

**IN THE REGISTRIES OF PATENTS, TRADE MARKS, REGISTERED DESIGNS, PLANT  
VARIETIES PROTECTION AND GEOGRAPHICAL INDICATIONS  
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE**

**PRACTICE DIRECTION NO. 3 OF 2020**

**ALTERNATIVE FILING MODES AND SERVICE OF DOCUMENTS**

This Practice Direction is issued by the Registrar under the new Rules 96A(2), 96A(3) and 97(3A) of the Patents Rules, Rules 3A(3), 7(3A) and 78A(3) of the Trade Marks Rules, Rules 3A(3), 6(3A) and 58A(3) of the Registered Designs Rules, Rules 5(2)(b) and 7(4) of the Plant Varieties Protection Rules, and Rules 4(3) and 9(3A) of the Geographical Indications Rules, which comes into force on 5 June 2020, to specify the updated practice to be adopted with regard to alternative filing modes.

Dated this 2<sup>nd</sup> day of June 2020.



WOO YEW CHUNG  
DEPUTY REGISTRAR  
REGISTRIES OF PATENTS, TRADE MARKS, REGISTERED DESIGNS, PLANT  
VARIETIES PROTECTION AND GEOGRAPHICAL INDICATIONS

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## PART I INTRODUCTION

### 1. Citation

These directions may be cited as the Practice Direction No. 3 of 2020.

### 2. Commencement

The effective date of the new practice is 5 June 2020.

### 3. Default Filing Modes

(1) Pursuant to the Patents (Amendment) Rules 2020, Trade Marks (Amendment) Rules 2020, Trade Marks (International Registration) (Amendment) Rules 2020, Registered Designs (Amendment) Rules 2020, Plant Varieties Protection (Amendment) Rules, and Geographical Indications (Amendment) Rules, amendments to the Patents Rules (R 1, 2007 Ed.) (the “PT Rules”), Trade Mark Rules (R 1, 2008 Ed.) (the “TM Rules”), Trade Mark (International Registration) Rules (R 3, 2002 Ed.) (the “TM(IR) Rules), Registered Designs Rules (R 1, 2002 Ed.) (the “RD Rules”), Plant Varieties Protection Rules (R 1, 2006 Ed.) (the “PVP Rules”), and the Geographical Indications Rules 2019 (G.N. No. S 125/2019) (the “GI Rules”) respectively have been made to prescribe the default communication modes for the filing or serving of documents.

(2) For any transaction done under the Patents, Trade Marks, or Registered Designs Acts and Rules, the Electronic Online System (“EOS”), IP<sup>2</sup>SG, is the default mode through which parties shall give or send to, file with or serve on the Registrar documents. For more information on the practices to be adopted when using the EOS, please refer to the latest IP<sup>2</sup>SG Practice Direction.

(3) For any transaction done under the Plant Varieties Protection or Geographical Indications Acts and Rules, the default mode through which parties shall give or send to, file with or serve on the Registrar documents will be by hand or post.

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## PART II ALTERNATIVE FILING MODES

### 1. Alternative Filing Modes for Patents, Trade Marks, Registered Designs, Plant Varieties Protection and Geographical Indications

(1) The alternative filing modes and the periods for their acceptance by the Registries of Patents, Trade Marks, Registered Designs, Plant Varieties Protection and Geographical Indications are listed below:

IP Type	Alternative Filing Mode	Period
<b>Patents</b> <b>Trade Marks</b> <b>Registered Designs</b>	Submission of forms and/or documents via FormSG <sup>1</sup>	From 5 June 2020 onwards
	Manual submission of forms and/or documents by post/hand/courier	From 5 to 15 June 2020
	Facsimile transmission (for forms and/or documents where no fee is applicable)	
<b>Plant Varieties Protection</b> <b>Geographical Indications</b>	Submission of forms and/or documents via FormSG	From 5 June 2020 onwards
	Facsimile transmission (for forms and/or documents where no fee is applicable)	From 5 to 15 June 2020

#### For Patents, Trade Marks and Registered Designs

(2) From 16 June 2020, unless the Registrar directs otherwise, the Registrar will stop accepting all submissions made by post, hand, courier or facsimile transmission, and FormSG will serve as the sole alternative filing mode to IP<sup>2</sup>SG.

(3) Unless the Registrar directs otherwise, the relevant Service Bureau charges and/or manual filing fees will continue to apply to submissions of forms and/or documents by post, hand, courier, or FormSG.

<sup>1</sup> FormSG is a form builder tool developed by GovTech's Data Science & Artificial Intelligence Capability Centre, enabling Government agencies such as IPOS to create digital government forms that capture data, with the goal of replacing paper forms.

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(4) When the EOS is unavailable for extended periods (e.g., due to failure of the EOS server), a message on the unavailability will be placed on the IPOS website and the IP<sup>2</sup>SG website, and communicated to IP<sup>2</sup>SG account holders. Service Bureau charges and other related manual filing fees will not be applicable during the period of EOS unavailability.

For Plant Varieties Protection and Geographical Indications

(5) From 16 June 2020, unless the Registrar directs otherwise, the Registrar will stop accepting submissions made by facsimile transmission. Applicants may continue to submit forms and/or documents via the default modes (by post or hand), or the alternative filing mode of FormSG from 5 June 2020.

**2. Requirements on Size, Presentation, Formatting, Legibility etc. of Documents Served on the Registrar**

(1) Every document served on the Registrar which is not filed using the EOS must be in writing that is legible and permanent.

(2) For documents that are permitted to be served on the Registrar by post or hand, they must be filed using durable paper and on A4 size paper.

(3) *(For Patents and Registered Designs Only)* Applicants must follow the instructions prescribed in IP<sup>2</sup>SG Practice Direction No. 1 of 2020, Part II, Sections 4, 5, 6, and 7, when submitting the relevant forms and/or documents to the Registrar.

**3. Forms or Requests that can be Submitted via FormSG**

(1) Unless the Registrar directs otherwise, applicants can submit the following forms or requests via FormSG:

<b>Patents</b>	PF1, PF2, PF7, PF8, PF9, PF10, PF11, PF11A, PF11B, PF11C, PF12, PF12A, PF12B, PF13, PF13A, PF14, PF15, PF17, PF19, PF20, PF28, PF35, PF36, PF37, PF38, PF45, 46, 47, PF45A, PF53, PF54, PF56, PF57, PF58, CM1, National Security Clearance under Section 34, National Security Contravention Request under Section 33 and Section 34
<b>Trade Marks</b>	TM4, TM8, TM10, TM11, TM19, TM27, TM28, TM48, MM2, MP1, MP2, CM1, CM3, CM4, CM5, CM6, CM7, CM8, CM9, CM12, CM13, HC1, HC2, HC3, HC4, HC5, HC6
<b>Designs</b>	D3, D5, D8, D13, CM1, CM3, CM4, CM5, CM6, CM7, CM8, CM9, CM10, CM12, CM13, HC1, HC2, HC3, HC4, HC5, HC6

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<b>Plant Varieties Protection</b>	PVP1, PVP2, PVP3, PVP4, PVP5, PVP6, PVP7, PVP8, PVP9, PVP10, PVP11, PVP12, PVP13, PVP14, PVP15, PVP16, PVP17, PVP18, PVP19
<b>Geographical Indications</b>	GI1, GI2, GI3, GI4, GI5, GI6, GI7, GI8, GI9, GI10, GI11, GI12, GI13, GI14, GI15, GI16, GI17, GI18

#### 4. Procedure for Submissions via FormSG

- (1) Instructions for submissions via FormSG will be provided on the IPOS website. Applicants are to abide by the instructions placed on the IPOS website and duly complete all mandatory fields in FormSG.
- (2) If an applicant intends to submit an attachment which exceeds the maximum file size limit allowable by FormSG, the applicant should contact IPOS for further directions.
- (3) Following IPOS's 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) Receipt and tax invoice will be generated and issued via email upon successful completion of the payment.
- (5) A submission via FormSG will only be deemed made when all attachments, if any, and full payment have been received by IPOS. Except for an application to register a Patent via Patent Form 1,<sup>2</sup> the earliest filing date that can be accorded for applications to register a Trade Mark/Certification Mark/Collective Mark, Registered Design, Plant Varieties Protection or Geographical Indications will be the date on which all attachments, if any, and full payment have been received by IPOS.

#### 5. Filing Documents via the Service Bureau (for Patents, Trade Marks, and Registered Designs Only)

- (1) Pursuant to Rule 96K of the Patents Rules, Rule 78I of the Trade Marks Rules and Rule 58H of the Registered Designs Rules, the Registrar hereby prescribes that any Service Bureau established or authorised to be established by the Registrar may assist in the use of the EOS in carrying out any of the transactions.
- (2) The submission of documents stage consists of the following steps:

<sup>2</sup> For an application to register a patent, the fee shall be paid to the Registry within one month.

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- (i) preparation of the relevant Forms available on the IPOS website ([www.ipos.gov.sg](http://www.ipos.gov.sg)) and the documents to be filed (if any);
  - (ii) submission of the Forms and documents via FormSG or, until 15 June 2020, by hand, or post.
- (3) The person filing will be required to pay the Service Bureau fee before the submission is accepted.
- (4) In the event that insufficient payment is received, the submission will be rejected. Notwithstanding this, a Patents Form 1 filed with insufficient payment will be treated under Section 26(1)(a) of the Patents Act as an indication that a patent is sought in pursuance of the application.
- (5) The First Schedule to the Patents Rules, Trade Marks Rules and Registered Designs Rules prescribes the amount payable for filing via the Service Bureau. This surcharge is imposed in view of the administrative cost of maintaining the Service Bureau, and to encourage the use of the EOS remotely.
- (6) Unless otherwise expressly allowed, the date of receipt of the Form will be the date on which the Service Bureau receives both the Form and payment.

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