

**IN THE REGISTRIES OF PATENTS, TRADE MARKS, REGISTERED DESIGNS, PLANT  
VARIETIES PROTECTION AND GEOGRAPHICAL INDICATIONS  
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE  
IPOS DIGITAL HUB PRACTICE DIRECTION NO. 1 OF 2023**

**ELECTRONIC ONLINE SYSTEM (EOS) AND ALTERNATIVE FILING MODES**

This Practice Direction is issued by the Registrar in relation to

- 1) Rules 3(3), 19A and 96A(3) of the Patents Rules,
- 2) Rules 3(3), 3A(3) and 78A(3) of the Trade Marks Rules,
- 3) Rules 3(3), 3A(3), 14, 14A, 38 and 58A(3) of the Registered Designs Rules,
- 4) Rules 3(3), 5(2)(b) and 68A(5) of the Plant Varieties Protection Rules, and
- 5) Rules 3(3), 4(3) and 86A(4) of the Geographical Indications Rules 2019

to specify the updated practice to be adopted when using the EOS and alternative filing modes provided by the Registries of Patents, Trade Marks, Registered Designs, Plant Varieties Protection and Geographical Indications.

This Practice Direction supersedes the IPOS Digital Hub Practice Direction No. 1 of 2022. It contains the following notable updates:

- 1) Updated default and alternative filing modes for the various IP (notably, the default filing mode for certain forms for Plant Varieties Protection and Geographical Indications is now the EOS);
- 2) Added allowable formats for submission of documents or attachments via the EOS for Plant Varieties Protection and Geographical Indications;
- 3) Clarified disclaimer requirements for text and reference views for Registered Designs;
- 4) Added image requirements in electronic form for Geographical Indications; and
- 5) Added acceptable validation methods for applications for transfer of registration of registered Geographical Indications.

Dated this 4<sup>th</sup> day of August 2023



RENA LEE  
REGISTRAR  
REGISTRIES OF PATENTS, TRADE MARKS, REGISTERED DESIGNS, PLANT  
VARIETIES PROTECTION AND GEOGRAPHICAL INDICATIONS



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## PART I INTRODUCTION

### 1. Citation

This Practice Direction may be cited as the IPOS Digital Hub Practice Direction No. 1 of 2023.

### 2. Commencement

The effective date of this Practice Direction is 8 August 2023.

### 3. Default Filing Modes

(1) Subject to Part I, Section 3, paragraph (2) and unless otherwise specified by the Registrar, for any transaction under the Patents, Trade Marks, Registered Designs, Plant Varieties Protection, or Geographical Indications Acts and their respective Rules, parties must give or send to, file with or serve on the Registrar documents using the EOS.

(2) The default mode through which parties give or send to, file with or serve on the Registrar the following forms/documents will be FormSG:

|                                   |  |
|-----------------------------------|--|
| <b>Patents</b>                    | Request to Compound Offence for the purpose of National Security Contravention under Section 34, Purchase of a Copy of the Patents Journal, PF35, PF56, PF58, Assent by Personal Representatives, Filing of Order of Court, HC1, HC3, HC4, HC5, HC6. |
| <b>Trademarks</b>                 | MP2, MM22, MM24, Purchase of a Copy of the Trade Marks Journal, Request to Record Logogram, Assent by Personal Representatives, Filing of Order of Court, HC4, HC5.  |
| <b>Designs</b>                    | Assent by Personal Representatives, Filing of Order of Court, HC4, HC5.  |
| <b>Plant Varieties Protection</b> | All PVP forms except PVP3.   |
| <b>Geographical Indications</b>   | GI2, GI3, GI13, CM4, CM5, CM12, CM13, HC1, HC3, HC5, HC6, Purchase of a Copy of the Geographical Indications Journal, Filing of Order of Court.  |

### 4. Requirements for Submissions of Documents to the Registrar

For any transactions under the Patents, Trade Marks, Registered Designs, Plant Varieties Protection or Geographical Indications Acts and their respective Rules, parties must abide by

the requirements as stipulated under Part II (for submissions by means of the EOS) and Part III (for submissions by means other than the EOS).

## PART II ELECTRONIC FILING AND SERVICE

### 1. The Electronic Online System (EOS)

(1) The Registries of Patents, Trade Marks, Registered Designs, Plant Varieties Protection and Geographical Indications established an electronic online system (“EOS”) for conducting Intellectual Property (IP) transactions as specified in the Patents Rules, the Trade Marks Rules, the Registered Designs Rules, Plant Varieties Protection Rules and the Geographical Indications Rules 2019 (the “IP Rules”).

(2) The service allowing transactions via the EOS is accessible at [IPOS Digital Hub](#).

(3) A person or entity may apply to be registered as an Account Holder via the authenticated login modes catered for under the EOS.

(4) Use of the EOS is governed by the Terms and Conditions, notices, directions or instructions as may be issued by the Registrar from time to time. These can be found within IPOS Digital Hub.

### 2. Allowable Formats for Submission of Documents or Attachments

(1) Unless specified on the filing interface on the EOS, the allowable formats for submission of all documents, are as follows:

| IP      | Document Type  | File Format   | Colour                        |
|---------|--|---|-------------------------------|
| Patents | Sequence Listing, forming part of the description, presented as a separate part of the description | pdf, docx, txt, xml (for applications with date of filing between 26 May 2022 and 30 June 2022 (both dates inclusive))<br><br>xml (for applications with date of filing on or after 1 July 2022)<br><br><i>See Part II, Section 6, paragraph (1) to (10) for more information</i> | Black/white or greyscale only |

| IP                                | Document Type                                      | File Format  | Colour                        |
|-----------------------------------|--|--|-------------------------------|
|                                   | Sequence Listing filed for reference purposes only | pdf, docx, txt, xml (for applications with date of filing between 26 May 2022 and 30 June 2022 (both dates inclusive))<br><br>xml (for applications with date of filing on or after 1 July 2022)<br><br><i>See Part II, Section 6, paragraph (1) to (10) for more information</i>                                    | Black/white or greyscale only |
|                                   | All other documents                                | docx, pdf, xml<br><br><i>(With effect from 2 June 2022, for patent applications with specification filed in docx, the time to receive a date of filing notification will be the same as patent specification filed in other formats. This supersedes <a href="#">Circular No. 4/2020</a> issued on 2 June 2020.)</i> | Black/white or greyscale only |
| <b>Trade Marks</b>                | Trade mark image                                   | jpg, jpeg, png, gif, bmp, tiff, tif  | No colour restriction         |
|                                   | Other representation of trade mark                 | mp3, wav, avi, aac, m4a, wma, mp4, gif, wmv, mpeg, mpg   | No colour restriction         |
|                                   | All other documents                                | doc, docx, pdf   | No colour restriction         |
| <b>Designs</b>                    | Designs image                                      | jpg, jpeg, png   | No colour restriction         |
|                                   | All other documents                                | doc, docx, pdf   | No colour restriction         |
| <b>Plant Varieties Protection</b> | Representation image                               | jpg, jpeg, png   | No colour restriction         |

| IP                              | Document Type                 | File Format                                | Colour                |
|---------------------------------|-------------------------------|--|-----------------------|
|                                 | All other documents           | doc, docx, pdf                             | No colour restriction |
| <b>Geographical Indications</b> | Geographical indication image | .jpg, .jpeg, .png, .gif, .tif, .tiff, .bmp | No colour restriction |
|                                 | All other documents           | doc, docx, pdf                             | No colour restriction |

### 3. Modes of Electronic Payment of Fees and Charges

- (1) Unless otherwise specified by the Registrar or specified in the IP Rules, where the relevant form and accompanying document(s) are submitted via the EOS, payment must be made via the EOS at the time of submission.
- (2) Payment via the EOS must be effected by Inter-Bank GIRO, Visa/MasterCard credit or debit cards or Internet Banking.
- (3) A receipt and a tax invoice will be generated and issued via the EOS upon successful completion of the payment transaction.

### 4. Limits on the Size of Documents Submitted Using the EOS

- (1) The size of each document uploaded in electronic form cannot exceed 100 megabytes.
- (2) Documents exceeding 100 megabytes must be split into parts not exceeding 100 megabytes each. If there are more than three (3) parts, please send an email to [ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg) for further directions before the attachment(s) are split and filed. All parts of the document must be filed with the Registrar within the prescribed timelines.

### 5. Size and Presentation of Electronic Documents (for Patents only)

#### ***Separate Electronic Files***

- (1) Unless otherwise specified by the Registrar, where the following documents are being submitted, they must be submitted as separate electronic files:
  - a. The description together with the claims (if available) in a single document;
  - b. The drawings;
  - c. The abstract;
  - d. Sequence Listing;

- Sequence Listing (Specification)
- Sequence Listing (For Reference Only)
- e. Non-English specifications and abstract (of the international application entering the Singapore national phase);
- f. Foreign search report (of a corresponding application);
- g. International search report (of a corresponding international application);
- h. International preliminary report on patentability;
- i. Cited documents;
- j. English translation of non-English language documents and a copy of the verification document of the translation;
- k. Copy of the certified copy of documents (for example, patent grant);
- l. Documents setting out the final results of the search and examination;
- m. Copy of statutory declaration, including any annexes and attachments; and
- n. Supporting documents or evidence.

(2) In the document which contains the description and the claims, the claims must commence on a new page after the description. There must be a page break (Microsoft Word – Insert tab – Page Break) after the description to clearly indicate where the description ends.

(3) The document must not contain tracked changes, comments and bookmarks. It must not contain personal data that the applicant does not wish to disclose.

### **General Layout**

(4) The visual representation of all documents shall be clear.

(5) All documents shall have a document page set-up of A4 size and be in portrait orientation.

(6) The documents shall have a white background with black text.

(7) The functions available in Microsoft Word shall be used for formatting purposes. Examples of such functions include indent, page breaks, paragraph breaks, equations, symbols and bullet library for lists.

(8) There shall be a paragraph break [hit Enter or Return on the keyboard] at the end of each paragraph.

### **Margins**

(9) The minimum margin settings of the page set-up of the electronic documents containing the description, the claims, the abstract and drawings, shall be as follows:

- a. Top: 2.0 cm;

- b. Left side: 2.5 cm;
- c. Right side: 2.0 cm; and
- d. Bottom: 2.0 cm.

(10) The margins of the documents referred to in Part II, Section 5, paragraph (1), when submitted, and of any replacement documents, shall be completely blank.

### **Font**

(11) The characters shall have a font size of at least 10 points and be in one of the following font types:

- a. Arial;
- b. Arial Black;
- c. Arial Narrow;
- d. Arial Rounded Mt;
- e. Calibri;
- f. Cambria;
- g. Cambria Math;
- h. Courier New;
- i. Times New Roman; or
- j. Verdana

## **6. Presentation of Patents Sequence Listing and Specification**

(1) The conditions specified in Part II Section 5 apply to all parts of the patent specification.

### **Sequence Listing**

Application for a patent with date of filing between 26 May 2022 and 30 June 2022 (both dates inclusive)

(2) Where the application for a patent discloses a sequence, the description must include a sequence listing, presented as a separate part of the description and shall be in either pdf, docx, txt or xml.

Application for a patent with date of filing on or after 1 July 2022

(3) Where the application for a patent discloses a sequence, the description must include a sequence listing, presented as a separate part of the description and shall comply with [WIPO Standard ST.26](#) - the recommended standard for the presentation of nucleotide and amino acid sequence listings using xml.



(4) For sequence listing forming part of the description, it shall be presented as a separate part of the description and be in an electronic document format. It shall also be filed by means of transmittal which has been specified by the Registrar in the IPOS Digital Hub Practice Direction. Such sequence listing shall be filed with the Registrar as “Sequence Listing (Specification)”.

(5) For sequence listing furnished for the purpose of search, it shall also be in an electronic document format and be filed by means of transmittal which has been specified by the Registrar in the IPOS Digital Hub Practice Direction. Such sequence listing shall be filed with the Registrar as “Sequence Listing (For Reference Only)”.

(6) Any correction or amendment to the sequence listing shall also comply with the prevailing WIPO Standard.

(7) Any correction/amendment must be clearly indicated and described in a letter.

#### **WIPO Standard ST.26**

(8) The presentation of the sequence listing shall be in accordance with Annex C, Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications under the PCT, [Administrative Instructions under the Patents Cooperation Treaty \(as in force from July 2022\)](#).

(9) The relevant sections and appendices in the Administrative Instructions under the Patents Cooperation Treaty (*as in force from July 2022*) shall be applicable:

- a. Relationship with WIPO Standard ST.26
- b. Sequences Required to be Presented in a Sequence Listing
- c. Presentation of Sequences in the International Application
- d. Language-Related Requirements

(10) Applicants are encouraged to use the [WIPO sequence listing desktop validator](#) before submitting their sequence listing to the Registrar.

#### **Headings**

(11) Each section and sub-section of the patent specification shall start with a relevant heading.

- a. Sections

| S/No. | Section          | Heading   |
|-------|------------------|---|
| 1     | Description      | Description   |
| 2     | Claims           | Claim<br>Claims<br>Patent Claim<br>Patent Claims<br>What is claimed<br>What is claimed is |
| 3     | Abstract         | Abstract  |
| 4     | Drawing          | Drawing<br>Drawings<br>Figure<br>Figures  |
| 5     | Sequence Listing | Sequence Listing  |

b. Sub-sections

| S/No. | Sub-section (not limited to)      | Heading   |
|-------|-----------------------------------|---|
| 1     | Reference to Related Applications | Reference to Related Applications<br>Reference to Related Patents<br>Related Applications<br>Cross References<br>Cross Reference    |
| 2     | Technical Field                   | Technical Field<br>Field of Invention<br>Field of the Invention<br>Technical Field of Invention<br>Technical Field of the Invention |
| 3     | Background Art                    | Background<br>Background Art<br>Background of Invention<br>Background of the Invention<br>Prior Art                                 |

| S/No. | Sub-section (not limited to)      | Heading   |
|-------|-----------------------------------|---|
| 4     | Disclosure of the Invention       | Disclosure<br>Summary<br>Disclosure of Invention<br>Disclosure of the Invention<br>Summary of Invention<br>Summary of the Invention<br>Brief Statement of The Invention<br>Object of The Invention<br>Object and Summary of The Invention |
| 5     | Brief Description of the Drawings | Brief Description of Drawings<br>Brief Description of the Drawings<br>Brief Description of Figures<br>Brief Description of the Figures<br>Description of the Drawings<br>Drawing Description  |
| 6     | Detailed Description              | Description<br>Detailed Description<br>Description of the Embodiments<br>Description of Embodiments of the Invention  |
| 7     | Industrial Application            | Industrial Applicability  |

(12) The patent specification may contain sub-sections in addition to those indicated in Part II, Section 6, paragraph (10).

(13) The section and sub-section headings shall be in bold and in one line without any other text or image. The headings shall be clearly distinguishable from other text in the specification.

(14) There shall be at least a blank line spacing between the heading and the subsequent paragraph.

***Title of Invention***

(15) In the Description document, the Title of Invention shall appear below the section heading “Description”.

(16) The Title of the Invention shall be indicated in the following format:

Title of the Invention: [Actual Title on the Invention].

Example:

|  |
|--|
| <p><b>Description</b></p> <p>Title of Invention: [Actual Title of Invention]</p> |
|--|

(17) The Title of Invention is not required in the Abstract. However, if there is an indication of the Title of the Invention in the Abstract, it shall be placed above the heading “Abstract” in the same format as in Part II, Section 6, paragraph (15).

Example:

|  |
|--|
| <p>Title of Invention: Actual<br/>Title of Invention</p> <p><b>Abstract</b></p> <p>The abstract paragraph</p> <p>[Fig 1]</p> <p>Page X</p> |
|--|

### ***Page Numbering***

(18) In the application:

- a. All pages in the description, claims and abstract shall, when submitted, be numbered consecutively;
- b. For drawings, when submitted, be numbered consecutively as a separate series; and
- c. For sequence listing, when submitted, regardless of whether it forms part of the description or for reference shall be numbered independently.

(19) The page numbering referred in Part II, Section 6, paragraph (17) is not applicable for specifications filed in XML formats.

(20) The page numbering referred in Part II, Section 6, paragraph (17) shall be in Arabic numerals placed at the top or bottom of the page, in the middle, but not in the top or bottom margin.

### ***Paragraph Numbering***

(21) If the paragraphs are numbered, it shall be numbered consecutively in the following format: [0001], [0002] etc...

[0001] [The paragraph]

[0002] [The paragraph]

[0003] [The paragraph]

### ***Claim Numbering***

(22) Where there are 2 or more claims, claims shall be numbered consecutively in Arabic numerals. The following format: [Claim N], where N stands for a number is acceptable.

Claim 1: [The claim]

Claim 2: [The claim]

Claim 3: [The claim]

### ***Drawing/Figure Numbering***

(23) All drawings/figures shall be numbered consecutively in the following format: [Fig. N], where N stands for a number.

Fig 1

Fig 2

Fig 3

(24) The numbering shall be placed above or below the drawing/figure in a single line without any other text or images.

(25) There shall be at least a line spacing after each drawing/figure number.

(26) References to drawings/figures in the other parts of the specification (description, claims, abstract and sequence listing) shall be indicated in the same format as Part II, Section 6, paragraph (23).

### ***Numbering of all other captions***

(27) All captions shall be in the following format: [XXX N], where XXX stands for a label and N stands for a number. Example: [Table 1], [Math. 1], [Chem 1].

### ***Format of images placed in the documents***

(28) If images are to be placed in the documents, the image file shall be in one of the following formats:

- a. jpg;
- b. jpeg; or
- c. png.

### ***Non-Compliance***

(29) Pursuant to Rule 23(28) of the Patents Rules, non-compliance with Part II Sections 5 and 6 may be authorised by the Registrar if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

## **7. Amendment or Correction of Documents (for Patents only)**

(1) Pursuant to Rules 46(3B), 48(4), 52(10) and 91(1C) of the Patents Rules, the procedure for amending or proposing to amend, as the case may be, the description, claims, drawings, or abstract with a Patents Form 13, Patents Form 13A or Patents Form 17 or correcting an error in any document (other than a form) with a Form CM4 is as follows:

- a. The relevant Patents Form shall be accompanied by:
  - (i) A copy of the document with the amendment, proposed amendment or correction, as the case may be, indicated therein in the following manner:
    - (1) By striking through any text, figure or other matter to be replaced or deleted; and
    - (2) By underlining any replacement text, figure or other matter(collectively, the “marked-up copy”); and

(ii) A copy of the amended, proposed to be amended or corrected document without editing notations (the “clean copy”).

b. The following examples illustrate the acceptable formats of the marked-up copy and clean copy referred to in Part II, Section 7, paragraph (1)(a):

**Example 1:**

| Original   | Marked-up copy   | Clean copy   |
|--|--|--|
| aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>10 | aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br><u>aaaaabbbbbaa</u><br>aaaaa<br>10 | aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>bbbbbaaaaaaa<br>10 |

**Example 2:**

| Original   | Marked-up copy  | Marked-up copy |
|--|---|----------------|
| aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>10 | aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br><u>aaaaabbbbbbb</u><br><u>bbbbbbbbbbbaa</u><br>10 | aaaaa<br>10a   |
|  | Clean copy  |                |
|  | aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>aaaaaaaaaaaa<br>bbbbbbbbbbbbbb<br>bbbbbaaaaaaa<br>10              |                |

c. Where the amendment or correction referred to in Part II, Section 7, paragraph (1) pertains to claims, the marked-up copy and clean copy of the full set of claims shall be submitted.



(2) The procedure in Part II, Section 7, paragraph (1) shall apply regardless of whether a document is being amended or corrected for the first time or re-amended or re-corrected respectively, following earlier amendments or corrections.

## **8. Pagination and Paragraph Numbering of Amended or Corrected Documents (for Patents only)**

(1) For documents which have been amended or corrected, pagination of the amended or corrected document shall correspond with the original document, with any new pages generated as a result of the changes paginated with alphabetical characters. For example, if page 3 of the patent description is amended and the changes cause any text to shift over to subsequent pages, the subsequent pages created by the amendment/correction may be numbered as page 3A, 3B... 3Y, 3Z, 3AA, 3AB etc. The text on page 4 shall begin with the text in page 4 of the original document.

(2) Similarly, if paragraphs are numbered and if new paragraphs are generated as a result of the changes, then the new paragraphs shall be allocated the same number as the preceding paragraph followed by an alphabet. For example, paragraphs following paragraph [0005] shall be numbered [0005a], [0005b], [0005c] etc.

## **9. Size and Mode of Representations in Electronic Form (for Designs only)**

### ***Mode of Representations***

(1) The representation of the submitted design (or, where there is more than one view filed as the representation of the submitted design, the representation of each view of the design) shall be either in the form of photographs or drawings which should be visually clear, of good quality and be suitable for reproduction. As the application shall contain a clear representation of the design, the submitted views of the design shall be either in the form of photographs, or in the form of drawings, and shall not be in the form of both photographs and drawings.

(2) All photographs shall show the article against a plain contrasting background. Any extraneous articles that are not intended to form part of the design shall be excluded.

(3) If the representations submitted consist of drawings, the drawings must be accurately drawn and be of well-defined, even, black lines. Rough-hand sketches are not acceptable.

(4) Image files must be in jpg, jpeg or png format only. The image file name should not contain any spaces or special characters.



### ***Views of Representations***

- (5) The drawings or photographs should contain a sufficient number of views to completely disclose the appearance of the claimed design, for example, perspective, front, rear, right and left sides, top and bottom views.
- (6) Cross section views of the design should not be submitted unless it is to clearly show the appearance and shape of three-dimensional designs.

### ***Number of Views***

- (7) Each application shall, as far as possible, contain no more than 10 different views of the design. Where more than 10 views are provided, the Registry may disregard the additional views lodged.
- (8) Each view is to be submitted as one image file. The Registry will accept the views in the consecutive order that they are provided by the applicant.
- (9) If the application is for a design which is to be applied to a set of articles, a set of non-physical products or a set of articles and non-physical products, the view selected for publication shall show the design as applied to all the items (articles and/or non-physical products) that are in the set. For example, if the application is for a set of jewellery consisting of a pendant, a ring and a bangle, these three items must be shown within the view selected for publication.

### ***Dimensions of Views***

- (10) The dimensions for each view of the design should not exceed 490 pixel x 565 pixel, and should not be smaller than 110 pixel x 110 pixel.
- (11) In the case of a set of articles, a set of non-physical products, or a set of articles and non-physical products, where the view selected for publication shows all the items that are in the set (articles and/or non-physical products), the dimensions of the view selected for publication should also not exceed 490 pixel x 565 pixel.
- (12) The total file size of all the images and the attachments submitted should not exceed 100 megabytes.

### ***Labelling the Views***

- (13) The views may be labelled numerically such as “Fig. 1”, “Fig. 2” or include terms such as “Perspective view” or “View of one side”.
- (14) The labels should not include dimensions, wordings that describe all or parts of the design, or elements of any trade mark.

(15) Images labelled as “Reference View” are also for illustrative purposes only. Reference views may, for example, show the design in use. Where an applicant or registered owner indicates that a view is a “Reference View”, the applicant or registered owner is indicating that that view is not to be taken into consideration in determining the design for which protection is claimed. If a reference view is submitted, there must be a corresponding and consistent textual description set out in the “Disclaimer” section of the form.

## 10. Disclaimers (for Designs only)

(1) Disclaimers are indications and/or statements that limit the rights conferred by registration set out in section 30 of the Registered Designs Act 2000 (“the RDA”).

(2) A disclaimer must be made in compliance with the requirements in the IPOS Digital Hub Practice Direction in addition to the relevant statutory provisions and forms. Otherwise, this may affect the processing and approval of the application.

(3) An applicant for registration of a design or a registered owner of a registered design who wishes to disclaim any right in relation to a specified feature of the design under section 30A of the RDA, must set out the disclaimer in the relevant form as follows (“the disclaimer application”):

- a. for an applicant for registration of a design, in the application form, Form D3; and
- b. for a registered owner of a registered design, in Form D10.

(4) Disclaimers may be described, indicated or represented through textual and/or visual means. While the applicant for registration of a design or the registered owner of a registered design may choose how best to present the disclaimer, it must be clear which part(s) of the design the applicant or registered owner (as the case may be) does not wish to protect. Therefore, the disclaimed features for which no protection is being claimed must be clearly distinguished from the features of the design intended to be protected.

(5) As an example, if the disclaimer is rendered visually (e.g., using an artistic or photographic image), any representation or indication of a specified feature for which no protection is being sought must be accompanied by a corresponding and consistent textual description set out in the “Disclaimer” section of the relevant form (as mentioned above, Forms D3 and D10<sup>1</sup> for disclaimers that are submitted in relation to pre-registered and post-registration designs respectively). The annotated representation or indication must be attached as an enclosure to the relevant form.

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<sup>1</sup> Following the submission of application form, disclaimers may also be amended/inserted via Form D5: Application to amend an application for registration of a design under section 15 of the Act or Form CM4: Request for Correction of Error. Pure text disclaimers are to be described in the “Amendment Details” section of Form D5 or “Details of Correction” section of Form CM4. Visual disclaimers (with the corresponding and consistent textual descriptions) must be attached to the form as an enclosure.

(6) In some instances, it is possible for a disclaimer to be described through purely textual means – for example, this might be where the disclaimer limits rights to a feature that does not involve colour or material. Likewise, pure text disclaimers must be described in the “Disclaimer” section of the relevant form.

(7) Where the representation contains letters, characters, texts, numerals, symbols or trade mark elements, there must be a corresponding and consistent textual description set out in the “Disclaimer” section of the relevant form if protection is not being sought for these features.

### ***Visual Disclaimers***

(8) Visual disclaimers indicate that protection is not being sought for certain features of the design as shown in the annotated representation or indication.

(9) To protect a design that only applies to a part or parts of an article, the part(s) of the article should be clearly identified in solid lines. The part(s) for which protection is not claimed may be indicated by means of broken or stippled lines, or shaded portions.

(10) Where a disclaimer is made visually, broken lines are recommended unless broken lines cannot be used due to technical reasons (e.g., when broken lines are already used to indicate stitching on clothing or patterns). If so, colour shading, boundaries or blurring may be used instead.

(11) Visual disclaimer indicates that protection is not being sought for certain features and could be achieved by:

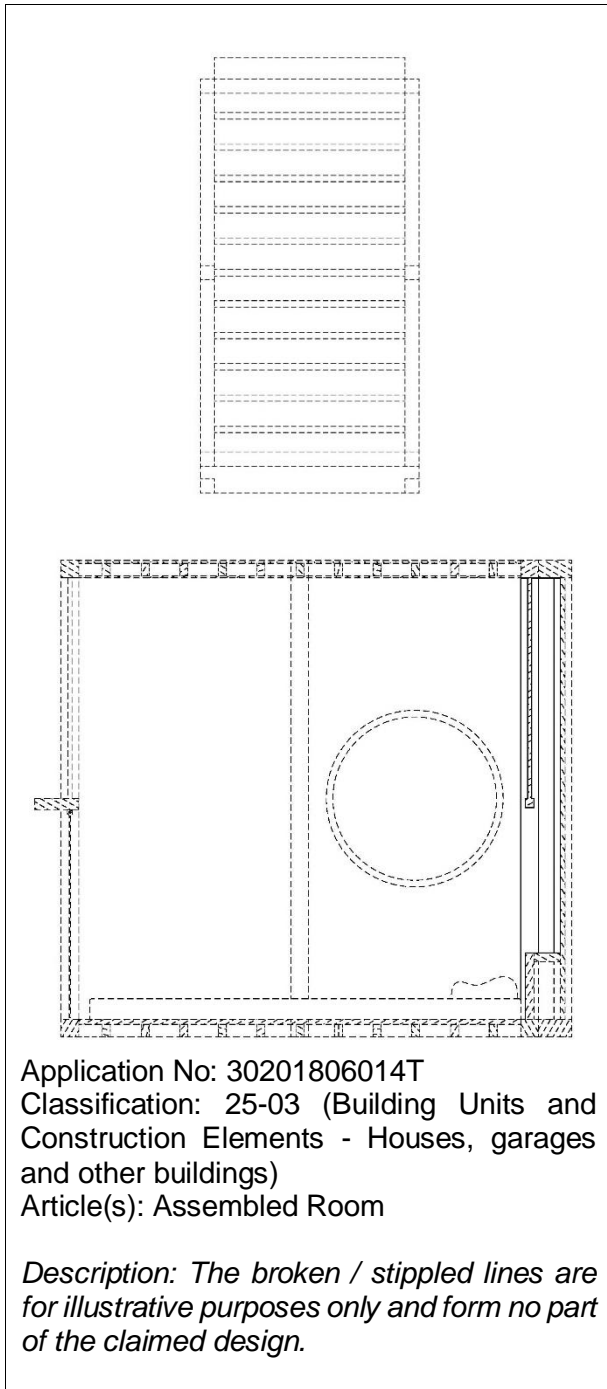
- a. Excluding with broken lines, blurring or colour shading the features of the design for which protection is not sought; or
- b. Including the features of the design for which protection is sought within a boundary, thus making it clear that no protection is sought for what falls outside the boundary.

### ***Broken Lines***

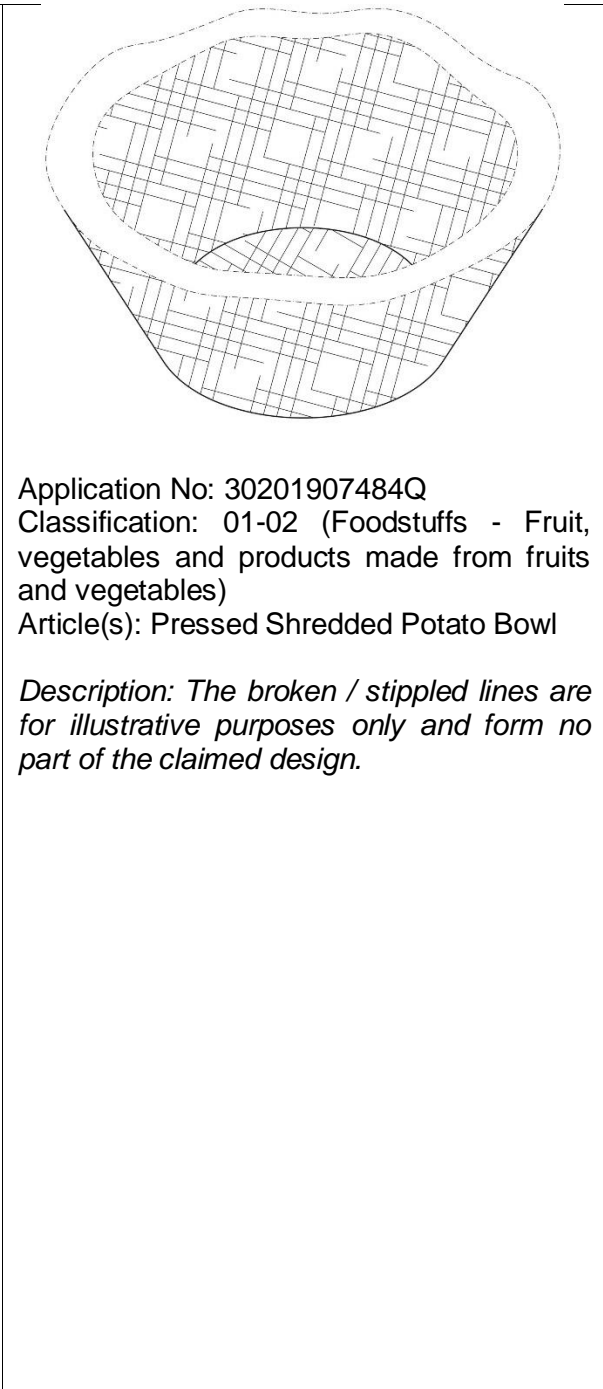
(12) Broken lines consist of a trace of the disclaimed feature(s) made up of dots or dashes or in combination and they are used to indicate that no protection is sought for features shown.

(13) It may consist of broken lines in combination with continuous lines. To be acceptable, the features for which protection is not sought should be clearly indicated with broken lines, whereas for the parts for which protection is sought, they should be indicated with continuous lines.

(14) The following examples show correctly applied broken lines as a visual disclaimer:



Example 1



Example 2

## Blurring



(15) Blurring is a means of depicting a visual disclaimer that consists of obscuring the feature for which protection is not sought in the representation.

(16) Where blurring is used, the disclaimed features must be clearly contrasted with the claimed features for which protection is being sought.

## Shading

(17) Shading consists of using contrasting tones to sufficiently obscure the features for which protection is not sought in the representation of the design application. With colour shading, the features for which protection is sought must be clearly perceptible, whereas the disclaimed features must be represented in a different tone to clearly contrast with the claimed features.

(18) The following examples show correctly applied shading as a visual disclaimer:

|   |  |
|---|--|
|  <p>Application No.: 30201805988V<br/>Classification: 24-02 (Medical and Laboratory Equipment - Medical instruments, instruments and tools for laboratory use)<br/>Article(s): Expansion Trigger For Sampling Device</p> <p><i>Description: The shaded portions are for illustrative purposes only and form no part of the claimed design.</i></p> |  <p>Application No.: 30201805637Q<br/>Classification: 26-06 (Lighting Apparatus - Luminous devices for vehicles)<br/>Article(s): Front Combination Lamp For An Automobile</p> <p><i>Description: No claim is made to any right to the exclusive use of the light-coloured portions in the representations.</i></p> |
|---|--|

Example 3

Example 4

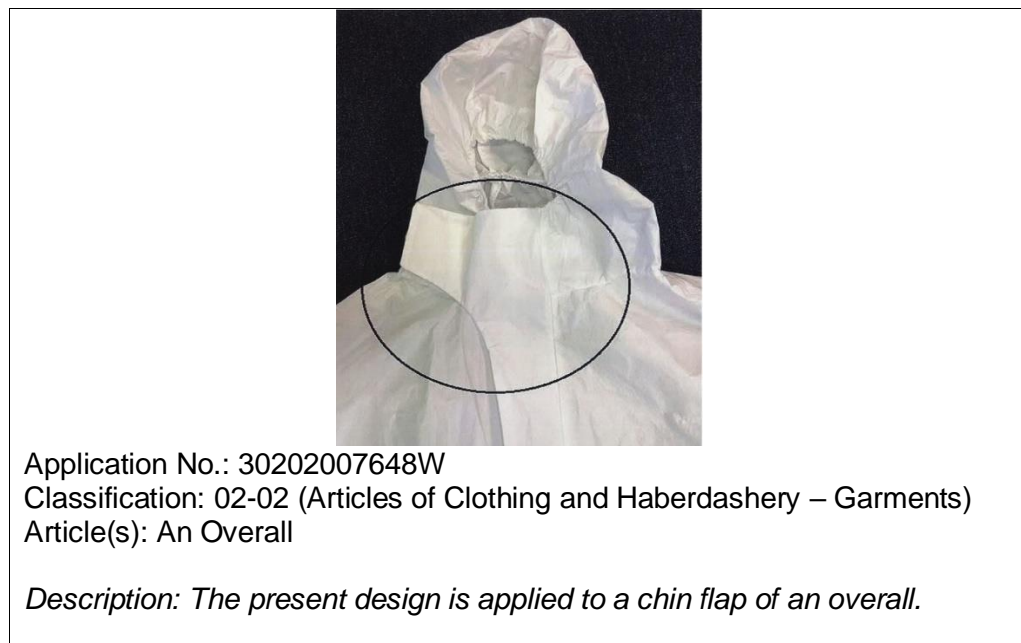
## Boundaries

(19) Boundaries are a means of depicting a disclaimer used in representation to indicate that no protection is sought for the features not contained within the boundary. The features

for which protection is sought should be clearly indicated/ represented within the boundary, whereas all the features outside the boundary are considered to be disclaimed and not protected.

(20) When using boundaries to visually claim elements presented in the representation, the applicant or registered owner should ensure that boundaries do not overlap into visual features not intended for protection.

(21) The following example shows an acceptable use of boundaries:



*Example 5*

## **11. Image Requirements in Electronic Form (for Trade Marks and Geographical Indications only)**

(1) The submitted image must not exceed two (2) megabytes in size. The image should also be visually clear, of good quality and be suitable for reproduction.

## **12. Image Requirements in Electronic Form (for Plant Varieties Protection only)**

(1) The representation of the plant variety in respect of which the application is made, shall be in the form of coloured photographs which should be visually clear, of good quality and be suitable for reproduction.

(2) Each application shall, as far as possible, contain no more than 5 representations of the plant variety.

### **13. Transfer of Ownership, Licence or Security Interest (for Patents, Trade Marks and Registered Designs only); Transfer of Registration of Registered Geographical Indication**

(1) The acceptable validation method for applications filed pursuant to Rule 57(3) of the Patents Rules, Rule 55(3) of the Trade Marks Rules, Rule 37(3) of the Registered Designs Rules and Rule 58(2) of the Geographical Indications Rules by means of the EOS are authenticated login modes catered for under the EOS.

### **14. Hard Copies of Electronic Documents**

(1) The Registrar may, in the exercise of discretion, request hard copies of any documents submitted electronically. Upon such request, the addressee must furnish the required hard copies within the specified time frame, or within seven (7) working days of the request if no time frame is specified.

### **15. Resubmission of Electronic Documents while Retaining the Date of Receipt**

(1) In the event that IPOS is unable to access the submitted electronic documents (e.g., if the file is corrupted or if it is password-protected), the Registrar will send a notification to the applicant and the documents will have to be resubmitted in the electronic format as specified in the IPOS Digital Hub Practice Direction.

(2) Unless otherwise specified by the Registrar, the applicant shall have to submit a statutory declaration prepared in accordance with the Oaths and Declaration Act 2000 to the Registrar to retain the original date of receipt of the initial submission of the electronic documents.

(3) The statutory declaration in Part II, Section 14, paragraph (2) shall state explicitly and declare that the contents of electronic documents to be resubmitted are identical to the documents earlier submitted.

(4) Where IPOS is unable to access the submitted electronic documents and the applicant fails to resubmit an accessible set of the documents in the electronic format as specified in the IPOS Digital Hub Practice Direction, the original submission will be treated as not having been made.

(5) Where IPOS is unable to access the submitted electronic documents and the applicant resubmits an accessible set of the documents in the electronic format as specified in the IPOS Digital Hub Practice Direction, but does not satisfy the Registrar that the contents of the resubmission of the electronic documents are exactly the same as the documents submitted



in the original submission, the date of receipt of the documents shall be taken to be the date of receipt of the resubmission.

## **16. Electronic Communications**

(1) Electronic communication via the EOS shall be the primary means through which correspondence is sent, received and exchanged between the Account Holder and the Registrar.

(2) All correspondence made available to the Registrar through the account and that is received or retrieved by the Registrar through the account shall be deemed to have been duly authorised by the Account Holder.

(3) Any correspondence that is to be sent by the Registrar under the Patents, Trade Marks, Registered Designs, Plant Varieties Protection or Geographical Indications Acts and the respective IP Rules shall be deemed to be duly sent to the Account Holder if such correspondence has been made available through the account in the EOS.

(4) For certain transactions under the Patents Act 1994 and Rules that can be made via the EOS without the need to login via an EOS account (i.e., Written Authority Sought under Section 34 of the Patents Act), the communication between the Applicants/Requestors and the Registrar shall be via email. The email address must be indicated by the Applicant/Requestor in the request. Emails received or retrieved by the Registrar for such transactions shall be deemed to be duly authorised as the official means of communication by the Applicant/Requestor for the purpose of the request. Emails sent by the Registrar under the Patents Act 1994 and Rules for such transactions shall be deemed to be duly sent to the Applicants/Requestors.



## **PART III SUBMISSIONS BY MEANS OTHER THAN THE EOS**

The Registrar may allow documents to be served on the Registrar by means other than the EOS (for example, see Part I, Section 3 (*Default Filing Modes*) and Part IV (*Emergency Procedures*)).

### **1. Requirements on Size, Presentation, Formatting, Legibility etc. of Documents Served on the Registrar by Means Other than the EOS**

- (1) All documents served on the Registrar by means other than the EOS must be in writing that is legible and permanent.
- (2) Documents served on the Registrar by means other than the EOS must comply with the instructions specified above under Part II, Sections 2, 4 to 13.

### **2. Procedure for Submissions by Electronic Means Other than the EOS (FormSG, email etc.)**

- (1) For transactions that are allowed to be made via FormSG, instructions will be provided on the IPOS website. Applicants are to abide by the instructions and duly complete all mandatory fields in FormSG.
- (2) For submissions via any electronic means other than the EOS, should the form or accompanying documents exceed the maximum file size limit allowable by the relevant electronic means, please send an email to [ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg) for further directions. All parts of the document shall be filed with the Registrar within the prescribed timelines.
- (3) Following IPOS' verification that the submission meets the requirements set out in the relevant Acts and Rules and that payment is required, applicants will be provided with an electronic link through which payment must be made by the specified deadline.
- (4) The payment must be made via the EOS and effected by Inter-Bank GIRO, Visa/MasterCard credit or debit cards or Internet Banking.
- (5) A receipt and tax invoice will be generated and issued via email upon successful completion of the payment.

## PART IV EMERGENCY PROCEDURES

- (1) In the event that the EOS is unavailable (e.g., due to failure of the EOS server), relevant notifications will be put up on the IPOS website and the IPOS Digital Hub website to inform the public of the unavailability of the EOS. IPOS will also communicate the same to Account Holders via email.
- (2) If the EOS is unavailable on a day for an extended period (e.g., more than three (3) hours), the Registrar may declare the day when the EOS is unavailable as a “day of interruption” via a Practice Direction. Accordingly, all deadlines for the submission of any notice, application or other document to the Registrar that expire on that day will be extended to the first day following the declared day (not being an excluded day for such business) which is not so declared. Alternative filing mode(s) will be made available for applications to register an IP (Forms PF1, TM4, MM2, D3, PVP3, GI1), to record registrable transactions (CM6, CM7, CM8, Assent by Personal Representatives, Filing of Court Order) and for Written Authority Sought under Section 34 of the Patents Act.
- (3) The Registrar may issue correspondence (via the EOS, email or post) containing instructions and stipulated time frames in response to applications submitted via the allowable alternative mode(s). Applicants are to abide by the instructions set out in these correspondences, where applicable.
- (4) If applicants encounter issues transacting via the EOS, they may send an email to [digitalhub\\_helpdesk@ipos.gov.sg](mailto:digitalhub_helpdesk@ipos.gov.sg) for assistance, advice or directions.
- (5) In the event that both the EOS and FormSG are unavailable, applicants may submit forms and/or documents via email to [digitalhub\\_helpdesk@ipos.gov.sg](mailto:digitalhub_helpdesk@ipos.gov.sg).
- (6) Any documents served on the Registrar via the alternative filing modes availed as part of IPOS’ emergency procedures must comply with the relevant instructions and requirements as conveyed under Parts II and III.