

Intellectual Property Office of Singapore
Registry of Plant Varieties
Circular No. 1/2020: COVID-19: Further Information on Excluded Days

COVID-19: Further Information on Excluded Days (Circular No. 1/2020, dated 17 April 2020)

To provide relief to applicants who may be affected by the COVID-19 situation, IPOS had issued [Registries Practice Direction \(“PD”\) No. 1 of 2020](#) to declare Excluded Days within the period of 7 April to 7 May 2020 inclusive (“the specified period”). The PD covers the following:

- (a) Excluded Days for deadlines which fall within the specified period for all IP; and
- (b) Excluded Days for manual applications for all IP within the specified period.

IPOS would like to provide further information to **Registries PD No. 1 of 2020**.

A. Declared Excluded Days for Deadlines Stipulated by IPOS

All deadlines stipulated by IPOS falling within the specified period of 7 April to 7 May 2020 inclusive will be extended to 8 May 2020, regardless of whether such responses or documents are filed electronically or in hard copy.

This will include deadlines to respond to deficiency letters or examination reports, deadlines to file for renewal, deadlines to submit requests for reinstatement, and deadlines to file notices of opposition or requests for extensions of time to file an opposition.

The Excluded Days for deadlines **do not** apply to the following matters:

- i. Deadlines stipulated in IPOS' notices which fall outside of the specified period (i.e., before 7 April 2020, or after 7 May 2020);
- ii. The period to claim priority for electronically filed application to register a trade mark, a patent, or a design (see also: paragraphs (c) and (d) below); and
- iii. Other deadlines in international treaties, such as those set by the International Bureau of WIPO (e.g., deadlines to submit any document or fee for PCT applications in the international phase¹, deadlines to respond to irregularity notices issued by the

¹ For PCT applications in the international phase which are governed by the Regulations under the PCT, the expiration of any period for any document or fee would not be extended during the specified period of 7 April to 7 May 2020 except during the [Office Closed Dates](#) indicated.

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International Bureau of WIPO against international applications filed under the Madrid Protocol).

Our practices on Excluded Days on Saturdays, Sundays and Public Holidays, as declared in our [PD No. 1 of 2009](#) and [PD No. 1 of 2019](#) still apply.

B. Declared Excluded Days for Manual Applications

For applications to register an IP made manually during the specified period via post, the earliest filing date that will be accorded to these applications will be 8 May 2020.

C. Period for Claiming Priority for Applications Filed with Parties to the Paris Convention

The period for claiming priority is governed by [Article 4\(C\)\(3\) of the Paris Convention](#). The Article provides that the condition for allowing an extension of the priority period is when the last day of the priority period falls on “a day when the Office is not open for the filing of applications in the country where protection is claimed”.

Manual submissions to register an IP

As filing dates will not be accorded for manual applications during the specified period, the priority period for manual applications will be extended to 8 May 2020 if the final day of the priority period falls within 7 April to 7 May 2020 inclusive. This also helps to cater for the scenario where there is a delay in filing as the applicant has no access to their electronic system or physical files in office due to movement control measures during the COVID-19 period.

Electronic submissions to register an IP

For applicants who are able to file electronically via IP²SG or IPOS Go, filing dates for such electronic applications will be accorded in the usual manner. Consequently, for applications made electronically, priority claim periods which end during the specified period will remain unchanged. Electronic applications made on Sundays or Public Holidays will be accorded filing dates the subsequent Monday or the next working day, as per the usual practice.

D. Remedies for Time limits under the PCT, Hague and Madrid systems

For more information on possible remedies where time limits under the PCT, Hague and Madrid systems have been missed, you may refer to [PCT Newsletter No. 4/2020](#), [Hague Information Notice No. 5/2020](#) and [Madrid Information Notice No. 7/2020](#).

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Please refer to **Annex** for an overview regarding deadlines for electronic and manual submissions from 7 April to 7 May 2020.

If you have any enquiries on this Circular, please email us at ipos_enquiry@ipos.gov.sg.

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ANNEX

Services		Extended due date ²
Manual Submission	Priority Claim Period for Registration Forms³ PF1, D3, TM4, PVP3, International Application	<input checked="" type="checkbox"/>
	Deadlines e.g. Respond to IPOS' letters, renewals, Notice of Opposition	<input checked="" type="checkbox"/>
E-submission (except GI and PVP)	Priority Claim Period for Registration Forms⁴ PF1, D3, TM4, International Application	<input type="checkbox"/>
	Deadlines e.g. Respond to IPOS' letters, renewals, Notice of Opposition	<input checked="" type="checkbox"/>

² All deadlines stipulated by IPOS falling within the specified period of 7 April to 7 May 2020 inclusive will be extended to 8 May 2020. The excluded days for deadlines do not apply to: (i) deadlines stipulated in IPOS' notices which fall before 7 April 2020 or after 7 May 2020; (ii) periods to claim priority in an application to register a trade mark or a patent or a design; and (iii) Other deadlines in international treaties, such as those set by the International Bureau of WIPO (e.g., deadlines to submit any document or fee for PCT applications in the international phase except during the Office Closed Dates indicated, deadlines to respond to irregularity notices issued by the International Bureau of WIPO against international applications filed under the Madrid Protocol).

³ The earliest filing date that can be accorded for manually submitted applications would be 8 May 2020, and the period of priority claim for manual application is also extended to 8 May 2020 if the final day of the priority claim period falls within 7 April to 7 May 2020.

⁴ Filings can be made via IP²SG or IPOS Go, with filing dates and priority claims periods accorded in the usual manner. Filings made via IP²SG or IPOS Go on Sundays or Public Holidays will be accorded filing dates the subsequent Monday or the next working day, as per the usual practice. For PCT applications, there is an extension for priority claim periods for filings made on [Office Closed Dates](#).

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