



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 35]

FRIDAY, JUNE 16

[2017

First published in the *Government Gazette*, Electronic Edition, on 15 June 2017 at 5 pm.

The following Act was passed by Parliament on 8 May 2017 and assented to by the President on 7 June 2017:—

REPUBLIC OF SINGAPORE

No. 29 of 2017.

I assent.

TONY TAN KENG YAM,

President.

7 June 2017.



An Act to amend the Registered Designs Act (Chapter 266 of the 2005 Revised Edition) and to make related amendments to the Copyright Act (Chapter 63 of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Registered Designs (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Registered Designs Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “article” in subsection (1) and substituting the following definition:

“ “article” means any thing that is manufactured (whether by an industrial process, by hand or otherwise), and includes —

(a) any part of an article, if that part is made and sold separately; and

(b) any set of articles;”;

(b) by inserting, immediately after the words “an article” in the definition of “corresponding design” in subsection (1), the words “or a non-physical product”;

(c) by deleting the definition of “design” in subsection (1) and substituting the following definition:

“ “design” means features of shape, configuration, colours, pattern or ornament applied to any article or non-physical product that give that article or non-physical product its appearance, but does not include —

(a) a method or principle of construction;

(b) features of shape, configuration or colours of an article or a non-physical product that —

(i) are dictated solely by the function that the article or

non-physical product has to perform;

(ii) are dependent upon the appearance of another article or non-physical product of which the article or non-physical product is intended by the designer to form an integral part; or

(iii) enable the article or non-physical product to be connected to, or placed in, around or against, another article or non-physical product, so that either article or non-physical product may perform its function; or

(c) features consisting only of one or more colours that —

(i) are not used with any feature of shape or configuration; and

(ii) do not give rise to any feature of pattern or ornament;”;

(d) by inserting, immediately after the definition of “exclusive licence” in subsection (1), the following definition:

“ “formal requirements” means —

(a) the requirements of section 11(2)(c) and (4)(a); and

(b) any other requirements of section 11, or of rules made for the purposes of that section, that are prescribed as formal requirements;”;

(e) by inserting, immediately after the definition of “International Bureau” in subsection (1), the following definition:

“ “non-physical product” —

(a) means any thing that —

- (i) does not have a physical form;
- (ii) is produced by the projection of a design on a surface or into a medium (including air); and
- (iii) has an intrinsic utilitarian function that is not merely to portray the appearance of the thing or to convey information; and

(b) includes any set of non-physical products;”;

(f) by deleting the full-stop at the end of the definition of “set of articles” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

“ “set of articles and non-physical products” means one or more articles and one or more non-physical products —

(a) all of which are of the same general character and are ordinarily on sale together or intended to be used together; and

(b) to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity of the design, is applied;

“set of non-physical products” means 2 or more non-physical products of the same general character that are ordinarily on sale together or intended to be used together, and to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity of the design, is applied.”;

(g) by deleting paragraph (b) of subsection (2) and substituting the following paragraphs:

“(b) any reference in this Act to an article in respect of which a design is registered is, in the case of a design registered in respect of a set of articles or a set of articles and non-physical products, a reference to any article of that set;

(ba) any reference in this Act to a non-physical product in respect of which a design is registered is, in the case of a design registered in respect of a set of non-physical products or a set of articles and non-physical products, a reference to any non-physical product of that set; and”;

and

(h) by inserting, immediately after subsection (2), the following subsection:

“(3) In this Act, unless the context otherwise requires, a device for projecting a non-physical product —

(a) is any device that when activated projects the non-physical product on a surface or into a medium (including air); and

(b) includes any product or component that is used in or with a device mentioned in paragraph (a) to project the non-physical