

**Application For Extension Of Time To File Counter Statement  
In Trade Mark Application No. 8671/01  
By Kok Han Marketing Services**

**And**

**Objection  
By Sing Brothers Hardware Pte Ltd**

*Principal Assistant Registrar P Arul Selvamalar  
3 December 2002*

**Interlocutory hearing - application for extension of time to file Counter Statement made after 2 month deadline - objection by Opponent - whether good and sufficient reasons given by Applicant for application being made late**

On 16 July 02, the Opponents filed their Notice of Opposition to Trade Mark Application No 8671/01 and served it on the Applicants on 17 July 02. The Applicants did not file their Counter Statement within the deadline of 17 September 02 or make an application for an extension of time within the deadline. The Applicants wrote to the Registry of Trade Marks, IPOS on 9 October 02, which is after the deadline, for an extension of time to file the Counter Statement. The Applicants reasons for the delay are that the para-legal employee of the firm, who received the Notice of Opposition on 17 July 02 went on leave after having sight of the Notice of Opposition and that the lawyer who wrote to the applicants after seeing the Notice of Opposition, did not get a response from the client, within the deadline, as the applicants were not in Singapore. Instructions were obtained only after the para-legal came back from leave and it is unclear whether the applicants called to give instructions or whether the para legal called the applicants to obtain instructions.

**Held, denying the late application for an extension of time,**

- The para legal of the firm going on leave is not a good and sufficient reason for the delay in applying for an extension of time. Neither is the reason that the applicants did not give instructions to the solicitor in charge by the deadline. The applicants are a Singapore company and the fact that one of the applicants was travelling is not a good and sufficient reason for the applicant company not to respond to the Notice of Opposition.
- The deadline for the filing of the Counter Statement should have been monitored closely, once the applicants are put on notice by the service of the Notice of Opposition. If the applicants were not ready with instructions on the Notice of Opposition within the deadline, instructions should have been obtained to file an application for an extension of time within the deadline, in order to preserve their position.
- The previous decisions of the Hearings Department in similar cases were considered although neither party made submissions on those decisions. In the Nalli trade mark (TM 2256/98), an extension of time was granted as a good and sufficient reason was made out. In the Asian Aisle case, an extension of time was not granted as a good and sufficient reason was not made out. In the present case too a good and sufficient reason is not made out.
- Trade mark application number 8671/01 is deemed withdrawn.

**Provisions of legislation discussed:**

- Trade Marks Rules 1998, rule 31

**Representation:**

- Mr Chung Ting Fai assisted by Ms Yin (Chung Tan & Prs) for the Applicants
- Ms Carol Goh (Alban Tay Mahtani & de Silva) for the Opponents