

Registered Designs (Amendment) Act 2004
(No. 44 of 2004)

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The following Act was passed by Parliament on 19th October 2004 and assented to by the President on 4th November 2004:—

REGISTERED DESIGNS (AMENDMENT) ACT 2004

(No. 44 of 2004)

I assent.

S R NATHAN,
President.
4th November 2004.

Date of Commencement: 1st January 2005

An Act to amend the Registered Designs Act (Chapter 266 of the 2001 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 may be cited as the Registered Designs (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Repeal and re-enactment of section 12

2. Section 12 of the Registered Designs Act (referred to in this Act as the principal Act) is repealed and the following section substituted therefor:

“Claim to priority of Convention application

12.—(1) Subject to subsection (7), where —

- (a) a person has filed an application for the registration of a design in a Convention country in respect of certain articles;
- (b) that application is the first application for the registration of the design to be filed in any Convention country in respect of those articles (referred to in this section as the first Convention

application); and

- (c) within 6 months after the date on which the first Convention application is filed, that person or his successor in title applies under this Act for the registration of the design in respect of all or any of those articles,

that person or his successor in title may, when filing the application under this Act, claim a right of priority for the registration of the design in respect of all or any of the articles for which registration was sought in the first Convention application.

(2) Where any person claims a right of priority in accordance with subsection (1) in respect of an application for the registration of a design —

- (a) the person shall have priority from (and including) the date on which the first Convention application was filed; and
- (b) the application shall be treated, for the purposes of determining whether that or any other design is new, as filed on the date on which the first Convention application was filed.

(3) Subsection (2) shall not be construed as excluding the power to give directions under section 5(3) in relation to the application for the registration of a design.

(4) Notwithstanding any of the provisions of this Act, where a right of priority is claimed in respect of an application for the registration of a design, the application shall not be refused, and the registration of the design under this Act shall not be revoked, by reason only of the fact that the first Convention application has been published during the period between —

- (a) the date the first Convention application was filed; and
- (b) the date the application under this Act was filed.

(5) Any filing of an application for the registration of a design which in a Convention country is equivalent to a regular national filing, under its domestic legislation or an international agreement, shall be treated as giving rise to the right of priority.

(6) In subsection (5), “regular national filing” means a filing which is adequate to establish the date on which the application was filed in the Convention country, whatever may be the outcome of the application.

(7) Where a subsequent application for registration of a design concerning the same subject as an earlier application is filed, whether in the same or a different