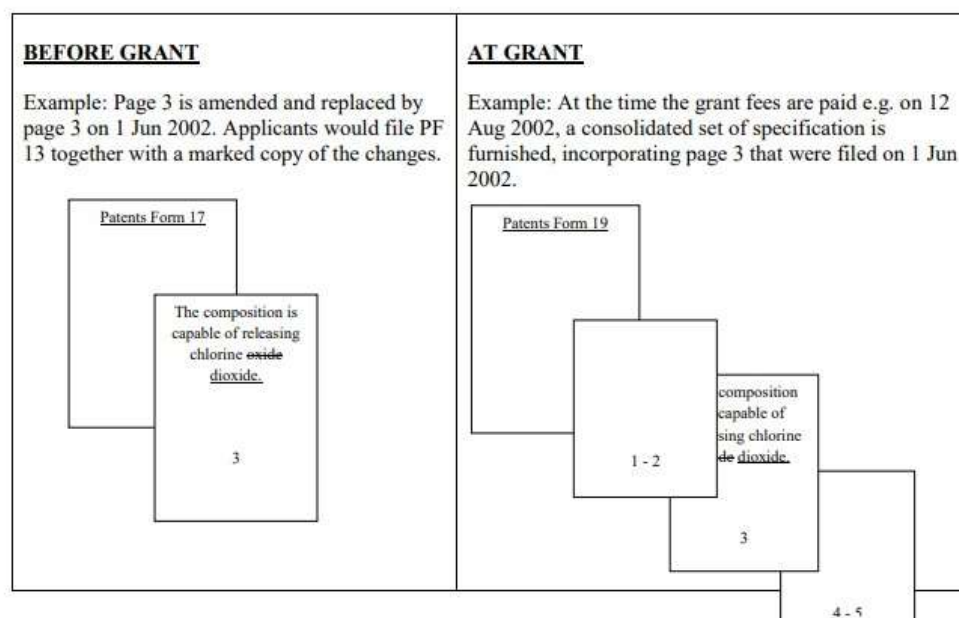


Example 3: Page 10 of 19 sheets (Specification) is amended



This vertical line indicates the matter replacing the whole of page 10. To facilitate the document reproduction process however, the line should be placed about 0.5 cm to 1cm away from the 2.5 cm margin of each sheet.

Example 4: Page 10 of 19 sheets (Specification) is amended





• **COMMONLY MADE MISTAKES WHEN FILING PATENTS FORM 17**

The following are some of the commonly made mistakes in relation to making a request for amendments –

- Replacement sheets for amendments are not filed with Patents Form 17. –
- There is no marked up copy enclosed with Patents Form 17. –
- Patents Form 17 is filed without any replacement sheet. -
- Amendments to be made given on Patents Form 17 are different from the replacement sheets.

REGISTRATION UNDER SECTION 115

The following applications were processed through the Registry of Patents under section 115 of the Patents Order, 2011. Application numbers beginning with 'RP' are applications which were filed under the repealed Inventions Act (Cap 72) and were pending on 1 January 2012. Application numbers beginning with 'RE' are new re-registration applications filed after the implementation of the new Patents Order, 2011.

Date of filing:	17 February, 2020
Application No.:	RE/R/2020/0001
Patent No.:	EP2580236 B1 and US352461 P
Date of Grant:	8 June, 2011
Applicant (s)/Proprietor(s):	ASTRAZENECA AB and PIERIS PHARMACEUTICALS GMBH
Title:	TEAR LIPOCALIN MUTEINS BINDING IL-4 R ALPHA



FIRST SCHEDULE

FEES PAYABLE

<u>Matter</u>	<u>Fee</u>	<u>Corresponding Form(s)</u>
1. On filing a request for the grant of a patent	\$160.00	1
2. On reference under section 20(1) or 48(1)	\$450.00	2
3. On filing a counter-statement in each of the following cases –	\$40.00	3
(a) Opposing the making of an order under section 20 or 48		
(b) Opposing a request under section 22		
(c) In respect of a reference under section 23(5)		
(d) Opposing an application under section 24		
(e) In answer to a notice of opposition under section 38		
(f) In answer to a notice of opposition under section 41		
(g) In respect of a reference under section 49(5)		
(h) In respect of an application under section 55(3)		
(i) In answer to a notice of opposition under section 56(7)		
(j) In respect of a reference under section 65(3)		
(k) On contesting an application under section 76 for declaration of non- infringement		
(l) On contesting an application under section 77 for revocation of a patent		
(m) In answer to a notice of opposition under section 104(2) to the correction of an error, clerical error or mistake		
4. On application under section 20(5) or 48(3) for authorization by Registrar	\$50.00	4
5. On request for directions under section 22	\$450.00	5



6. On reference under section 23(5) or 49(5) to determine the question of licence	\$450.00	6
7. On application to the Registrar under section 24(1) 450 7 and/or 24(3)	\$450.00	7
8. On filing a statement of inventorship and of right to the grant of a patent	-	8
9. On request for early publication under section 27(2)	\$50.00	9
10. On filing a notice of withdrawal of an application for a patent under section 27(1)	-	10
11. On filing a request for a search report or a supplementary search report	\$1750.00	11
12. On filing a request for a search and examination report	\$2600.00	12
13. On furnishing information referred to in rule 46(1)	-	14
14. On filing a notice of intention to rely on an international preliminary report on patentability	-	15
15. On filing a request for an examination report	\$1100.00	16
16. On request to amend application before grant	-	17
17. On filing a response to a written opinion under section 31 or 39	-	18
18. On request that a certificate of grant be issued –		19
(a) where the application for a patent has not more than 25 claims in the patent specification when rule 49(3) is complied with	\$200.00	
(b) where the application for a patent has more than 25 claims in the patent specification when rule 49(3) is complied with	\$200.00 plus \$20.00 for Each claim in excess of 25 claims	
19. On payment of renewal fee (not including payment of back renewal fees pursuant to restoration or cancellation of entry in the register that licences are available as of right)	-	20



(a) for each year in respect of the 5th, 6th or 7th year of the patent		
(b) for each year in respect of the 8th, 9th or 10th year of the patent	\$160.00	
(c) for each year in respect of the 11th, 12th or 13th year of the patent	\$270.00	
(d) for each year in respect of the 14th, 15th or 16th year of the patent	\$350.00	
(e) for each year in respect of the 17th, 18th or 19th year of the patent	\$450.00	
(f) for the 20th year of the patent	\$550.00	
(g) for each year after the 20th year of the patent	\$650.00	
	\$950.00	
20. On payment of an additional fee for renewal under 21 section 35(3) –		21
(a) not exceeding one month	\$50.00	
(b) each succeeding month (but not exceeding 6 months)	\$100.00	
21. On application to amend specification after grant	\$100.00	22
22. On notice of opposition to amendment of specification after grant	\$480.00	23
23. On application for the restoration of a patent	\$500.00	24
24. On payment of additional fee on the application for the restoration of a patent	\$300.00	25
25. On filing an offer to surrender a patent	\$70.00	26
26. On notice of opposition to offer to surrender a patent	\$250.00	27
27. On application to register or give notice of a transaction, instrument or event affecting the rights in a patent or an application for a patent – for each patent or application for a patent affected by such transaction, instrument or event	\$70.00	29
28. On filing a request, in respect of one or more patents or applications for patents, for –		
	\$12.00	28
(a) each alteration or correction of name		



(b) each alteration or correction of address (not being an address for service)

29. On filing a request, in respect of each patent or application for a patent, for – \$12.00 28

(a) each alteration or correction of address for service

(b) each correction of an error in the register or any connected document

(c) each correction of an error of translation or transcript or clerical error or mistake in the specification of a patent, in an application for a patent or in any document filed in connection with a patent or such an application

30. On request for the furnishing of or access to miscellaneous information – 30

(a) fee for inspecting each file or document relating to a patent or patent application \$6.50

(b) fee for furnishing each file or document \$6.00

(c) fee for photocopying each page or part thereof of any other document by the staff of the Registry \$0.30

(d) where the document is placed in the public search room –

(i) fee for self-service photocopying of each page or part of the document using a stored-value card \$0.15

(ii) fee for photocopying of each page or part thereof by the staff of the Registry \$0.30

31. On request for certificate of the Registrar – 31

(a) by impressed stamp -

(i) for the first 20 sheets \$18.00

(ii) for each additional sheet thereafter \$0.30

(b) sealed and attached to the documents -

(i) for the first 20 sheets \$30.00



(ii) for each additional sheet thereafter	\$0.30	
(c) in respect of a priority document under rule 17.1(b) of the Regulations under the Patent Cooperation Treaty	\$50.00	
(d) in respect of a certified copy of the international application for a patent under rule 124	\$28.00	
32. On application for entry of order of court in the register	\$10.00	32
33. On application by proprietor for entry to be made in the register to the effect that licences under the patent are to be available as of right	\$70.00	33
34. On application for settlement of terms of licence of right	\$380.00	34
35. On application under section 56(1) or section 56(3) for cancellation of entry in the register	\$70.00	35
36. On notice of opposition to an application under section 56(1) or 56(3) for cancellation of entry in the register	\$90.00	36
37. On reference to the Registrar of a dispute as to infringement	\$280.00	37
38. On application for declaration of non- infringement	\$280.00	38
39. On application under section 77 for the revocation of a patent	\$500.00	40
40. On request for re-examination of a patent in response to the Registrar's direction	\$900.00	41
41. On request for re-examination of a patent in response to the Registrar's direction	\$160.00	42
42. On payment of prescribed fee and request for publication of translation	\$70.00	43
43. On application to Registrar for an international application for a patent (Brunei Darussalam) to be treated as an application under the Order	\$160.00	44
44. On request for the exercise of the discretionary powers of the Registrar	\$100.00	48



45. On declaration of authorisation where agent appointed or in substitution for another	\$10.00 for each patent or application for patent	46
46. On payment of the advertisement fee upon receipt of the Registrar's request under rule 97(4)	\$18.00	47
47. On notice of opposition to the correction of an error, clerical error or mistake	\$100.00	48
48. On request for information relating to a patent or an application for a patent	\$24.00	49
49. On request for extension of each time or period under rule 114(4) - for each month or part of a month for which the extension is sought	\$200.00	50
50. On request for extension of each time or period under rule 114(6)	\$200.00	52
51. On payment of additional fee for extension of each time or period under rule 114(9) – for each month, or part of a month, for which the extension is granted	\$200.00	53
52. On request for extension of periods under sections 51 29(7) and 30(1)(a) –		51
(a) where the application is not an international application for a patent (Brunei Darussalam) that has entered the national phase in Brunei Darussalam under section 83(3)	\$1800.00	
(b) where the application is an international application for patent (Brunei Darussalam) that has entered the national phase in Brunei Darussalam under section 83(3)	Nil	
53. On payment of transmittal fee under rule 14 of the Regulations under the Patent Co-operation Treaty	\$150.00	54
54. On payment of fee under rule 123(6) in respect of a request under rule 26 bis.3(a) of the Regulations under the Patent Co-operation Treaty	\$250.00	-



55. On request for certificate authorising release of sample of micro-organism	\$15.00	55
56. On notice of intention to restrict availability of samples of micro-organisms to experts	\$15.00	56
57. On request for certificate authorising release of sample of micro-organism to an expert	\$15.00	57
58. On payment of renewal fee under section 55 or 56 –		58
(a) for each year in respect of the 5th, 6th or 7th year of the patent	\$80.00	
(b) for each year in respect of the 8th, 9th or 10th year of the patent	\$135.00	
(c) for each year in respect of the 11th, 12th or 13th year of the patent	\$175.00	
(d) for each year in respect of the 14th, 15th or 16th year of the patent	\$225.00	
(e) for each year in respect of the 17th, 18th or 19th year of the patent	\$275.00	
(f) for the 20th year of the patent	\$325.00	
(g) for each year after the 20th year of the patent	\$475.00	
59. On application to extend the term of a patent under section 36	\$950.00	59
60. On filing a request for a search and examination report 60 after grant under section 39 –		60
(a) where the Examiner is the Austrian Patent Office	\$2680.00	
(b) where the Examiner is the Danish Patent and Trademark Office	\$3100.00	
(c) where the Examiner is the Hungarian Patent Office	\$2680.00	
61. On filing one or more documents under section 26(7)(c) or (8) or 28(8)	-	61



62. On filing a declaration under rule 9(2) or a request under rule 9(3)	\$120.00	62
63. On filing a request under rule 10(2)	\$250.00	62
64. On filing any miscellaneous document or documents	-	99
65. For using the patent computer facilities in the public search room of the Registry		
(a) for every half hour or part thereof of log on 2 access using the patent search terminal	\$2.00	
(b) for each sheet of information printed	\$0.30	
66. Purchase of a copy of —		
(a) Patents Journal A	\$10.00	
(b) Patents Journal B	\$36.00	



SECOND SCHEDULE

DESCRIPTIONS OF FORMS

<u>No.</u>	<u>Description of Form</u>	<u>Corresponding Form No.</u>
1	Certificate of Grant	Certificate Form 1
2	Certificate of Extension of Patent Term	Certificate Form 2
3	Request for the Grant of a Patent under section 25	Patents Form 1
4	Reference under section 20(1) or 48(1)	Patents Form 2
5	Counter statement	Patents Form 3
6	Application under section 20(5) or 48(3) for Authorisation by the Registrar	Patents Form 4
7	Request for Directions under section 22	Patents Form 5
8	Reference under section 23(5) or 48(5) to Determine the Question of a Licence	Patents Form 6
9	Application to Registrar under section 24(1) and/or 24(3)	Patents Form 7
10	Statement of Inventorship and of Right to the Grant of a Patent under section 24	Patents Form 8
11	Request for Early Publication under section 27(2)	Patents Form 9
12	Withdrawal of an Application for a Patent under section 27(1)	Patents Form 10
13	Request for a Search Report or Supplementary Search Report	Patents Form 11
14	Request for a Search and Examination Report	Patents Form 12
15	Furnishing of Prescribed Details	Patents Form 13
16	Furnishing of Prescribed Information	Patents Form 14
17	Notice of Intention to Rely on International Preliminary Report on Patentability under section 29(2)(e)(ii)	Patents Form 15
18	Request for an Examination Report	Patents Form 16
19	Request to Amend Application before Grant under section 31(2)	Patents Form 17



20	Response to Written Opinion under section 31 or 39	Patents Form 18
21	Payment of Fee for Grant of a Patent under section 30	Patents Form 19
22	Payment of Renewal Fee under section 35(2) or 56(2)	Patents Form 20
23	Payment of Additional Fee under section 35(3)	Patents Form 21
24	Application to Amend Specification after Grant under section 38	Patents Form 22
25	Notice of Opposition to Amendment of Specification after Grant under section 38 or 80	Patents Form 23
26	Application for Restoration of a Patent under section 40	Patents Form 24
27	Additional Fee on the Application for Restoration of a Patent under section 40	Patents Form 25
28	Offer to Surrender a Patent under section 41(1)	Patents Form 26
29	Notice of Opposition to Offer to Surrender a Patent under section 41(2)	Patents Form 27
30	Request for Alteration of Name, Address or Address for Service, or Correction of an Error, Clerical Error or Mistake under section 104	Patents Form 28
31	Application to Register or to Give Notice of a Transaction, Instrument or Event Affecting the Rights in a Patent or an Application for a Patent under section 44	Patents Form 29
32	Request for Miscellaneous Information under section 43 or 105	Patents Form 30
33	Request for Certificate of the Registrar under section 46	Patents Form 31
34	Application for Entry of Order of Court in the Register under section 44	Patents Form 32
35	Application for Entry to be Made in the Register to the effect that Licences under the Patent are to be available as of Right under section 55(1)	Patents Form 33
36	Application for Settlement of Terms of a Licence of Right under section 55(3)	Patents Form 34
37	Application under section 56(1) or (3) for Cancellation of Entry in the Register	Patents Form 35
38	Notice of Opposition to an Application under section 56(1) or (3) for Cancellation of Entry in the Register	Patents Form 36



39	Reference to the Registrar of a Dispute as to Infringement under section 65(3)	Patents Form 37
40	Application for Declaration of Non-Infringement under section 76	Patents Form 38
41	Application for Information on Corresponding Applications for a Patent	Patents Form 39
42	Application for Revocation of a Patent under section 77	Patents Form 40
43	Request for Re-Examination of a Patent in Response to direction of the Registrar under section 77	Patents Form 41
44	Payment of Fee for Entry into National Phase under section 83(3)	Patents Form 42
45	Payment of Prescribed Fee and Request for Publication of Translation under section 83(7)	Patents Form 43
46	Application to the Registrar for an International Application to be Treated as an Application under section 82 of the Order	Patents Form 44
47	Request for the Exercise of the Registrar's Discretionary Powers under section 89	Patents Form 45
48	Declaration of Authorisation where an Agent is Appointed or where One Agent is Substituted for Another	Patents Form 46
49	Additional Fee for the Advertisement of Proposed Correction under section 104	Patents Form 47
50	Notice of Opposition to the Correction of an Error, Clerical Error or Mistake under section 104	Patents Form 48
51	Request for Information Relating to a Patent or an Application for a Patent under section 105	Patents Form 49
52	Request for Extension of Time or Period under rule 114(4)	Patents Form 50
53	Request for Extension of Periods under sections 29 (7) and 30(1)(a)	Patents Form 51
54	Request for Extension of Time or Period under rule 114(6)	Patents Form 52
55	Additional Fee for Extension of Time or Period under rule 114(9)	Patents Form 53



56	Payment of Transmittal Fee under rule 14 of the Regulations under the Patent Co-Operation Treaty	Patents Form 54
57	Request for Certificate Authorising Release of Sample of Micro-Organism	Patents Form 55
58	Notice of Intention to Restrict Availability of Samples of Micro-Organisms to Experts	Patents Form 56
59	Request for Certificate Authorising Release of Sample of Micro-Organisms to an Expert	Patents Form 57
60	Payment of Renewal Fee pursuant to section 55(3)(d)	Patents Form 58
61	Request for an Extension of the Term of a Patent under section 36	Patents Form 59
62	Request for Search and Examination after Grant under section 39	Patents Form 60
63	Filing of Documents under section 26(7)(c) or (8) or 28(8)	Patents Form 61
64	Declaration under rule 9(2) or Request under rule 9(3) or 10(2)	Patents Form 62
65	Filing of Miscellaneous Document or Documents	Patents Form 99



THIRD SCHEDULE

SCALE OF COSTS

PART I

BASIC COST

<i>Item</i>	<i>Matter</i>	<i>Amount</i>
1	Drawing and filing notice of opposition or application for revocation together with statement of case	\$200.00
2	Drawing and filing a counter-statement	\$150.00
3	Preparing and lodging evidence for a notice of opposition, an application for revocation or a counter-statement	\$200.00 - \$800.00
4	Perusing a notice of opposition, an application for revocation or a counter-statement (per folio)	\$2.00 per folio
5	Preparing for all interlocutory proceedings	\$25.00 - \$120.00
6	Attending all interlocutory proceedings	\$25.00 - \$50.00
7	Preparing for hearing	\$500.00 - \$1500.00
8	Attendance at hearing by patent agent without advocate or solicitor	\$100.00 per hour up to a maximum of \$450.00 per day
9	Attendance at hearing by patent agent with instructing advocate or solicitor	\$60.00 per hour up to a maximum of \$270.00 per day
10	Advocate or Solicitor fees	\$120.00 per hour up to a maximum of \$540.00 per day
11	Drawing bill of costs (per folio)	\$2.00 per folio
12	Attending taxation, and obtaining the Registrar's certificate or order	\$50.00 - \$120.00



PART II

ADDITIONAL COSTS

1. A person who has paid a fee prescribed in these Rules in relation to proceedings before the Registrar shall be paid the amount of the fee.
2. A person attending proceedings before the Registrar shall be paid –
 - (a) a reasonable amount for expenses incurred for transport between the usual place of residence of the person and the place that he attends for that purpose; and
 - (b) if the person is required to be absent overnight from his usual place of residence, a reasonable amount as allowances up to a daily maximum of \$250 for meals and accommodation.
3. A person who, because of his professional, scientific or other special skill or knowledge, is summoned to appear before the Registrar as a witness shall be paid –
 - (a) if the person is remunerated in his occupation by wages, salary or fees, an amount equal to the amount of wages, salary or fees not paid to the person because of his attendance before the Registrar for that purpose, but such amount should not exceed \$150 per day; or
 - (b) in any other case, an amount of not less than \$100 but not more than \$150 for each day on which he so attends.



FOURTH SCHEDULE

MICRO-ORGANISMS

Applications.

1. (1) The specification of an application for a patent, or of a patent, for an invention which requires for its performance the use of a micro-organism –

- (a) which is not available to the public at the date of filing of the application; and
- (b) which cannot be described in the specification in such a manner as to enable the invention to be performed by a person skilled in the art, shall, in relation to the micro-organism itself, be treated for the purposes of the Order as disclosing the invention in such a manner only if one of the conditions set out in subparagraph (2), is satisfied.

- (2) The conditions referred to in sub-paragraph (1) are –

- (a) a condition that –

- (i) not later than the date of filing of the application, a culture of the micro-organism has been deposited with any international depositary authority which is able to furnish a sample of the micro-organism; and
 - (ii) the name of the international depositary authority, the date when the culture was deposited and the accession number of the deposit are given in the specification of the application; and
- (b) a condition, in the case of an international application for a patent (Brunei Darussalam) which is treated, by virtue of section 85 as a patent under the Order, or, as the case may be, an application for a patent under the Order, that the corresponding provisions of the Implementing Regulations to the Patent Co-operation Treaty have been complied with, and where a new deposit is made under paragraph 4, a further condition that the applicant or proprietor makes a new deposit in accordance with that paragraph.

- (3) Where the condition of sub-paragraph (2)(a)(ii) is not satisfied at the time the application for a patent is filed, it shall be satisfied –

- (a) within 16 months from –

- (i) the declared priority date; or
- (ii) the date of filing the application where there is no declared priority date;

- (b) where, on a request made by the applicant, the Registrar publishes the application before the end of the period prescribed for the purposes of section 27(1), before the



date of the request; or

- (c) where the Registrar sends notification to the applicant that, in accordance with section 105(4), he has received a request by any person for information and inspection of documents under subsection (1) of that section, before the end of one month after his sending to the applicant notification of his receipt of the request, whichever is the earliest.

(4) The giving of the information specified in sub-paragraph (2)(a)(ii) shall constitute the unreserved and irrecoverable consent of the applicant to the international depositary authority with which a culture (including a deposit which is to be treated as having always been available by virtue of paragraph 4(2)) is from time to time deposited making the culture available on receipt of the Registrar's certificate authorising the release to the person who is named therein as a person to whom the culture may be made available and who makes a valid request therefor to the authority.

Availability of cultures.

2. (1) Subject to paragraph 3, a request that the Registrar certify a person as a person to whom an international depositary authority may furnish a sample of a micro-organism –

- (a) before publication of the application for a patent, to a person who has made a request under section 105(1) in the circumstances mentioned in paragraph 1(3)(c); and

- (b) at any later time, to any person, shall be made on Patents Form 55 together with the form provided for by the Regulations under the Budapest Treaty.

(2) The Registrar shall send a copy of any form lodged with him under subparagraph (1) and of his certificate authorising the release of the sample –

- (a) to the applicant for, or proprietor of, the patent;

- (b) to the international depositary authority; and (c) to the person making the request.

(3) A request under sub-paragraph (1) shall comprise, on the part of the person to whom the request relates, undertakings for the benefit of the applicant for, or proprietor of, the patent –

- (a) not to make the culture, or any culture derived from it, available to any other person; and

- (b) not to use the culture, or any culture derived from it, otherwise than for experimental purposes relating to the subject matter of the invention, and –

- (i) subject to sub-paragraph (iii), both undertakings shall have effect during any period before the application for a patent has been withdrawn, has been treated as having been abandoned, has been refused or is treated as having been refused (including any further period allowed under rule 110, 120(1) or (6) but excluding,



where an application is reinstated under either of those rules, the period before it is reinstated);

- (ii) if a patent is granted on the application, the undertaking set out in sub-paragraph (a) shall also have effect during any period for which the patent is in force and during the period of 6 months referred to in section 35(3); and
- (iii) the undertaking set out in sub-paragraph (b) shall not have effect after the date of publication in the journal of a notice that the patent has been granted, and, in this sub-paragraph, references to a culture derived from a deposited culture of a microorganism are references to a culture so derived which exhibits those characteristics of the deposited culture essential for the performance of the invention.

(4) For the purpose of enabling any act specified in section 59 to be done in relation to the culture for the services of the Government, the undertakings specified in subparagraph (3) –

(a) shall not be required from any Government department or person authorised in writing by a Government department for the purposes of this paragraph; and

(b) shall not have effect in relation to any such person who has already given them.

(5) An undertaking given pursuant to sub-paragraph (3) may be varied by way of derogation by agreement between the applicant or proprietor and the person by whom it is given.

(6) Where, in respect of a patent to which the undertaking set out in sub-paragraph (3)(a) has effect –

(a) an entry is made in the register under section 55 to the effect that licences are to be available as of right; or

(b) a compulsory licence is granted under section 57, that undertaking shall not have effect to the extent necessary for effect to be given to any such licence.

Availability of cultures to experts.

3. (1) Subject to sub-paragraph (3), where, before the preparations for publication under section 27 of an application for a patent have been completed, the applicant gives notice to the Registrar on Patents Form 56 of his intention that a sample of the microorganism should be made available only to an expert, the provisions of this paragraph shall have effect.

(2) The Registrar –

(a) shall, at the time of publication of the application under section 27, publish a notice in the journal that the provisions of this paragraph have effect; and

(b) notwithstanding paragraph 2, shall not, until the patent is granted or the application has been withdrawn, has been treated as having been abandoned, has been refused or is



treated as having been refused, issue any certificate authorising release of a sample otherwise than under this paragraph.

(3) In the case of an international application for a patent (Brunei Darussalam), the applicant may, for the purpose set out in sub-paragraph (1), give notice in writing to the International Bureau under rule 13 bis 3 of the Regulations under the Patent Co-operation Treaty before the technical preparations for international publication of the application are complete of his intention that a sample of the micro-organism should be made available only to an expert and he shall be treated by the Registrar for the purposes of this paragraph as having complied with the conditions in sub-paragraph (1) and sub-paragraph (2)(a) shall not apply.

(4) Any person wishing to have a sample of the micro-organism made available ("the requester") –

(a) shall apply to the Registrar on Patents Form 57 together with the form provided for by the Regulations under the Patent Co-operation Treaty nominating the person ("the expert") to whom he wishes the sample to be made available; and

(b) shall at the same time file undertakings by the expert as set out in paragraph 2 (3) in accordance with the provisions of that paragraph.

(5) The Registrar shall send a copy of Patents Form 57 filed under sub-paragraph (4) to the applicant for the patent and shall specify the period within which the applicant may object, in accordance with sub-paragraph (6), to a sample of the micro-organism being available to the expert.

(6) Unless, within the period specified by the Registrar under sub-paragraph (5) (or within such longer period as the Registrar may, on application made to him within that period, allow), the applicant for the patent sends notice in writing to the Registrar that he objects to a sample of the micro-organism being made available to the expert and gives his reasons for his objection, the Registrar shall send a copy of any form lodged with him under sub-paragraph (4)(a) and of his certificate authorising the release of the sample –

(a) to the applicant for the patent;

(b) to the international depositary authority concerned;

(c) to the requester; and

(d) to the expert.

(7) Where, in accordance with sub-paragraph (6), the applicant for the patent sends notice to the Registrar of his objection to the issue of a certificate in favour of the expert, the Registrar –

(a) shall decide, having regard to the knowledge, experience and technical qualifications of the expert and to any other factors he considers relevant, whether to issue his certificate in favour of the expert; and

(b) if he decides to authorise the release of the sample to the expert, shall send to the persons



referred to in sub-paragraph (6) a copy of any form lodged with him under subparagraph (4)(a) and of his certificate authorising the release of the sample to the expert.

(8) Before making a decision in accordance with sub-paragraph (7), the Registrar shall afford the applicant and the requester the opportunity of being heard.

(9) If the Registrar decides under sub-paragraph (7) not to issue his certificate in favour of the expert, the requester may, by notice in writing to the Registrar and the applicant, nominate another person as the expert for the purposes of this paragraph; and the Registrar shall give such directions as he may think fit with regard to the subsequent procedure.

(10) Nothing in this paragraph shall affect the rights under section 58 of any Government department or of any person authorised in writing by a Government department.

New deposits.

4. (1) Where the international depositary authority with which a deposit or a new deposit of a culture has been made under this Schedule –

(a) notifies the applicant or proprietor that it –

(i) cannot satisfy a request made in accordance with paragraph 2(1) or 3(4); or

(ii) is not able lawfully, to satisfy such a request, for the culture to be made available;

(b) ceases temporarily or permanently to carry out the functions of an international depositary authority; or

(c) ceases for any reason to conduct its activities as an international depositary authority in an objective and impartial manner, subject to sub-paragraph (3), the applicant or proprietor may, unless the culture has been transferred to another international depositary authority which is able to make it available, make a new deposit of a culture of the micro-organism.

(2) For the purposes of paragraph 1 and this paragraph, the deposit shall be treated as always having been available if, within 3 months of the receipt of such notification or of the international depositary authority ceasing to perform the functions of an international depositary authority or to conduct its activities as such an authority in an objective and impartial manner, the applicant or proprietor –

(a) in a case where the deposit has not already been transferred, makes the new deposit;

(b) furnishes to the international depositary authority with which the new deposit is made a declaration that the culture so deposited is of the same microorganism as was the culture originally deposited; and



- (c) requests amendment of the specification under section 31 or 38, as the case may be, so as to indicate the accession number of the transferred or new deposit and, where applicable, the name of the international depositary authority with which the deposit has been made.

(3) The new deposit referred to in sub-paragraph (1) –

- (a) shall, subject to sub-paragraph (b), be made with the same international depositary authority as was the original deposit; or
- (b) in the cases referred to in sub-paragraphs (1)(a)(ii), (b) and (c), shall be made with another international depositary authority which is able to satisfy the request.

Interpretation.

5. In this Schedule –

"Budapest Treaty" means the Treaty on the International Recognition of the Deposit of Microorganisms for the purposes of Patent Procedure done at Budapest in 1977; "depositary institution" means an institution which, at all relevant times –

- (a) carries out the functions of receiving, accepting and storing microorganisms and the furnishing of samples thereof; and
- (b) conducts its affairs in so far as they relate to the carrying out of those functions in an objective and impartial manner;

"international depositary authority" means a depositary institution which has acquired the status of international depositary authority as provided in Article 7 of the Budapest Treaty.



FIFTH SCHEDULE

REMUNERATION OF SCIENTIFIC ADVISERS

1. A person appointed as a scientific adviser to assist the Registrar in proceedings under the Order and who attends the proceedings before the Registrar shall be paid –
 - (a) a reasonable amount for expenses incurred for transport between his usual place of residence and the place where the proceedings take place; and
 - (b) if the scientific adviser is required to be absent overnight from his usual place of residence, a reasonable amount as allowance for meals and accommodation up to a daily maximum of \$250.
2. A person appointed as a scientific adviser to assist the Registrar in proceedings under the Order shall, apart from the expenses and allowances referred to in paragraph 1, be paid an amount of not less than \$650 but not more than \$2,000 for each day or part thereof for which he hears the case or works on the report pursuant to an inquiry referred to him under rule 119(1)(b).
3. A person appointed as a scientific adviser to sit with the Registrar at the hearing of any proceedings may, apart from the expenses and allowances referred to in paragraph 1, be paid an amount not less than \$650 but not more than \$2,000 if he is subsequently not required to hear the proceedings with the Registrar.



**REGISTRAR OF PATENT
BRUNEI DARUSSALAM**

PATENTS RULES [S 11/2013]

NEW PATENT APPLICATION

- [21] BN/N/2020/0004 [22] 27/01/2020
- [54] Ethane Oxidative Dehydrogenation
- [71] SHELL INTERNATIONALE RESEARCH MAATSCHAPPIJ B.V. of Carel Van Bylandtlaan 30 2596 HR THE HAGUE, Netherlands
- [72] 1. VAN ROSSUM, GUUS
2. SCHOONEBEEK, RONALD, JAN
3. CALVO, LAURA, MARIEL
4. ESPOSITO CASSIBBA, IVANA, DANIELA
5. MITKIDIS, GEORGIOS
6. PAJAND, PEJMAN
7. SAN ROMAN MACIA, MARIA
8. KLUSENER, PETER, ANTON, AUGUS
- [74] Messrs. DREW & NAPIER LLC of Nos. 405A-410A 4th Floor, Wisma Jaya Jalan Pemancha Bandar Seri Begawan BS8811 Brunei Darussalam
- [31][32][33]
No. 17386027.1 Date: 16 August 2017 Country: European Patent Office
- [86] PCT/EP2018/070939
- [87] WO/2019/034434
- [51] C07C 11/04, C07C 5/48
- [57] The Invention Relates To A Process For Oxidative Dehydrogenation Of Ethane, Comprising The Steps Of:(A) Subjecting A Stream Comprising Ethane To Oxidative Dehydrogenation Conditions;(B) Removing Water From At Least Part Of The Effluent Resulting From Step (A);(C) Optionally Removing Unconverted Oxygen And/Or Carbon Monoxide And/Or Ycetylene From At Least Part Of The Stream Comprising Ehtylene, Unconverted Ethane, Carbon Dioxide, Optionally Unconverted Oxygen, Optionally Carbon Monoxide And Optionally Acetylene Resulting From Step (B);(D) Removing Ethylene From At Least Part Of The Stream Comprising Ehtylene, Unconverted Ethane And Carbon Dioxide Resulting From Step (B) Or (C) By A Complexation Separation Method;(E) Partially And Selectively Removing Carbon Dioxide From At Least Part Of The Stream Comprising Unconverted Ethane And Carbon Dioxide Resulting From Step (D);(F) Recycling At Least Part Of The Stream Comprising Unconverted Ethane And Carbon Dioxided Resulting From Step (E) To Step (A).

