

Making the case for certification marks

The certification mark is a small but powerful tool which can be used to augment Singapore's reputation as a safe and trusted provider of quality goods and services. How?

For government agencies which are involved in regulatory work, a certification mark could be an option to consider, especially where there is a need to maintain in third parties, certain standards of quality or other characteristics of the goods or services manufactured or performed by these parties.

In the language of the Trade Marks Act, a certification mark is a sign used, or intended to be used, to distinguish goods or services dealt with in the course of trade, and certified by the owner of the certification mark from other goods or services which are not so certified in respect of characteristics such as origin, material, mode of manufacture or performance, accuracy and the like.¹

Unlike a trade mark which is used by the owner of the mark exclusively, a certification mark may be used by third parties on their goods or services, as long as they have been authorised by the certifying body (i.e. owner of the certification mark) to do so.

Familiar certification marks filed by various government agencies include:



In the case of the EduTrust Certification Scheme, the certification mark is registered in respect of educational consultancy and assessment services, among others. This means that where an enterprise has been certified by the Committee for Private Education to provide those services, it can use the certification mark to indicate such certification.

It is not difficult therefore, to see that a certification mark can be viewed by the public as an endorsement of the quality of the service provided by an enterprise. In fact, the EduTrust Certification Scheme makes clear that it is an initiative “to distinguish private schools that are able to consistently maintain a high standard of quality in the overall provision of education services and make continual improvements that lead to positive student outcomes”.²

If a government agency is considering taking steps to file a certification mark with IPOS, it should bear in mind that it will be required to file a set of regulations as part of the application process.³ The regulations are a set of documents setting out:

- a) who is authorised to use the mark;
- b) the characteristics to be certified by the mark;
- c) how the government agency (i.e. certifying body) is to test those characteristics and to supervise the use of the mark;
- d) the fees paid in connection with the operation for the mark; and
- e) the procedures for resolving disputes.

¹ See section 61 of the Trade Marks Act (Cap. 332)

² For more information on the EduTrust Certification Scheme, please refer to <https://www.cpe.gov.sg/for-peis/edutrust-certification-scheme>

³ See the Second Schedule of the Trade Marks Act, and Part VIII of the Trade Marks Rules

The regulations ensure that the exercise of certification and use of the certification mark is governed with fairness and transparency.⁴ Where a certification mark is registered, these regulations will be publicly accessible on IPOS' electronic register of marks.

The registration process is but a first step. As the owner of the certification mark, the government agency, acting as the certifying body, bears the onus of ensuring that users of the certification mark comply with the regulations set. In this way, consumers of those goods and/or services so certified, and bearing the certification mark are duly assured of their quality and fitness for purpose. Do note that enforcement for compliance purposes is purely a private matter between the certifying body and the user of the certification mark, and IPOS does not intervene in these situations.

A registered certification mark is valid for a period of 10 years, but may be renewed for further periods of 10 years indefinitely so long as renewal fees are filed. As such, bearing in mind that a certification mark will create reliance in the public eye, to safeguard such expectation, it is a good practice to ensure that such registrations are appropriately managed.

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⁴ For information on the filing of certification marks, please visit the IPOS website at www.ipos.gov.sg