

Intellectual Property Office of Singapore
Registry of Plant Varieties Protection
Circular No. 2/2020: Introduction of Amendments to Subsidiary Legislation in Response to
COVID-19

Introduction of Amendments to Subsidiary Legislation in Response to Covid-19
(Circular No. 2/2020, dated 2 June 2020)

In light of the disruptions caused by the COVID-19 situation, IPOS will be introducing relief measures that may be implemented during special circumstances to better assist applicants in such times. Accordingly, amendments which will take effect on 5 June 2020, will be made to the following IP Subsidiary Legislation to enable these measures:

- (a) Patents Rules (the “PT Rules”)
- (b) Trade Marks Rules (the “TM Rules”)
- (c) Trade Marks (International Registration) Rules (the “TM (IR) Rules”)
- (d) Registered Designs Rules (the “RD Rules”)
- (e) Plant Varieties Protection Rules (the “PVP Rules”)
- (f) Geographical Indications Rules 2019 (the “GI Rules”)

The key legislative amendments will enable the following:

- (a) Extension of time for pending deadlines in special circumstances
- (b) Alternative filing modes and service of documents

Extension of Time for Pending Deadlines in Special Circumstances

To assist affected applicants during the COVID-19 situation and the circuit breaker period, the Registrar has issued Practice Directions No. 1 of 2020 and No. 2 of 2020 to declare excluded days in respect of IPOS’ stipulated deadlines falling within the period of 7 April 2020 to 4 June 2020, to achieve the effect of extension of time for these deadlines.¹ The Practice Directions however do not apply to deadlines that fall outside of the declared period, and further declaration of excluded days will have to be made to extend these deadlines.

¹ The extension of time for deadlines does not apply to deadlines which fall outside of the specified period (i.e. before 7 April 2020, or after 4 June 2020); the period to claim priority for electronically filed applications to register a patent, trade mark, or registered design; other deadlines in international treaties. For more details, please refer to Patents Circular No. 01/2020, Trade Marks Circular No. 03/2020, Registered Designs Circular No. 01/2020, Plant Varieties Circular No. 01/2020, and Geographical Indications Circular No. 01/2020.

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Amendments to the abovementioned IP Subsidiary Legislation² have been made to provide the Registrar with the power to unilaterally grant an extension of time to pending deadlines³ where the Registrar is of the opinion that there are special circumstances (e.g., circuit breaker period), without the need for applicants to lodge the extension of time forms prescribed under the respective IP Subsidiary Legislation.

Alternative Filing Modes and Service of Documents

Following the amendments to the IP Subsidiary Legislation, the default mode of filing and/or serving of documents on the Registrar will be as follows:

- (a) Patents, Trade Marks, and Registered Designs – via IP2SG
- (b) Plant Varieties Protection and Geographical Indications – by hand or by post

Presently, transactions relating to Patents, Trade Marks, and Registered Designs can still take place via the electronic online system, IP2SG. However, the Registrar is unable to prescribe alternative modes for the filing and/or serving of documents. This presents a problem when there is any malfunction of IP2SG. Applicants are also unable to submit their documents manually if IPOS' office premises are closed, as is the case in the Circuit Breaker period.

Amendments have therefore been made to the abovementioned IP Subsidiary Legislation⁴ to allow the Registrar to permit, in particular situations, alternative means of filing or serving documents in the following scenarios:

- (a) Any party serving documents on the Registrar;
- (b) The Registrar serving documents on any party; and
- (c) Any party serving documents on another party.

A new Registries Practice Direction (No. 3 of 2020) has been published to prescribe alternative procedures for the submission of forms outside of IP²SG (e.g., the introduction of submissions via FormSG). This Practice Direction will take effect from 5 June 2020 and can be accessed [here](#).

The full list of amendments made to the various IP Subsidiary Legislation can be accessed [here](#).

If you have any enquiries on this Circular, please email us at ipos_enquiry@ipos.gov.sg.

² New provisions have been introduced: Rule 108B of the PT Rules, Rule 77C of the TM Rules, Rule 57A of the RD Rules, Rule 66A of the PVP Rules, and Rule 83A of the GI Rules.

³ Pending deadlines are restricted to those prescribed in the abovementioned IP Subsidiary Legislation.

⁴ The amended provisions are Rules 96A and 97 of the PT Rules, Rules 7 and 78A of the TM Rules and Rule 4A of the TM(IR) Rules, Rules 6 and 58A of the RD Rules, Rule 7 of the PVP Rules, and Rule 9 of the GI Rules.

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