

Annex D - Proposed amendments to the Registered Designs (International Registration) Rules

Note:

- (i) This annex does not contain all the provisions of the Registered Designs (International Registration) Rules. For the full text of the existing Registered Designs (International Registration) 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 4 of the Registered Designs (International Registration) Rules

Entitlement to protection

4.—(1) Subject to rule 9, an international registration designating Singapore shall be entitled to become protected in Singapore if, had the particulars of the international registration been comprised in an application for registration of a design under the Act, that application would have satisfied the requirements for registration of a design under the Act and the Registered Designs Rules (R 1).

(2) For the purpose of paragraph (1), section 11 of the Act and rules 7 ~~and~~, 13 to ~~28~~ ~~21 and~~ ~~23 to 28~~ of the Registered Designs Rules shall be disregarded.

Rule 13 of the Registered Designs (International Registration) Rules

False representation that design is protected

13.—(1) Section 66 of the Act shall apply, with the necessary modifications, in relation to a protected international design (Singapore) as it applies in relation to a registered design.

(2) For the purposes of applying section 66 of the Act —

- (a) the references in section 66(1) and (2) of the Act to a person representing that a design applied to any article or non-physical product is registered in respect of that article or non-physical product shall be treated as references to a person representing that a design applied to any article or non-physical product is protected as a protected international design (Singapore); and

- (b) the references in section 66(3) of the Act to a right in a registered design shall be treated as references to protection conferred on a protected international design (Singapore).

Rule 15 of the Registered Designs (International Registration) Rules

Division of international registration

~~15.— (1) Where 2 or more designs are the subject of an international registration designating Singapore and, after examining the international registration, the Registrar is of the view that protection should be refused in respect of any of those designs on the ground that the corresponding international application does not comply with rule 22 of the Registered Designs Rules (R 1), the Registrar shall give notification of refusal of protection to the International Bureau.~~

~~(2) The holder of the international registration designating Singapore may apply to the Registrar for a division of the international registration in order to overcome the grounds of refusal stated in the notification.~~

~~(3) Where an international registration designating Singapore has been divided by the Registrar, the holder of the international registration may apply under section 11 of the Act for the registration of any design which has been the subject of the division.~~

~~(4) An application under paragraph (3) shall be—~~

~~(a) made within 3 months after the date of the notification of refusal;~~

~~(b) made in Form D3; and~~

~~(c) accompanied by the fee for the filing of Form D3 in the First Schedule to the Registered Designs Rules.~~

~~(5) Where any design is registered in Singapore pursuant to an application under paragraph (3)~~

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~~(a) section 20 of the Act shall not apply to that design or registration; and~~

~~(b) the filing date of the corresponding international application shall be treated, for the purposes of the Act, as the date of registration of that design.~~

~~(6) Rule 57 of the Registered Designs Rules shall not apply to the doing of any act referred to in paragraph (4).~~

Rule 21 of the Registered Designs (International Registration) Rules

Application of Registered Designs Rules

21.—(1) Except as otherwise provided in these Rules, the Registered Designs Rules (R 1) shall apply, with the necessary modifications, in relation to an international registration designating Singapore and to a protected international design (Singapore) as they apply in relation to an application for registration of a design and to a registered design.

(2) The provisions of the Act and the Registered Designs Rules relating to costs and security for costs and to evidence before the Registrar shall apply in relation to proceedings under these Rules in the same manner as they apply in relation to proceedings relating to a registered design or an application for registration of a design.

(3) For the avoidance of doubt, rules 7, 13 ~~to 21, 23~~ to 29, 31 to 39 and 68 of the Registered Designs Rules do not apply to an international registration designating Singapore or a protected international design (Singapore).