

BN – BRUNEI DARUSSALAM

Brunei Darussalam Intellectual Property Office (BruIPO)
D & T Building, Simpang 32-37
Anggerek Desa Technology Park
Jalan Berakas BB3713
Brunei Darussalam

Telephone: (673) 238 0966
Telefax: (673) 23 80 54 5
E-mail: enquiries@bruipo.gov.bn
Internet: www.energy.gov.bn/bruipo/Home.aspx

1. Requirements for Deposit

The deposit of a microorganism shall be made if an invention requires for its performance the use of a microorganism which is not available to the public at the date of filing of the patent application and which cannot be described in such a manner as to enable the invention to be performed by a person skilled in the art. The name of the international depositary authority, the date when the culture was deposited and the accession number of the deposit should be given in the specification of the application.

- (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.

(The Patents Rules, 2012 – Schedule 4, paragraph 1)

2. Time of Deposit

The deposit must be made not later than the date of filing the patent application.

(The Patents Rules, 2012 – Schedule 4, paragraph 1(2)(a)(i))

3. Duration of Storage

No provision.

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

A culture of a deposited microorganism is available on request before publication of the relevant patent application to a person to whom Section 105(4) applies and who has made a request under Section 105(1) and is available upon such publication to any person.

(The Patent Rules, 2012 – Schedule 4, paragraph 2(1))

(ii) Restrictions for the Furnishing of Samples

A request authorizing the furnishing of samples 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.

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).

If a patent is granted, the undertaking set out in sub-paragraph (a), above, 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).

The undertaking set out in sub-paragraph (b), above, shall not have effect after the date of publication in the Official Patents Journal of a notice that the patent has been granted.

The request for the furnishing of samples should be made on Patents Form 55 together with the form provided for by the Regulations under the Budapest Treaty (BP/12).

(The Patents Rules, 2012 – Schedule 4, paragraph 2(1) and (3))

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 micro-organism should be made available only to an expert. Where this has been done, the Registrar will publish with the application a notice to this effect and persons requesting samples must nominate an expert who must have given undertakings in accordance with subparagraphs (a) and (b), above. The request for furnishing of samples in these circumstances should be made on Patents Form 57. The Registrar shall specify the period within which the patent applicant may object to the furnishing of a sample of the microorganism to the particular expert nominated.

In the case of an international application, the applicant's notice that a sample should be furnished only to an expert should be given in writing to the International Bureau under Rule 13bis.3 of the Regulations under the Patent Cooperation Treaty before technical preparations for international publication are complete.

(The Patents Rules, 2012 – Schedule 4, paragraph 2(1) and (3))