

ANNEX A

Intellectual Property (Amendment) Bill

Bill No. /2021.

Read the first time on 2021.

*A BILL
intituled*

An Act to

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Intellectual Property (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENTS TO PATENTS ACT

Amendment of section 25

2. Section 25(1) of the Patents Act (called in this Part the principal Act) is amended by deleting the words “prescribed manner” in paragraph (a) and substituting the words “manner prescribed in the rules made under section 115 and specified in the practice directions issued by the Registrar”.

Amendment of section 26

3. Section 26 of the principal Act is amended —

- (a) by inserting, immediately before the words “such other documents” in subsection (7)(c), the words “except in prescribed circumstances,”; and
- (b) by inserting, immediately before the words “files such other documents” in subsection (9)(b)(iv), the words “except in prescribed circumstances,”.

Amendment of section 28

4. Section 28(9) of the principal Act is amended by inserting, immediately before the words “files such other documents” in paragraph (b)(iv), the words “except in prescribed circumstances,”.

Amendment of section 29

5. Section 29 of the principal Act is amended —

- (a) by inserting, immediately before the word “file” in subsection (1)(a) and (c), the words “except in prescribed circumstances,”;
- (b) by inserting, immediately after subsection (7), the following subsections:

“(7A) The Examiner in subsection (7) may, instead of giving the applicant a written opinion concerning a matter

mentioned in that subsection, ask the Registrar to give a notice to the applicant inviting the applicant to amend the application (called in this section an invitation to amend), if the Examiner is of the opinion that the matter can be resolved by this means and without a written opinion and a formal response to it.

(7B) The Examiner may also ask the Registrar to give to the applicant an invitation to amend after reviewing a response by the applicant under subsection (9)(a) or an amendment by the applicant under subsection (9)(b) to the application.

(7C) The giving of an invitation to amend to the applicant does not affect the power of the Examiner under subsection (7) to give to the applicant a written opinion, or another written opinion, but the Examiner may not do so until after the applicant responds to an invitation to amend given under subsection (7A) or after the expiry of the prescribed period mentioned in subsection (9A), whichever is earlier.”;

(c) by inserting, immediately after the words “the applicant shall,” in subsection (9), the words “after receipt of a copy of a written opinion and”;

(d) by inserting, immediately after subsection (9), the following subsection:

“(9A) Unless the request under subsection (1)(b) or (c) or (3) for the examination report, or search and examination report is withdrawn under subsection (10), the applicant must, after receipt of an invitation to amend and before the examination report or search and examination report is issued under subsection (4) or (5), amend in the prescribed manner (but subject to section 84) within the prescribed period, the specification of the application in accordance with the prescribed conditions.”; and

(e) by deleting the word “or” at the end of sub-paragraph (i) of subsection (10)(a), and by inserting immediately thereafter the following sub-paragraph:

“(ia) in any case where the Registrar has given an invitation to amend under subsection (7A)

or (7B), and the applicant has not amended the application in response to it — at any time before the expiry of the prescribed period mentioned in subsection 9(A); or”.

Amendment of section 29B

6. Section 29B of the principal Act is amended —

- (a) by deleting the words “The examination review report” in subsection (4) and substituting the words “Subject to subsection (4A), the examination review report”; and
- (b) by inserting, immediately after subsection (4), the following subsection:

“(4A) The examination review report need not specify whether the Examiner agrees or disagrees with the examination report, search and examination report or supplementary examination report (as the case may be) if the applicant had amended the specification of the application for the purpose of overcoming all unresolved objections in the report.”.

Amendment of section 36

7. Section 36(3) of the principal Act is amended by deleting the words “during the period of 6 months immediately following the end of the prescribed period” and substituting the words “, during the prescribed period immediately after the end of the period prescribed for the payment of any renewal fee under subsection (2),”.

Amendment of section 39

8. Section 39(5) of the principal Act is amended by deleting the words “the prescribed period, or to pay that fee and any prescribed additional fee within the 6 months immediately following the end of that period,” and substituting the words “the period prescribed under section 36(2), or to pay that fee and any prescribed additional fee within the period prescribed under section 36(3),”.

Amendment of section 69

9. Section 69(3) of the principal Act is amended by deleting the words “any further period specified” and substituting the words “the period prescribed”.

Amendment of section 86

10. Section 86(7) of the principal Act is amended by deleting the words “on payment of the prescribed fee”.

Amendment of section 102

11. Section 102 of the principal Act is amended by deleting the word “corporations” in the section heading and substituting the words “bodies corporate”.

Amendment of section 108

12. Section 108 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) Without affecting subsection (1), the Registrar may, on his or her own initiative, publish or communicate any information or documents relating to an application or to any patent granted pursuant to the application, subject to any prescribed restriction.”.

Saving and transitional provision

13. Despite section 10, section 86(7) of the Patents Act as in force immediately before the date of commencement of section 10 continues to apply to an application for a patent that is an international application for a patent (Singapore), that has entered the national phase in Singapore before that date under section 86(3) of the Patents Act.

PART 2

AMENDMENTS TO TRADE MARKS ACT

Amendment of section 2

14. Section 2(9) of the Trade Marks Act (called in this Part the principal Act) is amended by deleting the word “companies” in paragraph (c) and substituting the words “bodies corporate”.

Amendment of section 8

15. Section 8 of the principal Act is amended by deleting subsection (11) and substituting the following subsections:

“(11) An earlier trade mark that is a registered trade mark whose registration has expired must continue to be taken into account in determining the registrability of the trade mark in question for the period mentioned in subsection (12), unless the Registrar is satisfied that there was no bona fide use of the firstmentioned trade mark during the 2 years immediately preceding that period.

(12) The period mentioned in subsection (11) is the period specified in the Act or rules made under the Act within which the registration of the earlier trade mark may be restored or renewed.

(13) An earlier trade mark that is an international trade mark (Singapore), whose registration in the register of trade marks maintained by the International Bureau for the purposes of the Madrid Protocol is not renewed, must continue to be taken into account in determining the registrability of the trade mark in question until the Registrar receives the prescribed notice of non-renewal from the International Bureau.”.

Amendment of section 10

16. Section 10(1) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (b); and
- (b) by deleting the comma at the end of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) that person or that person’s successor in title provides to the Registrar in the manner specified by the Registrar any prescribed information within a prescribed time, and provides to the Registrar any supporting document requested by the Registrar, within the time specified by the Registrar.”.

Amendment of section 12

17. Section 12 of the principal Act is amended —

- (a) by deleting subsections (4) and (4A) and substituting the following subsections:

“(4) If the applicant responds within the period mentioned in subsection (3) but fails to satisfy the Registrar that those requirements are met, or to amend the

application or furnish the additional information or evidence so as to meet them, the Registrar may —

- (a) refuse to accept the application; or
- (b) accept the application but only in relation to the goods or services for which —
 - (i) registration is sought; and
 - (ii) the requirements for registration have been met.

(4A) If the applicant fails to respond within the period mentioned in subsection (3), the application, or the application insofar as it relates to those goods or services for which registration is sought but the requirements for registration have not been met, is treated as withdrawn.”; and

- (b) by inserting, immediately after the word “registration” in subsection (5), the words “in relation to all of the goods or services for which registration is sought”.

Amendment of section 13

18. Section 13 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

“(5) In this section and sections 15, 16 and 17, a reference to an application for the registration of a trade mark that has been accepted includes an application that is accepted under section 12(4) in relation to only some of the goods or services for which the registration is sought.”.

Amendment of section 14

19. Section 14 of the principal Act is amended—

- (a) by deleting the word “correcting” in subsection (3) and substituting the word “amending”;
- (b) by deleting the words “name or address” in subsection (3)(a) and substituting the words “name, address or other particular”;
- (c) by deleting the word “correction” in subsection (3) and substituting the word “amendment”; and

(d) by deleting subsection (4) and substituting the following subsection:

“(4) Subsection (3) is subject to the rules made under section 108(2)(ea).”.

Amendment of section 15

20. Section 15(1) of the principal Act is amended by inserting, immediately after the words “the Registrar shall register the trade mark”, the words “in relation to the goods or services for which the application has been accepted”.

Amendment of section 17

21. Section 17(3) of the principal Act is amended by deleting the words “application meets all the requirements under this Act” and substituting the words “Registrar is satisfied that the trade marks in question are a series of trade marks and accepts the application,”.

Amendment of section 19

22. Section 19 of the principal Act is amended —

(a) by deleting the words “not later than 6 months after the date of expiry of the registration” in subsection (3) and substituting the words “not earlier than the prescribed period before the date of expiry of the registration, and not later than another prescribed period after that date”; and

(b) by deleting the words “the period of 6 months” in subsection (5) and substituting the words “the second-mentioned prescribed period in subsection (3)”.

Amendment of section 25

23. Section 25 of the principal Act is amended by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Subsection (1) is subject to the rules made under section 108(2)(ea).”.

Amendment of section 67

24. Section 67 of the principal Act is amended —

(a) by inserting, immediately after subsection (3), the following subsection:

- “(3A) An application to the Registrar for rectification is subject to the rules made under section 108(2)(*ea*).”; and
- (*b*) by deleting the words “or correction” in the section heading.

Amendment of section 108

25. Section 108(2) of the principal Act is amended —

- (*a*) by inserting, immediately after paragraph (*e*), the following paragraph:

“(*ea*) to enable the Registrar to publish any application —

- (i) to rectify an error or omission in the register; or
- (ii) to amend an application, a notice or other document,

and to provide for the making of objections to the rectification or amendment by a person claiming to be affected by it;”;

- (*b*) by deleting the word “and” at the end of paragraph (*i*), and by inserting immediately thereafter the following paragraph:

“(*ia*) for the continued processing of an application that is treated as withdrawn;”;

- (*c*) by deleting sub-paragraph (*i*) of paragraph (*j*).

Amendment of First Schedule

26. Paragraph 7 of the First Schedule to the principal Act is amended by deleting sub-paragraph (4) and substituting the following sub-paragraph:

“(4) If it appears to the Registrar that —

- (*a*) the requirements referred to in paragraph 6(1) are met; and
- (*b*) the other requirements for registration in relation to all or some of the goods or services for which registration is sought are met,

the Registrar must accept the application in relation to the goods or services for which the requirements for registration are met and must proceed in accordance with section 13.”.

Amendment of Second Schedule

27. Paragraph 8 of the Second Schedule to the principal Act is amended by deleting sub-paragraph (4) and substituting the following sub-paragraph:

“(4) If it appears to the Registrar that —

- (a) the requirements referred to in paragraph 7(1) are met; and
- (b) the other requirements for registration in relation to all or some of the goods or services for which registration is sought are met,

the Registrar must accept the application in relation to the goods or services for which the requirements for registration are met and must proceed in accordance with section 13.”.

Saving and transitional provision

28. Despite sections 17, 18, 20, 21, 26 and 27, sections 12, 13, 15 and 17 of, and the First and Second Schedules to, the Trade Marks Act as in force immediately before the date of commencement of sections 17, 18, 20, 21, 26 and 27, continue to apply in respect of an application for registration of a trade mark whose date of application under section 5(4) of that Act is before that date.

PART 3

AMENDMENTS TO REGISTERED DESIGNS ACT

Amendment of section 12

29. Section 12(1) of the Registered Designs Act (called in this Part the principal Act) is amended —

- (a) by deleting the word “and” at the end of paragraph (b); and
- (b) by deleting the comma at the end of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) that person or that person’s successor in title provides to the Registrar upon request by the Registrar —

- (i) any prescribed information; and

(ii) any supporting document,
in the manner and within the time specified by the Registrar,”

Amendment of section 15

30. Section 15(1) of the principal Act is amended by deleting the word “The” and substituting the words “Subject to the rules made under section 74(2)(na), the”.

Amendment of section 21

31. Section 21 of the principal Act is amended —

- (a) by deleting the words “before the expiry of the current period of registration” in subsection (2) and substituting the words “not earlier than the prescribed period before the date of expiry of the current period of registration, and not later than another prescribed period after that date”; and
- (b) by deleting the words “period of 6 months immediately following the” in subsection (5) and substituting the words “second-mentioned prescribed period in subsection (2) after the date of”.

New section 30A

32. The principal Act is amended by inserting, immediately after section 30, the following section:

“Registration subject to disclaimer

30A.—(1) An applicant for registration of a design, or the registered owner of a registered design, may disclaim any right in relation to a specified feature of the design.

(2) Where the registration of a design is subject to a disclaimer, the rights given by section 30 are restricted accordingly.

(3) The Minister may make rules under section 75 as to the publication and entry in the Register of a disclaimer.”.

Amendment of section 57

33. Section 57(1) of the principal Act is amended by inserting, immediately after the word “section”, the words “and the rules made under section 74(2)(na)”.

Amendment of section 66

34. Section 66(1) of the principal Act is amended by deleting the words “or non-physical product” wherever they appear and substituting in each case the words “, non-physical product or set of articles and non-physical products”.

Amendment of section 72A

35. Section 72A of the principal Act is amended by deleting the word “The” and substituting the words “Subject to the rules made under section 74(2)(na), the”.

Amendment of section 74

36. Section 74(2) of the principal Act is amended by inserting, immediately after paragraph (n), the following paragraph:

“(na) enabling the Registrar to publish any request to correct an error in the Register, or any application, notice or other document, and providing for the making of objections to the correction by a person claiming to be affected by it;”.

Miscellaneous amendment

37. The principal Act is amended by deleting the words “or non-physical products” wherever they appear in the following provisions and substituting in each case the words “, non-physical products, or sets of articles and non-physical products”:

Sections 12(1)

Section 13(1)

Section 26(1).

PART 4

AMENDMENTS TO PLANT VARIETIES PROTECTION ACT

Amendment of section 2

38. Section 2 of the Plant Varieties Protection Act (called in this Part the principal Act) is amended by deleting the definition of “Examiner” and substituting the following definition:

“ “Examiner” means any person, organisation or entity (including an international plant variety office or organisation,

or a plant variety office or an organisation of a country or territory other than Singapore) appointed by the Registrar for the purpose of referring any question or matter relating to the examination of a plant variety for a grant of protection;”.

Amendment of section 14

39. Section 14(2) of the principal Act is amended by deleting the words “3 months of” and substituting the words “the prescribed period after”.

Repeal and re-enactment of section 15

40. Section 15 of the principal Act is repealed and the following section substituted therefor:

“Publication

15. The Registrar must publish information on the prescribed matters in the prescribed manner at the time and frequency determined by the Registrar.”.

Amendment of section 17

41. Section 17 of the principal Act is amended —

(a) by inserting, immediately after the words “candidate variety” in subsection (1)(b), the words “, but only if the Registrar or the Examiner requests for it”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) The Registrar or the Examiner may consider the information and materials lodged under section 18A by the applicant for the purpose of the examination.”; and

(c) by inserting, immediately after subsection (4), the following subsection:

“(5) The Registrar or the Examiner (as the case may be) may extend the period in subsection (4) in a particular case.”.

New section 18A

42. The principal Act is amended by inserting, immediately after section 18, the following section:

“Breeder’s test

18A.—(1) The applicant may, for the purpose of an examination under section 17(2) of the plant variety that is the subject of the application, lodge with the Registrar, in the manner required by the Registrar and within the prescribed period, prescribed information and prescribed materials relating to any test on the plant variety —

- (a) that was conducted by the breeder or another person, organisation or entity acceptable to the Registrar or the Examiner; and
- (b) that satisfies the prescribed requirements.

(2) The applicant must, on the request of the Registrar or the Examiner, make arrangements for the Registrar or the Examiner to carry out a site inspection of the test mentioned in subsection (1), for the purpose of enabling the Registrar or the Examiner to determine the veracity or adequacy of the information and materials mentioned in that subsection.”.

Amendment of section 24

43. Section 24 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) A late fee of a prescribed amount may be imposed by rules made under this Act for the payment of the annual fee made within the prescribed period but after the anniversary of the date of grant of protection where the anniversary is the first day of the one year period for which the annual fee is payable.”.

Amendment of section 26

44. Section 26(2) of the principal Act is amended by inserting, immediately after the words “to be paid,” in paragraph (b), the words “or the late fee required under section 24(4) to be paid”.

Amendment of section 41

45. Section 41 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) An application for rectification is subject to the rules made under section 54(2)(ea).”.

Amendment of section 49A

46. Section 49A of the principal Act is amended by deleting the word “The” and substituting the words “Subject to the rules made under section 54(2)(*ea*), the”.

Amendment of section 54

47. Section 54(2) of the principal Act is amended by inserting, immediately after paragraph (*e*), the following paragraph:

“(*ea*) to enable the Registrar to publish an application to rectify an error or omission in the register, or a request to correct an application (including one for a grant of protection for a plant variety), a notice or other document filed for the purpose of this Act, and to provide for the making of objections to the rectification or correction by a person claiming to be affected by it;”.

PART 5

AMENDMENTS TO GEOGRAPHICAL INDICATIONS ACT 2014

Amendment of section 47

48. Section 47 of the Geographical Indications Act 2014 (called in this Part the principal Act) is amended —

- (*a*) by deleting the word “correcting” in subsection (2) and substituting the word “amending”;
- (*b*) by deleting the words “name or address” in subsection (2)(*a*) and substituting the words “name, address or other particular”;
- (*c*) by deleting the word “correction” in subsection (2) and substituting the word “amendment”; and
- (*d*) by deleting subsection (3) and substituting the following subsection:

“(3) Subsection (2) is subject to the rules made under section 84(2)(*ea*).”.

Amendment of section 51

49. Section 51 of the principal Act is amended —

- (a) by deleting the words “not later than 6 months after the date of expiry of the registration” in subsection (3) and substituting the words “not earlier than the prescribed period before the date of expiry of the registration and not later than another prescribed period after that date”; and
- (b) by inserting, immediately after subsection (3), the following subsection:

“(3A) Where the application for renewal is made within the second-mentioned prescribed period in subsection (3) after the date of expiry of the registration, the fees payable are the prescribed renewal fee and the prescribed post-expiration renewal fee.”.

Amendment of section 54

50. Section 54 of the principal Act is amended by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Subsection (1) is subject to the rules made under section 84(2)(*ea*).”.

Amendment of section 84

51. Section 84(2) of the principal Act is amended by inserting, immediately after paragraph (*e*), the following paragraph:

- “(*ea*) to enable the Registrar to publish a request —
- (i) to rectify an error or omission in the register;
or
 - (ii) to amend an application, a notice or other document,

and to provide for the making of objections to the rectification or amendment by a person claiming to be affected by it;”.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

ANNEX B

No. S 000

PATENTS ACT
(CHAPTER 221)

PATENTS (AMENDMENT) RULES 2021

In exercise of the powers conferred by section 115 of the Patents Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, makes the following Rules:

Citation and commencement

1. These Rules are the Patents (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 2

2. Rule 2(1) of the Patents Rules (R 1) is amended by deleting the full-stop at the end of the definition of “international preliminary report on patentability” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

“ “sequence” and “sequence listing” have the same meanings as they have under the Patent Co-operation Treaty.”.

Amendment of rule 9B

3. Rule 9B of the Patents Rules is amended by deleting paragraph (4) and substituting the following paragraph:

“(4) Where the Registrar, by notice sent to the applicant or proprietor (as the case may be) requires that applicant or proprietor to furnish to the Registry, in respect of any priority application, a copy of that priority application which is —

- (a) duly certified by the authority with which it was filed;
or
- (b) otherwise acceptable to the Registrar,

that applicant or proprietor must, within 2 months from the date of the notice, comply with the notice.”.

Amendment of rule 9C

4. Rule 9C(1) of the Patents Rules is amended —

- (a) by deleting the word “; or” at the end of sub-paragraph (i)(B)(BB) and substituting a full-stop; and
- (b) by deleting sub-paragraph (ii).

New rule 19A

5. The Patents Rules are amended by inserting, immediately after rule 19, the following rule:

“Description of patent that discloses sequence

19A.—(1) Where an application for a patent discloses a sequence, the description of the application for the patent must include a sequence listing, presented as a separate part of the description and in a manner that complies with the practice directions issued by the Registrar.

(2) Where an application for a patent discloses a sequence and a sequence listing is not included in the description of the application for the patent, or the sequence listing that is included is not presented in a manner that complies with the practice directions issued by the Registrar, the Registrar may invite the applicant to submit, for the purposes of the search and within the period specified in the invitation, a sequence listing presented in a manner that complies with the practice directions issued by the Registrar.

(3) If the applicant does not, within the period specified in the invitation given under paragraph (2), submit the required sequence listing, the Examiner need only search the application to the extent that a meaningful search may be carried out without the sequence listing.

(4) Any sequence listing not included in the description of an application for a patent, including a sequence listing submitted pursuant to paragraph (2), does not form part of the application for the patent.

(5) To avoid doubt, paragraph (4) does not prevent the applicant from amending, under sections 31 and 38, the description of an application for a patent in relation to a sequence listing.”.

Amendment of rule 22

6. Rule 22(6) of the Patents Rules is amended by inserting, immediately after the words “the figure or, exceptionally, the figures”, the words “(which must in no case exceed 2)”.

Amendment of rule 26

7. Rule 26 of the Patents Rules is amended by deleting paragraph (4) and substituting the following paragraphs:

“(4) The documents prescribed for the purposes of section 26(7)(c) are —

- (a) a copy of the earlier relevant application mentioned in section 26(1)(c)(ii)(C) that is —
 - (i) duly certified by the authority with which it was filed;
or
 - (ii) otherwise acceptable to the Registrar;
- (b) where the earlier relevant application is in a language other than English — an English translation of that earlier relevant application; and
- (c) Patents Form 56.

(4A) Paragraph (4)(a) or (b) does not apply if a copy of the earlier relevant application or an English translation of the earlier relevant application (as the case may be) had previously been filed at the Registry.”.

Amendment of rule 26A

8. Rule 26A of the Patents Rules is amended by deleting paragraph (7) and substituting the following paragraphs:

“(7) The documents prescribed for the purposes of section 26(9)(b)(iv) are —

- (a) a copy of the earlier relevant application mentioned in section 26(9)(a) that is —
 - (i) duly certified by the authority with which it was filed;
or
 - (ii) otherwise acceptable to the Registrar; and
- (b) where the earlier relevant application is in a language other than English — an English translation of that

earlier relevant application or of every part of that earlier relevant application in which the missing part of the application for a patent is contained.

(7A) Paragraph (7)(a) or (b) does not apply if a copy of the earlier relevant application, or an English translation of the earlier relevant application or every part of the earlier relevant application in which the missing part of the application for a patent is contained (as the case may be), had previously been filed at the Registry.”.

Amendment of rule 31

9. Rule 31 of the Patents Rules is amended —

- (a) by deleting sub-paragraph (i) of paragraph (3)(d);
- (b) by deleting paragraphs (4) and (5) and substituting the following paragraphs:

“(4) Where —

- (a) an address for service is not furnished by or on behalf of any person mentioned in paragraph (1)(b), (c) or (d) as required by that paragraph; and
- (b) no address is furnished under paragraph (3) by or on behalf of the person for the purposes of any of the proceedings mentioned in that paragraph,

the Registrar may, subject to paragraph (5), treat the person’s trade or business address in Singapore as that person’s address for service for the purposes of those proceedings.

(5) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of the proceedings mentioned in paragraph (4)(b), within 2 months after the date of the notice.

(5A) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (5) or where the Registrar has sent a notice under paragraph (5) but no address for service is provided within 2 months after the date of the notice —

- (a) in the case of a person mentioned in paragraph (1)(b) — the proceedings in question are treated as withdrawn; and
 - (b) in the case of a proprietor mentioned in paragraph (1)(c) or a party mentioned in paragraph (1)(d) — the proprietor or party is not permitted to take part in the proceedings in question.”; and
- (c) by deleting paragraph (7) and substituting the following paragraph:

“(7) In paragraphs (5) and (5A), “alternative address” means —

- (a) any address (not being an email address) that was previously provided by the person to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or
- (b) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that address to be used for correspondence with the person for such matter.”.

Amendment of rule 34

10. Rule 34 of the Patents Rules is amended by deleting paragraph (8) and substituting the following paragraphs:

“(8) The documents prescribed for the purposes of section 28(9)(b)(iv) are —

- (a) a copy of the earlier relevant application mentioned in section 28(9)(a) that is —
 - (i) duly certified by the authority with which it was filed; or
 - (ii) otherwise acceptable to the Registrar; and
- (b) where the earlier relevant application is in a language other than English — an English translation of that earlier relevant application or of every part of that earlier relevant application in which the drawing or part

of the description of the invention that is missing from the application for a patent is contained.

(9) Paragraph (8)(a) or (b) does not apply if a copy of the earlier relevant application, or an English translation of the earlier relevant application, or of every part of the earlier relevant application in which the drawing or part of the description of the invention that is missing from the application for a patent is contained (as the case may be), had previously been filed at the Registry.”.

Amendment of rule 42

11. Rule 42 of the Patents Rules is amended —

(a) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) A copy of any document mentioned in paragraph (1A)(b)(i) and (c)(i) need not be filed if the Registrar had earlier sent a copy of that document in the English language to the applicant.”; and

(b) by inserting, immediately after the words “paragraph (1A)” in paragraph (2)(a), the words “unless this is not required by virtue of paragraph (1B)”.

Amendment of rule 45

12. Rule 45 of the Patents Rules is amended —

(a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) If during the preparation of an examination report under section 29(1)(c) it appears that an application relates to 2 or more inventions, but they are not so linked as to form a single inventive concept, the examination may be restricted to one in relation to the first invention specified in the claims of the application, and the Registrar must notify the applicant of that fact.”; and

(b) by inserting, immediately after the word “Search” in the rule heading, the words “and examination”.

Amendment of rule 46

13. Rule 46 of the Patents Rules is amended by deleting paragraphs (1) and (1A) and substituting the following paragraphs:

“(1) For the purposes of section 29(7), the prescribed matters are the following:

- (a) the description, claims, or drawings are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on —
 - (i) the novelty or inventive step of the claimed invention; or
 - (ii) whether the claimed invention is capable of industrial application;
- (b) the invention defined in any claim —
 - (i) does not appear novel;
 - (ii) does not appear to involve an inventive step; or
 - (iii) does not appear to be capable of industrial application;
- (c) the conditions specified in sections 13 and 25(4) and (5) have not been complied with;
- (d) the application discloses any additional matter mentioned in section 84(1) or (1A) or any matter mentioned in section 84(2);
- (e) a claim relates to an invention in respect of which no search has been completed, and the Examiner has decided not to carry out the examination in respect of that claim;
- (f) there is —
 - (i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or the applicant’s successor in title; or
 - (ii) any earlier grant of a patent for the same invention, with the same priority date, to the same applicant or the applicant’s successor in title.

(1A) For the purposes of section 29(8), the prescribed matters are the following:

- (a) any claim in the application is not supported by the description of the invention;
- (b) at the time the prescribed documents mentioned in section 29(1)(d) are filed, any claim in the application in suit is not related to at least one claim which —
 - (i) is set out in the prescribed documents relating to the corresponding application, corresponding international application or related national phase application referred to in section 29(1)(d), or to the application in suit during its international phase; and
 - (ii) has been examined to determine whether the claim appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility);
- (c) the invention defined in any claim of the specification of the application does not constitute an invention;
- (d) the invention is an invention referred to in section 13(2) that is not patentable;
- (e) the invention is an invention referred to in section 16(2) that is not to be taken to be capable of industrial application;
- (f) there is —
 - (i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or the applicant's successor in title; or
 - (ii) any earlier grant of a patent for the same invention, with the same priority date, to the same applicant or the applicant's successor in title;
- (g) the application discloses any additional matter mentioned in section 84(1) or (1A) or any matter mentioned in section 84(2).”.

New rule 46AA

14. The Patents Rules are amended by inserting, immediately after rule 46, the following rule:

“Invitation to amend

46AA. For the purposes of section 29(9A), an applicant for a patent to whom an Examiner gives an invitation to amend mentioned in section 29(7A) or (7B) must, within 2 months after the date of the notice and in Patents Form 13A, amend the specification of the application in the following manner:

- (a) by striking through any text, figure or other matter to be replaced or deleted;
- (b) by underlining any replacement text, figure or other matter.”.

Amendment of rule 46A

15. Rule 46A(3) of the Patents Rules is amended by deleting the words “Patents Form 13” and substituting the words “Patents Form 12B”.

Amendment of rule 47

16. Rule 47 of the Patents Rules is amended —

- (a) by inserting, immediately after the words “the applicant shall” in paragraph (4)(a)(i), the words “, if the Registrar so requires,”; and
- (b) by inserting, immediately after the words “under paragraph (4)” in paragraph (4A)(b), the words “, if any”.

Amendment of rule 51

17. Rule 51 of the Patents Rules is amended —

- (a) by deleting sub-paragraph (b) of paragraph (3); and
- (b) by inserting, immediately after paragraph (3), the following paragraph:

(3A) For the purposes of section 36(3) of the Act, the prescribed period is 6 months.”.

Amendment of rule 51A

18. Rule 51A(10) of the Patents Rules is amended by inserting, immediately after sub-paragraph (l), the following sub-paragraph:

- “(la) the period taken by the applicant to respond to an invitation to amend, calculated from the date the invitation is given to the date on which the applicant

responds to the invitation or the last day of the period prescribed under section 29(9A), whichever is earlier;”.

Deletion and substitution of rule 56

19. Rule 56 of the Patents Rules is deleted and the following rule substituted therefor:

“Change of particulars

56.—(1) A request by a person (including an advocate and solicitor or any other person appointed by a party to act on the party’s behalf) to change the person’s name, address or other particular in the register or any application or other document filed at the Registry must be made on Form CM2.

(2) If the Registrar is satisfied that a request in paragraph (1) may be allowed, the Registrar must cause the register, application or other document to be updated accordingly.”.

Amendment of rule 58

20. Rule 58 of the Patents Rules is amended —

- (a) by deleting the words “Without prejudice to rule 56(3), a” in paragraph (1) and substituting the word “A”; and
- (b) by deleting the word “The” in paragraph (3) and substituting the words “Subject to rule 58A, the”.

New rule 58A

21. The Patents Rules are amended by inserting, immediately after rule 58, the following rule:

“Advertisement of and opposition to request for correction

58A.—(1) This rule applies where a person (X) filed a request for the correction of the following:

- (a) an error in the name or other particular of a person in the register or any document under rule 58;
- (b) an error in any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may advertise the proposed correction by publishing the request and

the nature of the proposed correction in the journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the advertisement, give notice to the Registrar of opposition to the request on Patents Form 58.

(4) The notice of opposition must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *X* desires to proceed with the request, *X* must —

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(7) The Registrar may give such directions as the Registrar thinks fits with regard to any aspect of the procedure for the request or the opposition to the request.

(8) The Registrar must consider the opposition in deciding whether to grant the request.”.

Amendment of rule 86

22. Rule 86 of the Patents Rules is amended by deleting paragraph (7).

Amendment of rule 90

23. Rule 90 of the Patents Rules is amended —

(a) by deleting sub-paragraph (a) of paragraph (1) and substituting the following sub-paragraph:

(a) a party may —

(i) for the purposes of appearing before the Registrar at any proceedings before the Registrar under the Act, these Rules or any treaty to which Singapore is a party — appoint an advocate and solicitor or a

registered patent agent to act on the party's behalf; or

- (ii) for any other matter under the Act or these Rules — appoint an advocate and solicitor, a registered patent agent or any other person to act on the party's behalf; and”;
- (b) by inserting, immediately after the words “the advocate and solicitor” in paragraphs (1)(b), (2), (3), (5)(a), (6) and (7), the words “, registered patent agent”;
- (c) by inserting, immediately after the words “an advocate and solicitor” in paragraphs (2), (5), (6) and (7), the words, “, a registered patent agent”;
- (d) by deleting sub-paragraph (i) of paragraph (4)(d);
- (e) by deleting paragraph (8) and substituting the following paragraphs:

“(8) Where an advocate and solicitor, a registered patent agent or any other person (called in this paragraph the agent), having been appointed by a party to act on the party's behalf, intends to cease to act on the party's behalf, the agent —

(a) must file with the Registrar on Form CM1 —

- (i) a notice of such intention;
- (ii) the party's latest address, including any email address, on the agent's records; and
- (iii) a statement that the agent has given reasonable notice to the party of such intention, and informed the party of the consequences (as set out in paragraph (11)) of the party not appointing a substitute for the agent or providing an address for service in accordance with rule 31; and

(b) must serve such form on the party at the same time the form is filed with the Registrar.

(9) Upon receipt of the form mentioned in paragraph (8)(a), the Registrar must send to the party a notice requesting the party to provide an address for service within 3 months after the date of the notice.

(10) The notice in paragraph (9) must be sent to the address of the party filed under paragraph (8)(a)(ii) or any alternative address of the party.

(11) Rule 31(5A)(a) or (b) (whichever is applicable) applies with the necessary modifications, if —

(a) the Registrar does not have any alternative address of the party to which to send a notice under paragraph (9); or

(b) the Registrar sent a notice under paragraph (9) and no address for service was provided within 3 months after the date of the notice.

(12) In paragraphs (10) and (11), “alternative address” has the meaning given by rule 31(7).”; and

(f) by deleting the rule heading and substituting the following rule heading:

“Where advocate and solicitor, patent agent, etc., appointed to act for party”.

Amendment of rule 91

24. Rule 91 of the Patents Rules is amended —

(a) by inserting, immediately after the word “correction” in paragraph (9), the words “to a specification”;

(b) by deleting the words “, 31(5) or 56(3)” in paragraph (12)(a); and

(c) by inserting, immediately after paragraph (13), the following paragraph:

“(14) The Registrar may, on his own initiative, make any consequential amendment to the register arising from any correction pursuant to a request under paragraph (1) and must notify the applicant making the request of the amendment.”.

Amendment of rule 92

25. Rule 92(1) of the Patents Rules is amended by deleting the words “6 months referred to in” in sub-paragraph (e) and substituting the words “period prescribed under”.

Amendment of rule 93

26. Rule 93(1) of the Patents Rules is amended by inserting, immediately after the words “to be inspected”, the words “using the electronic online system”.

Amendment of rule 96A

27. Rule 96A of the Patents Rules is amended —

(a) by deleting paragraph (2A) and substituting the following paragraphs:

“(2A) The electronic online system may be used —

(a) by the Registrar or the Registry for giving, sending to or serving on any person any notice, direction or other document; and

(b) by a party for the giving, sending or serving on another party (other than the Registrar or the Registry) of any document required to be given, sent to or served on that other party under this Act.

(2B) To avoid doubt, paragraph (2A) does not apply to the service of any document to be served in proceedings in court.”; and

(b) by inserting, immediately after the words “the manner in which” in paragraph (3)(e), the words “a document filed or kept at the Registry may be inspected, in which”.

Amendment of rule 97

28. Rule 97 of the Patents Rules is amended —

(a) by deleting the word “or” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:

“(ca) by sending an electronic communication using the electronic online system; or”;

(b) by inserting, immediately after the words “by sending an electronic communication of the document by any” in paragraph (2)(d), the word “other”;

(c) by deleting the words “paragraph (2)(d)” in paragraph (7) and substituting the words “paragraph (2)(ca) or (d)”;

(d) by inserting, immediately after paragraph (8), the following paragraphs:

“(9) A notice, direction or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

(a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice, direction or document is sent, filed or served does not fall on an excluded day for the business of sending, filing or service that notice, direction or document — at that time and on that day; or

(b) if that day falls on such excluded day — on the next following day that is not such excluded day.

(9A) A notice, direction or other document that is —

(a) transmitted to the Registrar or Registry or a party by means of the electronic online system; and

(b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party —

(c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or Registry or the party any notice, direction or other document by means of that system — at that time and on that day; or

(d) if that day is such excluded day — on the next following day that is not such excluded day.

(9B) For the purposes of paragraph (9A), the notice, direction or document is treated as sent to, filed with or served on, and received by, the Registrar, or Registry or the party if and only if the last byte of the transmission containing the notice, direction or document is received by the server mentioned in that paragraph.

(9C) Any person who sends, files or serves a document by means of the electronic online system may produce a

record of transmission issued through that system as evidence of —

- (a) the sending, filing or service of that document; and
- (b) the date and time when the sending, filing or service took place.”.

Amendment of rule 98

29. Rule 98 of the Patents Rules is amended —

- (a) by deleting the words “paragraph (7)” in paragraph (1) and substituting the words “rule 97”; and
- (b) by deleting paragraphs (7), (8) and (9).

Amendment of rule 100

30. Rule 100 of the Patents Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:
 - “(1) The Registrar may authorise the rectification of any irregularity in procedure connected with any proceeding or other matter before the Registrar, an Examiner or the Registry, if the Registrar is of the opinion that the irregularity is not detrimental to the interests of any person or party.”;
- (b) by deleting paragraph (3) and substituting the following paragraph:
 - “(3) Where the irregularity in procedure in connection with any ex parte proceedings is attributable, wholly or in part, to an omission or other error by the applicant and the irregularity has been rectified under paragraph (1), the Registrar must publish a notification of the decision in the register.”; and
- (c) by deleting the rule heading and substituting the following rule heading:

“Irregularities”.

Amendment of rule 108

31. Rule 108(2) of the Patents Rules is amended by inserting, immediately after the words “34(2), 46(4), (4A) and (5)(c),” in sub-paragraph (b), “46AA,”.

Amendment of rule 114

32. Rule 114 of the Patents Rules is amended —

- (a) by deleting the word “monthly” in paragraph (3) and substituting the word “weekly”; and
- (b) by inserting, immediately before the word “Journal” in the rule heading, the word “Patents”.

Amendment of First Schedule

33. The First Schedule to the Patents Rules is amended —

- (a) by inserting, immediately after the words “a written opinion under section 29(9)” in item 18, the words “or an amendment in response to an invitation to amend under section 29(7A) or (7B)”;
- (b) by deleting item 31;
- (c) by deleting item 35;
- (d) by deleting the words “Patents Form 53” in items 50 and 51 and substituting in each case the words “Patents Form 15”;
- (e) by inserting, immediately after item 58, the following item:

	<i>“Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
59	Request for correction of error in name or other particular of a person in the register or other document	<i>To be confirmed.</i>	Form CM4”.

- (f) by deleting the words “Notice of attendance at hearing under rule 88A” in item 70 and substituting the words “Attending a hearing under rule 88A and obtaining decision”; and
- (g) by deleting the words “for ex parte hearing” in item 74.

Amendment of Second Schedule

34. The Second Schedule to the Patents Rules is amended —

- (a) by inserting, immediately after the words “written opinion” in the item relating to Patents Form 13A, the words “or an amendment in response to an invitation to amend”;
- (b) by deleting the item relating to Patents Form 34;
- (c) by deleting the item relating to Patents Form 38;
- (d) by deleting the item relating to Patents Form 53;
- (e) by deleting the words “Notice of attendance at hearing” in the item relating to Form HC1 and substituting the words “Hearing and decision”; and
- (f) by deleting the words “for ex parte hearing” in the item relating to Form HC5.

Amendment of Fourth Schedule

35. Paragraph 2(3) of the Fourth Schedule to the Patents Rules is amended by deleting the words “of 6 months referred to in” in sub-paragraph (ii) and substituting the words “prescribed under”.

Saving and transitional provisions

36.—(1) Despite rule 19 of these Rules, rule 56 of the Patents Rules as in force immediately before [commencement date] continues to apply to a request for correction filed in accordance with rule 56 of the Patents Rules at the Registry before that date and is pending as of that date, and rule 58A of the Patents Rules does not apply to such request.

(2) Despite rules 22, 33(c) and 34(c), rule 86(7) of the Patents Rules and item 35 of the First Schedule and Patents Form 38 of the Second Schedule to the Patents Rules, as in force immediately before the date of commencement of rules 22, 33(c) and 34(c), continue to apply to an application for a patent that is an international application for a patent (Singapore) that has entered the national phase in Singapore before that date under section 86(3) of the Patents Act.

(3) Despite rule 51(2) of the Patents (Amendment) Rules 2004 (G.N. No. S 366/2004) (which in effect requires an application for prescribed information on a corresponding international application or corresponding application for a patent under section 79(1) of the Patents Act (as in force immediately before 1 July 2004) to be made

in Patents Form 34), such an application with a date of filing before 1 July 2004 must be made in writing.

No. S 000

**TRADE MARKS ACT
(CHAPTER 332)**

TRADE MARKS (AMENDMENT) RULES 2021

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Trade Marks (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 7

2. Rule 7 of the Trade Marks Rules (R 1) (called in these Rules the principal Rules) is amended —

(a) by deleting the word “or” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:

“(ca) by sending an electronic communication using the electronic online system; or”;

(b) by inserting, immediately after the words “by sending an electronic communication of the document by any” in paragraph (2)(d), the word “other”;

(c) by deleting the words “paragraph (2)(d)” in paragraph (6A) and substituting the words “paragraph (2)(ca) or (d)”;

(d) by inserting, immediately after paragraph (6A), the following paragraphs:

“(7) Service of any notice or other document under the Act or these Rules on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 78A(3).

(7A) A notice or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

- (a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or other document is sent, filed or served does not fall on an excluded day for the business of sending, filing or serving the notice or document — at that time and on that day; or
 - (b) if that time falls on such excluded day — on the next following day that is not such excluded day.
- (7B) A notice or other document that is —
- (a) transmitted to the Registrar or Registry or a party by means of the electronic online system; and
 - (b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party —

- (c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or Registry or the party any notice or other document by means of that system — at that time and on that day; or
- (d) if that day is such excluded day — on the next following day that is not such excluded day.

(7C) For the purposes of paragraph (7B), the notice or other document is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party if and only if the last byte of the transmission containing the notice or other document is received by the server mentioned in that paragraph.

(7D) Any person who sends, files or serves a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

- (a) the sending, filing or service of that document; and
- (b) the date and time when the sending, filing or service took place.”.

Amendment of rule 9

3. Rule 9 of the principal Rules is amended —

- (a) by inserting the word “and” at the end of paragraph (4)(m)(iii);
- (b) by deleting the word “; and” at the end of paragraph (4)(n)(ii) and substituting a full-stop;
- (c) by deleting sub-paragraph (o) of paragraph (4);
- (d) by deleting paragraph (6) and substituting the following paragraphs:

“(6) Where an address for service is not filed by or on behalf of a person as required by paragraph (1), and no address for service is effective for the purposes of any of the proceedings mentioned in paragraph (4), the Registrar may, subject to paragraph (6A), treat the person’s trade or business address in Singapore as that person’s address for service for the purposes of those proceedings.

(6A) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of those proceedings, within 2 months after the date of the notice.

(6B) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (6A) or where the Registrar has sent a notice under paragraph (6A) but no address for service is provided within 2 months after the date of the notice —

- (a) in the case of an applicant or person mentioned in paragraph (1)(a), (c), (f), (g), (h) or (i) — the application made by the applicant or person is treated as withdrawn;
- (b) in the case of a person mentioned in paragraph (1)(b) or (d) — the person is treated as having withdrawn the person’s opposition or intervention, as the case may be;
- (c) in the case of the proprietor mentioned in paragraph (1)(e) — the proprietor is not permitted to take part in any proceedings relating to the application for the revocation of the registration of

the trade mark, the declaration of invalidity of the registration, or the rectification of the register, as the case may be;

(d) in the case of a person mentioned in paragraph (1)(j) — the application made by the person to register the making of the assent, or the order of the Court or any other competent authority, is treated as withdrawn; and

(e) in the case of a party mentioned in paragraph (1)(k) — the party is not permitted to take part in the proceedings in question.”; and

(e) by inserting, immediately after paragraph (8), the following paragraph:

“(9) In paragraphs (6A) and (6B), “alternative address” means —

(a) any address (not being an email address) that was previously provided by the person to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or

(b) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that address to be used for correspondence with the person for such matter.”.

Amendment of rule 10

4. Rule 10 of the principal Rules is amended by deleting paragraphs (6) and (7) and substituting the following paragraphs:

“(6) Where an agent for a party to any matter intends to cease to so act, the agent —

(a) must file with the Registrar in Form CM1 —

(i) a notice of such intention;

(ii) the party’s latest address, including any email address, on the agent’s records; and

(iii) a statement that the agent has given reasonable notice to the party of such intention, and informed the party of the consequences (as set out in paragraph (9)) of the party not appointing a substitute agent or providing an address for service in accordance with rule 9; and

(b) must serve such form on the party at the same time the form is filed with the Registrar.

(7) Upon receipt of the form mentioned in paragraph (6)(a), the Registrar must send to the party a notice requesting the party to provide an address for service within 3 months after the date of the notice.

(8) The notice in paragraph (7) must be sent to the address of the party filed under paragraph (6)(a)(ii) or any alternative address of the party.

(9) Rule 9(6B)(a), (b), (c), (d) or (e) (whichever is applicable) applies with the necessary modifications, if —

(a) the Registrar does not have any alternative address of the party to which to send a notice under paragraph (7); or

(b) the Registrar sent a notice under paragraph (7) and no address for service was provided within 3 months after the date of the notice.

(10) In paragraphs (8) and (9), “alternative address” has the meaning given by rule 9(9).”.

Amendment of rule 18

5. Rule 18 of the principal Rules is amended —

(a) by inserting, immediately after paragraph (2), the following paragraph:

“(2A) For the purposes of section 10(1)(d) of the Act, a person who claims a right of priority for the registration of a trade mark must provide the application number of each priority application within 3 months after the date of the application for the registration of the trade mark.”.

(b) by deleting the word “and” at the end of paragraph (3)(c); and

(c) by deleting the full-stop at the end of sub-paragraph (d) of paragraph (3) and substituting the word “; and”, and by

inserting immediately thereafter the following sub-paragraph:

“(e) the application number of the priority application, where available.”.

Amendment of rule 19

6. Rule 19(4) of the principal Rules is amended by inserting, immediately after the words “the Registrar may refuse to accept the application”, the words “(whether for all or some of those goods or services),”.

Amendment of rule 22

7. Rule 22 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to amend an application for registration must be made —

- (a) if it is to change the name or other particular of the applicant — in Form CM2;
- (b) if it is to correct the name or other particular of the applicant — in Form CM4; or
- (c) if it is for any other purpose — in Form TM27.”.

New rule 22A

8. The principal Rules are amended by inserting, immediately after rule 22, the following rule:

“Publication of and opposition to application for correction

22A.—(1) This rule applies where a person (X) makes an application under rule 22 on or after [commencement date] for the correction in an application of an error or a mistake in —

- (a) the name or other particular of an applicant of an application for registration; or
- (b) any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the application and the nature of the proposed correction

in the Trade Marks Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of opposition to the application in Form TM11.

(4) The notice of opposition must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *X* desires to proceed with the application, *X* must —

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement in Form HC6 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(7) The Registrar may give such directions as the Registrar thinks fits with regard to any aspect of the procedure for the application or the opposition to the application.

(8) The Registrar must consider the opposition in deciding whether to grant the application.”.

Amendment of rule 24

9. Rule 24(2) of the principal Rules is amended by inserting, immediately after the words “the application”, the words “, or the application insofar as it relates to those goods or services for which registration is sought but the requirements for registration have not been met,”.

Amendment of rule 26

10. Rule 26 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) In this rule, a reference to an application for the registration of a trade mark that has been accepted includes an application that is accepted under section 12(4) of the Act only in relation to some of the goods or services for which the registration is sought.”.

Amendment of rule 29

11. Rule 29(3) of the principal Rules is amended by deleting the words “Form TM 48” in sub-paragraph (a) and substituting the words “Form HC3”.

Amendment of rule 42

12. Rule 42(1) of the principal Rules is amended by inserting, immediately after the words “the priority date” in sub-paragraph (c), the words “and the application number”.

Amendment of rule 44

13. Rule 44 of the principal Rules is amended by deleting paragraph (1) and substituting following paragraph:

“(1) An application by a person to change the person’s name or other particular appearing in the register must be filed with the Registrar in Form CM2.”.

Amendment of rule 48

14. Rule 48 of the principal Rules is amended by deleting the words “request from the Registrar any of the following” and substituting the words “apply for any of the following under section 68(3) of the Act”.

New rule 48A

15. The principal Rules are amended by inserting, immediately after rule 48 in Part III, the following rule:

“Certifying document issued by Registrar

48A. Any person may, by filing Form CM12 with the Registrar, request to certify a document issued by the Registrar to the person.”.

Amendment of rule 57

16. Rule 57 of the principal Rules is amended —

(a) by deleting sub-paragraphs (a) and (b) of paragraph (1A) and substituting the following sub-paragraphs:

“(a) in the case of an application by any person to rectify the name or other particular of the person in the register — in Form CM4;

- (*aa*) in the case of an application by the proprietor of a registered trade mark to rectify any information (other than the name or other particular of the proprietor) in the register relating to that trade mark — in Form TM 27; or
 - (*b*) in the case of an application by any person (other than the proprietor of a registered trade mark) to rectify any information (other than the name or other particular of the person) in the register — in Form TM 28.”; and
- (*b*) by inserting, immediately after paragraph (4), the following paragraph:

“(5) Rule 22A applies with the necessary modifications in relation to an application made on or after [commencement date] to rectify an error or omission in the name or other particular of a proprietor of a registered trade mark, or in any information pertaining to a priority application, in the register, as it applies in relation to an application to correct an error or a mistake in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for registration.”.

Amendment of rule 58

17. Rule 58(1) of the principal Rules is amended by inserting, immediately after the words “from the applicant”, the words “served under rule 57(3)”.

Amendment of heading to Part XI

18. Part XI of the principal Rules is amended by deleting the words “AND REINSTATEMENT OF APPLICATIONS, RIGHTS AND THINGS” in the Part heading and substituting the words “, CONTINUED PROCESSING OF APPLICATIONS, AND REINSTATEMENT OF RIGHTS AND THINGS”.

Amendment of rule 77

19. Rule 77(6) of the principal Rules is amended —

- (*a*) by inserting, immediately before sub-paragraph (*b*), the following sub-paragraph:

“(aaa) the prescribed time for the provision of the application number of a priority application under rule 18(2A);” and

(b) by deleting sub-paragraph (oa) and substituting the following sub-paragraphs:

“(oa) the filing of a request under rule 77AA(2) to continue processing an application treated as withdrawn;

(ob) the filing of a request under rule 77B(2) to reinstate a right or thing that has been abrogated or has ceased to be in force or to exist;”.

New rule 77AA

20. The principal Rules are amended by inserting, immediately after rule 77A, the following rule:

“Continued processing of application

77AA.—(1) This rule applies to an application for registration of a trade mark that is treated as withdrawn under —

(a) section 12(4A) of, paragraph 6(3) or 7(3A) of the First Schedule to, or paragraph 7(3) or 8(3A) of the Second Schedule to, the Act; or

(b) rule 9(6B), 21(5) or 24(2).

(2) The applicant may make a request to the Registrar in Form CM13 for the Registrar to continue processing the application.

(3) The Registrar must reject the request unless —

(a) the request is made within 2 months starting on the date the application is treated as withdrawn; and

(b) the request is accompanied by the document or thing the non-filing or late filing of which resulted in the application being treated as withdrawn.

(4) If the request complies with this rule, the Registrar must continue to process the application unless there is a good and sufficient reason to refuse the request.

(5) To avoid doubt, a reference in this rule to an application that is treated as withdrawn includes one that is treated as

withdrawn only in relation to some of the goods or services for which registration is sought.

Amendment of rule 77B

21. Rule 77B of the principal Rules is amended —

- (a) by deleting sub-paragraph (a) of paragraph (1);
- (b) by deleting the word “application,” in paragraph (1);
- (c) by deleting the word “application,” in paragraph (2);
- (d) by deleting the words “in Form CM13 and filed with the Registrar within 6 months after the date the application was treated as withdrawn,” in paragraph (2)(a) and substituting the words “by written request to the Registrar within 6 months starting on the date”;
- (e) by deleting sub-paragraph (i) of paragraph (2)(b);
- (f) by deleting the words “any application which is treated as withdrawn,” in paragraph (5)(b);
- (g) by deleting the word “or” at the end of paragraph (5)(b)(ii)(E); and
- (h) by inserting, immediately after sub-paragraph (F) of paragraph (5)(b)(ii), the following sub-paragraph:
 - “(G) the filing of a request under rule 77AA(2); or”.

Amendment of rule 78A

22. Rule 78A of the principal Rules is amended by deleting paragraph (2A) and substituting the following paragraph:

“(2A) The electronic online system may be used —

- (a) by the Registrar or the Registry for giving or sending to or serving on any person any notice or other document; and
- (b) by a party for the giving, sending or serving on another party (other than the Registrar or the Registry) of any document required to be given, sent to or served on that other party under this Act.

(2B) To avoid doubt, paragraph (2A) does not apply to the service of any document to be served in proceedings in court.”.

Amendment of rule 79

23. Rule 79 of the principal Rules is amended —

- (a) by deleting the words “Subject to paragraph (4), any” in paragraph (1) and substituting the word “Any”; and
- (b) by deleting paragraphs (4), (5) and (6).

Amendment of rule 83

24. Rule 83 of the principal Rules is amended by renumbering the rule as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) Where the irregularity in procedure in connection with any ex parte proceedings is attributable, wholly or in part, to an omission or other error by the applicant and the irregularity has been corrected under paragraph (1), the Registrar must publish a notification of the decision in the register.”.

Amendment of rule 84

25. Rule 84 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) A request for the correction of an error or mistake in a document under section 25(1)(a) of the Act must be made in Form CM4.”; and

- (b) by inserting, immediately after paragraph (5), the following paragraphs:

“(6) Rule 22A applies with the necessary modifications in relation to a request made under paragraph (1) on or after [commencement date] to correct an error or a mistake in a particular of an applicant of an application for registration of a trade mark or the proprietor of a registered trade mark, or in any information pertaining to a priority application, in the register, as it applies in relation to an application to correct an error or a mistake in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for registration.

(7) The Registrar may, on the Registrar’s own initiative, make any consequential amendment to the register arising

from any correction pursuant to a request under paragraph (1) and must notify the applicant making the request of the amendment.”.

Amendment of First Schedule

26. The First Schedule to the principal Rules is amended —

(a) by deleting “57(1A)(a)(ii)” in the second column of item 10(a) and (b) and substituting in each case “57(1A)(aa)”;

(b) by deleting item 16 and substituting the following items:

“16.	Request for correction of error or mistake in section 25(1)(a) of the Act	84(1)	\$50	Form CM4
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16A	Application to correct an error in the name or other particular of an applicant in an application for registration, or to rectify an error or omission in the name or other particular of a person in the register	22(1)(b), 57(1A)(a)	<i>To be confir med</i>	Form CM4”;
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(c) by deleting paragraphs (b) and (c) of item 21;

(d) by deleting item 25 and substituting the following item:

“25.	Request for continued processing of application	77AA(2)	\$100	Form CM13”;
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(e) by renumbering paragraph (a) of item 26 as paragraph (aa) of that item, and by inserting immediately before that paragraph, the following paragraph:

“(a)	an application for correction in an application of an error or mistake	22A(3)	\$374 × number of classes	Form TM11” ;
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(f) by deleting the words “Form TM 48” in the fourth column of item 28 and substituting the words “Form HC3”;

(g) by deleting the words “Filing of notice of attendance at hearing” in the first column of item 29 and substituting the words “Attending hearing and obtaining decision”;

(h) by renumbering paragraph (a) of item 34 as paragraph (aa) of that item, and by inserting immediately before that paragraph, the following paragraph:

“(a) a notice of opposition to an application for correction in an application of an error or mistake 22A(6)(a) \$360 × number of classes Form HC6”; and

(i) by deleting item 37 and substituting the following item:

“37. Certifying document issued by Registrar 48A \$12 Form CM12”.

Amendment of Second Schedule

27. The Second Schedule to the principal Rules is amended —

- (a) by deleting the words “address or address for service” in the second column of item 8 and substituting the words “or other particular of applicant or proprietor”;
- (b) by deleting item 10;
- (c) by deleting the words “, address and Singapore address for service of agent, applicant, proprietor or other interested person” in the second column of item 12 and substituting the words “or other particular of any person in register”;
- (d) by inserting, immediately after the words “pertaining to application for registration” in the second column of item 20, the words “; certifying document issued by Registrar”;
- (e) by deleting the words “reinstatement of rights” in the second column of item 21 and substituting the words “continued processing of application”;
- (f) by deleting the words “Notice of attendance at hearing” in the second column of item 22 and substituting the words “Hearing and decision”; and
- (g) by deleting the words “for ex parte hearing” in the second column of item 26.

Saving and transitional provisions

28.—(1) Despite rule 4, rule 10(7) of the principal Rules as in force immediately before [commencement date] (called in this paragraph the old rule) continues to apply in relation to a notice mentioned in the old rule that was filed and served in accordance with the old rule before that date.

(2) Despite rules 6, 9 and 10, rules 19, 24 and 26 of the principal Rules as in force immediately before [commencement date] continue to apply in relation to an application for registration of a trade mark whose date of application under section 5(4) of the Act is before that date.

(3) Despite rule 21, Rule 77B of the principal Rules as in force immediately before [commencement date] continues to apply in relation to an application that is treated as withdrawn at any time before that date.

No. S 000

**TRADE MARKS ACT
(CHAPTER 332)**

**TRADE MARKS (INTERNATIONAL REGISTRATION)
(AMENDMENT) RULES 2021**

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Trade Marks (International Registration) (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 11

2. Rule 11 of the Trade Marks (International Registration) Rules (R 3) is amended —

- (a) by deleting the words “or correct” in paragraph (7); and
- (b) by inserting, immediately after paragraph (7), the following paragraph:

“(7A) A request by the holder to the Registrar to correct an address for service must be made in Form CM4.”.

New rule 17A

2. The Trade Marks (International Registration) Rules is amended by inserting, immediately after rule 17, the following rule:

“Notice of non-renewal

17A. For the purposes of section 8(13), the prescribed notice of non-renewal in respect of an international trade mark (Singapore) is the notification given by the International Bureau under Rule 31(4) of the Common Regulations in a case where the international registration of the international trade mark (Singapore) is not renewed.”.

No. S 000

**REGISTERED DESIGNS ACT
(CHAPTER 266)**

**REGISTERED DESIGNS
(AMENDMENT) RULES 2021**

In exercise of the powers conferred by section 74 of the Registered Designs Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, makes the following Rules:

Citation and commencement

1. These Rules are the Registered Designs (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 6

2. Rule 6 of the Registered Designs Rules (R 1) (called in these Rules the principal Rules) is amended —

(a) by deleting the word “or” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:

“(ca) by sending an electronic communication using the electronic online system; or”;

(b) by inserting, immediately after the words “by sending an electronic communication of the document by any” in paragraph (2)(d), the word “other”;

(c) by deleting the words “paragraph (2)(d)” in paragraph (6A) and substituting the words “paragraph (2)(ca) or (d)”;

(d) by inserting, immediately after paragraph (6A), the following paragraphs:

“(7) Service of any notice or other document under the Act or these Rules on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 58A(3).

(7A) A notice or other document sent, filed or served by means of an electronic communication (other than the

electronic online system) is treated as sent, filed or served —

- (a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or document is sent, filed or served does not fall on an excluded day for the business of sending that notice or document — at that time and on that day; or
- (b) if that time falls on such excluded day — on the next following day that is not such excluded day.

(7B) A notice or other document that is —

- (a) transmitted to the Registrar or Registry or a party by means of the electronic online system; and
- (b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party —

- (c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or Registry or the party any notice or other document by means of that system — at that time and on that day; or
- (d) if that day is such excluded day — on the next following day that is not such excluded day.

(7C) For the purposes of paragraph (7B), the notice or other document is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party if and only if the last byte of the transmission containing the notice or other document is received by the server mentioned in that paragraph.

(7D) Any person who sends, files or serves a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

- (a) the sending, filing or service of that document; and

- (b) the date and time when the sending, filing or service took place.”.

Amendment of rule 7

3. Rule 7 of the principal Rules is amended —

- (a) by deleting the words “paragraph (7)” in paragraph (4)(h)(i) and substituting the words “rule 66”;
- (b) by inserting the word “and” at the end of paragraph (4)(i);
- (c) by deleting the word “; and” at the end of paragraph (4)(j) and substituting a full-stop;
- (d) by deleting sub-paragraph (k) of paragraph (4);
- (e) by deleting paragraphs (6) and (7) and substituting the following paragraphs:

“(6) Where an address for service is not filed by or on behalf of a person as required by paragraph (1), and no address for service is effective for the purposes of any of the proceedings mentioned in paragraph (4), the Registrar may, subject to paragraph (7), treat the person’s trade or business address in Singapore as that person’s address for service for the purposes of those proceedings.

(7) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of those proceedings, within 2 months after the date of the notice.

(7A) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (7) or where the Registrar has sent a notice under paragraph (7) but no address for service is provided within 2 months after the date of the notice —

- (a) in the case of an applicant or person mentioned in paragraph (1)(a) or (b) — the application made by the applicant or person is treated as withdrawn;
- (b) in the case of a person mentioned in paragraph (1)(c) — the person is treated as having withdrawn the person’s intervention;

- (c) in the case of the owner of a registered design mentioned in paragraph (1)(d) — the owner is not permitted to take part in any proceedings relating to the application for the revocation of the registration of the design; and
 - (d) in the case of a party mentioned in paragraph (1)(e) — the party is not permitted to take part in the proceedings in question.”; and
- (f) by inserting, immediately after paragraph (8), the following paragraph:
- “(9) In paragraphs (7) and (7A), “alternative address” means —
- (a) any address (not being an email address) that was previously provided by the person to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or
 - (b) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that address to be used for correspondence with the person for such matter.”.

Amendment of rule 8

4. Rule 8 of the principal Rules is amended by deleting paragraphs (6) and (7) and substituting the following paragraphs:

- “(6) Where an agent for a party to any matter intends to cease to so act, the agent —
- (a) must file with the Registrar in Form CM1 —
 - (i) a notice of such intention;
 - (ii) the party’s latest address, including any email address, on the agent’s records; and
 - (iii) a statement that the agent has given reasonable notice to the party of such intention, and informed the party of the consequences (as set out in paragraph (9)) of the party not appointing a substitute agent or providing an address for service in accordance with rule 7; and

(b) must serve such form on the party at the same time the form is filed with the Registrar.

(7) Upon receipt of the form mentioned in paragraph (6)(a), the Registrar must send to the party a notice requesting the party to provide an address for service within 3 months after the date of the notice.

(8) The notice in paragraph (7) must be sent to the address of the party filed under paragraph (6)(a)(ii) or any alternative address of the party.

(9) Rule 7(7A)(a), (b), (c) or (d) (whichever is applicable) applies with the necessary modifications, if —

(a) the Registrar does not have any alternative address of the party to which to send a notice under paragraph (7);
or

(b) the Registrar sent a notice under paragraph (7) and no address for service was provided within 3 months after the date of the notice.

(10) In paragraphs (8) and (9), “alternative address” has the meaning given by rule 7(9).”.

Amendment of rule 14

5. Rule 14(1) of the principal Rules is amended —

(a) by deleting the word “and” at the end of sub-paragraph (a);
and

(b) by deleting the full-stop at the end of sub-paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(c) the manner in which a disclaimer of a right in relation to a specified feature of a design mentioned in section 30A of the Act is to be described.”.

Amendment of rule 19

6. Rule 19 of the principal Rules is amended —

(a) by inserting, immediately after paragraph (2), the following paragraph:

“(2AA) For the purposes of section 12(1)(d) of the Act, an applicant for registration of a design in a Convention country or his successor in title must provide the application number of each priority application within 3 months after the date of the Registrar’s request for it.”;

(b) by deleting the word “and” at the end of paragraph (2A)(c); and

(c) by deleting the full-stop at the end of sub-paragraph (d) of paragraph (2A) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(e) the application number of the priority application, where available.”.

Deletion and substitution of Rule 24

7. Rule 24 of the principal Rules is deleted and the following rule substituted therefor:

“Amendment of application

24.—(1) A request under section 15 of the Act to amend an application for registration of a design must be made —

(a) if the request is to correct the name or other particular of the applicant — in Form CM4; or

(b) if the request is for any other amendment — in Form D5.

(2) This rule does not apply to a request to change the name or other particular of the applicant in the application.”.

New rule 24A

8. The principal Rules are amended by inserting, immediately after rule 24, the following Rule:

“Publication of and opposition to request for correction

24A.—(1) This rule applies where a person (X) makes a request under rule 24(1) on or after [commencement date] for the correction in an application of an error or a mistake in —

(a) the name or other particular of an applicant in an application for registration of a design; or

(b) any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the request and the nature of the proposed correction in the Designs Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of opposition to the request.

(4) The notice of opposition must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *X* desires to proceed with the request, *X* must—

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(7) The Registrar may give such directions as the Registrar thinks fits with regard to any aspect of the procedure for the request or the opposition to the request.

(8) The Registrar must consider the opposition in deciding whether to grant the request.”.

Amendment of rule 25

9. Rule 25(2) of the principal Rules is amended by deleting the words “6 months after” in sub-paragraph (a) and substituting the words “2 months starting on”.

Amendment of rule 28

10. Rule 28 of the principal Rules is amended by inserting, immediately after the words “priority date, if any,” in paragraph (b), the words “and the application number, if any,”.

Amendment of rule 31

11. Rule 31 of the principal Rules is amended —

- (a) by inserting, immediately after the words “priority date, if any,” in paragraph (b), the words “and the application number, if any,”; and
- (b) by inserting, immediately after paragraph (i), the following paragraph:
 - “(ia) any disclaimer of rights under section 30A of the Act;”.

Amendment of rule 33

12. Rule 33 of the principal Rules is amended —

- (a) by deleting the words “Form CM2” in paragraph (2) and substituting the words “Form CM4”; and
- (b) by inserting, immediately after paragraph (2), the following paragraph:
 - “(3) Rule 24A applies with the necessary modifications in relation to a request to correct an error in the name or other particular of a registered owner, or in any information pertaining to a priority application, in the Register on or after [commencement date] as it applies in relation to a request to correct an error or a mistake in a particular of an applicant, or in any information pertaining to a priority application, in an application for registration of a design.”.

Amendment of rule 57

13. Rule 57 of the principal Rules is amended —

- (a) by inserting, immediately after paragraph (1), the following paragraph:
 - “(1A) A request under paragraph (1) must be made by filing with the Registrar the following form before the expiry of the period in question:
 - (a) where the request relates to any inter partes proceedings — Form HC3;
 - (b) where the request relates to extending the period in rule 27(6) — Form HC3;
 - (c) where the request relates to any other matter — Form CM5.”;

- (b) by deleting the words “for an extension of time” in paragraph (2) and substituting the words “under paragraph (1) relating to any inter partes proceedings”;
- (c) by deleting the words “shall be made in Form CM5 or Form HC3, as appropriate, before the expiry of the time in question, and shall” in paragraph (3) and substituting the words “relating to any inter partes proceedings must”; and
- (d) by inserting, immediately before the word “fails” in paragraph (4)(b), the words “where the request relates to any inter partes proceedings —”; and
- (e) by inserting, immediately after sub-paragraph (a) of paragraph (6), the following sub-paragraph:
 - “(aa) the filing of a request under rule 25(2) to reinstate any application, right or thing;”.

Amendment of rule 58A

14. Rule 58A of the principal Rules is amended by deleting paragraph (2A) and substituting the following paragraphs:

“(2A) The electronic online system may be used —

- (a) by the Registrar or the Registry for giving or sending to or serving on any person any notice or other document; and
- (b) by a party for the giving, sending or serving on another party (other than the Registrar or the Registry) of any document required to be given, sent to or served on that other party under this Act.

(2B) To avoid doubt, paragraph (2A) does not apply to the service of any document to be served in proceedings in court.”.

Amendment of rule 59

15. Rule 59 of the principal Rules is amended by deleting paragraphs (4), (5) and (6).

Amendment of rule 65

16. Rule 65 of the principal Rules is amended by inserting, immediately after paragraph (5), the following paragraphs:

“(6) Rule 24A applies with the necessary modifications in relation to a request made on or after [commencement date]

under paragraph (1) for the correction of an error or a mistake in a particular of an applicant of an application for registration or a registered owner of a registered design, or in any information pertaining to a priority application, as it applies in relation to a request for the correction of an error or a mistake in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for the registration of a design.

(7) The Registrar may, on the Registrar's own initiative, make any consequential amendment to the Register arising from any correction pursuant to a request under paragraph (1) and must notify the applicant making the request of the amendment.”.

Amendment of rule 65A

17. Rule 65A of the principal Rules is amended by renumbering the rule as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) Where the irregularity in procedure in connection with any ex parte proceedings is attributable, wholly or in part, to an omission or other error by the applicant and the irregularity has been corrected under paragraph (1), the Registrar must publish a notification of the decision in the Register.”.

Deletion and substitution of rule 66

18. Rule 66 of the principal Rules is deleted and the following rule substituted therefor:

“Change of particulars

66.—(1) A request by a person (including an agent of a person) to change the name or other particular of the person in the Register or any application or document given or sent to or filed with the Registrar must be made on Form CM2.

(2) If the Registrar is satisfied that a request in paragraph (1) may be allowed, the Registrar must cause the Register, application or other document to be updated accordingly.”.

Amendment of rule 66A

19. Rule 66A(2) of the principal Rules is amended by deleting the word “monthly” and substituting the word “weekly”.

Amendment of First Schedule

20. The First Schedule to the principal Rules is amended —

(a) by deleting item 3 and substituting the following item:

3.	Application to amend an application for registration of a design under section 15 of the Act	24(1)	\$(<i>To be confirmed</i>) in respect of correction of name or of other particular of applicant \$45 per design number in respect of any other type of amendment	Form CM4 Form D5
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(b) by deleting the words “in relation to non-contentious proceedings” in the first column of item 11 and substituting the words “in relation to any matter, other than inter partes proceedings or extension of the period under rule 27(6)”;

(c) by deleting “57(3)” in the second column of item 11 and substituting “27(4), 57(1A)(c)”;

(d) by inserting, immediately after item 11, the following item:

11A.	Request for extension of period under rule 27(6)	57(1A)(b)	\$100	Form HC3;
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(e) by deleting the words “contentious proceedings” in the first column of item 13 and substituting the words “inter partes proceedings”;

(f) by deleting “57(3)” in the second column of item 13 and substituting “57(1A)(a)”;

(g) by deleting the words “or document” in the first column of item 18(a) and (b);

(h) by deleting the words “in respect of each design number” wherever they appear in the third column of item 18;

- (i) by deleting the words “Notice of attendance at hearing” in the first column of item 21 and substituting the words “Attending hearing and obtaining decision”; and
- (j) by inserting, immediately before “41(1)” in the second column of item 26, “24A(6),”.

Amendment of Second Schedule

21. The Second Schedule to the principal Rules is amended —

- (a) by inserting, immediately after the word “Act” in the second column of item 2, the words “, other than to correct the name or other particular of the applicant”;
- (b) by deleting the words “Notice of attendance at hearing” in the second column of item 17 and substituting the words “Hearing and decision”; and
- (c) by deleting the words “for ex parte hearing” in the second column of item 21.

Saving and transitional provisions

22.—(1) Despite rule 4, rule 8(7) of the principal Rules as in force immediately before [commencement date] (called the old rule) continues to apply in relation to a notice mentioned in the old rule that was filed and served in accordance with the old rule before that date.

(2) Despite rule 9, rule 25 of the principal Rules as in force immediately before [commencement date] continues to apply in relation to any application that is treated as withdrawn, any right that has been abrogated, or any thing that has ceased to be in force or to exist, at any time before that date.

(3) Despite rule 13(e), rule 57 of the principal Rules as in force immediately before [commencement date] continues to apply to a request under rule 25(2) of the principal Rules that was filed before that date and that is pending on that date.

No. S 000

**PLANT VARIETIES PROTECTION ACT
(CHAPTER 232A)**

**PLANT VARIETIES PROTECTION
(AMENDMENT) RULES 2021**

In exercise of the powers conferred by section 54 of the Plant Varieties Protection Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Plant Varieties Protection (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 2

2. Rule 2 of the Plant Varieties Protection Rules (R 1) (called in these Rules the principal Rules) is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) In these Rules, unless the context otherwise requires —

“electronic online system” means the electronic online system established under rule 68A;

“Plant Varieties Protection Journal” means the journal by that name published under rule 78.”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Subject to paragraph (4), a fee must be paid using the mode of payment permitted or directed by the Registrar.

(4) Where the electronic online system is used to carry out an act mentioned in rule 68A, the fee payable in connection with that act must, unless otherwise permitted or directed by the Registrar, be paid using the mode of payment designated by the electronic online system.”.

Amendment of rule 5

4. Rule 5 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) The Registrar may require the filing of a hard copy of any document filed using the electronic online system.”.

Amendment of rule 7

5. Rule 7 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(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, the giving, sending, filing or service must be effected on the Registrar by sending an electronic communication of the document using the electronic online system.”

(b) by deleting the word “or” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:

“(ca) by sending an electronic communication using the electronic online system; or”;

(c) by inserting, immediately after the words “by sending an electronic communication of the document by any” in paragraph (2)(d), the word “other”;

(d) by deleting sub-paragraph (d) of paragraph (3) and substituting the following sub-paragraph:

“(d) by sending an electronic communication of the notice or other document using the electronic online system or, subject to paragraph (5), by any other electronic means.”;

(e) by deleting the words “paragraph (2)(d)” in paragraph (8) and substituting the words “paragraph (2)(ca) or (d)”;

(f) by inserting, immediately after paragraph (8), the following paragraphs:

“(9) Service of any notice or other document under the Act or these Rules on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 68A(5).

(10) A notice or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

(a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or document is sent does not fall on an excluded day for the business of sending that notice or document — at that time and on that day; or

(b) if that day is such excluded day — on the next following day that is not such excluded day.

(11) A notice or other document that is —

(a) transmitted to the Registrar or Registry or a party by means of the electronic online system; and

(b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party —

(c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or Registry or the party any notice or other document by means of that system — at that time and on that day; or

(d) if that day is such excluded day — on the next following day that is not such excluded day.

(12) For the purposes of paragraph (11), the notice or other document is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party if and only if the last byte of the transmission containing the notice or document is received by the server mentioned in that paragraph.

(13) Any person who sends, files or serves a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

(a) the sending, filing or service of that document;
and

(b) the date and time when the sending, filing or service took place.

(14) This rule does not apply to notices and documents to be served in proceedings in the Court.”.

Amendment of rule 9

6. Rule 9 of the principal Rules is amended —

(a) by deleting paragraph (6) and substituting the following paragraphs:

“(6) Where an address for service is not filed by or on behalf of a person as required by paragraph (1), and no address for service is effective for the purposes of any of the proceedings mentioned in paragraph (4), the Registrar may, subject to paragraph (6A), treat the person’s trade or business address in Singapore as that person’s address for service for the purposes of those proceedings.

(6A) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of those proceedings, within 2 months after the date of the notice.

(6B) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (6A) or where the Registrar has sent a notice under paragraph (6A) but no address for service is provided within 2 months after the date of the notice —

(a) in the case of an applicant mentioned in paragraph (1)(a) or (c) — the application is treated as withdrawn;

(b) in the case of a person mentioned in paragraph (1)(b) — the person is treated as having withdrawn from the proceedings in question; and

(c) in the case of a grantee mentioned in paragraph (1)(d) or a party mentioned in paragraph (1)(e) — the grantee or party is not

permitted to take part in the proceedings in question.”; and

(b) by deleting paragraph (9) and substituting the following paragraph:

“(9) In paragraphs (6A) and (6B), “alternative address” means —

- (a) any address (not being an email address) that was previously provided by the person to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or
- (b) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that address to be used for correspondence with the person for such matter.”.

Amendment of rule 10

7. Rule 10 of the principal Rules is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) Where a procedural representative for a breeder to any matter intends to cease to so act, the procedural representative —

- (a) must file with the Registrar in Form PVP2 —
 - (i) a notice of such intention;
 - (ii) the breeder’s latest address, including any email address, on the procedural representative’s records; and
 - (iii) a statement that the procedural representative has given reasonable notice to the breeder of such intention, and informed the breeder of the consequences (as set out in paragraph (10)) of the breeder not appointing a substitute procedural representative or providing an address for service in accordance with rule 9; and
- (b) must serve such form on the breeder at the same time the form is filed with the Registrar.

(8) Upon receipt of the form mentioned in paragraph (7)(a), the Registrar must send to the breeder a notice requesting the breeder to provide an address for service within 3 months after the date of the notice.

(9) The notice in paragraph (8) must be sent to the address of the breeder filed under paragraph (7)(a)(ii) or any alternative address of the breeder.

(10) Rule 9(6B)(a), (b) or (c) (whichever is applicable) applies with the necessary modifications, if —

- (a) the Registrar does not have any alternative address of the breeder to which to send a notice under paragraph (8); or
- (b) the Registrar sent a notice under paragraph (8) and no address for service was provided within 3 months after the date of the notice.

(11) In paragraphs (9) and (10), “alternative address” has the meaning given by rule 9(9).”.

Amendment of rule 13

8. Rule 13 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(2A) For the purposes of section 14(2) of the Act, the prescribed period is 3 months.”.

Deletion and substitution of rule 16

9. Rule 16 of the principal Rules is deleted and the following rule substituted therefor:

“Publication

16. For the purposes of section 15 of the Act, the Registrar must publish information on the following matters:

- (a) any application for grant of protection containing the following particulars:
 - (i) the date of application;
 - (ii) the priority date, if any, accorded pursuant to a claim to a right to priority under section 14 of the Act and the name of the UPOV member concerned;

- (iii) the name, address and address for service of the applicant;
- (iv) the proposed plant variety;
- (v) the proposed denomination for the plant variety;
- (vi) a representation of the plant variety, if submitted in the application;
- (vii) any other matters that the Registrar thinks fit;
- (b) any registration of a denomination for a protected variety;
- (c) any withdrawal of an application for grant of protection;
- (d) any rejection of an application for grant of protection;
- (e) any grant of protection made;
- (f) any change in a breeder or procedural representative in respect of a plant variety;
- (g) any lapse of a grant of protection;
- (h) any grant of a licence in relation to a grant of protection, where applicable;
- (i) any other matters that the Registrar thinks fit.”.

New rule 17A

10. The principal Rules are amended by inserting, immediately after rule 17, the following rule:

“Publication of and opposition to application for correction

17A.—(1) This rule applies where a person (X) makes an application under rule 17(2) on or after [commencement date] for the correction in an application for a grant of protection of an error or a mistake in —

- (a) the name or other particular of an applicant; or
- (b) any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the application and the nature of the proposed correction

in the Plant Varieties Protection Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of opposition to the application in Form PVP6.

(4) The notice of opposition must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *X* desires to proceed with the application, *X* must —

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement on Form PVP7 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(7) The Registrar may give such directions as the Registrar thinks fits with regard to any aspect of the procedure for the application or the opposition to the application.

(8) The Registrar must consider the opposition in deciding whether to grant the application.”.

Amendment of rule 34

11. Rule 34(1) of the principal Rules is amended by deleting the word “Upon” and substituting the words “Subject to rule 36(1), upon”.

Amendment of rule 45

12. Rule 45 of the principal Rules is amended —

(a) by deleting the word “The” in paragraph (3) and substituting the words “Subject to paragraph (5), the”; and

(b) by inserting, immediately after paragraph (4), the following paragraph:

“(5) Rule 17A applies with the necessary modifications in relation to an application made on or after [commencement date] to rectify an error or omission in the name or other particular of a grantee, or in any

information pertaining to a priority application, in the register as it applies in relation to an application to correct an error in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for a grant of protection.”.

Deletion and substitution of rule 47

13. Rule 47 of the principal Rules is deleted and the following rule substituted therefor:

“Payment of annual fee and submission of information

47. —(1) At any time not less than 2 months but not more than 3 months before each anniversary of the date of the grant of protection (called in this rule the anniversary date), the Registrar must send a written notice to the grantee at the grantee’s address for service, notifying the grantee that the anniversary date is approaching.

(2) For the purposes of section 24(3) of the Act, the prescribed period starts at the beginning of 3 months before the anniversary date and ends at the end of 6 months after the anniversary date.

(3) If the grantee pays the annual fee within the period of 6 months after the anniversary date as described in paragraph (2), the grantee must pay the late fee set out in the Second Schedule.

(4) Payment of the annual fee and any late fee must be made to the Registry together with Form PVP 11.”.

Deletion of rule 48

14. Rule 48 of the principal Rules is deleted.

Deletion and substitution of rule 49

15. Rule 49 of the principal Rules is deleted and the following rule substituted therefor:

“Prescribed period for providing information, etc.

49. For the purposes of section 26(2)(a) of the Act, the grantee must provide such information, documents or material as required in Form PVP 11 for verifying the maintenance of the plant variety, within the period specified in rule 47(2).”.

Amendment of rule 66

16. Rule 66(6) of the principal Rules is amended by deleting “48(2),” in sub-paragraph (a).

New Part VIIIA

17. The principal Rules are amended by inserting, immediately after rule 68, the following Part:

“PART VIIIA

ELECTRONIC ONLINE SYSTEM

Establishment of electronic online system

68A.—(1) An electronic online system is established for the purposes of these Rules.

(2) Unless the Registrar permits otherwise in a particular case, the electronic online system must be used by any person for giving or sending to, filing with or serving on the Registrar any document (other than a notice or document to be served in proceedings in court).

(3) The electronic online system may be used —

- (a) by the Registrar for giving or sending to or serving on any person any notice or other document; and
- (b) by a party for the giving, sending or serving on another party (other than the Registrar) of any document required to be given, sent to or served on that other party under this Act.

(4) To avoid doubt, paragraph (3) does not apply to the service of any document to be served in proceedings in court.

(5) The Registrar may issue practice directions specifying —

- (a) the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2);
- (b) the manner in which the Registrar may give, send or serve any notice or document under paragraph (3);
- (c) the procedures and conditions for the setting-up, operation and use of the electronic online system; and

- (d) in the event of any interruption in the operation of the electronic online system, the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2), or in which the Registrar may give, send or serve any notice or document under paragraph (3).
- (6) The Registrar —
- (a) may correct any error or omission in any document or information that has occurred or arisen as a result of any interruption in the operation of the electronic online system; and
 - (b) must maintain a record of the correction so made.

Duty of person using electronic online system

68B. A person may only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.”.

Amendment of rule 69

18. Rule 69 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) To avoid doubt, where the time for —

- (a) giving, sending to, filing with or serving on the Registrar any notice or other document mentioned in rule 68A; or
- (b) giving, sending to, filing with or serving on any person by the Registrar any notice or other document mentioned in rule 68A,

expires on an excluded day, that time is extended to the next following day that is not an excluded day, despite the availability of the electronic online system.”.

Amendment of rule 70

19. Rule 70 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) Where, on any day, there is an interruption —

- (a) in the postal service of Singapore;
- (b) in the operation of the Registry; or
- (c) the operation of the electronic online system,

the Registrar may issue practice directions to declare that day as one on which there has been such interruption.

(2) Where any period of time specified in the Act or these Rules for the giving, sending, filing or serving of any notice, application or other document expires on a day so declared, the period is extended to the first day following the declared day (not being an excluded day) which is not so declared.”; and

- (b) by inserting, immediately after the words “postal service of Singapore” in paragraph (3), the words “or the electronic online system”.

Amendment of rule 72

20. Rule 72 of the principal Rules is amended by renumbering the rule as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) Where the irregularity in procedure in connection with any ex parte proceedings is attributable, wholly or in part, to an omission or other error by the applicant and the irregularity has been corrected under paragraph (1), the Registrar must publish a notification of the decision in the register.”.

Amendment of rule 78

21. Rule 78 of the principal Rules is amended by deleting the words “The Registrar shall” and substituting the words “For the purposes of section 15 of the Act, the Registrar must”.

Amendment of Second Schedule

22. The Second Schedule to the principal Rules is amended —

- (a) by inserting, immediately after the words “Rules 9(4)(b),” in the item relating to Form PVP 6, “17A(3),”;
- (b) by inserting, immediately after the word “Rules” in the item relating to Form PVP 7, “17A(6),”;
- (c) by deleting the words “Filing of a notice of appearance at hearing” in the second column of the item relating to Form

PVP 8 and substituting the words “Appearing at hearing and obtaining decision”;

(d) by deleting the item relating to Form PVP 11 and substituting the following item:

“PVP 11	(a) Payment of annual fee and submission of information under section 24(3) of the Act	Rules 9(4)(c) and 47	\$100
	(b) Payment of late fee under section 24(4) of the Act	Rule 47(3)	<i>To be confirmed.</i>

(e) by deleting “48(1),” in the third column of the item relating to Form PVP 15.

Saving and transitional provision

23. Despite rules 13 and 14, rules 47 and 48 of the principal Rules as in force immediately before [commencement date] continue to apply in respect of the payment of the annual fee and furnishing of information under section 24(3) of the Act for which a notice under rule 47(1) of those Rules (as in force immediately before that date) was sent to and received by the grantee before that date.

No. S 000

**GEOGRAPHICAL INDICATIONS ACT 2014
(ACT 19 OF 2014)**

**GEOGRAPHICAL INDICATIONS
(AMENDMENT) RULES 2021**

In exercise of the powers conferred by section 84 of the Geographical Indications Act 2014, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Geographical Indications (Amendment) Rules 2021 and come into operation on 2022.

Amendment of rule 2

2. Rule 2(1) of the Geographical Indications Rules 2019 (called in these Rules the principal Rules) is amended by inserting, immediately before the definition of “excluded day”, the following definition:

“ “electronic online system” means the electronic online system established under rule 86A;”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Subject to paragraph (4), a fee must be paid using the mode of payment permitted or directed by the Registrar.

(4) Where the electronic online system is used to carry out an act mentioned in rule 86A, the fee payable in connection with that act must, unless otherwise permitted or directed by the Registrar, be paid using the mode of payment designated by the electronic online system.”.

Amendment of rule 4

4. Rule 4 of the principal Rules is amended —

(a) by deleting the words “filed at the Registry” in paragraphs (1), (2), (3) and (5) and substituting in each case the words “filed with the Registrar”;

- (b) by deleting the words “filed with the Registry” in paragraph (5)(b) and substituting the words “filed with the Registrar”; and
- (c) by inserting, immediately after paragraph (5), the following paragraph:
 - “(6) The Registrar may require the filing of a hard copy of any document filed using the electronic online system.”.

Amendment of rule 9

5. Rule 9 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:
 - “(1) Where the Act authorises or requires any document to be given or sent to, filed with or served on the Registrar, the giving, sending, filing or service must be effected on the Registrar by sending an electronic communication of the document using the electronic online system.”;
- (b) by deleting the word “or” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:
 - “(ca) by sending an electronic communication using the electronic online system; or”;
- (c) by inserting, immediately after the words “by sending an electronic communication of the document by any” in paragraph (2)(d), the word “other”;
- (d) by deleting sub-paragraph (d) of paragraph (3) and substituting the following sub-paragraph:
 - “(d) by sending an electronic communication of the notice or other document using the electronic online system or, subject to paragraph (3B), by any other electronic means.”;
- (e) by deleting the words “paragraph (2)(d)” in paragraph (6) and substituting the words “paragraph (2)(ca) or (d)”;
- (f) by inserting, immediately after paragraph (6), the following paragraphs:

“(7) Service of any notice or other document under the Act on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 86A(4).

(7A) A notice or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

- (a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or document is sent, filed or served does not fall on an excluded day for the business of sending, filing or serving the notice or document — at that time and on that day; or
- (b) if that time falls on such excluded day — on the next following day that is not such excluded day.

(7B) A notice or other document that is —

- (a) transmitted to the Registrar or a party by means of the electronic online system; and
- (b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or the party —

- (c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or the party any notice or other document by means of that system — at that time and on that day; or
- (d) if that day is such excluded day — on the next following day that is not such excluded day.

(7C) For the purposes of paragraph (7B), the notice or document is treated as sent to, filed with or served on, and received by, the Registrar or the party if and only if the last byte of the transmission containing the notice or other

document is received by the server mentioned in that paragraph.

(7D) Any person who sends, files or serves a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

- (a) the sending, filing or service of that document; and
- (b) the date and time when the sending, filing or service took place.”.

Amendment of rule 11

6. Rule 11 of the principal Rules is amended —

- (a) by deleting the words “Form GI10” in paragraph (5)(c) and substituting the words “Form CM8”;
- (b) by deleting the words “Form GI18” in paragraph (5)(f) and (g) and substituting in each case the words “Form HC6”;
- (c) by deleting the words “written consent” in paragraph (9)(b) and substituting the word “consent”; and
- (d) by deleting the words “Form GI6” in paragraph (11) and substituting the words “Form CM2”.

Amendment of rule 12

7. Rule 12 of the principal Rules is amended —

- (a) by deleting the words “Form GI5” in paragraphs (4)(b), (5) and (7)(a) and substituting in each case the words “Form CM1”;
- (b) by deleting paragraph (6);
- (c) by deleting paragraph (8) and substituting the following paragraph:
 - “(8) Upon receipt of the form mentioned in paragraph (7)(a), the Registrar must send to the party a notice requesting the party to provide an address for service within 3 months after the date of the notice.”;
- (d) by deleting the words “2 months” in paragraph (10)(b) and substituting the words “3 months”; and

- (e) by deleting the words “rule 11” in paragraph (11) and substituting the words “rule 11(9)”.

Amendment of rule 14

8. Rule 14(2) of the principal Rules is amended by deleting the words “Form GI2” and substituting the words “Form CM4”.

Amendment of rule 17

9. Rule 17 of the principal Rules is amended by deleting the words “Form GI2” in paragraph (b) and substituting the words “Form CM9”.

Amendment of rule 18

10. Rule 18 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to amend an application for registration of a geographical indication must be made —

- (a) if it is to change the name or other particular of the applicant — in Form CM2;
- (b) if it is to correct the name or other particular of the applicant — in Form CM4; or
- (c) if it is for any other purpose — in Form CM4.”.

New rule 18A

11. The principal Rules are amended by inserting, immediately after rule 18, the following rule:

“Publication of and opposition to application for correction

18A.—(1) This rule applies where a person (X) makes an application under rule 18 [on or after commencement date] to correct the name or other particular of an applicant in an application for registration of a geographical indication.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the application and the nature of the proposed correction in the Geographical Indications Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of opposition to the application in Form GI13.

(4) The notice of opposition must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *X* desires to proceed with the application, *X* must —

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(7) The Registrar may give such directions as the Registrar thinks fits with regard to any aspect of the procedure for the application or the opposition to the application.

(8) The Registrar must consider the opposition in deciding whether to grant the application.”.

Amendment of rule 49

12. Rule 49 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) An application by any person under section 22 of the Act to rectify an error or omission in the register must be made in Form CM4.

(1A) Rule 18A applies with the necessary modifications in relation to an application made on or after [commencement date] to rectify an error or omission as regards the name or other particular of a registrant in the register, as it applies in relation to an application to correct the name or other particular of an applicant of an application to register a geographical indication.”;

(b) by deleting the words “the application mentioned in paragraph (1)(a)(ii) or (b)(ii)” in paragraph (2) and substituting the words “an application to rectify an error or

omission in the register of any matter, other than the name or other particular of a person,”;

- (c) by deleting the words “An applicant making the application mentioned in paragraph (1)(b)(ii)” in paragraph (3) and substituting the words “Where the application mentioned in paragraph (2) is made by a person other than the registrant of a registered geographical indication, the applicant”; and
- (d) by deleting the words “under paragraph (1)(a)(ii) or (b)(ii)” in paragraph (4) and substituting the words “mentioned in paragraph (2)”.

Amendment of rule 50

13. Rule 50(1) of the principal Rules is amended by deleting the words “made under rule 49(1)(a)(ii) or (b)(ii)” and substituting the words “in an application mentioned in rule 49(2)”.

Amendment of rule 57

14. Rule 57(1) of the principal Rules is amended by deleting the words “Form GI6” and substituting the words “Form CM2”.

Amendment of rule 58

15. Rule 58 of the principal Rules is amended —

- (a) by deleting the words “Form GI10” in paragraph (1) and substituting the words “Form CM8”;
- (b) by deleting the words “The application mentioned in paragraph (1)” in paragraph (2) and substituting the words “Where the application is filed by means of the electronic online system, it”; and
- (c) by deleting paragraphs (3) and (4) and substituting the following paragraphs:
 - “(3) Where the application is filed other than by means of the electronic online system, it must —
 - (a) be authorised by the transferor and the transferee;
or
 - (b) be accompanied by —
 - (i) a copy of the contract or agreement of transfer; or

(ii) a copy of any documentary evidence that in the Registrar's view is sufficient to prove that the transferee consents to having the registration of the registered geographical indication transferred to the transferee.

(4) The Registrar may require the registrant to provide any document, instrument or information in support of the application as the Registrar thinks fit, within such time as the Registrar may specify.

(5) The Registrar must refuse an application under paragraph (1) if paragraphs (2), (3) and (4) are not complied with.”.

Deletion and substitution of rule 60 and new rule 60A

16. Rule 60 of the principal Rules is deleted and the following rules substituted therefor:

“Extract from register

60. Any person may, by filing Form CM12 with the Registrar, apply for any of the following under section 23(3) of the Act:

- (a) a certified copy of any entry in the register;
- (b) a certified extract from the register;
- (c) a certified copy of any form, pertaining to an application for registration, which was filed with the Registrar.

Certifying document issued by Registrar

60A. Any person may, by filing Form CM12 with the Registrar, request to certify a document issued by the Registrar to the person.”.

Amendment of rule 65

17. Rule 65 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) An application to the Registrar for the cancellation of the registration of a registered geographical indication must be made in Form CM3.”;

- (b) by deleting the words “mentioned in paragraph (1)(b)” in paragraph (2)(b) and substituting the words “made by a person other than the registrant of the registered geographical indication”;
- (c) by deleting the words “of an application mentioned in paragraph (1)(b)” in paragraph (4) and substituting the words “(other than the registrant of the registered geographical indication)”; and
- (d) by deleting the words “paragraph (1)(a) or (b)” in paragraph (5) and substituting the words “paragraph (1)”.

Amendment of rule 83

18. Rule 83(2) of the principal Rules is amended —

- (a) by deleting the words “Form GI17” in sub-paragraph (a) and substituting the words “Form HC3”; and
- (b) by deleting the words “Form GI9” in sub-paragraph (b) and substituting the words “Form CM5”.

Amendment of rule 86

19. Rule 86 of the principal Rules is amended —

- (a) by deleting the words “Form GI3” in paragraph (1) and substituting the words “Form CM13”; and
- (b) by deleting the words “2 months after the expiry of the period mentioned in section 43(3) of the Act” in paragraph (2)(a) and substituting the words “2 months starting on the date the application is treated as abandoned under section 43(5) of the Act”.

New Part 9A

20. The principal Rules are amended by inserting, immediately after rule 86, the following Part:

“PART 9A

ELECTRONIC ONLINE SYSTEM

Establishment of electronic online system

86A.—(1) An electronic online system is established for the purposes of these Rules.

(2) Unless the Registrar permits otherwise in a particular case, the electronic online system must be used by any person for giving or sending to, filing with or serving on the Registrar any document (other than a notice or document to be served in proceedings in court).

(3) The electronic online system may be used —

- (a) by the Registrar for giving or sending to or serving on any person any notice or other document; and
- (b) by a party for the giving, sending or serving on another party (other than the Registrar) of any document required to be given, sent to or served on that other party under this Act.

(4) The Registrar may issue practice directions specifying —

- (a) the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2);
- (b) the manner in which the Registrar may give, send or serve any notice or document under paragraph (3);
- (c) the procedures and conditions for the setting-up, operation and use of the electronic online system; and
- (d) in the event of any interruption in the operation of the electronic online system, the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2), or in which the Registrar may give, send or serve any notice or document under paragraph (3).

(5) The Registrar —

- (a) may correct any error or omission in any document or information that has occurred or arisen as a result of any interruption in the operation of the electronic online system; and
- (b) must maintain a record of the correction so made.

(6) This rule does not apply to notices and documents to be served in proceedings in the Court.

Duty of person using electronic online system

86B. A person may only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.”.

Amendment of rule 87

21. Rule 87 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) To avoid doubt, where the time for —

- (a) giving, sending to, filing with or serving on the Registrar any notice or other document mentioned in rule 86A; or
- (b) giving, sending to or serving on any person by the Registrar any notice or other document mentioned in rule 86A,

expires on an excluded day, that time is extended to the next following day that is not an excluded day, despite the availability of the electronic online system.”.

Amendment of rule 88

22. Rule 88 of the principal Rules is amended —

(a) by deleting paragraphs (1) and (2) and substituting the following paragraphs:

“(1) Where, on any day, there is an interruption in —

- (a) the postal service of Singapore;
- (b) the operation of the Registry; or
- (c) the operation of the electronic online system,

the Registrar may issue practice directions to declare that day as one on which there has been such interruption.

(2) Where any period of time specified in the Act for the giving, sending, filing or serving of any notice, application or other document expires on a day so declared, the period is extended to the first day following the declared day (not being an excluded day) which is not so declared.”; and

- (b) by inserting, immediately after the words “postal service of Singapore” in paragraph (3), the words “or the electronic online system”.

Amendment of rule 92

23. The principal Rules are amended by renumbering rule 92 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) Where the irregularity in procedure in connection with any ex parte proceedings is attributable, wholly or in part, to an omission or other error by the applicant and the irregularity has been corrected under paragraph (1), the Registrar must publish a notification of the decision in the register.”.

Amendment of rule 93

24. Rule 93 of the principal Rules is amended —

- (a) by deleting the words “Form GI8” in paragraph (1) and substituting the words “Form CM4”; and
- (b) by inserting, immediately after paragraph (5), the following paragraphs:

“(6) Rule 18A applies with the necessary modifications in relation to a request on or after [commencement date] to correct any particular of an applicant in an application for registration, or the registrant, in the register as it applies in relation to an application to correct the name or other particular of an applicant of an application to register a geographical indication.

(7) The Registrar may, on the Registrar’s own initiative, make any consequential amendment to the register arising from any correction pursuant to a request under paragraph (1) and must notify the applicant or registrant making the request of the amendment.”.

Deletion and substitution of First and Second Schedules

25. The First and Second Schedules to the principal Rules are deleted and the following Schedules substituted therefor:

“FIRST SCHEDULE

Rules 3 and 61(3)

FEES				
	<i>Matter</i>	<i>Corresponding Rule(s)</i>	<i>Fee</i>	<i>Corresponding Form(s)</i>
1.	Application to register geographical indication	13	\$1,000	GI1
2.	Request to enter qualification of rights in register	40	\$230	GI2
3.	Application to renew registration of geographical indication (other than a late application for renewal)	61(1)	\$940 in respect of each geographical indication	GI3
4.	Post-expiration renewal fee for late application to renew registration of geographical indication	61(3)	\$300 in respect of each geographical indication	GI3
5.	Application, by person other than registrant, to cancel registration of geographical indication	65(1)	\$550	CM3
6.	Application by registrant to cancel registration of geographical indication	65(1)	\$30	CM3
7.	Application to amend application for registration of geographical indication (other than to change or	14(2), 18(1)(c)	\$230	CM4

	correct particular of applicant)			
8.	Application by registrant to rectify entry in register (other than change of particular of registrant)	49(1)	<i>To be confirmed</i>	CM4
9.	Application, by person other than registrant, to rectify entry in register (other than particular of that person)	49(1)	\$550	CM4
10.	Application to correct or rectify particular of applicant or registrant or other party in application or register	18(1)(b), 49(1)	<i>To be confirmed</i>	CM4
11.	Request to amend application, notice or other document to correct error or obvious mistake	93(1)	<i>To be confirmed</i>	CM4
12.	Request for extension of time for matters not relating to inter partes proceedings	83(2)(b)	Free for first and second requests \$50 for third and subsequent requests	CM5
13.	Application to transfer registration of registered geographical indication	58(1)	\$70 in respect of each geographical indication	CM8
14.	Request for certified copy of entry in register, certified extract from register or certified copy of	60		CM12

	form pertaining to application for registration —			
	(a) where the certified copy, certified extract or document is in hardcopy; or		\$35	
	(b) where the certified copy, certified extract or document is in softcopy		<i>To be confirmed</i>	
15.	Certifying document issued by Registrar	60A	\$12	CM12
16.	Request to continue processing application that was treated as abandoned	86	\$180	CM13
17.	Notice of objection to amendment of application for registration of geographical indication which has been published	20(1)	\$550	GI13
18.	Notice of opposition to registration of geographical indication	27(1)	\$550	GI13
19.	Notice of opposition to request for qualification of rights conferred under Act in respect of geographical indication	41(1)	\$550	GI13

20.	Notice of opposition to application to rectify entry in register in respect of registered geographical indication	50(1)	\$550	GI13
21.	Notice of opposition to application to cancel registration of registered geographical indication	66(1)	\$550	GI13
22.	Attending hearing and obtaining decision		\$715	HC1
23.	Attending opposition hearing and obtaining decision	36(3) as applied by 47, 56 and 72	\$715	HC1
24.	Request for extension of time to file notice of objection or counter-statement	23(1)	\$100	HC3
25.	Request for extension of time in opposition proceedings (other than in respect of opposition to registration of geographical indication) to file notice of opposition or counter-statement	43(1), 52(1), 68(1)	\$100	HC3
26.	Request for extension of time in opposition proceedings (other than in respect of opposition to registration of geographical	45(1), 54(1), 70(1)	\$100	HC3

	indication) to file statutory declaration			
27.	Request for extension of time in proceedings in respect of opposition to registration of geographical indication, to file notice of opposition, counter-statement, or statutory declaration in support of or in opposition to the registration	30(1), 31(4)	\$100	HC3
28.	Request for extension of time in inter partes proceedings	83(2)(a)	\$100	HC3
29.	Request for grounds of decision for objection proceedings in respect of amendment of application for registration of geographical indication which has been published	37(3) as applied by 22(2)	\$1,400	HC5
30.	Request for grounds of decision for opposition proceedings in respect of registration of geographical indication	37(3)	\$1,400	HC5
31.	Request for grounds of decision for opposition proceedings in respect of request	37(3) as applied by 47	\$1,400	HC5

	for qualification of rights conferred under Act in respect of geographical indication			
32.	Request for grounds of decision for opposition proceedings in respect of application to rectify entry in register in respect of registered geographical indication	37(3) as applied by 56	\$1,400	HC5
33.	Request for grounds of decision for opposition proceedings in respect of application to cancel registration of registered geographical indication	37(3) as applied by 72	\$1,400	HC5
34.	Filing of counter-statement to notice of objection to amendment of application for registration of geographical indication which has been published	21(1)	\$550	HC6
35.	Filing of counter-statement to notice of opposition to registration of geographical indication	29(1)	\$550	HC6
36.	Filing of counter-statement to notice of	42(1)	\$550	HC6

	opposition to request for qualification of rights conferred under Act in respect of geographical indication			
37.	Filing of counter-statement to notice of opposition to application to rectify entry in register in respect of registered geographical indication	51(1)	\$550	HC6
38.	Filing of counter-statement to notice of opposition to application to cancel registration of registered geographical indication	67(1)	\$550	HC6

SECOND SCHEDULE

Rule 5(2)

DESCRIPTION OF FORMS

<i>Form No.</i>	<i>Description of Form</i>
GI1	Application to register geographical indication
GI2	Application to request for qualification of rights
GI3	Application to renew registration of geographical indication
GI13	Notice of objection or opposition
CM1	Request to appoint, change or remove agent

<i>Form No.</i>	<i>Description of Form</i>
CM2	Application to change name or other particular of applicant, registrant or other party
CM3	Application to cancel registration of geographical indication
CM4	Application to amend application for registration of geographical indication; rectify entry in register; correct name or other particular of applicant, registrant or other party
CM5	Request for extension of time for matters not relating to inter partes proceedings
CM9	Request for withdrawal of application for registration of geographical indication
CM12	Request for certified copy of entry in register, certified extract from register or certified copy of form pertaining to application for registration; request for certifying document issued by Registrar
CM13	Application to request for continued processing of an application for registration of geographical indication that was treated as abandoned
HC1	Hearing and decision
HC3	Request for extension of time in inter partes proceedings
HC5	Request for grounds of decision
HC6	Counter-statement”.

Miscellaneous amendments

26. The principal Rules are amended —

(a) by deleting “GI18” in the following provisions and substituting in each case “HC6”:

Rules 21(1), 29(1)(a), 42(1), 51(1) and 67(1);

(b) by deleting “GI15” in the following provision and substituting in each case “HC1”:

Rule 36(3), (4) and (5);

(c) by deleting “GI17” in the following provisions and substituting in each case “HC3”:

Rules 23(1), 30(1), 31(4), 43(1), 45(1), 52(1), 54(1), 68(1), 70(1);

(d) by deleting “GI14” in the following provision and substituting “HC5”:

Rule 37(3);

(e) by deleting the words “rule 49(1)(a)(ii) or (b)(ii)” in the following provisions and substituting in each case the words “rule 49(2)”:

Rules 50(3), 51(1), 51(3), 53(1)(a), 55(b) and 56(c) and (e);

(f) by deleting the words “(as the case may be)” in the following provisions:

Rules 50(3), 51(1), 53(1)(a), and 55(b); and

(g) by deleting the words “, as the case may be” in the following provisions:

Rules 51(1)(a), 51(3) and 56(c) and (e).

Saving and transitional provisions

27.—(1) Despite rule 7, rule 12 of the principal Rules as in force immediately before [commencement date] (called the old rule) continues to apply in relation to a notice mentioned in paragraph (7) of the old rule that was filed and served in accordance with paragraph (7) of the old rule before that date.

(2) Despite rule 9, a notice of withdrawal under section 47(1) of the Act of an application for registration of a geographical indication, being an application made before the [commencement date] must be made in Form GI12 mentioned in rule 17 of the principal Rules as in force immediately before that date.

(3) Despite rule 15, rule 58 of the principal Rules as in force immediately before [commencement date] (called the old rule) continues to apply in relation to an application mentioned in paragraph (1) of the old rule that was made before that date.

(4) Despite rule 17, rule 65 of the principal Rules (called in this paragraph rule 65) applies to an application for cancellation of registration of a registered geographical indication that was filed

before [commencement date] in accordance with rule 65 as in force immediately before that date and that is pending on that date, as if it were filed in accordance with rule 65 as amended by rule 17.

(5) Despite rules 18(*a*) and 26(*c*), a request for an extension of time that was filed in accordance with rule 23(1), 30(1), 31(4), 43(1), 45(1), 52(1), 54(1), 68(1), 70(1) or 83(2)(*a*) of the principal Rules as in force immediately before [commencement date] and that is pending on that date, is treated as filed in accordance with rule 23(1), 30(1), 31(4), 43(1), 45(1), 52(1), 54(1), 68(1), 70(1) or 83(2)(*a*) (as the case may be) of the principal Rules as amended by rules 18(*a*) and 26(*c*).

(6) Despite rule 26(*a*), a counter-statement that was filed in accordance with rule 21(1), 29(1)(*a*), 42(1), 51(1) or 67(1) of the principal Rules as in force immediately before [commencement date] and that is pending on that date, is treated as filed in accordance with rule 21(1), 29(1)(*a*), 42(1), 51(1) or 67(1) (as the case may be) of the principal Rules as amended by rule 26(*a*).

(7) Despite rule 26(*b*) —

(*a*) a party who, before the date of commencement of that rule, intends to appear at a hearing mentioned in rule 36(2) of the principal Rules must file with the Registrar Form GI15 mentioned in rule 36(3) of the principal Rules (as in force immediately before that date); and

(*b*) a reference in rule 36(4) and (5) of the principal Rules to Form HC1 is, in a case where the party concerned has filed with the Registrar Form GI15 before [date of commencement of amendment], a reference to the second-mentioned Form.

(8) Despite rule 26(*d*), rule 37(4) and (5) of the principal Rules applies in relation to a request for grounds of the Registrar's decision that was filed before [commencement date] in accordance with rule 37(3) of the principal Rules as in force immediately before that date and that is pending on that date, as if it were filed in accordance with rule 37(3) of the principal Rules as amended by rule 26(*d*).