

Intellectual Property Office of Singapore

Registry of Plant Varieties Protection

Circular No. 3/2022: Information on Revised Launch Date for IPOS Digital Hub, Decommission Date for IP²SG, Effective Date of Legislative Amendments and Fee Updates, Excluded Days

Information on Revised Launch Date for IPOS Digital Hub, Decommission Date for IP²SG, Effective Date of Legislative Amendments and Fee Updates, Excluded Days
(Circular No. 3/2022, dated 28 Apr 2022)

(A) IPOS Digital Hub Launch on 2 June 2022

Further to [Plant Varieties Protection Circular No. 1/2022](#) dated 11 March 2022, to allow IPOS to resolve technical issues and prevent any anticipated disruptions to users in using the new Electronic Online System (“EOS”), IPOS Digital Hub will launch on 2 June 2022, 1200hrs.

I. Adjustments to IP²SG Decommissioning Schedule

In this regard, the decommissioning schedule for the existing EOS, IP²SG, will be adjusted as follows:

- IP²SG will decommission on 25 May 2022 (2359hrs), and EOS services will remain available until 25 May 2022 (2359hrs) through IP²SG.
- EOS services will be unavailable from 26 May 2022 (0000hrs) to 2 June 2022 (1159hrs).
- All draft correspondence and forms in your IP²SG draft folders and payment cart will be removed on 25 May 2022 (2359hrs) and they will not be retrievable in the new EOS. Please submit your drafts and make payment (as appropriate) via IP²SG before 25 May 2022 (2359hrs).

II. Excluded Days

Notwithstanding the revised dates above, the [Registries Practice Direction \(No. 1 of 2022\)](#) issued on 11 April 2022, [Practice Direction No. 1 of 2009](#) and [Practice Direction No. 1 of 2019](#) will remain in effect.

This means that period of 29 April 2022 to 8 May 2022 (both dates inclusive) taking into account Saturdays, Sundays and Public Holidays falling within this period will continue to remain as a period of excluded days¹.

¹ [Trade Marks Circular No. 3/2022](#), [Registered Designs Circular No. 2/2022](#), [Patents Circular No. 2/2022](#), [Plant Varieties Protection Circular No. 2/2022](#) and [Geographical Indications Circular No. 2/2022](#) explain that the period of 29 April 2022 to 8 May 2022 (both dates inclusive), taking into account Saturdays, Sundays and Public Holidays falling within that period, will be a period of excluded days in relation to any deadline that falls within that period, such that that deadline will be automatically extended to the next following day which is not an excluded day i.e. 9 May 2022.



Please refer to the Annex for further information on the impact of excluded days to deadlines and priority claims for the period of 29 April 2022 to 8 May 2022.

To facilitate the launch of IPOS Digital Hub on 2 June 2022, the Registrar will be issuing another practice direction to declare the period of 26 May 2022 to 3 June 2022 (both dates inclusive) as excluded days in due course.

(B) Revised Date of Implementation of Legislative Amendments and Fee Updates

The legislative amendments and fee updates originally slated for implementation on 29 April 2022 will be effective on 26 May 2022 instead.

If you have any enquiries on this Circular, please send an email to ipos_enquiry@ipos.gov.sg.

ANNEX

(A) Declared Excluded Days for Deadlines Stipulated by IPOS

All deadlines stipulated by IPOS falling within the specified period of 29 April to 8 May 2022 inclusive will be extended to 9 May 2022. This is pursuant to rule 79(2) of the Trade Marks Rules, rule 98(2) of the Patents Rules, rule 59(2) of the Registered Designs Rules, rule 69(2) of the Plant Varieties Protection Rules and rule 87(2) of the Geographical Indications Rules 2019.

This will include deadlines to respond to deficiency letters or examination reports, deadlines to file for renewal, deadlines to submit requests for reinstatement, and deadlines to file notices of opposition or requests for extension of time to file an opposition.

Deadlines will NOT include the following exhaustive list of matters:

- i. Deadlines stipulated in IPOS' notices which fall outside of the specified period (i.e., before 29 April 2022, or after 8 May 2022);
- ii. The period to claim priority for electronically filed applications to register a trade mark, a registered design, a patent or a plant variety protection (see also: Section B below); and
- iii. Other deadlines in international treaties, such as those set by the International Bureau of World Intellectual Property Office (WIPO) (e.g., deadlines to submit any document or fee for Patent Cooperation Treaty (PCT) applications in the international phase², deadlines to respond to irregularity notices for Madrid international applications issued by the International Bureau of WIPO).

(B) Period for Claiming Priority for Applications Filed with Parties to the Paris Convention or the International Convention for the Protection of New Varieties of Plants (“UPOV Convention”)

The period for claiming priority is governed by [Article 4\(C\)\(3\) of the Paris Convention](#)³. The Article provides that the only condition for allowing an extension of the priority period is when the last day of the priority period falls on “a day when the Office is not open for the filing of applications in the country where protection is claimed”⁴.

² For PCT applications in the international phase which are governed by the Regulations under the PCT, the expiration of any period for any document or fee will not be extended during the specified period of 29 April to 8 May 2022 except during the [Office Closed Dates](#) (referencing all Saturdays, Sundays and Public Holidays) indicated.

³ Article 4 of the Paris Convention applies to patents, industrial designs and trade marks.

⁴ For avoidance of doubt, deadlines for claiming priority for PCT applications in the international phase are subject to the [Office Closed Dates](#) (referencing all Saturdays, Sundays and Public Holidays) indicated.

In this regard:

- i. If the last day of the priority period falls on a weekday or Saturday during the period of 29 April 2022 to 8 May 2022, this last day remains unchanged; or
- ii. If the last day of the priority period falls on a Sunday or a Public Holiday during the period of 29 April 2022 to 8 May 2022, this last day will be the next following day that is not a Sunday or Public Holiday (as the case may be).

This also applies to the period for claiming priority in an application for grant of protection for a plant variety governed by [Article 11\(1\) of the UPOV Convention](#).

(C) Filing Dates for Applications Filed

As EOS services via IP²SG will remain available during the specified period of 29 April 2022 to 8 May 2022 (both dates inclusive), the lodgement of applications including those for which priority is intended to be claimed can continue to be submitted via IP²SG.

For Plant Variety Protection and Geographical Indications, the default filing mode will remain as FormSG⁵.

The filing date of such applications will be accorded in the usual manner⁶:

- i. If the application is lodged any time during Mondays to Saturdays, the application will be accorded a filing date of that day when the application is lodged if applicable requirements are met; and
- ii. If the application is lodged on a Sunday or Public Holiday, the application will be accorded a filing date of the next following day that is not a Sunday or Public Holiday (as the case may be) if applicable requirements are met.

(D) Illustration: Expiry of Priority Period (for Trade Marks, Registered Designs, Patents and Plant Varieties Protection) and Accordance of Date of Filing Between 29 April 2022 to 8 May 2022

The table below applies to the following forms where relevant:

⁵ For applications filed via FormSG, IPOS will send an electronic payment link (where applicable) with payment instructions upon successful receipt of your filing. IPOS will deem that the fees are paid as directed by the Registrar unless actual payment is not made by the specified deadline in our payment instructions.

⁶ For international filing date of PCT applications, it will be accorded as the date in which the conditions pursuant to Article 11 of the PCT Treaty are met.

1. Application to register a trade mark, collective mark or certification mark (Form TM4);
2. Application for international application under the Madrid Protocol (Form MM2);
3. Application for registration of design (Form D3);
4. Filing a request for grant of patent (Form PF1);
5. Filing a request for grant of protection of a plant variety (Form PVP 3); and
6. Application to register a geographical indication (Form GI1).

Priority Claim Deadline		Date of Filing	
If the last day of the priority period falls on:	Will the last day of priority period be extended?	If the forms are filed on:	Accord filing date ⁷ as:
29 Apr 2022 (Fri)	No, remains on 29 Apr 2022 (Fri)	29 Apr 2022 (Fri)	29 Apr 2022 (Fri)
30 Apr 2022 (Sat)	No, remains on 30 Apr 2022 (Sat)	30 Apr 2022 (Sat)	30 Apr 2022 (Sat)
1 May 2022 (Sun)	Yes, extended till 4 May 2022 (Wed)	1 May (Sun) - 4 May 2022 (Wed)	4 May 2022 (Wed)
2 May 2022 (Mon) – Public Holiday	Yes, extended till 4 May 2022 (Wed)	2 May (Mon) - 4 May 2022 (Wed)	4 May 2022 (Wed)
3 May 2022 (Tue) – Public Holiday	Yes, extended till 4 May 2022 (Wed)	3 May (Tue) - 4 May 2022 (Wed)	4 May 2022 (Wed)
8 May 2022 (Sun)	Yes, extended till 9 May 2022 (Mon)	8 May (Sun) - 9 May 2022 (Mon)	9 May 2022 (Mon)

⁷ Filing date will be accorded if applicable requirements are met.

