

Briefing on Amendments to the Trade Marks Act and Rules 2005

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13 January 2006

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Overview

- ❖ **Notifications on the Commencement of the Trade Marks (Amendment) Act, Rules and Trade Marks (International Registration) (Amendment) Rules.**
- ❖ **Amendments to the Trade Marks Act (Cap. 332, 2005 Ed.)**
- ❖ **Amendments to the Trade Marks Rules**
- ❖ **Amendments to the Trade Marks (International Registration) Rules**
- ❖ **Changes in Fees and Forms**

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Commencement Date

❖ Statutes (Miscellaneous Amendments) (No. 2) Act (Commencement) Notification 2005 [S 804/2005]

- This Notification was gazetted on 15 December 2005 and provided that Section 21 of the Statutes (Miscellaneous Amendments) (No. 2) Act 2005 which amends the Trade Marks Act would come into operation on 1 January 2006.

❖ Trade Marks (Amendment) Rules 2005 and Trade Marks (International Registration) (Amendment) Rules 2005

- The above (Amendment) Rules were gazetted on 28 December 2005 and provided that the Trade Marks (Amendment) Rules 2005 and Trade Marks (International Registration) (Amendment) Rules 2005 would come into operation on 1 January 2006.

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Commencement Date

❖ Statutes (Miscellaneous Amendments) (No. 2) Act (Commencement) Notification 2005 [S 804/2005]

1 S 804/2005

First published in the Government Gazette, Electronic Edition, on 15th December 2005 at 5:00 pm.

No. S 804

STATUTES
(MISCELLANEOUS AMENDMENTS) (NO. 2) ACT 2005
(ACT 42 OF 2005)

STATUTES (MISCELLANEOUS AMENDMENTS)
(NO. 2) ACT (COMMENCEMENT)
NOTIFICATION 2005

In exercise of the powers conferred by section 1 of the Statutes (Miscellaneous Amendments) (No. 2) Act 2005, the Minister for Law hereby makes the following Notification:

1. This Notification may be cited as the Statutes (Miscellaneous Amendments) (No. 2) Act (Commencement) Notification 2005.

2. The Statutes (Miscellaneous Amendments) (No. 2) Act 2005 shall come into operation on 1st January 2006 with the exception of the following provisions:

(a) sections 10, 12, 17 (e) to (j), 19 and 20 (c) and (e);

(b) items (2) to (7), (9), (11), (12), (13), (15), (16), (22), (25), (31), (34) (a) and (36) in the First Schedule; and

(c) the Third Schedule.

Made this 15th day of December 2005.

CHAN LAI FUNG
Acting Permanent Secretary,
Ministry of Law,
Singapore.

[LAW 06/011/015 V7; AG/LEG/B/29/2005/2]

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Commencement Date

❖ Statutes (Miscellaneous Amendments) (No. 2) Act 2005 (Act No. 42 of 2005)

Statutes (Miscellaneous Amendments) (No. 2) Bill

Bill No. 30/2005.

Read the first time on 17th October 2005.

Amendment of Trade Marks Act

21. The Trade Marks Act (Cap. 332, 2005 Ed.) is amended —

(a) by deleting the definition of "Convention country" in section 2(1) and substituting the following definition:

"Convention country" means —

(a) in section 10 and paragraph 13 of the Third Schedule, a country or territory, other than Singapore, which is —

- (i) a party to the Paris Convention; or
- (ii) a member of the World Trade Organisation; and

(b) in any other provision of this Act, a country or territory which is —

- (i) a party to the Paris Convention; or
- (ii) a member of the World Trade Organisation;";

(b) by deleting subsections (3) and (4) of section 12 and substituting the following subsections:

"(3) If it appears to the Registrar that the requirements for registration are not met or that additional information or evidence is required to meet those requirements, the Registrar shall inform the applicant and give him an opportunity, within such period as may be prescribed, to make representations, to amend the application or to furnish the additional or any other information or evidence.

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Commencement Date

❖ Trade Marks (Amendment) Rules 2005

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S 852/2005

First published in the Government Gazette, Electronic Edition, on 20th December 2005 at 5:00 pm.

No. S 852

TRADE MARKS ACT
(CHAPTER 332)

TRADE MARKS
(AMENDMENT)
RULES 2005

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2005 and shall come into operation on 1st January 2006.

Deletion and substitution of rule 7

2. Rule 7 of the Trade Marks Rules (R 1) (referred to in these Rules as the principal Rules) is deleted and the following rule substituted therefor:

"Service of documents

7.—(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar or Registry, the giving, sending, filing or service may be effected on the Registrar or Registry —

- (a) by sending the document by post; or
- (b) where there is no fee payable to the Registrar or Registry for the giving, sending, filing or service of the document, by sending the document by facsimile transmission.

(2) Where the Act or these Rules authorise or require any document to be given or sent to or served on any party other than the Registrar or Registry, the giving, sending or service may be effected on that party by sending the document by post.

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Commencement Date

❖ Trade Marks (International Registration) (Amendment) Rules 2005

S 853/2005

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First published in the Government Gazette, Electronic Edition, on 28th December 2005 at 5:00 pm.

No. S 853

TRADE MARKS ACT
(CHAPTER 332)

TRADE MARKS
(INTERNATIONAL REGISTRATION) (AMENDMENT)
RULES 2005

In exercise of the powers conferred by sections 54 and 108 of the Trade Marks Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Trade Marks (International Registration) (Amendment) Rules 2005 and shall come into operation on 1st January 2006.

Amendment of rule 5

2. Rule 5 (2) of the Trade Marks (International Registration) Rules (R 2) (referred to in these Rules as the principal Rules) is amended by deleting "19 (1), (2) and (3)" and substituting "19 (1), (2) (a) and (b) (i), (ii) (B) and (iii) and (3)".

Amendment of rule 13

3. Rule 13 of the principal Rules is amended —

(a) by deleting the words "or, in the case of an international registration of a collective or a certification mark, Form TM 14" in paragraph (1); and

(b) by deleting the words "or TM 14, as the case may be," in paragraph (3).

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Amendments to the Trade Marks Act (Cap. 332, 2005 Ed.)

❖ Effective date

➡ 1 January 2006

❖ Amendments to the following:

- ➡ Sections 2, 12, 108
- ➡ Paragraph 6 and 7 of First Schedule
- ➡ Paragraph 7 and 8 of Second Schedule

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Amendments to the Trade Marks Act (Cap. 332, 2005 Ed.)

❖ Section 2: Interpretation

- The definition of “Convention country” in section 2(1) is amended to provide that except in section 10 and paragraph 13 of the Third Schedule (claiming priority) “Convention country” includes Singapore

❖ Section 12: Examination of Application

- An application for registration will be treated as withdrawn if the applicant fails to respond to the Registrar’s queries or objections regarding the registrability of the trade mark within the period specified by the Registrar for doing so.

❖ Section 108: Power to Make Rules

- The Rules will deal with restoration of applications which are treated as withdrawn and the conditions for such restoration.

Amendments to the Trade Marks Act (Cap. 332, 2005 Ed.)

❖ First Schedule

Approval of regulations by Registrar

- Paragraphs 6 and 7 of the First Schedule:
 - ❑ An application for registration of a collective mark will be treated as withdrawn if the applicant fails to file the regulations governing the use of the mark, pay the prescribed fee for lodging the regulations, or respond to the Registrar’s queries or objections regarding the registrability of the trade mark, within the period specified by the Registrar for doing so.
 - ❑ The Rules will deal with restoration of applications which are treated as withdrawn and the conditions for such restoration.

Amendments to the Trade Marks Act (Cap. 332, 2005 Ed.)

❖ Second Schedule

Approval of regulations, etc.

- ➔ Paragraph 7 and 8 of the Second Schedule:
 - ❑ An application for registration of a certification mark will be treated as withdrawn if the applicant fails to file the regulations governing the use of the mark, pay the prescribed fee for lodging the regulations, or respond to the Registrar's queries or objections regarding the registrability of the trade mark, within the period specified by the Registrar for doing so.
 - ❑ The Rules will deal with restoration of applications which are treated as withdrawn and the conditions for such restoration.

Trade Marks (Amendment) Rules 2005

❖ Effective date

- ➔ 1 January 2006

❖ Amendments to the following:

- ➔ Rules 7, 9, 21, 22, 24, 32, 33, 34, 50, 62, 65, 66A, 77, 77B, 78A, 78B, 79, 80A
- ➔ First Schedule
- ➔ Second Schedule
- ➔ Fourth Schedule

Trade Marks (Amendment) Rules 2005

❖ Rule 7: Service of Documents

- ➔ Non-fee bearing documents may be sent to the Registry by facsimile transmission. However, each facsimile transmitted document must be legible and the responsibility for ensuring legibility rests with the sender.

❖ Rule 9: Address for Service

- ➔ An address for service indicated on Form TM 19 and Form TM 24 is effective only for renewal matters and does not become the proprietor's address for service for all other matters pertaining to that trade mark.

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Trade Marks (Amendment) Rules 2005

❖ Rule 21: Deficiencies in Application

- ➔ The amendment clarifies the actions that will be taken by the Registry if minimum filing requirements are not met.
- ➔ Minimum filing requirements:
 - a request for registration of a trade mark – section 5(2)(a)
 - the name and address of the applicant – section 5(2)(b)
 - a clear graphical representation of the trade mark
 - a list of the goods or services in relation to which it is sought to register the trade mark – section 5(2)(d)
 - use or bona fide intention to use – section 5(2)(e)
 - fees – section 5(3)

If the above requirements are met, the filing date is the date of receipt of the application. If the above requirements are not met, the filing date will be the date on which the Registry receives the information/document(s) which put the application in order.

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Trade Marks (Amendment) Rules 2005

❖ Rule 21: Deficiencies in Application

- ➔ IPOS will send a letter to the applicant/agent if the application is deficient.
- ➔ The deficiency must be remedied within 2 months from the date of the Registrar's letter or the application will be treated as withdrawn. The 2 month period is not extendible.

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Trade Marks (Amendment) Rules 2005

➔ Illustration:

Representation of the trade mark:

A clear graphical representation of the trade mark (or marks in the case of a series application) in the format that registration is sought must be provided.

The clarity required here is in the sense of a precise and unambiguous graphic representation as well as quality of image.

In ascertaining whether the graphic representation is precise and unambiguous, the pictorial representation of the mark and the indication of what is claimed (3-D, aspect of packaging, colours as trade mark, other non-conventional mark) must be read together.

For example, an application consists of a device mark in colours and claiming colours as a trade mark is ambiguous.

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Trade Marks (Amendment) Rules 2005

➤ Work Manual:

WHAT IS A TRADE MARK?

Contents:	Page
1 Introduction	2
2 Relevant legislation	3
3 Definitions – “trade mark” and “sign”	4
4 Acceptable forms of graphical representation	5
(a) Shape marks	6
(b) Pictorial, figurative or word marks incorporating colour	9
(c) Colour(s) as a trade mark	9
(d) Sound marks	10
(e) Scent marks	11
(f) Moving marks	12
(g) Holograms	12
5 Failure to comply with the requirements for graphic representation	14
6 “Capable of distinguishing the goods or services ...”	16

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Trade Marks (Amendment) Rules 2005

❖ Rule 22: Amendment of Application

- To remove the requirement for lodging 5 artwork copies of a coloured trade mark.

❖ Rule 24: Examination Report and Applicant’s Response

- To clarify that applications may be treated as withdrawn if the applicant fails to:
 - make representation in writing;
 - apply to the Registrar for a hearing;
 - apply to amend the application; or
 - furnish the additional or any other information or evidence

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Trade Marks (Amendment) Rules 2005

- ❖ **Rule 32: Evidence in Support of Opposition**
- ❖ **Rule 33: Evidence in Support of Application**
- ❖ **Rule 34: Evidence in Reply by Opponent**
 - ➔ The second and subsequent requests for extension of time to file evidence by way of a statutory declaration in opposition/revocation/invalidation/rectification proceedings have to be made on Form TM 50, for which a fee (\$100 in respect of each trade mark) will be imposed.

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Trade Marks (Amendment) Rules 2005

- ➔ **Illustration (rule 32):**

A counter-statement is received on 3 January 2006.
The deadline to lodge Statutory Declaration is 3 March 2006.

Under rule 32(4), the opponent may request for an extension of time (EOT) within 2 months from the date of receipt of the counter-statement from the applicant, i.e. by 3 March 2006
The Registrar will grant the first EOT (max. 6 months from the date of receipt of the counter-statement from the applicant), i.e. new deadline: 3 July 2006

Under rule 32(6), the opponent may request for second and subsequent EOTs by filing Form TM 50 with payment for each request.
There will be no maximum length of time for the filing of Statutory Declaration as long as Form TM 50 (with payment) is lodged before the expiry of the last extended period and each request is granted based on the Registrar's discretion; circumstance of the matter; and/or the reason(s) given.

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Trade Marks (Amendment) Rules 2005

❖ Rule 50: Notice of Renewal

- ➔ The Registrar's notice to the proprietor informing him of the date of expiry of the trade mark registration will be sent to the proprietor's address for service for renewal purposes, that is, the address for service indicated on Form TM 19 or Form TM 24, if one has been lodged, or if none, to the proprietor's address for service.

❖ Rule 62: Application of Rules to Collective Marks and Certification Marks

- ➔ In order to reduce the number of forms, Form TM 9 will be deleted.
- ➔ Collective and certification marks will be filed on the same form as ordinary trade marks, i.e. Form TM 4 instead

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Trade Marks (Amendment) Rules 2005

❖ Rule 65: Opposition to Registration

- ➔ In order to reduce the number of forms, Form TM 14, 15 and 16 which relate to collective and certification marks will be deleted so that the corresponding form for such proceedings in relation to ordinary trade marks may be used.

❖ Rule 66A: Opposition to Amendment of Regulations

- ➔ Consequential amendment due to the deletion of Forms TM 14, 15 and 16.

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Trade Marks (Amendment) Rules 2005

❖ Rule 77: Request for Extension of Time

- ➔ The deadline given to remedy any deficiencies in applications to register a trade mark (whether the deficiencies pertain to Minimum Filing Requirements or otherwise) is not extendible.
- ➔ As for seeking extension of time to file statutory declarations setting out evidence a party wishes to adduce in a hearing before the Registrar, the procedure is governed by rules 32 – 33 and not rule 77.
- ➔ The deadline given to restore applications treated as withdrawn is not extendible.

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Trade Marks (Amendment) Rules 2005

❖ Rule 77B: Restoration of Applications Treated As Withdrawn

- ➔ Applications which are treated as withdrawn under the Act or Rules by reason that the applicant has failed to do any act on time may be restored by filing Form TM 40 with fee of \$130 within three months from the date of the Registrar's notice informing the applicant of that fact.

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Trade Marks (Amendment) Rules 2005

➤ Illustration:

First Examination Report was issued on 3 January 2006.

No reply from applicant/agent by 3 May 2006.

IPOS will send a letter to inform applicant/agent that the application was treated as withdrawn. If they have no intention to withdraw this application, they should lodge Form TM 40 (with payment) within the 3 months from the date of the Registrar's notice. The 3 month period is not extendible.

If Form TM 40 (with payment) is lodged within the stipulated time. Application will most likely to be restored.

If Form TM 40 (with payment) is lodged after the stipulated time or Form TM 40 was not lodged at all, application will be abandoned.

Note: Trade Marks Examiners will continue to cite applications which are treated as withdrawn

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Trade Marks (Amendment) Rules 2005

❖ Rule 78A: Establishment of Electronic Online System

- There will no longer be Form TM 9 available for eFiling consequential to the deletion of rule 62(4).

❖ Rule 78B: Registration As Account Holder

- Individuals who are regular filers may also pay by GIRO. If so they will also need to be registered as account holder. Currently provision only requires "agents" to be registered as account holders.

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Trade Marks (Amendment) Rules 2005

❖ Rule 79: Hours of Business and Excluded Days

- ➔ Rule 7(3) provides that documents may be filed or sent to the Registrar by fax. This provision deals with the filing date accorded for fax filings.

❖ Rule 80A: Extension of Period Where Interruption in Postal Service, Etc.

- ➔ Change the mode of notification of days on which there is interruption in operations –
 - ❑ instead of issuing a “certificate” and posting it on our notice board, the Registrar will issue practice directions.

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Trade Marks (Amendment) Rules 2005

❖ First Schedule

- ➔ Fees (slide 33)

❖ Second Schedule

- ➔ Description of Forms (slide 35)

❖ Fourth Schedule

- ➔ Scale of Costs (slides 52 and 53)

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Trade Marks (International Registration) (Amendment) Rules 2005

❖ Effective date

- ➡ 1 January 2006

❖ Amendments to the following:

- ➡ Rules 5, 13 14, 28

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Trade Marks (International Registration) (Amendment) Rules 2005

❖ Rule 5: Entitlement to Protection

- ➡ The Registrar is entitled to raise an objection against vague terms in the specification of goods / services of an International Registration designating Singapore.

❖ Rule 13: Notice of Opposition

- ➡ Consequential amendment to the deletion of Form TM 14.

❖ Rule 14: Counter-statement

- ➡ Consequential amendment to the deletion of Form TM 15.

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Trade Marks (International Registration) (Amendment) Rules 2005

❖ Rule 28: Notification to International Bureau

- ➡ The Registry will notify the International Bureau of a central attack if within the 5 year dependency period the basic application is treated as withdrawn and is not restored in accordance with the Trade Marks Rules.

Changes in Fees and Forms

❖ With Effect From 1 January 2006:

Changes in Fees

❖ Changes in fee for

- ➔ Form TM 4: \$340 per number of class (manual submission);
\$310 per number of class (online submission)
- ➔ Form TM 10: \$340
- ➔ Form TM 13: \$650
- ➔ Form TM 22: \$88 in respect of each trade mark (manual submission)
- ➔ Form TM 27: \$44 (manual submission)
- ➔ Form TM 40: \$130
- ➔ Form TM 42: \$32
- ➔ Form TM 50: \$100 in respect of each trade mark

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Changes to Forms

❖ Removal of Forms

- ➔ TM 9
- ➔ TM 14
- ➔ TM 15
- ➔ TM 16

❖ Amendment to Forms

- ➔ TM 1
- ➔ TM 4
- ➔ TM 11
- ➔ TM 12
- ➔ TM 13
- ➔ TM 19
- ➔ TM 22
- ➔ TM 24
- ➔ TM 37
- ➔ TM 40 (New form)
- ➔ TM 50 (New form)
- ➔ MP 1

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Changes to Title of Forms

- ❖ **Form TM 4:**
 - ➔ Application to Register a Trade Mark, Collective Mark or Certification Mark
- ❖ **Form TM 40:**
 - ➔ Request for Restoration of Applications Treated as Withdrawn
- ❖ **Form TM 50:**
 - ➔ Request for Extension of Time to File Statutory Declaration under Rule 32(6), 33(6) or 34(6)

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Form TM 1

**SINGAPORE
TRADE MARKS ACT
(CHAPTER 332)
TRADE MARKS RULES**

FORM TM 1

**REQUEST TO APPOINT OR CHANGE AN AGENT OR
TO ENTER OR CHANGE AN ADDRESS FOR SERVICE**

This form will take about 1-5 minutes to complete.

General instructions

- a. This form should preferably be typewritten to assist in processing.
- b. This form when completed should be filed with the prescribed fee.
- c. The fee payable for this form is chargeable on a per Trade Mark number basis. However, where a request for change does not affect the legal entity of the agent, only a single set of fee is payable.
- d. If there is not enough space to fill in any part of this form, please use separate sheets.
- e. Once you have filled in the form, please remember to sign and date it.
- f. Please file Form TM 26 instead if you are amending your trade or business address and the trade or business address is your address for service.

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3 Is the agent or address for service authorised for :

<input type="checkbox"/> Application for registration/ Registration*	<input type="checkbox"/> Renewal
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal and registration
<input type="checkbox"/> Intervention by third parties	<input type="checkbox"/> Recordal of Licence
<input type="checkbox"/> Entry of Disclaimer/Limitation	<input type="checkbox"/> Amendment of Licence
<input type="checkbox"/> Amendment of registered mark	<input type="checkbox"/> Termination of Licence
<input type="checkbox"/> Revocation of registration/ Declaration of invalidity	<input type="checkbox"/> Cancellation/Partial cancellation of registration
<input type="checkbox"/> Recordal of registrable transactions other than assignment or licence	<input type="checkbox"/> Cancellation of recordal of registrable transactions other than assignment or licence
<input type="checkbox"/> Opposition	<input type="checkbox"/> Others _____ (Please specify)

(tick one box only)

* If the mark has been renewed at least once, this selection will not update the address for service on renewal matters. To update the address for service on renewal matters as well as the registered proprietor's address for service, please select "Renewal and registration".



Form TM 4

**APPLICATION TO REGISTER A TRADE MARK,
COLLECTIVE MARK OR CERTIFICATION MARK**

FORM TM 4

This form will take 7-11 minutes to complete.

General Instructions

- This form should preferably be typewritten to assist in processing.
- Please fill in the application form carefully and note that only minimal changes to the application are allowed after you have filed the application. Amendments will also need to be accompanied by fees.
- This form when completed should be filed with the prescribed fee.
- If there is not enough space to fill in any part of this form, please use separate sheets.
- Once you have filled in the form, please remember to sign and date it.

1 Please indicate here if this application is for a collective mark or certification mark, otherwise please leave blank.

<input type="checkbox"/> Collective mark	<u>Note</u>
<input type="checkbox"/> Certification mark	Please submit the regulations for collective mark or certification mark on Form TM 10 within 9 months of making this application.

(tick one box only)

2 Representation of the trade mark

Notes

- If you use a separate sheet of paper, please ensure that the mark is no larger than A4.
- If your application is for a shape, please ensure that the shape is properly defined by providing all the relevant views depicting the shape.
- If you have affixed a representation of the mark in colour, please note that the mark will be registered in these colours. If you do not wish to register the mark in colours, please attach a black and white representation of the mark.
- If you have affixed a representation of the mark in black and white, please note that we will not consider these colours as features of the mark.

8 If you wish to disclaim the right to the exclusive use of any part of the mark, or limit the rights that you are claiming under the mark in any way, please indicate the limitations (e.g. colour limitation) or disclaimers.

Form TM 11

FORM TM 11

NOTICE OF OPPOSITION

This form will take about 2-7 minutes to complete.

General Instructions

- a. *This form should preferably be typewritten to assist in processing.*
- b. *This form when completed should be filed with the prescribed fee.*
- c. *If there is not enough space to fill in any part of this form, please use separate sheets.*
- d. *Once you have filled in the form, please remember to sign and date it.*
- e. *Please use one form for every class of goods or services for which registration is opposed.*
- f. *If the Notice of Opposition relates to an international registration designating Singapore, the international registration number must be given, in addition to the trade mark number and class number.*

1 This opposition relates to :

- a pending trade mark application
- an amendment of a pending trade mark application after publication
- an alteration of a registered trade mark
- an amendment of regulations governing the use of a collective mark or certification mark
- the removal of any matter from the Register

(tick one box only)

Form TM 12

3 On a separate sheet of paper provide the following information:

- (a) details of the grounds upon which the applicant/holder/registered proprietor* of the trade mark relies to support the application/international registration designating Singapore/registration/protection of the protected international trade mark (Singapore)/amendment/alteration*
- (b) details of any allegations in the notice of opposition/application for revocation/declaration of invalidity/rectification* that the applicant/holder/registered proprietor* is admitting

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Form TM 13

2 Reason for hearing

- Opposition to registration/protection
- Revocation of registration/protection
- Declaration of invalidity of registration/protection
- Rectification of the register
- Opposition to amendment of regulations governing the use of a collective mark or certification mark
- Other matters

[Please specify]

(tick where appropriate)

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Form TM 19

4 Address for service of registered proprietor

Note: The address for service inserted here is effective for all renewal matters in respect of the trade mark in relation to which this form is filed.

Agent Code
(if applicable)

Name

Address

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Form TM 22

FORM TM 22 APPLICATION TO REGISTER A CHANGE OF OWNERSHIP

This form will take about 4-8 minutes to complete.

General instructions

- This form should preferably be typewritten to assist in processing.*
- This form when completed should be filed with the prescribed fee.*
- If there is not enough space to fill in any part of this form, please use separate sheets.*
- Once you have filled in the form, please remember to sign and date it.*
- For change of ownership of an international registration designating Singapore, use WIPO form MMS(E) instead of this form.*

Please indicate here if this application is for a partial assignment, otherwise please leave blank.

(Note: Partial assignment means assignment of only some of the rights in the trade mark (e.g. some goods or services or export rights) to the new proprietor)

Partial Assignment

1 Trade Mark Number and Class Number of mark

Trade Mark Number

Class Number

Form TM 24

4 Address for service of registered proprietor

Note: The address for service inserted here is effective for all renewal matters in respect of the trade mark in relation to which this form is filed.

Agent Code
(if applicable)

Name

Address

Form TM 37

3 Address for service of licensee/sub-licensee*

Note:

- The address for service entered here is for the purpose of correspondence concerning this application to register a licensee or sub-licensee only.
- The address for service of a sub-licensee need only be given if this application is for registration of a sub-licensee.

Agent Code
(if applicable)

Name

Address

Signature of the registered proprietor
or grantor (or his or her representative)

Name (block letters)

Date

Note:

The licensee (or his or her representative) signs here as the grantor if this application is for registration of a sub-licensee.

Number of extra sheets
attached to this form

Form TM 40 (New Form)

SINGAPORE
TRADE MARKS ACT
(CHAPTER 332)
TRADE MARKS RULES

FORM TM 40 **REQUEST FOR RESTORATION OF APPLICATION
TREATED AS WITHDRAWN**

This form will take about 1-5 minutes to complete.

General instructions

- a. This form should preferably be typewritten to assist in processing.
- b. This form when completed should be filed with the prescribed fee.
- c. If there is not enough space to fill in any part of this form, please use separate sheets.
- d. Once you have filled in the form, please remember to sign and date it.

1 Trade Mark Number

Class Number

2 Particulars of applicant/registered proprietor

Company Code
(if applicable)

Form TM 50 (New Form)

SINGAPORE
TRADE MARKS ACT
(CHAPTER 332)
TRADE MARKS RULES

FORM TM 50 **REQUEST FOR EXTENSION OF TIME TO FILE STATUTORY
DECLARATION UNDER RULE 32(6), 33(6) OR 34(6)**

This form will take about 1-5 minutes to complete.

General Instructions

- a. This form should be typewritten to assist in processing.
- b. Once you have filled in the form, please remember to sign and date it.
- c. Use this form only if this is your second or subsequent request for extension of time.

1 Extension of time in relation to filing of (please tick only 1 box):

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Form MP 1

FORM MP 1 REQUEST TO TRANSFORM AN INTERNATIONAL REGISTRATION INTO NATIONAL APPLICATION(S)

This form will take about 7-11 minutes to complete.

General Instructions

- a. *This form should preferably be typewritten to assist in processing.*
- b. *Please note that you can transform an international registration into Singapore national application(s) only if the international registration has been cancelled at the request of the Office of Origin under Article 6(4) of the Madrid Protocol.*
- c. *Please fill in the application form carefully and note that only minimal changes to the application are allowed after you have filed the application. Amendments will also need to be accompanied by fees.*
- d. *This form when completed should be filed with the prescribed fee.*
- e. *If there is not enough space to fill in any part of this form, please use separate sheets.*
- f. *Once you have filled in the form, please remember to sign and date it.*

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2 Please indicate here if this application is for a collective mark or certification mark, otherwise please leave blank.

- Collective mark
 Certification mark

(tick one box only)

Note

Please submit the regulations for collective mark or certification mark on Form TM 10 within 9 months of making this application, if you have not done so.

3 Representation of the trade mark

Notes

- a. *If you use a separate sheet of paper, please ensure that the mark is no larger than A4.*
- b. *If your application is for a shape, please ensure that the shape is properly defined by providing all the relevant views depicting the shape.*
- c. *Please affix a representation of the mark identical to that in the International Registration.*

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- 8 If 3-dimensional shape, aspect of packaging, colour(s) as a trade mark or other non-conventional mark is claimed, provide a description of your claim to the particular feature in words.



- 9 If you had disclaimed the right to the exclusive use of any part of the mark, or limit the rights that you are claiming under the mark in any way in the International Registration designating Singapore, or wish to do so now, please indicate the limitations (e.g. colour limitation) or disclaimers.

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Trade Marks (Amendment) Rules 2005

❖ Fourth Schedule Scale of Costs


- ➡ There are costs that can be awarded to the winning party against the losing party in a trade mark opposition hearing.

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Current Provision (till 31 December 2005)	Proposed Provision (wef 1 January 2006)
FOURTH SCHEDULE SCALE OF COSTS	FOURTH SCHEDULE SCALE OF COSTS
1. Drawing and filing notice of opposition, application for revocation of registration of a trade mark, application for declaration of invalidity of registration of a trade mark, or application for rectification of an entry in the register, all including a statement of grounds \$150	INSTITUTION OF PROCEEDINGS 1. Drawing and filing notice of opposition, application for revocation of registration of a trade mark, application for declaration of invalidity of registration of a trade mark, or application for rectification of an entry in the register, all including a statement of grounds \$300
2. Drawing and filing counter-statement \$120	2. Drawing and filing counter-statement \$300
3. Preparing and filing evidence for opposition and revocation, invalidation or rectification proceedings \$150-\$800 per statutory declaration	3. Preparing and filing evidence for opposition and revocation, invalidation or rectification proceedings \$300-1,600 per statutory declaration
4. Perusing any document referred to in items 1, 2 and 3 \$2 per folio	4. Reviewing the reply to any document referred to in items 1, 2 and 3 \$150-\$800 per document
5. Preparing for all interlocutory proceedings \$25-\$120	INTERLOCUTORY PROCEEDINGS 5. Preparing for all interlocutory proceedings \$50-500
6. Attending all interlocutory proceedings \$25-\$50	6. Attending all interlocutory proceedings \$50-500
7. Preparing for hearing \$400-\$1,000	7. Preparing for hearing \$500-2,000
8. Attendance at hearing \$100-\$300	8. Attendance at hearing \$200-800
9. General expenses and travelling of each witness required to attend the hearing Up to \$50 per day	9. General expenses and travelling of each witness required to attend the hearing (a) where the witness is an expert witness \$100-200 per day (b) where the witness is not an expert witness \$50-\$100 per day
10. Drawing bill of costs \$2 per folio	TAXATION 10. Drawing bill of costs \$5 per folio
11. Attending taxation and obtaining the Registrar's certificate or order \$50-\$120	11. Attending taxation and obtaining the Registrar's certificate or order \$100-300



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INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

Enquiries

- ❖ Information on trade mark
<http://www.ipos.gov.sg>
- ❖ Contact number
6339 8616
- ❖ Email address
ipos_enquiry@ipos.gov.sg

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Questions and Answers Session



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Thank You

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Intellectual Property Office of Singapore

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Singapore 189554

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Email: ipos_enquiry@ipos.gov.sg

Fax: (65) 6339 0252 - for general and trade mark correspondences

(65) 6339 9230 - for patent correspondences

(65) 6339 1369 - for registered design correspondences

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