

**EMERGENCY (INDUSTRIAL DESIGNS) ORDER, 1999**

**INDUSTRIAL DESIGNS RULES, 2000**

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No. S 23

**EMERGENCY (INDUSTRIAL DESIGNS) ORDER, 1999**

**INDUSTRIAL DESIGNS RULES, 2000**

In exercise of the power conferred by subsection (1) of section 77 of the Emergency (Industrial Designs) Order, 1999, the Attorney General, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Rules —

**PRELIMINARY**

1. These Rules may be cited as the Industrial Designs Rules, 2000 and shall commence on the same day as the Emergency (Industrial Designs) Order, 1999.

**Citation and commencement.**

2. (1) In these Rules —

**Interpretation.**

"Locarno Agreement" means the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on the 8th. October, 1968, as amended;

"statement of novelty" means a statement in accordance with rule 8;

"textile article" means textile and plastics piece goods, handkerchiefs, shawls and such other classes of articles of a similar character as the Registrar may decide, for which the protection under the Order is limited to features of pattern and ornament only.

(2) Any reference in these Rules —

(a) to a prescribed form shall be construed as a reference to the relevant form set out in the First Schedule;

(b) to a prescribed fee shall be construed as a reference to the fee applicable in accordance with rule 70 and the Second Schedule;

**First Schedule**

(c) to the filing of a document shall be construed as a reference to the filing of the document with the Registrar.

**Second Schedule**

**REGISTRABLE INDUSTRIAL DESIGNS**

**Prescribed case under section 9(3).**

**3.** The Registrar may exercise his powers under subsection (3) of section 9 in any case where a request for amendment of an application for registration of an industrial design has been granted under section 23 and in the opinion of the Registrar the amendment has the effect of significantly altering the industrial design for which the application was initially filed or if, as a result of the amendment, the initial design was or, if there is more than one, any of the initial designs were altered.

**Industrial designs excluded from registration.**

**4.** There shall be excluded from registration under the Order industrial designs intended to be applied to any of the following articles —

(a) works of sculpture (other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process);

(b) wall plaques, medals and medallions;

(c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles.

**Industrial application of industrial designs.**

**5.** An industrial design is to be regarded for the purposes of section 13 as "applied industrially" if it has been applied —

(a) to more than fifty articles which do not all together constitute a single set of articles; or

(b) to articles manufactured in lengths or pieces, not being hand-made articles.

#### **APPLICATIONS FOR REGISTRATION**

**Form and contents of applications. Designs Form D1.**

**6.** (1) An application for registration of an industrial design shall be made on the prescribed form.

(2) The application shall include the information and documents referred to in subsection (2) of section 14, that is —

(a) a request for registration of the industrial design;

(b) a representation of the industrial design suitable for reproduction, in accordance with rules 7 and 8;

(c) the name and address of the applicant;

(d) where the applicant is not the industrial designer, a statement explaining the applicant's rights in relation to the industrial design; and

(e) an address in Brunei Darussalam for the service of documents.

(3) In addition, the application shall include —

(a) a statement identifying the article or articles to which the industrial design is intended to be applied;

(b) a statement identifying the classification of the article or articles to which the industrial design is intended to be applied, according to the class and sub-class of the classifications established by the Locarno Agreement;

(c) six additional representations of the industrial design, in accordance with sub-rule (3) of rule 7;

(d) many statements or evidence required by rules 9, 10, 11, 12, 13 and 14, whichever are applicable;

(e) a transliteration of the name of the applicant, if it is not in Roman letters;

(f) the signature of the applicant; and

(g) any other information required by the prescribed application form.

7. (1) The representation of the industrial design included with the application may be either a drawing or a photograph and shall be of a size of not more than 160 millimetres by 160 millimetres, and one side of the representation shall be not less than 30 millimetres.

**Representations.**

(2) Where the application is made for the registration of an industrial design intended to be applied to a set of articles, the representation shall show the industrial design as applied to each different article included in the set.

(3) The application shall be accompanied by six additional representations of the industrial design corresponding exactly to the original.

8. (1) A statement describing the features of the industrial design which the applicant considers to be new shall appear on each representation of the industrial design filed under rules 6 and 7.

**Statement of novelty.**

(2) The statement shall appear on the front of each representation except where the Registrar is satisfied that its appearance on the front is

impracticable, in which case it shall appear in a place approved by the Registrar.

(3) The statement shall appear separately from any other statement appearing on the representation.

**Statement relating to confidential disclosure.**

**9.** (1) Where an applicant wishes to claim that section 12 applies in relation to the application, the application shall include a statement to that effect in accordance with this rule.

(2) Except in the case referred to in sub-rule (3), the statement shall —

(a) identify the provisions of section 12 on which the applicant relies; and

(b) describe the circumstances of the disclosure of the industrial design, including any relevant dates.

(3) Where the disclosure of the industrial design relates to an official international exhibition, as defined in subsection (3) of section 12, the statement shall specify —

(a) the name of the exhibition and the place where it was held;

(b) the opening date of the exhibition; and

(c) if the first disclosure of the industrial design did not take place on the opening date of the exhibition, the date of such first disclosure.

(4) The applicant may file additional information or documents in support of the claim.

**Statement of priority, etc.**

**10.** Where an applicant wishes to claim the priority of a previous application under section 18, the application shall include the statement of priority.

**Registrar may request certificate.**

**11.** In addition to the statement of priority and copy of the previous application, the applicant shall, if requested by the Registrar, file with the application, or within three months of the filing date of the application, a certificate issued by a competent authority of the relevant Paris Convention country or WTO member verifying to the Registrar's satisfaction —

(a) the country, territory or area of filing of the previous application;

(b) the filing date of the previous application and its filing number; and



(c) the representation of the industrial design and the articles covered by the previous application.

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| <p><b>12.</b> Where a reproduction of the armorial bearings, insignia, orders of chivalry, decorations, emblems or flags of any country, city, town, place, society, body corporate, institution or person appears on an industrial design, the application shall include evidence satisfactory to the Registrar that such official or other person as is entitled to give consent to the registration of the industrial design and to the use of the reproduction has given such consent.</p> | <p><b>Evidence relating to armorial bearings, etc.</b></p>                    |
| <p><b>13.</b> Where the name or portrait of a living person appears on an industrial design, the application shall include evidence satisfactory to the Registrar that such person has consented to the registration of the industrial design and to the use of his name or portrait.</p>  | <p><b>Evidence relating to name or portrait of living person.</b></p>         |
| <p><b>14.</b> Where the name or portrait of a person who has recently died appears on an industrial design, the application shall include evidence satisfactory to the Registrar that the personal representative of such person has consented to the registration of the industrial design and to the use of the name or portrait.</p>  | <p><b>Evidence relating to name or portrait of person recently dead.</b></p>  |
| <p><b>15.</b> Except where the Registrar requires, no specimens shall be filed.</p>  | <p><b>Specimens.</b></p>  |
| <p><b>16.</b> Two or more industrial designs may be the subject of the same application for registration if the industrial designs relate to the same class of articles as classified in accordance with the classifications established by the Locarno Agreement or to the same set of articles.</p>  | <p><b>Multiple applications.</b></p>  |
| <p><b>17.</b> A notice of withdrawal under section 20 shall be made on the prescribed form.</p>  | <p><b>Withdrawal of applications. Designs Form D3.</b></p>                    |
| <p><b>18.</b> An application for an extension of time under the Order shall be made on the prescribed form.</p>  | <p><b>Applications for extension of time. Designs Form D11.</b></p>           |
| <p><b>19.</b> A request for amendment of an application for registration of an industrial design under section 23 shall be made on the prescribed form.</p>  | <p><b>Amendment of applications. Designs Form D2.</b></p>                     |
| <p><b>20.</b> (1) Subject to subsection (3) of section 64, notice may be given to the Registrar on the prescribed form of particulars concerning any transaction, instrument or event affecting an application for registration of an industrial design and to which sections 24 and 34 apply.</p>   | <p><b>Transactions affecting rights in applications. Designs Form D7.</b></p> |

(2) Subsections (2) to (4) of section 33 apply, with necessary modification, in relation to a notice filed under sub-rule (1) as they apply in relation to an application filed under section 33.

(3) Subject to subsection (3) of section 64, notice may be given to the Registrar on the prescribed form of particulars concerning any transaction, instrument or event by virtue of which the ownership of, or any interest in, an application for registration of an industrial design is purportedly affected.

(4) A notice under sub-rules (1) or (3) shall contain full particulars of the transaction, instrument or event.

### EXAMINATION AND REGISTRATION

- Formal requirements.** **21.** The following are specified as the "formal requirements" for the purposes of the Order —
- (a) all of the requirements of section 15; and
  - (b) all of the requirements of rules 6 to 13.
- Deficiencies.** **22.** (1) Where the Registrar determines that there are deficiencies as regards the formal requirements, he shall give written notice of the deficiencies to the applicant.
- (2) Deficiencies as regards the formal requirements may be corrected within three months after the date of the notice.
- (3) Subject to section 27, if the deficiencies are corrected within the period referred to in sub-rule (2), the Registrar shall proceed to register the industrial design in accordance with section 26.
- Appeal against refusal of application.** **23.** For the purpose of any appeal under section 58 against the Registrar's decision under section 27 to refuse an application for registration of an industrial design, the date of the decision shall be the date when notice of the decision was given to the applicant under that section.
- Classification of articles.** **24.** For the purpose of the registration of industrial designs, articles shall be classified in accordance with the classifications established by the Locarno Agreement.
- Registration.** **25.** (1) The Registrar shall register an industrial design under section 26 by entering the following particulars in the Register —
- (a) the date of registration;
  - (b) the date of entry in the Register;

(c) if applicable, the priority date and the name of the relevant Paris Convention country or WTO member;

(d) the registration number;

(e) the name and address of the owner of the industrial design;

(f) any address for service;

(g) the number of the class and sub-class of the classifications established by the Locarno Agreement of the article or articles in respect of which the industrial design is registered.

(2) In addition, the Registrar shall enter the following in the Register

(a) a reproduction of the representation of the industrial design included with the application;

(b) any statement of novelty relating to the industrial design;

(c) particulars as to the article or articles in respect of which the industrial design is registered;

(d) particulars concerning any relevant transaction, instrument or event to which section 34 applies.

(3) The Registrar may at any time enter in the Register such other particulars in relation to the industrial design as he may think fit.

**26.** On registration of an industrial design, the Registrar shall issue a certificate of registration to the registered owner.

**Certificate of registration.**

**27.** The advertisement of the registration of an industrial design published in the *Gazette* under paragraph (d) of subsection (1) of section 26 shall contain

**Advertisement of registration.**

(a) the date of registration;

(b) if applicable, the priority date and the name of the relevant Paris Convention country or WTO member;

(c) the registration number;

(d) the name and address of the registered owner;

(e) any address for service;

(f) a reproduction of the representation of the industrial design included with the application;

(g) particulars as to the article or articles in respect of which the industrial design is registered; and

(h) the number of the class and sub-class of the classifications established by the Locarno Agreement of the article or articles in respect of which the industrial design is registered.

#### DURATION OF REGISTRATION

**Renewal of registration.**

**28.** (1) If the owner of an industrial design wishes to renew the period of registration of an industrial design under subsection (2) of section 29, an application shall be made on the prescribed form before the end of the current period of registration.

(2) If the owner of an industrial design wishes to renew the period of registration of an industrial design under subsection (5) of section 29, an application shall be made on the prescribed form during the period of six months immediately following the end of the period specified in subsection (4) of that section.

(3) An application under sub-rules (1) or (2) shall be accompanied by the prescribed fees.

(4) If an application is filed and the prescribed fees have been paid in accordance with sub-rules (1) or (2), the Registrar shall renew the registration of the industrial design by making the appropriate entry in the Register.

**Surrender of registration.**

**29.** (1) The registered owner of an industrial design may surrender the registration of the industrial design under section 30 by filing a notice of surrender in the prescribed form.

(2) A notice filed under this rule shall not be valid unless the registered owner in the notice —

**Designs Form D6.**

(a) states that the registration is to be surrendered in respect of either —

(i) all of the articles for which the industrial design is registered; or

(ii) such articles as are specified in the notice;

(b) gives the name and address of every other person having a registered interest in the industrial design; and

- (c) certifies, in respect of every such person, that the person —
  - (i) has been sent not less than three months' notice of his intention to surrender the registration; or
  - (ii) is not affected by the surrender or, if affected, has consented to the surrender.

**Designs Form  
D14.**

(3) The surrender takes effect upon receipt by the Registrar of a notice which complies with sub-rule (2).

(4) A surrender of the registration of an industrial design has the same effect in respect of the articles for which the industrial design is surrendered as the registration of the industrial design ceasing to have effect in respect of those articles.

(5) The Registrar shall, upon the surrender taking effect, make an appropriate entry in the Register and publish notice of the surrender in the *Gazette*.

### **RIGHTS IN INDUSTRIAL DESIGNS**

**30.** (1) Subject to subsection (3) of section 64, application may be made on the prescribed form for the registration of particulars concerning any transaction, instrument or event to which section 34 applies and by virtue of which a person claims to have acquired a right in or under an industrial design.

**Transactions  
affecting  
rights in  
industrial  
designs.  
Designs Form  
D7.**

(2) The application shall contain the name and address of the person claiming or stated to have acquired the right, together with full particulars of the transaction, instrument or event.

(3) The application shall be signed by or on behalf of —

(a) the assignee and the assignor, where it relates to an assignment referred to in paragraph (a) of subsection (3) of section 34;

(b) the mortgagor, where it relates to a mortgage referred to in paragraph (b) of that subsection;

(c) the grantor or mortgagor, where it relates to the grant, assignment or mortgage of a licence or sub-licence referred to in paragraph (c) of that subsection,

or it shall be accompanied by such evidence as suffices to establish such assignment, mortgage or grant.

(4) In any case not covered by sub-rule (3), the application shall be accompanied by such evidence as suffices to establish the transaction, instrument or event.

**Registration of other transactions. Designs Form D7.**

**31.** (1) Subject to subsection (3) of section 64, application may be made on the prescribed form for the registration of particulars concerning any transaction, instrument or event (other than one referred to in rule 30) by virtue of which the ownership of, or any right in or under, an industrial design is purportedly affected.

(2) The application shall contain full particulars of the transaction, instrument or event.

**Cancellation of claim to be mortgagee or licensee. Designs Form D7.**

**32.** Where the name of a person is entered in the Register as a mortgagee or licensee in respect of an industrial design, such person may on making an application on the prescribed form have a notice entered in the Register that he no longer claims to be such mortgagee or licensee.

**Furnishing of evidence.**

**33.** The Registrar may require any person who makes an application under rules 30, 31 or 32 to furnish him with such evidence as he may require in connection with the application within such period as he may specify.

### LEGAL PROCEEDINGS

**Reference.**

**34.** A reference to the court under section 44 of the question whether, having regard to section 11, an industrial design is a registrable industrial design shall be made by filing a statement setting out fully the reference sought and the facts on which the applicant relies.

**Notice of opposition.**

**35.** (1) If any person (including the registered owner) wishes to oppose an application under rule 34, he shall, within two months from the date of the advertisement in the *Gazette*, file in duplicate a notice of opposition in the prescribed form setting out fully the grounds on which he objects to the application and the facts on which he relies.

(2) If a person files a notice of opposition under sub-rule (1), the Registrar shall forthwith forward the duplicate copy to the applicant.

(3) This rule and rules 36 to 41 do not apply in any case where the Registrar refers the question to the court for determination.

**Counter-statement.**

**36.** (1) Within three months from the date of the forwarding of the duplicate copy of the notice of opposition under rule 35, the applicant shall file a counter-statement in the prescribed form setting out the grounds on

which he relies as supporting his application and the facts, if any, alleged in the notice of opposition which he admits.

(2) The counter-statement shall be filed together with a duplicate copy which the Registrar shall forward to the opponent.

**37.** (1) Within three months from the date of the forwarding of the duplicate of the applicant's counter-statement under rule 36, the opponent shall file such evidence as he may desire to adduce in support of his opposition and shall forward to the applicant a copy of that evidence.

**Evidence in support of opposition.**

(2) If the opponent fails to file evidence in accordance with sub-rule (1), he shall, unless the Registrar otherwise directs, be deemed to have abandoned the opposition.

**38.** If the opponent files evidence in accordance with rule 37, the applicant shall, within three months from the date of the forwarding of the copy of the opponent's evidence, file such evidence as he may desire to adduce in support of his application and shall forward to the opponent a copy of that evidence.

**Evidence in Designs Form D8.**

**39.** (1) The opponent may file further evidence, confined to matters strictly in reply, within three months from the date of the forwarding of the copy of an applicant's evidence under rule 38, and if the opponent files such further evidence he shall send a copy to the applicant.

**Evidence in reply.**

(2) The applicant may file further evidence, confined to matters strictly in reply, within three months from the date of the forwarding of the copy of the opponent's evidence, and if the applicant files such further evidence he shall forward a copy to the opponent.

**Design Form D8.**

(3) No further evidence shall be filed by any party except by leave or direction of the Registrar.

**40.** The Registrar may give such directions as he may think fit with regard to the subsequent procedure on an application under rule 34.

**Directions on subsequent procedure.**

**41.** (1) After hearing the party or parties wishing to be heard on an application under rule 34 or, if no party so wishes, without a hearing, the Registrar shall decide the matter and shall notify all parties of his decision and, if any party so requests, shall give his reasons for the decision in writing.

**Notice of decision.**

(2) For the purpose of any appeal against the Registrar's decision under section 58, the date of the decision shall be the date when notice of the decision is forwarded under this rule.

**42.** In the event that an application under rule 34 is not opposed by the registered owner, the Registrar in deciding whether costs should be awarded to the applicant shall consider whether the proceedings might have been

**Costs in unopposed cases.**

avoided if reasonable notice had been given by the applicant to the registered owner before the application was filed.

**Reference to court.** **43.** (1) Where the Registrar receives an application under rule 34 and decides to refer the question to the court for determination, he shall forthwith serve a certified copy of the reference on the applicant and on the registered owner of the industrial design.

(2) The Registrar shall enter a notice of the reference to the court in the Register and advertise the fact of the reference in the *Gazette*.

**Service on Registrar of applications to court.** **44.** (1) Where application to the court is made under sections 45 or 46 for the registration of an industrial design to be revoked, the applicant shall forthwith serve a certified copy of the application on the Registrar.

(2) The Registrar shall enter a notice of the application in the Register.

**Filing of court orders, declarations and certificates.** **45.** (1) Where any order or declaration is made or any certificate is granted by the court under the Order, the person in whose favour such order, declaration or certificate has been made or granted or, if there is more than one, such one of them as the Registrar may direct, shall file a certified copy of such order, declaration or certificate with the Registrar and, if rectification of the Register is required, the prescribed form.

(2) Where appropriate, the Register shall be rectified by the Registrar accordingly.

**Security for costs.** **46.** (1) If a party in any proceedings before the Registrar neither resides nor carries on business in Brunei Darussalam, the Registrar may require him to give security for costs in such form and in such amount as the Registrar considers sufficient.

(2) If the Registrar requires security to be given by any party in respect of an application, request or notice of opposition filed by him and such party fails to give such security as required, the Registrar may treat the application, request or notice of opposition as abandoned or withdrawn.

#### ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

**Service on Registrar of applications under section 66.** **47.** (1) Where application to the court is made under section 66 for the rectification of the Register, the applicant shall forthwith serve a certified copy of the application on the Registrar.

(2) The Registrar shall enter a notice of the application in the Register.



- 48.** (1) A request for the rectification of an error in the Register under section 66 shall be made on the prescribed form and shall clearly identify the proposed correction. **Rectification of errors in Register. Designs Form D2.**
- (2) The Registrar may give such directions as he may think fit with regard to the subsequent procedure.
- 49.** Subject to sections 67 and 75 and to rule 50, any person shall have the right to inspect the Register during the business hours of the Registry upon application made on the prescribed form and on payment of the prescribed fee. **Inspection of Register.**
- 50.** Where the Registrar has given a direction under subsection (1) of section 75, the representation of the industrial design and any such evidence as is mentioned in paragraph (b) of subsection (2) of that section shall not be open to public inspection in the Registry during the continuance in force of that direction. **Industrial designs relevant for defence purposes.**
- 51.** (1) Subject to sections 69 and 75, an application for a certified or uncertified copy of an entry in the Register, or for a certified or uncertified extract from the Register, shall be made on the prescribed form and be accompanied by the prescribed fee. **Certificates and copies.**
- (2) Subject to sections 69 and 75, upon application made on the prescribed form and on payment of the prescribed fee, the Registrar may supply the person making the application with —
- (a) a certified copy of any representation or other document kept in the Registry or a certified extract from any such document;
- (b) a certificate for the purpose of subsection (2) of section 65; or
- (c) an uncertified copy of any representation or other document kept in the Registry or an uncertified extract from any such document.
- 52.** (1) A request under section 69 for information, or for permission to inspect a document, relating to an application for registration of an industrial design or to an industrial design shall be made on the prescribed form. **Information and inspection of documents.**
- (2) Subject to sections 69 and 75 and to sub-rules (4), (5) and (6), the Registrar shall permit the inspection of such document relating to an industrial design as is specified in the request.
- (3) Subject to sections 69 and 75 and to sub-rules (4), (5) and (6), the Registrar shall permit the inspection of such document relating to an application for registration of an industrial design as is specified in the request if the person making the request files such evidence as proves to the satisfaction of the Registrar —

**Designs Form D10.** (a) that the owner or applicant (as the case may be) has consented to the inspection; or

(b) that subsection (4) of section 69 applies in respect of the request.

(4) The Registrar shall not be obliged to permit the inspection of any document under this rule before payment of the prescribed fee or before he has completed every procedure, or every stage in the procedure which is relevant to the document in question, which he is required or permitted to carry out under the Order or these Rules.

**Designs Form D4 and D5.** (5) The right of inspection under this rule does not apply to —

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

**Designs Form D4 and D5.**

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

(c) any request for information under sub-rule (1); or

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

(6) Nothing in this section shall be construed as imposing on the Registrar the duty of making available for public inspection —

(a) any document or part of a document which in his opinion is prejudicial to the honour or reputation of any person; or

**Designs Form D9.**

(b) any document filed with or sent to the Registry before the day appointed for the commencement of the Order.

**Regulations re business hours, etc., of Registry to be posted.**

**53.** Any regulations made under section 70 shall be posted by the Registrar in a conspicuous place in the Registry.

**Publication and sale of documents.**

**54.** The Registrar may arrange for the publication and sale of documents and information by the Registry.

**Signature of documents by partnerships, etc.**

**55.** (1) A document signed on behalf of a partnership shall be signed by all its partners, by any partner stating that he has signed on behalf of the partnership or by any other person who satisfies the Registrar that he was authorised by the partnership to sign the document.

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

(3) A document signed on behalf of an unincorporated body or association of persons, other than a partnership, may be signed by any person who satisfies the Registrar that he was authorised by that body or association to sign the document.

**56.** (1) Except as provided in these Rules, where any document or part of a document which is not in the English language is filed at the Registry or sent to the Registry in pursuance of the Order or these Rules, it shall be accompanied by a translation into the English language and such translation shall be verified to the satisfaction of the Registrar as corresponding to the original text.

**Translation of documents.**

(2) For the purpose of paragraph (e) of subsection (2) of section 15, if any document supporting the statement under that section is not in the English language, it shall be accompanied by a translation into that language.

(3) The Registrar may, in respect of any document to be used for the purposes of evidence in proceedings before him and which is in a language other than the English language, give directions as to —

(a) the filing of the document in that other language;

(b) the filing of a translation of the document into the English language.

**57.** (1) Subject to sub-rule (3), any document required or authorised to be filed with the Registrar under the Order or these Rules shall be filed by hand or by post.

**Service of documents on Registrar.**

(2) Filing by post shall be effected by properly addressing, preparing and posting a letter containing the document and, unless the contrary is proved, shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(3) The Registrar may permit, as an alternative to filing by hand or by post, the filing of a document by electronic means subject to such terms as he may specify, either generally by notice published in the *Gazette*, or in any particular case by written notice to the person wishing to file the document by such means.

**58.** (1) Any document required or permitted by the Order or these Rules to be forwarded to any person or place shall be forwarded by hand or by post.

**Service of documents on other persons.**

(2) A document forwarded by post shall be sent by properly addressing, preparing and posting a letter containing the document and, unless the contrary is proved, shall be deemed to have been received at the time at which the letter would be delivered in the ordinary course of post.

**Correction of errors in filed documents.**

**59.** (1) A request for the correction of any error of translation or transcription, or of any clerical error or mistake, in any document referred to in subsection (1) of section 74 (other than an address or an address for service) shall be made on the prescribed form and shall clearly identify the proposed correction.

(2) The Registrar may, if he thinks fit, require that the correction be shown on a copy of the document of which correction is sought.

(3) The Registrar may give such directions as he may think fit with regard to the subsequent procedure.

**Amendment of documents and rectification of irregularities.**

**60.** (1) Subject to section 23, any document filed in any proceedings before the Registrar and any drawing or other representation of an industrial design may, if the Registrar thinks fit, be amended, and any irregularity in procedure in or before the Registry may be rectified, on such terms as he may direct.

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

(a) which consists of a failure to comply with any limitation as to any period of time specified in the Order or these Rules which has occurred, or appears to the Registrar is likely to occur, in the absence of a direction under this section;

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

(c) which it appears to the Registrar should be rectified,

the Registrar may direct that the period of time in question shall be altered on such terms as he may direct.

**Alteration of name.**

**61.** (1) A request by any person upon the alteration of his name for that alteration to be entered in the Register or on any document filed at the Registry shall be made on the prescribed form.

(2) Before acting on such a request, the Registrar may require such proof of the alteration as he thinks fit.

(3) If the Registrar is satisfied that the request should be allowed, he shall cause the Register or document to be altered accordingly.

**62.** (1) Every person concerned in any proceeding to which any of these Rules relate shall file with the Registrar an address in Brunei Darussalam for the service of documents. **Address for service.**

(2) In any case in which an address for service is filed at the same time as a form is filed under these Rules which requires the filing of an address for service, the address for service shall be filed on that form and in any other case it shall be filed on the prescribed form.

(3) Any address for service filed under this rule shall, until another address in Brunei Darussalam has been filed in place thereof, be treated for the purposes of the proceeding as the address of the person concerned.

(4) Upon the registration of an industrial design, the applicant's address for service shall be treated as the address for service of the registered owner of the industrial design until another address in Brunei Darussalam has been filed in its place. **Designs Form D2.**

(5) Any person may cancel his address for service by giving written notice to the Registrar and, upon such notification and until such time as another address in Brunei Darussalam has been filed in place thereof, the Registrar may treat any previously filed address for service, or the address shown in the Register, as the address for service of that person.

(6) The Registrar may, where no address for service has been filed by any person, treat as his address for service his business address in Brunei Darussalam, if he has one.

**63.** (1) A request by any person for the alteration or correction of his address or address for service entered in the Register or on any document filed in the Registry, shall be made on the prescribed form and shall identify the entry in the Register or the document to which the request relates. **Alteration or correction of address.**

(2) If the Registrar is satisfied that the request should be allowed, he shall cause the Register or document to be altered or corrected accordingly.

**64.** (1) The Registrar may by notice in writing require an agent to produce evidence of his authority. **Recognition of agents.**

(2) In any particular case, the Registrar may require the personal signature or presence of any person.

(3) Where, after a person has become a party to proceedings before the Registrar, he appoints an agent for the first time or appoints an agent in substitution of another, such newly-appointed agent shall file the prescribed form on or before the first occasion on which he acts as agent.

(4) The Registrar shall not be bound to recognise as an agent any person who has been convicted of a criminal offence or struck off the roll of advocates and solicitors kept under section 10 of the Legal Profession Act or **Designs Form D13.**

to recognise as an agent, during the term of his suspension, any advocate and solicitor who has been suspended from practice.

**Exercise of Registrar's discretionary powers.**

**65.** Before exercising adversely to any party in a proceeding before him any discretion vested in him by the Order or these Rules, the Registrar shall give that party at least ten days notice of the time when he may be heard, unless the party consents to a shorter notice.

**Hearing in public, etc.**

**66.** (1) Any hearing before the Registrar shall be in public unless he otherwise directs.

(2) In *inter partes* proceedings —

(a) any party who wishes to be heard shall give written notice to the Registrar;

(b) any party who intends to refer at the hearing to any document (other than the report of a decision of any court or of the Registrar) not already mentioned in the proceedings shall, unless the Registrar consents and the other parties agree, give at least fourteen days written notice of his intention to do so and shall include with the notice details of, or a copy of, the document concerned.

(3) The Registrar may refuse to hear any party who has not given notice under paragraph (a) of sub-rule (2) before the day appointed for the hearing.

(4) After hearing the party or parties wishing to be heard or, if no party so wishes, without a hearing, the Registrar shall decide the matter and shall notify all parties of his decision and, if any party so requests, shall give his reasons for the decision in writing.

(5) For the purpose of any appeal against the Registrar's decision under section 58, the date of the decision shall be the date when notice of the decision was forwarded under this rule.

**Language of hearing.**

**67.** (1) Any party in a hearing before the Registrar, or any witness called to give evidence by such party, may use a language other than the English language provided that, at least one month before the date fixed for the hearing, that party has given to the Registrar and to the other parties notice of his intention to use, or to call a witness who intends to use, a language other than the English language.

**Designs Form D13.**

(2) The Registrar —

(a) may require a party who has given notice under sub-rule (1) to make provision for interpretation into the English language;

(b) may authorise interpretation into the English language and give directions as to who should bear the expenses thereof; and

(c) may, subject to the consent of the parties, give directions relating to such a change of language on such terms as he may direct.

**68.** (1) Subject to sub-rule (2), where under the Order or these Rules evidence may be filed, it shall be filed by statutory declaration or affidavit. **Evidence.**

(2) The Registrar may if he thinks fit in any particular case take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration, unless he directs otherwise. **Designs Form D12.**

**69.** (1) The Registrar may, upon application made on the prescribed form by any person or party and upon such notice to any other person or party affected as he may direct, extend or further extend any period of time for doing any act or taking any proceeding under these Rules, other than the periods referred to in rule 29, on such terms as he may direct. **Extension of Cap. 132. m D11.**

(2) An extension may be granted under this rule notwithstanding that the period of time in question has already expired.

**70.** (1) The fees to be paid in relation to any matter or proceeding under the Order are prescribed in the Second Schedule. **Fees.**

(2) The fee to be paid in respect of the matter or proceeding shall be paid at the time specified in the Second Schedule in respect of that matter or proceeding.

**Second  
Schedule.**