

SPEECH BY
YANG BERTAMAT
DATIN SERI PADUKA HAJAH HAYATI
BINTI PEHIN ORANG KAYA SHAHBANDAR
DATO SERI PADUKA HAJI MOHD SALLEH
ATTORNEY GENERAL

at

THE BEDB-WIPO INTRODUCTORY SEMINAR
ON THE PATENT COOPERATION TREATY (PCT)
AND BUDAPEST SYSTEM

WEDNESDAY, 28 SYAABAN 1433
CORRESPONDING TO
18 JULY 2012

THE EMPIRE HOTEL & COUNTRY CLUB
BRUNEI DARUSSALAM

BISMILLAH HIRRAHMAA NIRRAHIM

ASSALAMUALAIKUM WARRAHMATULLAHI
WABARAKATUH

GOOD MORNING

YOUR EXCELLENCIES, AMBASSADORS AND HIGH
COMMISSIONERS

PERMANENT SECRETARIES, DEPUTY PERMANENT
SECRETARIES, CHIEF EXECUTIVE OFFICER OF BRUNEI
ECONOMIC DEVELOPMENT BOARD AND REGISTRAR
OF PATENTS, DISTINGUISHED SPEAKERS, LADIES AND
GENTLEMEN

LET ME BEGIN BY CONGRATULATING BEDB IN
COLLABORATION WITH WIPO FOR ORGANISING THIS
IMPORTANT SEMINAR AND BY THANKING BRUNEI
ECONOMIC DEVELOPMENT BOARD AND REGISTRAR
OF PATENTS FOR INVITING ME TO ADDRESS THIS
EVENT.

I AM PLEASED TO SAY THAT THE YEAR 2012 IS INDEED

A VERY IMPORTANT YEAR FOR INTELLECTUAL PROPERTY IN BRUNEI DARUSSALAM, STARTING WITH THE SETTING UP OF THE OFFICE OF THE REGISTRAR OF PATENTS, ALSO KNOWN AS THE PRO, UNDER THE BRUNEI ECONOMIC DEVELOPMENT BOARD. FOR THE FIRST TIME IN BRUNEI HISTORY, THE INTELLECTUAL PROPERTY DAY WAS SUCCESSFULLY CELEBRATED. THE NATIONAL POLICY FORUM ON CREATIVE INDUSTRIES WAS ORGANISED BY THE MINISTRY OF CULTURE YOUTH AND SPORTS. 2012 ALSO SEE THE SERIOUS EFFORTS OF THE MUNICIPAL BOARD AND OTHER ENFORCCEMENT AUTHORITIES IN CURBING THE SALE OF PIRATED CDS, DVDS ETC.

APART FROM THESE IMPORTANT INITIATIVES, THERE HAS ALSO BEEN A SERIES OF AWARENESS CAMPAIGNS WHETHER IN THE FORM OF TRAINING OR WORKSHOPS, TIRELESSLY ORGANISED BY THE ATTORNEY GENERAL CHAMBERS, PRO AND OTHER AGENCIES.

ON THE INTERNATIONAL FRONT, BRUNEI DARUSSALAM IS NOW A STATE PARTY TO THE PARIS

COVENTION ON INDUSTRIAL PROPERTY. WITH EFFECT FROM 24TH JULY THIS YEAR WE WILL BE A PARTY TO THE PATENT COOPERATION TREATY AND THE BUDAPEST TREATY. WE ARE ALSO FULL MEMBERS OF THE ASEAN SEARCH AND PATENT EXAMINATION COOPERATION PROGRAMME (ASPEC), A REGIONAL INITIATIVE THAT WOULD BE ABLE TO EXPEDITE AND SIMPLIFY PATENT APPLICATIONS.

IN ADDITION ON 11TH JULY, BRUNEI DARUSSALAM SIGNED A MEMORANDUM OF COOPERATION (MOC) ON INDUSTRIAL PROPERTY BETWEEN THE ASEAN MEMBER STATES INTELLECTUAL PROPERTY OFFICES (AMS-IPOS) AND THE JAPAN PATENT OFFICE (JPO). THE INITIATIVES UNDER THE MEMORANDUM OF COOPERATION WOULD FURTHER ENHANCE THE CAPABILITIES OF THE ATTORNEY GENERAL'S CHAMBER AND THE PRO IN THE EXAMINATION PROCEDURES AND PRACTICES OF TRADEMARKS, PATENTS, INDUSTRIAL DESIGN AND UTILITY MODELS.

THESE ACTIVITIES CLEARLY DEMONSTRATES THE COMMITMENT OF THE GOVERNMENT OF HIS MAJESTY

THE SULTAN AND YANG DI PERTUAN BRUNEI DARUSSALAM IN PROMOTING INNOVATION IN BRUNEI DARUSSALAM AND SERVED AS A RECOGNITION, HOW INNOVATION IS IMPORTANT NOT ONLY TO ENCOURAGE CREATIVITY BUT ALSO AS AN IMPORTANT DRIVER TO OUR ECONOMY.

AT A RECENT INTELLECTUAL PROPERTY EVENT, WHICH I ATTENDED, I WAS INFORMED OF THE INCREASE IN THE VALUE OF INTANGIBLE ASSETS WHICH INCLUDES IP FROM 18% IN 1980 TO ABOUT 80% IN 2011. I ALSO TOOK NOTE THAT IN THE WORLDWIDE ROYALTY AND LICENSING REVENUE DERIVED FROM IP HAS MORE THAN DOUBLED TO OVER US\$200 BILLION. MOREOVER, IN 2010 THE INCREASE IN GLOBAL APPLICATION OF PATENTS AND TRADEMARKS HAS GROWN TO 2 MILLION AND 3 MILLION RESPECTIVELY, THIS IS A 40% INCREASE COMPARED TO 2000 AND IS CORRELATED TO THE INCREASE IN GLOBALISATION AND INVESTMENTS IN RESEARCH AND DEVELOPMENT. FOR THE PATENT COOPERATION TREATY THE NUMBER OF FILINGS IN THE ASIA PACIFIC REGION IS EVEN HIGHER THAN FOR NORTH AMERICA AND

WESTERN EUROPE.

THESE RECENT DEVELOPMENTS CONFIRMS THE IMPORTANCE OF IP AS THE MAIN DRIVER TO THE ECONOMY. AS SUCH ALL THE MORE REASON WHY CREATIVITY AND INNOVATION SHOULD BE PROMOTED AND PROTECTED.

THE PHRASE “ INNOVATE OR DIE” HAS SERVED AS A RALLYING CRY FOR R&D-FOCUSED BUSINESSES IN THE POST RECESSION MARKET ENVIRONMENT (WRITES BOB STEMBRIDGE, IP ANALYST AT THOMSON REUTERS)

IMPORTANCE OF INTELLECTUAL PROPERTY

I WOULD LIKE TO REFER TO THE TITAH OF HIS MAJESTY THE SULTAN AND YANG DIPERTUAN OF BRUNEI DARUSSALAM ON THE OCCASION OF HIS MAJESTY’S BIRTHDAY ON 15TH JULY 2011 WHEREBY HIS MAJESTY ACKNOWLEDGED THE IMPORTANCE OF THE INCREASE IN PRODUCTIVITY IN BOTH THE PUBLIC AND PRIVATE SECTOR BY UTILISING THE LATEST TECHNOLOGOY AND INVESTMENT FOR RESEARCH AND INNOVATION. HIS MAJESTY ALSO STRESSED THE

IMPORTANCE OF STRENGTHENING THE INSTITUTION AND THE INFRASTRUCTURE AND ACKNOWLEDGED THAT IT WOULD ALSO INCLUDE THE ENACTMENT OF PATENT LAWS.

THE WAWASAN BRUNEI DARUSSALAM 2035 ENVISAGE BRUNEI DARUSSALAM TO BE RECOGNISED FOR THE ACCOMPLISHMENTS OF ITS WELL EDUCATED AND HIGHLY SKILLED PEOPLE, THE QUALITY OF LIFE AND THE DYNAMIC, SUSTAINABLE ECONOMY, BY 2035.

ON THAT BASIS I AM HAPPY THAT THE CURRENT ACTIVITIES THAT WE ARE SEEING IN BRUNEI DARUSSALAM CLEARLY DEMONSTRATES OUR COMMITMENT TOWARDS THE REALISATION OF HIS MAJESTY'S ASPIRATIONS AS WELL AS THAT OF WAWASAN BRUNEI DARUSSALAM 2035. I WOULD ALSO LIKE TO CONGRATULATE THE BEDB ON THEIR INITIATIVE TO ATTRACT FOREIGN DIRECT INVESTMENT IN BRUNEI DARUSSALAM IN WHICH THE PROMOTION AND PROTECTION OF INTELLECTUAL PROPERTY IS A VERY IMPORTANT ELEMENT IN VARIOUS INITIATIVES.

WITH THE ENTRY INTO FORCE OF THE PCT AND BUDAPEST TREATY IN BRUNEI DARUSSALAM I NOTE THAT THERE IS THE POSSIBILITY OF INCREASE IN APPLICATIONS AND THAT IT WOULD RAISE THE DESIRE TO ENHANCE AND INCREASE THE LEVEL OF SERVICES TO BE MADE AVAILABLE TO OUR INNOVATIVE CREATORS. AS SUCH WE SHOULD NOT BE COMPLACENT AND CONTINUE WITH OUR EFFORTS TO PROMOTE THE IMPORTANCE OF IP AND THE NEED TO ENHANCE ITS PROTECTION.

INTELLECTUAL PROPERTY RIGHTS COVERS A WHOLE RANGE OF ISSUES, IT IS NOT ENOUGH THAT IP IS REGISTERED. ENFORCEMENT OF THESE IP RIGHTS ARE JUST AS IMPORTANT, AS WELL AS AWARENESS OF SUCH RIGHTS. I URGE OTHER RELEVANT MINISTRIES AND AGENCIES TO PLAY AN ACTIVE ROLE ALONG SIDE THE ATTORNEY CHAMBERS AND BEDB. FOR EXAMPLE IN OTHER JURISDICTIONS, MINISTRIES RESPONSIBLE FOR TRADE HAVE UNDERTAKEN THE RESPONSIBILITY IN PROMOTING THE IMPORTANCE OF IP FOR BUSINESS DEVELOPMENT.

SIMILARLY FOR TRADITIONAL KNOWLEDGE, GENETIC RESOURCES AND TRADITIONAL CULTURAL EXPRESSIONS (TKGRTCE), THE RELEVANT MINISTRY RESPONSIBLE FOR PRESERVATION AND PROTECTION OF CULTURAL HERITAGE ALSO TAKE A MORE PROACTIVE ROLE. I UNDERSTAND THAT A NEW INTERNATIONAL INSTRUMENT IS BEING CONSIDERED AT THE WIPO AS SUCH FOR BRUNEI DARUSSALAM A NATIONAL POSITION ON THIS ISSUE IS BECOMING VERY IMPORTANT.

I END MY ADDRESS WITH A PROPOSAL TO BEDB WHICH HAS A MISSION TO GROW AND DIVERSIFY BRUNEI DARUSSALAM ECONOMY TO SERIOUSLY CONSIDER COORDINATING ALL THE KEY STAKEHOLDERS TOWARDS FORMULATING A **NATIONAL IP STRATEGY** THAT WOULD COVER ALL AREAS OF IP PROTECTION AND PROMOTION. I BELIEVE THAT SUCH HOLISTIC AND COORDINATED APPROACH IS ESSENTIAL AND BEDB IS WELL PLACED TO LEAD THE JOURNEY.

IN CONCLUSION, I WOULD LIKE TO THANK THE BEDB AGAIN FOR INVITING ME HERE TODAY AND I WISH YOU ALL A PRODUCTIVE SEMINAR.

I WOULD ALSO LIKE TO TAKE THIS OPPORTUNITY TO THANK THE WIPO FOR THE INVALUABLE CONTRIBUTION TO BRUNEI DARUSSALAM IN THIS AREA. IN PARTICULAR, FOR THE ASSISTANCE IN PREPARING RECOMMENDATIONS FOR INTEGRATED MANAGEMENT OF IP, IT MISSION AND ALSO FOR TODAY'S EVENTS. WE LOOK FORWARD TO FURTHER COOPERATION WITH THE WIPO AND OTHER RELEVANT ORGANIZATION.

WITH THAT I THANK YOU ALL.

WABILLAHİ TAUFİK WALHİDAYAH WASSALAMU ALAIKUM
WARAMATULLAHİ WABARAKATUH