

INTRODUCTION TO THE REGISTERED DESIGNS (AMENDMENT) BILL 2004

Background

The Intellectual Property Office of Singapore (“IPOS”) published two draft Bills for public consultation on 24 July 2004:

- a. The Copyright (Amendment) Bill 2004, and
- b. The Broadcasting (Amendment) Bill 2004.

In a similar vein, we are now inviting public feedback on the proposed amendments to the Registered Designs Act.

About the Registered Designs (Amendment) Bill 2004

Singapore’s Registered Designs Act was enacted in 2000. Four years on, it is now timely to update the legislation in order to keep abreast of international and domestic developments.

The proposed amendments seek to fulfil the following objectives:

1. To make it simpler to register a design internationally, and
2. To accord greater administrative ease for IP owners who apply for different forms of IP protection.

Objective 1: Making It Simpler to Register a Design Internationally

Currently, if design protection is desired in several countries, separate applications must be filed in each individual country’s national registration office. This is because design protection is territorial.

The proposed amendments will allow us to further simplify the process of obtaining design protection in overseas markets. To do so, Singapore needs to accede to the Hague Agreement Concerning the International Registration of Industrial Designs” (“Hague Agreement”). We will accede to the latest Act of the Hague Agreement – the Geneva Act (1999) by 1 January 2005, as part of our obligations under the European Free Trade Association-Singapore Free Trade Agreement.

There are currently 15 signatories to the Geneva Act of the Hague Agreement¹. It is likely that the number of signatories will increase because the Geneva Act was ratified on 23 December 2003 and its regulations only came into force on 1 April 2004. As more countries accede to the Geneva Act of the Hague Agreement, our design owners will be able to make use of a single application form to obtain design protection in more countries. Meanwhile, for a start, our design owners who are seeking protection in any of the 15 member states, need only file a single application with one office, in one language, and pay a single set of fees in one currency, giving rise to potential costs savings.

After Singapore's accession to the Geneva Act of the Hague Agreement by 1 January 2005, and after the legislative Rules for the Act are gazetted, we will put up more details on the application procedure under the section "Registering a Design outside Singapore" at IPOS' website, www.ipos.gov.sg.

Objective 2: According Greater Administrative Ease for IP Owners Who Apply for Different Forms of IP Protection

The other amendments in the Bill will align certain administrative procedures and practises with those of the other registries at IPOS. This will accord greater administrative ease for IP owners who apply for different forms of IP protection.

One procedural change that allows more flexibility is that IPOS' forms may now be amended and updated more expeditiously. Previously, the forms that IP owners had to complete were part of the law itself, which meant that every time we wanted to amend a form, the subsidiary law had to be amended. With the amendment, the forms are no longer part of the law and updates to them are published in the Designs Journal. This allows IPOS to take a more proactive action to any feedback about the forms, and continually make administratively easier to apply for different forms of IP.

¹ Out of the 38 states that are members of the Hague Agreement, 15 are signatories to the Geneva Act (1999) which came into force on 23 December 2003. They are: Croatia, Egypt, Estonia, Georgia, Hungary, Iceland, Kyrgyzstan, Liechtenstein, Namibia, Republic of Moldova, Romania, Slovenia, Spain, Switzerland and Ukraine. The remaining 23 states are members of earlier Acts of the Hague Agreement: namely the London Act (1934) and the Hague Act (1960).

Public Consultation

As the lead agency for IP in Singapore, IPOS would like to solicit feedback from you and your organisation on the Registered Designs (Amendment) Bill 2004.

All feedback and comments can be channelled via this email address: ipos_ipchapter@ipos.gov.sg, by **22 August 2004, 5pm**.

All respondents are encouraged to include the following in their responses:

1. A broad summary of the subject of the submission;
2. The specific amendment and clause number in the Bill that the submission is referring to, e.g. "Amendment of section 12, Clause 2" or "New part VA, Clause 64"; and
3. Specific changes to the language of the clause in question, if applicable.
4. Supporting material may be placed in an annex.