

Logograms, a viable alternative to trade mark filing for Government Agencies?

Logograms are a relatively unfamiliar concept to government agencies, but may actually prove useful in an agencies' course of work.

Unlike trade marks, logograms do not function as signs for the purposes of indicating the trade origin of goods or services. Instead, logograms are signs which belong to government agencies, and whose function is to prevent unauthorised parties from being able to register those signs as their own trade marks. In other words, if a government agency records a logogram with IPOS, no other party can obtain registration of that logogram as a trade mark with IPOS unless consent from that government agency has been obtained¹.

This way, logograms help to prevent any wrongful perception a trader's goods or services is endorsed by the government agency, whether such perception intended or otherwise.

The recordal process is fairly straightforward, and there is no time limit within which a government agency should file a logogram. A government agency simply needs to write to IPOS with request to record the logogram, providing a pictorial representation of the logogram to be recorded and the name and address of the requesting government agency. There are no fees involved.

Some examples of logograms recorded with IPOS include:

					
Singapore Customs	National Environment Agency	DesignSingapore Office	Registry of Companies and Businesses	Subordinate Courts of Singapore	PUB

Further, once recorded, a logogram does not expire. That said, where a logogram has been recorded with IPOS has, over the course of time, ceases to be in use or has changed ownership (for example, in the case of a dissolved or merged statutory board) it is important to notify the Registrar of these changes so that the logogram records at IPOS is kept up-to-date.

It is however important to note that the recordal of a logogram only prevents an unauthorised party from registering a trade mark which is similar to or identical with that logogram. The government agency will not be able to take legal action against a party who is merely using (not registering) a sign which is similar to or identical with that logogram.

On the other hand, where the government agency has registered a trade mark for certain goods or services,² and a third party has used a sign which is similar to or identical with that registered trade mark for similar or identical goods or services, such use may amount to infringing use. In this case, the government agency may exercise its rights as the owner of the registered trade mark and consider taking legal action against the potential infringer.

Hence, it is good practice for a government agency to carefully consider if recording a logogram is indeed a viable alternative to trade mark registration, taking into account all relevant factors.

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¹ See rule 13 of the Trade Marks Rules

² For more information on trade marks and the trade mark registration process at IPOS, please visit the IPOS website at: www.ipos.gov.sg