

## HMD Circular 2.1

### 2.1 Filing of documents

#### D. How to e-file submissions which exceed 100 MB?

The size of a *single submission* (that includes, for example, the main body of an SD *together* with the exhibits, or a party's written submission *together* with the bundle of authorities) that can be transmitted via IP<sup>2</sup>SG cannot exceed 100 MB. In practice, the Registrar has observed that certain submissions exceed 100 MB because the resolution of the exhibits is unnecessarily high. In such instances, parties are encouraged to reduce the resolution while maintaining the readability of the exhibits, so that their submissions may ~~simply be filed in a single transmission via IP<sup>2</sup>SG without the need to submit content via portable media (below).~~

~~Where any submission written submissions, bundle(s) of authorities, and SDs may be submitted via portable media if the file size exceeds 100 MB, parties are required to split the submission into parts not exceeding 100 MB and file each part by ad-hoc correspondence via IP<sup>2</sup>SG.~~

~~For the avoidance of doubt, any submission which exceeds 100 MB should be submitted via portable media. Thus, in the scenario where an SD comprises multiple exhibits, one of which exceeds the maximum file size of 100 MB, the entire SD (together with the accompanying exhibits), and not only the oversized exhibit, should be submitted via portable media.~~

In the event where the evidence comprises more than 1 item (for example, the evidence comprises the main SD as well as physical exhibits), ~~regardless of whether such an item is in the form of portable media or is simply a physical exhibit such as a T-shirt,~~ the filing date which will be accorded for the evidence will be that of the filing date of the last item filed. Parties are therefore encouraged to file their evidence on a single day instead, before the deadline expires.

~~"Portable media" includes recordable compact discs or recordable digital versatile disk. A submission by portable media is treated as received by the Registry in the same manner as the receipt by the Registry of submissions made by way of paper documents as provided in the Patents, Trade Marks and Registered Designs Rules (see Special IP<sup>2</sup>SG Practice Direction No. 2 of 2014 (10 November 2014) ("IP<sup>2</sup>SG Circular") at paragraph 10(9)). Further practical details on how to create a compliant portable media submission may be found in the IP<sup>2</sup>SG Circular at paragraph 10.~~

## HMD Circular 2.2

### 2.2 Service requirements

#### D. Duty to serve on Counter-Party

Where the Rules and IR Rules require filing and serving at the same time, the party who is seeking to file and serve the relevant document (Filing Party) is to indicate clearly, on the cover letter enclosing the relevant document to the Registrar, that a copy of the relevant document has been served on the opposite party (Counter-Party). Relevant documents may include forms, SDs and other documents.

If e-filing, in the e-form, the Filing Party will have to check against the statement that a copy of the document will be served on the other party at the same time. The Registrar will treat the failure to do so as no proper service of the relevant document and consequences of non-service will follow, unless the Filing Party proves otherwise.

If the service is by any electronic means (e.g. email and file-sharing platforms), the Filing Party must have the consent of the Counter-Party to service by such a mode.

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#### G. Proof of service

If the Counter-Party claims that it did not receive the relevant document, the Filing Party is required to show proof of service. The non-exhaustive list of modalities is:

- (a) a courier receipt or invoice
- (b) if by normal post, an SD that the relevant document has been posted, with relevant details
- (c) if the attempted service is in person, an SD with relevant details.
- (d) if by any electronic means (for example, by email),
  - (i) a copy of the document that shows the Counter-Party's consent to be served by that electronic means; and
  - (ii) a copy of the sent electronic communication attaching or linking to the relevant document. Alternatively, a copy of an acknowledgement email or an automated delivery receipt could demonstrate service.

## HMD Circular 2.3

### 2.3 Filing of Geographical Indication documents

#### C. How may GI documents be filed with the Registrar?

Rule 9 GIR lists the modes to file documents with the Registrar. They are:

- (a) By post
- (b) By hand
- (c) ~~Where there is no fee payable in respect of the document, by fax<sup>4</sup>.~~

The Registrar has also permitted the filing of documents via FormSG (see Registries Practice Direction No. 3 of 2020).

The electronic online system is **not** available for filing GI documents.

#### D. Submission of soft copies for the Registrar's electronic records

If filing hard copies, then in addition to compliance with Rule 9<sup>5</sup>, parties are strongly encouraged to submit, via IP<sup>2</sup>SG<sup>6</sup>, soft copies of documents filed with the Registrar. If soft copies are not submitted, the Registrar will typically follow up with the parties to submit soft copies of their GI documents which have been filed under Rule 9 GIR.

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<sup>4</sup> ~~Note that under Rule 9(7) GIR, SDs may not be filed by fax even though there is no fee payable.~~

<sup>5</sup> Compliant filing is important to move the process forward with a filing date within the applicable deadline.

<sup>6</sup> IP<sup>2</sup>SG is IPOS' one-stop electronic portal for conducting Intellectual Property transactions. It is accessible at the URL <https://ip2sg.ipos.gov.sg/>.