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**TRADE MARKS ACT
(CHAPTER 332)**

**TRADE MARKS
(AMENDMENT) RULES 2017**

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Trade Marks (Amendment) Rules 2017 and come into operation on 31 January 2017.

Amendment of rule 23

2. Rule 23(4) of the Trade Marks Rules (R 1) (called in these Rules the principal Rules) is amended by deleting “(8)” and substituting “(7)”.

Amendment of rule 29

3. Rule 29 of the principal Rules is amended —

(a) by deleting paragraph (3) and substituting the following paragraphs:

“(3) A request for an extension of time to file the notice of opposition —

(a) must be made by filing with the Registrar Form TM 48 within 2 months after the date of the publication of the application for registration; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

- (3A) The person requesting for the extension must, at the time the request mentioned in paragraph (3) is filed with the Registrar, serve on the applicant, and on each person likely to be affected by an extension of time to file the notice of opposition, a copy of that request.”; and
- (b) by deleting paragraphs (5) to (8) and substituting the following paragraphs:

“(5) The Registrar may refuse to grant an extension of time to file the notice of opposition if the person requesting for the extension —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) fails to show to the Registrar’s satisfaction that the request mentioned in paragraph (3) has been served on the applicant and on each person likely to be affected by the extension.

(6) Upon granting an extension of time to file the notice of opposition, the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (3)(b)(ii).

(7) The applicant or any person likely to be affected by an extension of time to file the notice of opposition may, not later than 2 weeks after the receipt of the Registrar’s notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (3) had not been served on the applicant or on that person (as the case may be).”.

Amendment of rule 31

4. Rule 31 of the principal Rules is amended —

- (a) by deleting paragraph (4) and substituting the following paragraphs:

“(4) A request for an extension of time to file the counter-statement —

- (a) must be made by the applicant to the Registrar in Form HC3 within 2 months after the date of receipt of the notice of opposition from the opponent; and

(b) must state —

- (i) the reason for the extension; and
- (ii) the name and address of every person likely to be affected by the extension.

(4A) The applicant must, at the time the request mentioned in paragraph (4) is made to the Registrar, serve on the opponent, and on each person likely to be affected by an extension of time to file the counter-statement, a copy of that request.”; and

(b) by deleting paragraphs (6) to (9) and substituting the following paragraphs:

“(6) The Registrar may refuse to grant an extension of time to file the counter-statement if the applicant —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) fails to show to the Registrar’s satisfaction that the request mentioned in paragraph (4) has been served on the opponent and on each person likely to be affected by the extension.

(7) Upon granting an extension of time to file the counter-statement, the Registrar must send a notification of the extension to the opponent and each person mentioned in paragraph (4)(b)(ii).

(8) The opponent or any person likely to be affected by an extension of time to file the counter-statement may, not later than 2 weeks after the receipt of the Registrar’s notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (4) had not been served on the opponent or on that person (as the case may be).”.

New rule 31A and deletion and substitution of rules 32, 33 and 34

5. The principal Rules are amended by deleting rules 32, 33 and 34 and substituting the following rules:

“Rounds of evidence

31A.—(1) Where the counter-statement has been filed, the Registrar must, after hearing the parties on the appropriate timelines, specify the periods within which the following evidence may be filed by the parties:

- (a) statutory declaration setting out the evidence the opponent wishes to adduce in support of the opposition;
- (b) statutory declaration setting out the evidence the applicant wishes to adduce in support of the application;
- (c) statutory declaration setting out the opponent’s evidence in reply.

(2) Each period specified by the Registrar under paragraph (1) must not be shorter than 2 months.

(3) The opponent must file with the Registrar the statutory declaration mentioned in paragraph (1)(a) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32.

(4) The applicant must file with the Registrar the statutory declaration mentioned in paragraph (1)(b) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32(7)(a) or 33.

(5) The opponent may file with the Registrar the statutory declaration mentioned in paragraph (1)(c) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32(7)(a), 33(7)(a) or 34.

(6) When the opponent files the statutory declaration mentioned in paragraph (1)(a) or (c), the opponent must, at the same time, serve a copy of the statutory declaration on the applicant.

(7) When the applicant files the statutory declaration mentioned in paragraph (1)(b), the applicant must, at the same time, serve a copy of the statutory declaration on the opponent.

(8) If the opponent fails to comply with paragraph (3) or (6) in respect of the statutory declaration mentioned in paragraph (1)(a), the opponent is treated as having withdrawn the opposition.

(9) If the applicant fails to comply with paragraph (4) or (7), the applicant is treated as having withdrawn the application for registration.

(10) The opponent's statutory declaration in reply mentioned in paragraph (1)(c) must be confined to matters strictly in reply to the applicant's statutory declaration mentioned in paragraph (1)(b).

Extension of time for evidence in support of opposition

32.—(1) A request by the opponent for an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) must be made by filing with the Registrar Form HC3 before the expiry of the later of the following periods:

(a) the period specified by the Registrar under rule 31A(1) for that statutory declaration;

(b) that period as extended under paragraph (6).

(2) A request mentioned in paragraph (1) must state —

(a) the period of extension requested;

(b) the reason for the extension; and

(c) the name and address of every person likely to be affected by the extension.

(3) The opponent must serve a copy of the request mentioned in paragraph (1) on the applicant, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.

(4) The applicant or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).