

Annex C - Proposed amendments to the Registered Designs Rules

Note:

- (i) This annex does not contain all the provisions of the Registered Designs Rules. For the full text of the existing Registered Designs Rules, please refer to the IPOS legislation webpage at <https://www.ipos.gov.sg/AboutIP/IPLegislation.aspx>.
- (ii) The tracked changes indicate the proposed changes to be made to existing legislation. Please note that the wording of the proposed amendments is subject to change after legislation drafting by the Attorney General's Chambers.
- (iii) The proposed amendments are intended to come into operation on such date as the Minister may, by notification in the Gazette, appoint.

Rule 9 of the Registered Designs Rules

Please refer to **Annex E** for proposed amendments.

Rule 12 of the Registered Designs Rules

Please refer to **Annex E** for proposed amendments.

Rule 14 of the Registered Designs Rules

Representations of design

14.—(1A) The Registrar may issue practice directions to indicate, for each design in an application for registration —

- (a) the maximum number of different views of the design that may be filed as representations of the design; and
- (b) the dimensions of each view; ~~and~~
- ~~(c) the number of sets of representations that shall accompany an the application for the registration of a design.~~

(2) The representation of a design or, where there is more than one view filed as representation of a design, the representation of each view of the design shall be in the form of a drawing or photograph that is suitable for reproduction.

(3) Where the application is made for the registration of a design intended to be applied to a set of articles, the representation shall show the design as applied to each different article in the set.

(4) Where the application is made for the registration of a design intended to be applied to a set of non-physical products, the representation shall show the design as applied to each different non-physical product in the set.

(5) Where the application is made for the registration of a design intended to be applied to a set of articles and non-physical products, the representation shall show the design as applied to each different article and non-physical product in the set.

Rule 15 of the Registered Designs Rules

Statement of novelty

15.—(1) ~~For each design, a~~ statement describing the features of the design which the applicant considers to be new shall appear on the application form.

(2) Paragraph (1) shall not apply in the case of ~~an application for registration of~~ the pattern or ornament of a design to be applied to a textile article, wallpaper or similar wall covering, lace or sets of textile articles or lace.

Rule 17 of the Registered Designs Rules

Statement relating to ~~confidential~~ disclosure

17.—(1) If the applicant claims that section 8 of the Act applies in relation to any design in his application, he shall include in the application form a statement to that effect.

(2) The statement shall —

(a) identify the design as well as the provision of section 8 of the Act that applies in relation to ~~that design~~application; and

(b) describe the circumstances under which the disclosure of the design was made, including the ~~relevant~~ date of the first disclosure of the design;~~and~~

~~(c) if the applicant claims that section 8(2) of the Act applies in relation to the application, the name and opening date of the exhibition, the place it is held, and the date of the first disclosure of the design.~~

(3) The applicant may file additional information or documents in support of his claim.

Rule 18 of the Registered Designs Rules

Statement relating to previous registration of design in respect of other articles, etc.

18.—(1) If the applicant claims that section 10 of the Act applies in relation to any design in his application, he shall include in the application form a statement to that effect.

- (2) The statement shall include such details of the previous registration or, as the case may be, the previous application for registration of the design as the Registrar may require.
- (3) The applicant may file additional information or documents in support of his claim.

Rule 19 of the Registered Designs Rules

Claim to priority

19.—(1) If a right of priority is claimed in relation to any design in an application by reason of an application for registration of a design (referred to in this rule as the priority application) filed —

- (a) in a Convention country under section 12 of the Act; or
- (b) in another country or territory in respect of which provision corresponding to that set out in section 12 of the Act is made under section 13 of the Act,

particulars of that claim shall be included in the application form at the time of filing the application form.

(2) The particulars referred to in paragraph (1) are

- (a) the country or territory in which —
 - (i) the priority application; or
 - (ii) where there is more than one priority application, each priority application,
was filed;
- (b) the date on which —
 - (i) the priority application; or
 - (ii) where there is more than one priority application, each priority application,
was filed;

- (c) the classification of the article or non-physical product to which the design is intended to be applied in accordance with ~~the Third Schedule~~ practice directions issued by the Registrar;
- (d) where the right of priority is claimed in respect of one or more, but not all, of the articles or non-physical products for which registration was sought in the priority application, the articles or non-physical products in respect of which the right of priority is claimed; and
- (e) where the right of priority is claimed through more than one priority application, the articles or non-physical products in respect of which the right of priority is claimed through each priority application.

(2A) The Registrar may at any time require the applicant to file a certificate by the registering or other competent authority of the country or territory concerned certifying or verifying to the satisfaction of the Registrar —

- (a) the date of filing of the priority application;
- (b) the country or territory of the registering or other competent authority;
- (c) the representation of the design; and
- (d) the articles covered by the priority application.

(3) Where the certificate referred to in paragraph (2A) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.

Rule 20 of the Registered Designs Rules

Samples

20.—(1) An application for registration ~~of~~ that relates to a 2-dimensional design intended to be applied to a textile article may be accompanied by a sample of the article.

(2) The sample of the article shall not exceed such size or weight as the Registrar may specify.

(3) The Registrar may, in his discretion, refuse the acceptance of any sample of article.

Rule 22 of the Registered Designs Rules

Multiple applications

~~22. Two or more designs may be the subject of the same application for registration if the designs relate to—~~

- ~~(a) the same class and subclass of articles as classified in accordance with the Third Schedule; or~~
- ~~(a) the same set of articles.~~

Multiple designs in one application

22. For the purposes of section 11(4) of the Act, the prescribed requirements are:

- (a) The applicant may apply for the registration of 2 or more designs in one application only at the time of filing Form D3;
- (b) Every article or non-physical product to which each of those designs is to be applied falls within the same class, or alternatively, falls within all of the same classes, under the classification mentioned in section 75(1)(c) of the Act; and
- (c) The maximum number of designs that may be filed in one application shall not exceed the number as specified in practice directions issued by the Registrar.

Rule 25 of the Registered Designs Rules

Reinstatement of application, right or thing

25.

—(1) Any person whose —

- (a) application is treated as withdrawn; or
- (b) right has been abrogated, or thing has ceased to be in force or to exist, by reason that he has failed to comply with any procedural requirement in any proceedings or other matter before the Registrar within the time limit under the Act or specified by the Registrar for complying with that requirement,

may request for the reinstatement of the application, right or thing, as the case may be, in accordance with paragraphs (2), (3) and (4).

(2) A request for the reinstatement of any application, right or thing referred to in paragraph (1) —

- (a) shall be made in Form CM13 and filed with the Registrar within 6 months after the date the application was treated as withdrawn, the right was abrogated or the thing ceased to be in force or to exist, as the case may be;

(b) shall not be made unless —

(i) the omission which led to the application being treated as withdrawn was unintentional; or

(ii) the failure to comply with a time limit which led to —

(A) the right being abrogated; or

(B) the thing ceasing to be in force or to exist,

was unintentional; and

(c) where the omission, or the failure to comply with a time limit, relates to the filing of any document or thing, shall be accompanied by that document or thing not filed or not filed on time, as the case may be.

(3) Subject to paragraph (4), where a request is filed under paragraph (2), the Registrar shall allow the reinstatement unless there is a good and sufficient reason to refuse the request.

(4) The Registrar shall not allow the reinstatement unless paragraph (2) is complied with.

(5) Paragraphs (1) to (4) do not allow the reinstatement of —

(a) any application for the registration of a design which has been withdrawn under section 14 of the Act; or

(b) any application which is treated as withdrawn, any right which has been abrogated or any thing which has ceased to be in force or to exist by reason of —

(i) a failure to comply with the time limit for —

(A) ~~an application under rule 15(3) of the Registered Designs (International Registration) Rules 2005 (G.N. No. S 177/2005) for the registration of a design;~~

(B) any act under —

(BA) section 27 of the Act or Part VI of these Rules; or

(BB) section 27 of the Act and Part VI of these Rules, read with rule 12 of the Registered Designs

(International Registration) Rules 2005,

in any proceedings for the revocation of the registration of a design;

(C) the filing of a request under paragraph (2);

(D) the filing of Form HC5 under rule 27(8)(a); or

(E) an application for a hearing to make representations in relation to a written notice given by the Registrar that the formal requirements for registration under rule 27 are not met; or

(ii) a failure to pay the fee for the extension of the period of registration of a design under rule 35(2) or the restoration of the registration of a design under rule 35C.

Note: As we are proposing to delete Rule 15 of the Registered Designs (International Registration) Rules (see **Annex D**), we also propose to delete Rule 25(5)(b)(i)(A) of the Registered Designs Rules.

Rule 26 of the Registered Designs Rules

Classification

26. For the purposes of the registration of designs, articles or non-physical products shall be classified in accordance with ~~the Third Schedule~~ practice directions issued by the Registrar.

Rule 27 of the Registered Designs Rules

Formal requirements

27.—(1) The requirements under rules 10, 11, 13, 14, 15, 17, 18 and 19 shall be formal requirements for the purposes of sections 16, 17 and 18 of the Act.

(2) If, in the course of an examination of an application for registration, it appears to the Registrar that the formal requirements for registration are not met, the Registrar shall give a written notice of this to the applicant, and where the non-compliance relates to either section 16A(1)(a) or section 16A(1)(b) or both, the Registrar may, when he issues the written notice, invite the applicant to file one or more new applications under section 11.

(3) If, within 3 months after the date of the written notice of the Registrar, the applicant fails to —

(a) make representations in writing;

(b) apply to the Registrar in Form HC4 for a hearing; ~~or~~

(c) apply to correct the non-compliance; ~~or~~

(d) file a new application pursuant to section 16A of the Act, where he has been invited by the Registrar to file one or more new applications under section 11,

the application shall be treated as withdrawn.

(4) If the applicant wishes to have an extension of time to do any act referred to in paragraph (3)(a), (b), ~~or (c)~~ or (d), he shall file with the Registrar a request for extension in Form CM5

before the expiry of the period of 3 months or any extended period previously allowed by the Registrar.

(5) Where the applicant has applied to the Registrar in Form HC4 for a hearing, the Registrar shall give notice to the applicant of a date on which the Registrar will hear the applicant's arguments.

(6) For the purposes of the hearing, the applicant shall file with the Registrar his written submissions and bundle of authorities at least 14 days before the date of the hearing.

(7) The decision of the Registrar, in respect of the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing or in such other manner as the Registrar thinks fit.

(8) Where the applicant wishes to have the Registrar's grounds of decision —

- (a) the applicant shall, within one month after the date of the Registrar's decision, file a request in Form HC5 for the Registrar to state the Registrar's grounds of decision; and
- (b) the Registrar shall, within 2 months after the date of the request, send the grounds of decision to the applicant.

(9) The date on which the Registrar's grounds of decision are sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

Rule 28 of the Registered Designs Rules

Publication of notice of registration

28. The notice of registration of a design to be published in the Designs Journal under section 18(d) of the Act shall contain the following particulars:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the registered owner;
- (d) the article or non-physical product in respect of which the design is registered, including its classification number as set out in ~~the Third Schedule~~practice directions issued by the Registrar;
- (e) the registration number;
- (f) a representation of the design;
- (g) the statement of novelty relating to the design;
- (h) such other information as the Registrar thinks fit.

Rule 31 of the Registered Designs Rules

Entry in Register of particulars of registered design

31. There shall be entered in the Register in respect of each registered design the following particulars:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the owner;
- (d) the article or non-physical product in respect of which the design is registered, including its classification number in accordance with ~~the Third Schedule~~ practice directions issued by the Registrar;
- (e) the registration number;
- (f) the representations relating to the design;
- (g) the statement of novelty relating to the design;
- (h) particulars of registrable transactions (if any) under section 34 of the Act affecting the design;
- (i) if applicable, a statement that the design has been registered by virtue of section 9 or 10 of the Act;
- (j) such other particulars as the Registrar considers appropriate.

Rule 39 of the Registered Designs Rules

Notice of surrender of registration

39.—(1) The surrender of the registration of a design under section 26 of the Act shall be made by filing with the Registrar a notice in Form CM3.

(2) The surrender shall not be effective unless the registered owner —

- (a) states in the notice the articles or non-physical products in respect of which the design is surrendered; and
- (b) [*Deleted by S 742/2014 wef 13/11/2014*]
- (c) certifies in the notice, in respect of every person having an interest in the design, that the person —
 - (i) has been given not less than 3 months' notice of the registered owner's intention to surrender the registration; and

(ii) is not affected by the surrender or, if affected, has no objection to the surrender.

(3) The surrender shall take effect upon receipt by the Registrar of a notice that complies with paragraphs (1) and (2).

(4) A surrender of the registration of a design in respect of any article or non-physical product has the same effect as the registration of the design ceasing to have effect in respect of that article or non-physical product.

Third Schedule of the Registered Designs Rules

Note: We are proposing to delete the entirety of the Third Schedule of the Registered Designs Rules. As indicated in the proposed amendments to Section 75(1)(c) that are found in **Annex B**, we propose to put the classification of articles and non-physical products into practice directions to be issued by the Registrar.