Workshop for Trade Mark Application Filers

1 – 3 Jun, 2016

Brought to you by the Registry of Trade Marks, IPOS
Content Outline

1. Common Filing Issues
2. ICGS AutoChecker Tool
3. Trade Mark Search
Common Filing Issues

Presented by:
Yang Jiawei
Trade Mark Examiner
Registry of Trade Marks
Common Filing Issues

Form TM4: Have I selected the right application type?

Trade Mark? Collective Mark? Certification Mark?

Be certain of your intended application type before filing, and ensure that you have selected the right type before submission.

Selecting the right application type allows your application to be expeditiously processed in its intended path.
Common Filing Issues

Form TM4: Am I filing as an Agent, or as an Applicant?

When you are logged on to IP2SG, do note that the “Agent” checkbox on Form TM4 is NOT checked off by default.
Common Filing Issues

Form TM4: Am I filing as an Agent, or as an Applicant?

Let us know whether you are filing a trade mark on behalf of your client as an Agent, or filing in the capacity of an Applicant.
Common Filing Issues

Have I inserted the unit number in the Address field?

Entering the postal code in the Address field does NOT auto-populate the unit number. Do remember to insert the unit number, where applicable.
Common Filing Issues

Have I quoted the correct reference number to an IPOS objection letter?

When you are responding to our objection letter via “Compose Ad Hoc Correspondence”, do quote the correct reference number.

The reference number to be quoted is that of the objection letter you are replying to, not that of the last letter (e.g., Form CM5 approval letter) sent by IPOS in respect of the application.
Common Filing Issues

Have I quoted the correct reference number to an IPOS objection letter?

“Direct Reply” approach

Alternatively, to avoid the situation of entering an erroneous reference number, select the objection letter you are replying to in your Inbox, and hit “Reply” in the floating action bar. The objection letter’s reference number will be auto-populated when you reply via this method.
Common Filing Issues

Have I replied to an IPOS correspondence in respect of a TM application?

You can manage and search for all correspondences in your account, including those that you have sent to us via your account.
Common Filing Issues

Have I replied to an IPOS correspondence in respect of a TM application?

[Search interface]

Insert the application number here.
Common Filing Issues

Have I replied to an IPOS correspondence in respect of a TM application?

<table>
<thead>
<tr>
<th>Order</th>
<th>Status</th>
<th>Sender Name</th>
<th>Sent/Received</th>
<th>IPOS Reference Number</th>
<th>Applicant Reference Number</th>
<th>Type</th>
<th>Application Number</th>
<th>Subject</th>
<th>Applicant Name</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>✔</td>
<td>John Tan</td>
<td>15/05/2016</td>
<td>2016/124006418S</td>
<td>1303-0964</td>
<td>Trade Marks</td>
<td>T1303668B</td>
<td>RE: TM4 - Objection Letter</td>
<td>GREGORY ONG &amp; CO., Chang Cheng Group Pte Ltd</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

The system will display the relevant correspondence(s) relating to the data you have inserted in the search fields on the previous slide.

The “Sender Name” in particular allows you to find out which of the users under your Corporate IP2SG account has sent the correspondence.
Registration renewal requests can only be submitted starting from the date which is 6 months before the expiry date of a registration.

The IP2SG system will issue a First and Only Notice of Renewal (FON) to inform agents/Applicants when the registration can be renewed.
## Common Filing Issues
Changes, amendments to applicant/agent details – which form to use?

<table>
<thead>
<tr>
<th>Form</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM1</td>
<td>Appointment of agent, change of agent, removal of agent</td>
</tr>
<tr>
<td>CM2</td>
<td>Amends or corrects of name, address and Singapore address for service of agent, applicant or other interested person (e.g., trustee, licensee) in a <strong>TM4 application or Registration</strong></td>
</tr>
<tr>
<td>CM4</td>
<td>Correction of errors (including typo errors) or obvious mistakes in any <em>pending</em> application (<strong>other than an application for the registration of a trade mark</strong>), notice or other document.</td>
</tr>
<tr>
<td>CM8</td>
<td>Register or records an assignment or transfer in ownership (i.e., change in entity)</td>
</tr>
</tbody>
</table>
| TM27 | • Amendments or corrections to a Pending TM4 application (except those covered by Form CM1 and CM2)  
      • Insertion of a disclaimer/limitation to a TM4 registration  
      • Alteration of the mark representation of **TM4 registration**  
      • Rectification of an error or omission in the Register by the proprietor of a **TM4 Registration** |
Common Filing Issues
Form CM1 – Scenarios

Form CM1 - Appointment of agent, change of agent, removal of agent

<table>
<thead>
<tr>
<th>Form</th>
<th>Scenario (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM1</td>
<td>Appointment of agent</td>
</tr>
<tr>
<td></td>
<td>Removal of agent</td>
</tr>
<tr>
<td></td>
<td>Change of agent (also includes changes in legal nature of an agent entity, such as when ABC LLP becomes ABC Pte Ltd)</td>
</tr>
</tbody>
</table>
Common Filing Issues
Form CM2 – Scenarios

**Form CM2** - applies to amendments/corrections to name, address and Singapore address for service of the agent or Applicant (or any other interested person) on Form TM4, but entity on record remains the same

<table>
<thead>
<tr>
<th>Form</th>
<th>Scenario (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM2</td>
<td>Name/Address fields of the applicant on record (same entity) have typo errors (e.g., Correction of Applicant’s name from <em>Tan Ah Kkkow</em> to <em>Tan Ah Kow</em>)</td>
</tr>
<tr>
<td></td>
<td>Applicant on record has a name change (e.g., Updating of <em>Tan Ah Kow</em>’s name to read as <em>Peter Tan Ah Kow</em>)</td>
</tr>
<tr>
<td></td>
<td>Applicant/registrant no longer trades as his sole proprietorship but in his own name (e.g., <em>Tan Ah Kow trading in the name of Ah Kow Chicken Rice</em> to be updated as <em>Tan Ah Kow</em>)</td>
</tr>
<tr>
<td></td>
<td>Omission of unit number of Applicant’s address or Singapore Address for Service on Form TM4/Register</td>
</tr>
</tbody>
</table>
Common Filing Issues
Form CM8 – Scenarios

**Form CM8** - Register or records an assignment or transfer in ownership

<table>
<thead>
<tr>
<th>Form</th>
<th>Scenario (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM8</td>
<td>Transfer of ownership of a trade mark application (e.g., <em>ABC Pte Ltd</em> transfers ownership of TM4 registration to <em>XYZ Pte Ltd</em>)</td>
</tr>
<tr>
<td></td>
<td>Change in legal nature of Applicant entity (e.g., <em>ABC LLP</em> becomes <em>ABC Pte Ltd</em>)</td>
</tr>
<tr>
<td></td>
<td>Addition or removal of partners in a partnership</td>
</tr>
<tr>
<td></td>
<td>Reincorporation of business entity in a new country (e.g., <em>ABC Pte Ltd</em> in Singapore becomes <em>ABC Sdn Bhd</em> in Malaysia)</td>
</tr>
</tbody>
</table>

*Note: A reincorporation happens when a business in country/state A is dissolved, and subsequently reincorporated in country/state B. This is seen as an assignment, as the business which is reincorporated in a different country/state is now subjected to a different set of corporation laws.*
**Common Filing Issues**

**Form CM4 – Scenarios**

**Form CM4** - Correction of errors or obvious mistakes in any **pending** application (except Form TM4 application/registration), notice or other document.

<table>
<thead>
<tr>
<th>Form</th>
<th>Scenario (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM4</td>
<td>Erroneous licensee details on a pending Form CM6</td>
</tr>
<tr>
<td></td>
<td>Erroneous security interest details on a pending Form CM7</td>
</tr>
<tr>
<td></td>
<td>Typographical errors relating to subsequent proprietor ‘s name on a pending Form CM8</td>
</tr>
<tr>
<td></td>
<td>Omission of unit number in licensee/grantee/subsequent proprietor’s addresses in a pending Form CM6/7/8</td>
</tr>
</tbody>
</table>
Common Filing Issues
Form CM4 – Scenarios

**Form CM4** - Correction of errors or obvious mistakes in any **pending** application (except Form TM4 application/registration), notice or other document.

**NOTE:** Once a transactional application form (e.g., Form CM8) filed in respect of a mark has been processed, errors in the form **cannot** be corrected via Form CM4.

This is because the relevant transaction has been **processed and recorded** in respect of the relevant trade marks on the Register. To correct any errors that have been recorded on the Register, the filer has to correct the Register by lodging **the relevant amendment form** (i.e., Form CM2 or TM27) in respect of each affected mark.
Common Filing Issues
Form CM4 – Scenarios

Errors in transactional application form
(e.g. Form CM8)

Has Transaction been processed and recorded?

Yes
Lodge relevant amendment form(s) (i.e. Form CM2/ TM27) to correct errors recorded in respect of each affected mark

No
Lodge Form CM4 to correct errors in the pending application
Common Filing Issues
Form TM27 – Scenarios

**Form TM27** - Any other amendments or corrections in Form TM4 details excluding those covered by Forms CM1 or CM2

<table>
<thead>
<tr>
<th>Form</th>
<th>Scenario (non-exhaustive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TM27</td>
<td>Wrong owner inserted at the point of filing Form TM4 (e.g., Erroneously inserted ABC Pte Ltd as the Applicant, when it should have been XYZ Pte Ltd)</td>
</tr>
<tr>
<td></td>
<td>For such instances, the Registry will also require a letter of consent/declaration letter from ABC Pte Ltd to prove that it is NOT the intended owner of the mark.</td>
</tr>
<tr>
<td></td>
<td>Correction of errors in relation to a recorded change of ownership (for more details, refer to IPOS Circular No. 3/2008, dated 1 February 2008)</td>
</tr>
<tr>
<td></td>
<td>Any other amendments to a TM4 application/registration, including to class number, specification or priority claim</td>
</tr>
</tbody>
</table>
Common Filing Issues

Registrable transactions: Validation vs. Documentary Evidence

- **Validation**
  - Registry will be able to expedite on the application’s processing.
  - However, the filer may be liable for criminal prosecution for making any false declaration.

- **Documentary Evidence**
  - Objection(s) will be raised if there are any deficiencies/ inconsistencies in the application form and/or documentary evidence.

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Validation/ Supporting Documents*

- I declare and confirm that I am duly authorised by all the relevant parties to file and validate this application. I understand that I may be liable for criminal prosecution for making any false declaration in this application.
- A copy of the documentary evidence or a statutory declaration establishing the transaction is attached.
### Common Filing Issues

**Registrable transactions: Have I filled in the right details for recordal purposes?**

<table>
<thead>
<tr>
<th>Form</th>
<th>Registrable transaction type</th>
<th>Some details commonly overlooked when filling up the form</th>
</tr>
</thead>
</table>
| CM6  | Licence                     | • Class number and respective goods/services (if licence is indicated to be recorded against SOME goods/services in Part 5)  
    |                              | • If documentary evidence option is selected  
    |                              |   • Full names and designations of signatory (licensor(s) and licensee(s))  
    |                              |   • Details indicated in form (e.g., Licensor(s)/Licensee(s), licence type, licence start/end dates, class number/goods and services) match those in evidence  
    |                              |   • Documentary evidence (i.e., licence contract extract) to clearly state the licensing of the said IP (i.e. application no. and goods/services if it is partial transfer) relating to the relevant parties |
### Registrable transactions: Have I filled in the right details for recordal purposes?

<table>
<thead>
<tr>
<th>Form</th>
<th>Registrable transaction type</th>
<th>Some details commonly overlooked when filling up the form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM7</td>
<td>Security Interest</td>
<td>• Effective date of security interest</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Nature of security interest – either “Fixed Charge” or “Floating Charge”, but not both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• If documentary evidence option is selected</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Full names and designations of signatories (grantor(s) and grantee(s))</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Details indicated in form (e.g., Grantor(s)/Grantee(s), instrument under which security interest in derived, effective date, security interest nature) match those in evidence</td>
</tr>
</tbody>
</table>
**Common Filing Issues**

*Registrable transactions: Have I filled in the right details for recordal purposes?*

<table>
<thead>
<tr>
<th>Form</th>
<th>Registrable transaction type</th>
<th>Some details commonly overlooked when filling up the form</th>
</tr>
</thead>
</table>
| CM8  | Transfer of Ownership       | • Partial transfer – goods/services are clearly “partialled” out  
|      |                             | • If documentary evidence option is selected  
|      |                             |   • Full names and designations of signatories (assignor(s) and assignee(s))  
|      |                             |   • Details indicated in form (e.g., Current/Subsequent Proprietor(s), effective date, goods/services) match those in evidence  
|      |                             |   • Documentary evidence to clearly state the transfer of the said IP (i.e. application no., and relevant goods/services if it is partial transfer) between both parties |
**Common Filing Issues**

*Form CM8: Authorised Agent – which option?*

**Option A:** Subsequent Master Agent for all matters INCLUDING matters relating to Transfer of Ownership

If the filer is appointed for all matters INCLUDING Transfer of Ownership, filer should select option ‘a’ in Part 9 of Form CM8.

**Option B:** Agent ONLY for matters relating to Transfer of Ownership

If the filer is appointed ONLY for matters relating to Transfer of Ownership, filer should select option ‘b’ in Part 9 of Form CM8 AND fill in the details of the subsequent master agent in Part 13 of the Form.
Common Filing Issues

Form CM8: Authorised Agent – which option?

Filer of CM8
(Will be taken as Transfer of Ownership agent)

Am I the Subsequent Master Agent?

Yes
Select **Option A** in Part 9 of Form

No

• Select **Option B** in Part 9 of Form
• Fill in details of Subsequent Master Agent in Part 13 of Form
Assuming filer = ABC (intended to be the transfer and subsequent master agent)
Current Master Agent on record = ABC;
Current Renewal Agent on record = DEF;
Select Option A and insert the subsequent Master Agent in Part 9 = ABC

Outcome after Form CM8 is approved:

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Authorised For</th>
<th>Agent Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Transfer of ownership</td>
<td>ABC</td>
</tr>
<tr>
<td>2</td>
<td>For all matters relating to the application, registration/grant, except those matters expressly excluded</td>
<td>ABC</td>
</tr>
<tr>
<td>3</td>
<td>Renewal</td>
<td>ABC</td>
</tr>
</tbody>
</table>
Common Filing Issues

Form CM8: Authorised Agent – Scenarios

Assuming filer = DEF (only intended to be the transfer ownership agent)
Current Master Agent on record = ABC
Current Renewal Agent on record = DEF
Select Option B and insert:
  i. Transfer of ownership agent in Part 9 = DEF
  ii. Subsequent master agent in Part 13= ABC (To insert the original master agent if there is no change)

Outcome after Form CM8 is approved:

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Authorised For</th>
<th>Agent Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Transfer of ownership</td>
<td>DEF</td>
</tr>
<tr>
<td>2</td>
<td>For all matters relating to the application, registration/grant, except those matters expressly excluded</td>
<td>ABC</td>
</tr>
<tr>
<td>3</td>
<td>Renewal</td>
<td>ABC</td>
</tr>
</tbody>
</table>
Common Filing Issues

Form CM8: Authorised Agent – Scenarios

Assuming filer = **XYZ** (only intended for transfer of ownership)

Current Master Agent on record = **XYZ**

Current Renewal Agent on record = **XYZ**

Select Option B and insert:

i. Transfer of ownership agent in Part 9 = **XYZ**

ii. Subsequent master agent in Part 13 = **ABC** (intended to be the subsequent master agent)

Outcome after Form CM8 is approved:

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Authorised For</th>
<th>Agent Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Transfer of ownership</td>
<td><strong>XYZ</strong></td>
</tr>
<tr>
<td>2</td>
<td>For all matters relating to the application, registration/grant, except those matters expressly excluded</td>
<td><strong>ABC</strong></td>
</tr>
<tr>
<td>3</td>
<td>Renewal</td>
<td><strong>ABC</strong></td>
</tr>
</tbody>
</table>
Common Filing Issues

*Form CM8: Multiple applications with different subsequent master agents*

<table>
<thead>
<tr>
<th>S/No.</th>
<th>IPs belonging to the same proprietor</th>
<th>Subsequent Master Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IP1</td>
<td>ABC</td>
</tr>
<tr>
<td>2</td>
<td>IP2</td>
<td>DEF</td>
</tr>
<tr>
<td>3</td>
<td>IP3</td>
<td>DEF</td>
</tr>
</tbody>
</table>

Assuming filer = **XYZ** (only intended for transfer of ownership)

*Suggested approach:* File separate Form CM8, where IPs with the same master agent are collated in the same Form CM8.

1st Form CM8 for ‘IP1’

Select Option B and insert:

i. Transfer of ownership agent in Part 9=**XYZ**

ii. Subsequent master agent in Part 13=**ABC**

2nd Form CM8 for ‘IP2’ and ‘IP3’

Select Option B and insert:

i. Transfer of ownership agent in Part 9=**XYZ**

ii. Subsequent master agent in Part 13=**DEF**

Note: There will be a warning message when there is more than one address and/or agents authorized for all matters for the IPs listed in part 2 of the Form CM8. However, the filer may still proceed to submit the Form CM8.
Common Filing Issues

Form CM8: Multi-step recordals – Scenarios

Multi-Step Assignment Recordal

Company A (Current Proprietor on record) → Company B → Company C

**Suggested approach:** File separate Form CM8 for each transfer and update Part 5 of the Form (i.e., Details of Current Applicant/Proprietor) accordingly.

To ensure that the transactions are recorded accurately, we advise filers to attach a cover letter to the Form CM8 with the following information:

a) the sequence of events;
b) the exact nature of the transaction, and
c) the trade mark numbers involved.
**Common Filing Issues**

**Form CM8: Multi-step recordals – Scenarios**

**First Form CM8**

<table>
<thead>
<tr>
<th>Details of Current Applicant/Proprietor*</th>
<th>S/No.</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td><strong>Company A</strong></td>
<td>51 BRAS BASAH ROAD, MANULIFE CENTRE, Singapore 189554</td>
</tr>
</tbody>
</table>

**Company A (Current Proprietor on record)**

<table>
<thead>
<tr>
<th>Details of Subsequent Applicant/Proprietor*</th>
<th>S/No.</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td><strong>Company B</strong></td>
<td>80 BENDEMEER ROAD, HYFLUX INNOVATION CENTRE, Singapore 339949</td>
</tr>
</tbody>
</table>

**Company B**
**Common Filing Issues**

**Form CM8: Multi-step recordals – Scenarios**

<table>
<thead>
<tr>
<th>PART 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Details of Current Applicant/Proprietor</strong></td>
</tr>
<tr>
<td>S/No.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Details of Subsequent Applicant/Proprietor</strong></td>
</tr>
<tr>
<td>S/No.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

*Name of applicant/proprietor in Part 3 may not be the same as Part 5 of the form as the first Form CM8 may not have been processed. Filer is to insert the details of “Company B” instead of the current applicant/proprietor on record in Part 5 of the second CM8. A cover letter detailing the order of the transactions will be required.*
Common Filing Issues

Form CM13: Written Response to IPOS Objection Letter

When a written response to IPOS’ deficiency/objection letter in respect of a TM4/Madrid application (or any other transactional application forms) is not received within the stipulated due date, the application will be Treated as Withdrawn (Reinstatable).

However, the Applicant will be allowed to reinstate (via Form CM13) the lapsed application within a stipulated time frame.

Do note the Registry will require a written response to our objection/refusal letter to be accompanied with the Form CM13.
Common Filing Issues

Request for refund: Additional information required by Registry

If the refund is requested to be payable to a party not on our records, please provide:

• An authorisation letter from filer of the form to be refunded.
• Supporting documents (e.g., credit card/debit card statements) to prove the identity of the beneficiary who has made the payment.
ICGS AutoChecker Tool

Presented by:
Rachel Yong
Trade Mark Examiner
Registry of Trade Marks
ICGS Autochecker Tool – basic introduction

• Programme designed to ease the examination of the specification of goods and services
  • Based on Microsoft Excel programme, runs on VBA Excel Macros

• Location of ICGS Autochecker Tool

• Maintenance
  • Updated twice a month
ICGS Autochecker Tool – functions

• Two main tabs and their functions

<table>
<thead>
<tr>
<th>Multi-item Search Tab</th>
<th>Flexi-Search Tab</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>Scans through the whole specification belonging to 1 specific class</strong></td>
<td>• Allows you to <strong>search and compare specific goods/services</strong> with reference</td>
</tr>
<tr>
<td>• <strong>Automatically breaks up the specification by detection of semi-colons</strong></td>
<td>to the list of goods and services in <strong>IPOS Database</strong></td>
</tr>
<tr>
<td>• Allows users to <strong>manually break up specification by detection of commas or common</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>terms**</td>
</tr>
<tr>
<td>• <strong>Highlights to users if there are identical goods/services found in that specific class or other classes in IPOS Database</strong></td>
<td></td>
</tr>
<tr>
<td>• <strong>Allows easier amendment and update of specification (adding/deleting/changing)</strong></td>
<td></td>
</tr>
</tbody>
</table>
ICGS Autochecker Tool – demonstration

• (Please refer to the “Attachment A - ICGS Autochecker Training notes”)

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ICGS matters

• ICGS Circulars
  • Updates on ICGS-related matters, which include changes in our practices and areas for further clarification
  • Please visit http://goo.gl/Qdzn8g to view our circulars

• ICGS Work Manual
  • Published in November 2015
  • You can view them via http://goo.gl/KyCxUZ
Trade Mark Search

Presented by:
Tan Yan Shao
Trade Mark Examiner
Registry of Trade Marks
Trade Mark Similar Mark Search

• The tool
• Finding the tool
• Using the tool
• Understanding the tool
Trade Mark Similar Mark Search (TMSMS)

• **Designed:**
  • For the retrieval of potentially conflicting marks with an inbuilt algorithm
  • To be easy to use
  • With a downloadable search report
Finding the tool (TMSMS)

1. Click on “Trade Marks” under “Search and Enquiry”.

2. Select “Trade Marks Similar Mark” under “Simple Search”.
Using the tool (TMSMS)

1. Enter the Search Criteria
2. Enter the Class No. (leave blank to search in all classes)
3. Select the non-conventional mark type (if applicable)
4. Enter your email address
5. Select preferred result format (PDF/Excel)
6. Click “Submit Search Query”
Understanding the tool (TMSMS)

1. **Exact matches** of any of the words in the search query will be picked up, regardless of the length of the word.

   e.g. “I Agree” will retrieve the marks “I Am” and “Do Agree”.

2. Words that have 1 or 2 characters, regardless of whether they are searched with other words, will only retrieve marks that contain exact matches of those words.

   e.g. "A" will not find "apple", "abalone" or "apricot" but only marks such as "A", "A Lion" and "Train a kangaroo".

   Likewise, "BO" will not find "Rebolt" and “Bowowow” but only marks such as "bO", "Bo dog" and "Ten bo restaurant“.
Understanding the tool (TMSMS)

3. For marks that have adjacent words with 1 or 2 characters, the system will automatically do further searches by conjoining the characters in various combinations.

   e.g. “A Bc D” will be searched as “A Bc D”, “ABcD”, “ABc D” and “A BcD”
4. When a single word is searched, words that are 3 letters or more will retrieve marks containing words that are up to 30% different (and rounded upwards to the nearest whole number).

e.g. “Infinitea” will retrieve marks containing “infinity”. Since “infinitea” has 9 letters, it will pull out marks that are different by 3 or fewer characters. 

\[ \lceil 0.3 \times 9 \rceil = \lceil 2.7 \rceil = 3 \]

<table>
<thead>
<tr>
<th>I</th>
<th>N</th>
<th>F</th>
<th>I</th>
<th>N</th>
<th>I</th>
<th>T</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>N</td>
<td>F</td>
<td>I</td>
<td>N</td>
<td>I</td>
<td>T</td>
<td>E</td>
</tr>
<tr>
<td>I</td>
<td>N</td>
<td>F</td>
<td>I</td>
<td>N</td>
<td>I</td>
<td>T</td>
<td>E</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Understanding the tool (TMSMS)

5. When multiple words are searched, words that are 5 letters or more will retrieve marks containing words that are up to 30% different (and rounded upwards to the nearest whole number).

\[
\lceil 0.3 \times 7 \rceil = \lceil 2.1 \rceil = 3
\]

e.g. “Infinitee maximum bi” will retrieve marks containing “minimum”.

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>X</th>
<th>I</th>
<th>M</th>
<th>U</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>I</td>
<td>N</td>
<td>I</td>
<td>M</td>
<td>U</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Understanding the tool (TMSMS)

6. When multiple words are searched, marks up to 30% different as a whole compared to the search query will be retrieved.

e.g. “quik cilver” will retrieve “quicksilver”. \[0.3 \times 11 = [3.3]=4\]
7. Marks with words that are longer than but which wholly contain any of the words in the search query will be picked up. This rule is subject to the word in the search term having 3 letters or more.

e.g. 1: “Marvel” will retrieve “Marvellous”.
e.g. 2: “Mar Vel” will retrieve “Mark It” and “Marking Them”.
e.g. 3: “Ma Vaa” will not retrieve “Marai” as the word “Ma” in the search term has less than 3 characters.
8. Marks with words that are shorter than but are wholly contained within any of the words in the search term will be picked up. This rule only applies if word in the mark has 3 letters or more.

   e.g. 1: “Marvellous” will retrieve the mark “Mar Vel” but not “Ma Ve”.
   e.g. 2: “Coolrip” will retrieve the mark “Rip”.
9. Marks with double or multiple characters of the same kind appearing consecutively will be treated as having only one such character for the purposes of calculating character difference under the 30% rule.

e.g. A search for “Cherry” will retrieve “Berrrrrrry”. \[0.3 \times 5 = [1.5] = 2\]
10. When the search query or mark contains symbol(s), the system will do one search with the symbol(s), and another search with the replacement as stipulated in the table below:

<table>
<thead>
<tr>
<th>Numbers/ Symbols</th>
<th>Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I or L</td>
</tr>
<tr>
<td>3</td>
<td>E</td>
</tr>
<tr>
<td>5 or $</td>
<td>S</td>
</tr>
<tr>
<td>8</td>
<td>G</td>
</tr>
<tr>
<td>0</td>
<td>O</td>
</tr>
<tr>
<td>!</td>
<td>I or L</td>
</tr>
<tr>
<td>+</td>
<td>T</td>
</tr>
<tr>
<td>@</td>
<td>A</td>
</tr>
<tr>
<td>#</td>
<td>A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Numbers/ Symbols</th>
<th>Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>&amp;</td>
<td>NIL</td>
</tr>
<tr>
<td>'</td>
<td>NIL</td>
</tr>
<tr>
<td>~ ` % ^ * ( ) - _ = + [ ] { } : ; “ ” , . &lt; &gt; / ? \</td>
<td>Replaced with a space</td>
</tr>
</tbody>
</table>
Understanding the tool (TMSMS)

11. Numerals will search for the spelling of the numerals and vice versa.

  e.g. 1: “5” will retrieve “five”.
  e.g. 2: “five hundred one” will retrieve “501”.
  e.g. 3: “five hundred and one” will not retrieve “501”.
12. Cross-class searches are automatically carried out to enable search reports to retrieve marks with goods and/or services that were previously classified in a different class as a result of changes made to the International Classification of Goods and Services.
Understanding the tool (TMSMS)

13. Results with the following mark statuses will be seen in the search report:

• Pending (Formalities Check)
• Pending (Under Examination)
• Pending (Published)
• Treated as withdrawn (Reinstatable)
• Treated as withdrawn (Reinstatement Pending)
• Registered
• Expired (Late Renewal Possible)
• Removed (Restoration Possible)
Understanding the tool (TMSMS)

Tips for searching with the Trade Marks Similar Mark Search system

• To get more relevant results, you may wish to omit descriptive words, conjunctions, prepositions and pronouns etc. from your search query. e.g. If you intend to file “The Kokaidu Shop” for “retail services” in Class 35, you could search for “Kokaidu” instead.

• When searching for a non-English word, e.g. “Beauté”, you may wish to search for the English equivalent, i.e. “Beauty”, in order to retrieve marks that contain, or are translated as “Beauty”, e.g. “Belle”.

Mark Index
Mark Index

- Description of the mark
  - Words in Mark
  - Device Description
  - Translation
  - Transliteration
  - Phonetic Equivalent
  - Chinese Characters

<table>
<thead>
<tr>
<th>Mark Index</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TIME BOMB FILMWORKS</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Words In Mark</th>
<th>time bomb filmworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Device Description</td>
<td>dynamite time bomb watch clock</td>
</tr>
</tbody>
</table>
Boolean Search

- The tool
- Finding the tool
- Using the tool
**Boolean Search (TMBS)**

- **Designed:**
  - For the retrieval of potentially conflicting marks with user-specified parameters (for advanced users)
  - For the retrieval of a specific group of trade marks using Boolean operators
Finding the tool (TMBS)

1. Click on “Trade Marks” under “Search and Enquiry”.

2. Select “Boolean Search”.

3. Select “Trade Marks” under “Boolean Search”.

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Using the tool (TMBS)

- Use the “Mark Text”, “Image Description”, “Transliteration”, “Translation”, “Chinese Character(s)” or “Phonetic Equivalent” search field to do conflicting mark searches.
- Use the “contains” operator.
- Add multiple rows of search queries to search with multiple criteria, conjoined with either the “And” or “OR” operator.
- Does not do cross field searches.
Using the tool (TMBS)

• When searching for multiple words within one indexing field, enter one word per row/search criteria – removes dependency on the order of the words

• Use “Class Number (with cross class)” search field to narrow down the results to those with relevant classes

• Use “Application Status” search field with “All Live Statuses” value to narrow down results to live marks

• Two wild card characters are available when using the “contains” operator for the “Mark Text” search field
  • (?) – to represent any single character
  • (*) – to represent any number of characters
**Using the tool (TMBS)**

**Brackets**

- Brackets are needed in general when there are a mixture of “AND” and “OR” operators.
- \((A \text{ AND } B) \text{ OR } C\)

would find results that fulfill either

\((A \text{ AND } B)\) or \(C\)

<table>
<thead>
<tr>
<th>Bracket (optional)</th>
<th>Search Field</th>
<th>Operator</th>
<th>Value</th>
<th>Bracket (Optional)</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>(</td>
<td>Mark Text</td>
<td>Contains</td>
<td>Lustro</td>
<td>)</td>
<td>AND</td>
</tr>
<tr>
<td>Mark Text</td>
<td>Contains</td>
<td>Ware</td>
<td>)</td>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>Mark Text</td>
<td>Contains</td>
<td>Hello</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Will find marks that contain either (“lustro” and “ware”) or “hello”
Using the tool (TMBS)

Brackets

- E.g. **A AND (B OR C)**
  would find results that fulfill either
  **(A AND B)** or **(A AND C)**

<table>
<thead>
<tr>
<th>Bracket (optional)</th>
<th>Search Field</th>
<th>Operator</th>
<th>Value</th>
<th>Bracket (Optional)</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mark Text</td>
<td>Contains</td>
<td>Lustro</td>
<td></td>
<td>AND</td>
</tr>
<tr>
<td>(</td>
<td>Class Number (with cross class)</td>
<td>Equals</td>
<td>25</td>
<td></td>
<td>OR</td>
</tr>
<tr>
<td>)</td>
<td>Class Number (with cross class)</td>
<td>Equals</td>
<td>35</td>
<td>)</td>
<td></td>
</tr>
</tbody>
</table>

- Will find marks that contain “lustro” in either Class 25 or 35
Using the tool (TMBS)

Brackets

- E.g. \((A \text{ OR } B) \text{ AND } (C \text{ OR } D)\) would find results that fulfill
  
  \((A \text{ AND } C) \text{ or } (A \text{ AND } D) \text{ or } (B \text{ AND } C) \text{ or } (B \text{ AND } D)\)

<table>
<thead>
<tr>
<th>Bracket (optional)</th>
<th>Search Field</th>
<th>Operator</th>
<th>Value</th>
<th>Bracket (Optional)</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>(</td>
<td>Mark Text</td>
<td>Contains</td>
<td>Lustro</td>
<td></td>
<td>OR</td>
</tr>
<tr>
<td></td>
<td>Mark Text</td>
<td>Contains</td>
<td>Hello</td>
<td>)</td>
<td>AND</td>
</tr>
<tr>
<td>(</td>
<td>Class Number (with cross class)</td>
<td>Equals</td>
<td>25</td>
<td></td>
<td>OR</td>
</tr>
<tr>
<td></td>
<td>Class Number (with cross class)</td>
<td>Equals</td>
<td>35</td>
<td>)</td>
<td></td>
</tr>
</tbody>
</table>

- Will find marks that contain either “lustro” or “hello” in either Class 25 or 35
Using the tool (TMBS)

Brackets

<table>
<thead>
<tr>
<th>Bracket (optional)</th>
<th>Search Field</th>
<th>Operator</th>
<th>Value</th>
<th>Bracket (optional)</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>(</td>
<td>Mark Text</td>
<td>Contains</td>
<td>Apple</td>
<td>)</td>
<td>AND</td>
</tr>
<tr>
<td>(</td>
<td>Image Description</td>
<td>Contains</td>
<td>Apple</td>
<td>)</td>
<td>AND</td>
</tr>
<tr>
<td>(</td>
<td>Mark Text</td>
<td>Contains</td>
<td>Cafe</td>
<td>)</td>
<td>AND</td>
</tr>
<tr>
<td>(</td>
<td>Class Number</td>
<td>Equals</td>
<td>35</td>
<td>)</td>
<td>OR</td>
</tr>
<tr>
<td>(</td>
<td>Class Number</td>
<td>Equals</td>
<td>43</td>
<td>)</td>
<td>OR</td>
</tr>
</tbody>
</table>

- Will find marks that contain “apple” as either the “mark text” or “image description” and contain “cafe” in the “mark text”, in either Class 35 or 43
Using the tool (TMBS)

• When using the “Mark Text” search field, spaces before and after the search term are not removed
• Searching for exact matches (especially single/double characters)
  • (“Mark Text” starting with “A<space>” OR
  • “Mark Text” ending with “<space>A” OR
  • “Mark Text” contains “<space>A<space>” OR
  • “Mark Text” equals “A”)

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Simple Search

- The tool
- Finding the tool
- Using the tool
Simple Search (TMSS)

• Designed:
  • For the retrieval of specific marks
  • For the retrieval of a specific group of trade marks using various filters

• Not Designed
  • For conflicting mark search
Finding the tool (TMSS)

1. Click on “Trade Marks” under “Search and Enquiry”.

![Search and Enquiry screenshot]
Using the tool (TMSS)

• Mark field
  • Word only – finds marks that only contains words
  • Image only – finds marks that only contains images
  • Word and image – finds marks that contain both words and images
  • Word or image – finds marks that contain either words and/or images

• Contains option – only allows for one word to be searched
Thank You