

Intellectual Property Office of Singapore

Registry of Trade Marks

Circular No. 2/2019: Division and Merger of International Registrations Designating Singapore

Division and Merger of International Registrations Designating Singapore

(Circular No. 2/2019, dated 4 March 2019)

Division of International Registrations Designating Singapore

Pursuant to the amendment of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (the “**Common Regulations**”), where new rule 27*bis* is introduced to cater for the division of international registrations, rule 5A of the Trade Marks (International Registration) Rules (the “**TM (IR) Rules**”) is amended to cater for the division of international registrations designating Singapore (“**IRs**”).

With effect from 1 April 2019, IPOS will be accepting requests to divide IRs. An IR holder can request to divide the goods and/or services in an IR (“**principal registration**”) into two separate IRs (“**divisional registrations**”). This new procedure may be useful to a holder whose IR faces a partial refusal from IPOS. The acceptable goods and/or services could proceed to publication and/or registration without delay, while the objectionable goods and/or services in the IR could be divided out and dealt with separately.

To divide an IR, the request needs to fulfill the following requirements:

- a. It must be made in the prescribed WIPO [Form MM22\(E\)](#) to IPOS.
- b. The holder stated on Form MM22(E) must be the holder of the principal registration recorded in the International Register.
- c. The principal registration must not be a registered trade mark at the point of filing the request.
- d. The goods and/or services requested to be divided out must still fall within the scope of the goods and/or services claimed in the principal registration.
- e. A fee of 177 Swiss francs is payable to WIPO for each request made via Form MM22(E).
- f. If the principal registration does not have an address for service in Singapore, the holder shall provide the address in writing or appoint an agent via Form CM1.

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After the request has been examined by IPOS, it will be forwarded to the International Bureau of the World Intellectual Property Organization (“**WIPO**”) for further examination. If the request meets the formality requirements set out by WIPO, WIPO will create a divisional registration (with a new IR number) in respect of the goods and/or services to be divided out, and issue an official notification to IPOS and the holder. Upon receipt of the notification, IPOS shall proceed to record the division and notify the holder accordingly.

Merger of International Registrations Designating Singapore Resulting from the Recording of Division

Further to the introduction of the divisional procedure for IRs, IPOS will also be accepting requests to merge divisional registrations¹, regardless of whether they have proceeded to registration in Singapore or not. This procedure may be useful to a holder who has previously divided his IR in an attempt to overcome a partial provisional refusal issued by IPOS. The divisional registrations could be merged into the principal registration that they were divided from, thereby enabling the holder to continue managing them under the same IR number as reflected on WIPO’s International Register.

To merge divisional registrations, the request needs to fulfill the following requirements:

- a. It must be made in the prescribed WIPO [Form MM24\(E\)](#) to IPOS.
- b. The holder must be the same as the holder of the principal registration on the International Register.
- c. The divisional registrations can only be merged into the principal registration that they were divided from.
- d. No fee is required for Form MM24(E).

After the request has been examined by IPOS, it will be forwarded to WIPO for further examination. If the request meets the formality requirements set out by WIPO, WIPO will issue a notification to IPOS and the holder. Upon receipt of the notification, IPOS shall proceed to amend the IR number of the divisional registration back to the original IR number of the principal registration and notify the holder accordingly.

¹ Please note that the merger recordal process is not applicable to national applications. The merger recordable process is only an administrative updating process where the IR numbers of the divisional registrations are updated to reflect as the original IR number of the principal registration. Following the merger recordal process, the divisional registrations will still continue to exist under separate national trademark numbers on IPOS’ register. For more information concerning the division and merging recordal processes carried out by IPOS, please click [here](#).

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For more information on the requirements and effects of division and merger, please click [here](#).

For more information on the payment methods to WIPO, please click [here](#).

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