

No. S 46

EMERGENCY (TRADE MARKS) ORDERS, 1999
(S 58/99)

TRADE MARKS (IMPORTATION OF INFRINGING GOODS) REGULATIONS, 2000

In exercise of the power conferred by subsection (1) of section 106 of the Emergency (Trade Marks) Order, 1999, the Attorney General, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Trade Marks (Importation of Infringing Goods) Regulations, 2000 and shall commence on the day appointed for the commencement of the main substantive provisions of the Emergency (Trade Marks) Order, 1999 (S 58/99).

Form of notice under section 82.

2. Every notice under section 82 shall be in the form set out in the Schedule.

Evidence in support of claim.

3. (1) Every person who gives notice under section 82, shall furnish to the Controller of Customs evidence in support of the request contained in the notice.

(2) The Controller of Customs may direct that such evidence be furnished when the notice is given or at any subsequent time.

Notice of assignment or transfer.

4. Every person who has given notice under section 82, in relation to a trade mark, shall inform the Controller of Customs in writing of —

(a) any assignment or transfer of that trade mark; and

(b) any change in any particulars contained in the notice or in any evidence furnished to the Controller of Customs in support of the request contained in the notice.

Security and indemnity.

5. (1) Every person who has given notice under section 82 shall give such security, indemnity or both, to such persons, of such amount, and on such terms and conditions, as may be determined by the Controller of Customs.

(2) The Controller of Customs may direct that any such security and indemnity be given when the notice is given or at any subsequent time.

(3) Every person to whom goods are to be or have been released under subsection (1) of section 86 shall give such security, indemnity or both, to such persons, of such amount, and on such terms and conditions, as may be determined by the Controller of Customs.

Disposal of forfeited goods.

6. (1) Subject to sub-regulation (2), goods that have been forfeited or ordered to be forfeited under sections 88 or 89 shall be sold, destroyed or otherwise dealt with, in such manner as may be determined by the Controller of Customs.

(2) Before determining that any goods that have been forfeited or ordered to be forfeited should be sold, destroyed or otherwise dealt with, and before determining the manner of any such sale, destruction or other dealing, the Controller of Customs shall have regard to the need to ensure that such sale, destruction or other dealing and the manner thereof, does not adversely affect the registered proprietor or registered user of the trade mark.

SCHEDULE

(regulation 2)

THE EMERGENCY (TRADE MARKS) ORDER, 1999
(S 58/99)

FORM OF NOTICE UNDER SECTION 82

NOTICE REQUESTING DETENTION OF GOODS INFRINGING
REGISTERED TRADE MARK

To the Controller of Customs

I/We (a) am/are (b) of Trade Mark No.
in Class

A copy of the registration of the trade mark is attached.

I/We hereby give notice requesting you to detain any infringing goods, in relation
to that trade mark, that are or at any time come into customs control.

This notice shall be in force for the (c)

My/our address for the service of notices is

Dated this day of, 20

(d)

(a) Insert name of registered proprietor or registered user of trade mark.

(b) Insert whether registered proprietor or registered user.

(c) Insert period that must not be longer than five years from the date of the
notice or, if the registration of the trade mark will expire within five years
from the date of the notice, not later than such date of expiry.

(d) Signature of applicant or authorised agent.

20th. JUNE, 2000

Made this 2nd. day of Rabiulawal, 1421 Hijriah corresponding to the 5th. day of June, 2000.

DATO PADUKA AWANG KIFRAWI BIN
DATO PADUKA HAJI KIFLI
ATTORNEY GENERAL,
BRUNEI DARUSSALAM.