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TRADE MARKS ACT (CHAPTER 332)

TRADE MARKS (AMENDMENT) RULES 2020

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 2020 and come into operation on 5 June 2020.

Amendment of rule 3

2. Rule 3 of the Trade Marks Rules (R 1) (called in these Rules the principal Rules) is amended by deleting paragraph (3) and substituting 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 referred to in rule 78A(2), 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 3A

3. Rule 3A of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraph:

“(3) Every document filed at the Registry must be filed in accordance with the requirements relating to its size, durability, legibility or format specified in any practice direction issued by the Registrar.”.

Amendment of rule 4

4. Rule 4 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) The Registrar may modify any form in any particular case or class of cases.”.

Deletion of rule 5

5. Rule 5 of the principal Rules is deleted.

Amendment of rule 7

6. Rule 7 of the principal Rules is amended —

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

“(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar or the Registry, the giving, sending, filing or service must be effected on the Registrar or the Registry (as the case may be) by sending an electronic communication of the document using the electronic online system.

(2) Where the Act or these Rules authorise or require a party to give or send a document to, or serve a document on, another party (other than the Registrar or Registry), the giving, sending or service may be effected —

(a) by post;

(b) by hand;

(c) by courier; or

(d) subject to paragraph (3B), by sending an electronic communication of the document by any electronic means.”;

(b) by deleting sub-paragraphs (b) and (c) of paragraph (3) and substituting the following sub-paragraphs:

“(b) by sending an electronic communication of the notice or other document using the electronic online system or, subject to paragraph (3B), any other electronic means;

(c) by hand; or

(d) by courier.”;

(c) by inserting, immediately after paragraph (3), the following paragraphs:

“(3A) Subject to paragraph (3B), the Registrar may, in a particular case, permit the giving, sending, filing or serving of a document in a manner other than provided by paragraph (1) or (2).

(3B) However, the use of electronic means under paragraph (2)(d), (3)(b) or (3A), other than the use of the electronic online system, must be with the consent (express or implied) of —

(a) the party; or

(b) the Registrar or the Registry,

to whom the notice or other document is being given or sent, filed with or served by those means.”;

(d) by deleting paragraph (6);

(e) by deleting the words “to be given, sent or served by the Registrar or Registry is sent to a person by electronic communication using the electronic online system under paragraph (3)(c)” in paragraph (6A) and substituting the words “is given, sent, filed or served by sending an electronic communication in the manner permitted by paragraph (2)(d), (3)(b) or (3A)”;

(f) by deleting paragraph (7).

New rule 77C

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

“Extension of time limits in special circumstances

77C.—(1) Despite anything in these Rules, where the Registrar is of the opinion that there are —

- (a) circumstances beyond the control of a party concerned; or
- (b) other special circumstances,

the Registrar may, before the expiration of the period of time prescribed or allowed by or under these Rules for —

- (c) the giving, sending, filing or serving of any notice, application or other document; or
- (d) the doing of any act,

extend that period for one or more periods of time, and subject to conditions, as the Registrar thinks fit.

(2) Paragraph (1) does not apply where the Act specifies the circumstances in which the period of time for any matter referred to in paragraph (1)(c) or (d) may be extended.”.

Amendment of rule 78A

8. Rule 78A of the principal Rules is amended —

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

“(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 or the Registry any document (other than a notice or document to be served in proceedings in court).

(2A) The electronic online system may be used by the Registrar or the Registry for giving or sending to or serving on any person any notice or other document

(other than a notice or document to be served in proceedings in court).”;

(b) by deleting the words “paragraph (2)(a)” in paragraph (3)(a) and substituting the words “paragraph (2)”;

(c) by deleting the words “paragraph (2)(b)” in paragraph (3)(b) and substituting the words “paragraph (2A)”;

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

“(d) in the event of any malfunction 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 or the Registry under paragraph (2), or in which the Registrar or the Registry may give, send or serve any notice or document under paragraph (2A).”; and

(e) by inserting, immediately after paragraph (3), the following paragraph:

“(4) The Registrar —

(a) may correct any error or omission in any document or information that has occurred or arisen as a result of any malfunction of the electronic online system; and

(b) must maintain a record of the correction so made.”.

Amendment of rule 78I

9. Rule 78I of the principal Rules is amended by deleting the words “rule 78A(2)(a)” and substituting the words “rule 78A(2)”.

Amendment of rule 79

10. Rule 79 of the principal Rules is amended —

- (a) by deleting the words “rule 78A(2)(a)” in paragraph (3)(b) and substituting the words “rule 78A(2)”;
- (b) by deleting the words “rule 78A(2)(b)” in paragraph (3)(c) and substituting the words “rule 78A(2A)”;
- (c) by deleting paragraphs (6A) and (6B).

*[G.N. Nos. S 598/2008; S 588/2011; S 761/2013;
S 743/2014; S 739/2015; S 22/2017; S 149/2017]*

Made on 2 June 2020.

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