

Trade Marks (Amendment) Rules 2004

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No. S 370

**TRADE MARKS ACT
(CHAPTER 332)**

TRADE MARKS (AMENDMENT) RULES 2004

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2004 and shall come into operation on 1st July 2004.

New rule 3A

2. The Trade Marks Rules (R 1) (referred to in these Rules as the principal Rules) are amended by inserting, immediately after rule 3, the following rule:

“Filing of documents

3A.—(1) The Registrar may refuse to accept or process any document filed at the Registry that fails to comply with the Act or these Rules.

(2) Every document filed at the Registry shall —

(a) be in English; or

(b) where the document is not in English, be accompanied by an English translation of the document.

(3) Every document filed at the Registry which is not filed using the electronic online system shall —

(a) be filed using durable paper; and

(b) be in writing that is legible and permanent.

(4) Where the Registrar refuses to accept any document that does not comply with paragraph (2) or (3), the Registrar shall give the applicant a notice stating the manner in which the document does not comply with paragraph (2) or (3), as the case may be.

(5) Where any document filed at the Registry is a copy, the Registrar may —

(a) decide whether to accept or process the document; and

(b) require the original to be filed with the Registry.

(6) The Registrar may require the filing of a hard copy of any document filed using the electronic online system.”.

Amendment of rule 4

3. Rule 4 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The Registrar shall publish in the Trade Marks Journal —

- (a) the forms to be used for any purpose relating to the registration of a trade mark or any other proceedings before the Registrar under the Act;
- (b) the Registrar’s directions relating to the use of any form; and
- (c) any amendment or modification of any such form or direction.”; and

(b) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) The Registrar may accept, in lieu of any form, any other document which is filed with the Registry for any purpose for which the form was published, if the document —

- (a) complies with rule 3A (2) and every direction of the Registrar relating to the use of the form; and
- (b) is in a format that is acceptable to the Registrar.

(4) Any reference in these Rules to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is —

- (a) described in the Second Schedule; and
- (b) published in the Trade Marks Journal.”.

Amendment of rule 9

4. Rule 9 of the principal Rules is amended —

- (a) by deleting the words “or TM 22” in paragraph (4)(a) and substituting the words “, TM 22 or TM 24”;
- (b) by deleting the words “, TM 29 or TM 36” in paragraph (4)(b) and substituting the words “or TM 29”; and
- (c) by deleting paragraph (7A).

Amendment of rule 10

5. Rule 10 of the principal Rules is amended —

- (a) by inserting, immediately after the words “file with the Registrar” in paragraph (3), the words “in Form TM 1”;
- (b) by deleting the words “, (7) and (7A)” in paragraph (4) and substituting the words “and (7)”; and
- (c) by deleting the words “Notwithstanding rule 9 (7A), where” in paragraph (4A) and substituting the word “Where”.

Amendment of rule 16

6. Rule 16 of the principal Rules is amended by deleting paragraph (4).

Amendment of rule 18

7. Rule 18 of the principal Rules is amended —

- (a) by deleting the words “and shall be supported by filing with the Registrar a declaration in Form TM 5” in paragraph (1); and
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) The particulars referred to in paragraph (1) are —

(a) the country or territory in which —

(i) the priority application; or

(ii) where there is more than one priority application, each priority application, was filed;

(b) the date on which —

(i) the priority application; or

(ii) where there is more than one priority application, each priority application, was filed;

(c) where the right of priority is claimed in respect of one or more, but not all, of the goods or services for which registration was sought in the priority application, the goods or services in respect of which the right of priority is claimed; and

(d) where the right of priority is claimed through more than one priority application, the goods or services in respect of which the right of priority is claimed