

**SINGAPORE**

**Designs Rules**

as amended by S556 of 2005

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## **PART I PRELIMINARY**

### **1. Citation**

These Rules may be cited as the Registered Designs Rules.

### **2. Definitions**

(1) In these Rules, unless the context otherwise requires "account holder" means a person registered as an account holder by the Registrar under rule 58B;

"authentication code" means an identification or identifying code, a password or any other authentication method or procedure that may be assigned to an account holder by the Registrar under rule 58C;

"Design Journal" means the journal by that name published under rule 66A;

"electronic online system" means the electronic online system established under rule 58A;

"identification name" means an identification name assigned to an account holder by the Registrar under rule 58C;

"statement of novelty" means a statement made under rule 15;

"textile article" means textile or plastics piece goods, handkerchiefs, shawls or such other class of articles of a similar character as the Registrar may from time to time decide, for which the protection required is limited to features of pattern and ornament only.

(2) For the purposes of this Part

(a) "initial period of registration", in relation to a relevant design;

(b) "relevant design";

(c) "UK Act"; and

(d) "UK Register",

have the meanings given to these expressions in paragraph 1 of the Schedule to the Act.

(3) Unless the context otherwise requires, the word "month", wherever it occurs in any decision, direction or other document issued by the Registrar, means calendar month.

(4) Any period of time fixed by these Rules or by any decision, direction or other document issued by the Registrar for the doing of any act shall be reckoned in accordance with paragraphs (5), (6) and (7).

(5) Where the act is required to be done within a specified period from or after a specified date, the specified period begins immediately after

that date.

(6) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(7) Where the act is required to be done within a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

### **3. Fees**

(1) The fees set out in the First Schedule shall be payable to the Registrar in respect of the matters set out in that Schedule.

(2) The fees shall be paid by such means and in such manner as the Registrar may direct.

#### **3A. Filing of documents**

(1) The Registrar may refuse to accept or process any document filed at the Registry which is not filed using the electronic online system that fails to comply with the Act.

(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 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.

#### **4. Forms**

(1) The Registrar shall publish in the Designs Journal -  
(a) the forms to be used for any purpose relating to the registration of a design 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.

(2) Any form may be modified on the direction of the Registrar -  
(a) for use in a case other than the case for which it is intended; or  
(b) for carrying out any transaction by means of the electronic online system.

(3) 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 Designs Journal.

#### **4A. Size of documents**

Subject to any directions that may be given by the Registrar, all forms, notices and other documents required or authorised by the Act to be given or sent to, filed with or served on the Registrar, other than by means of the electronic online system, shall be given, sent, filed or served using A4 size paper.

#### **5. Signature on documents**

(1) A document to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by  
(a) all the partners;  
(b) any partner stating that he signs on behalf of the partnership; or  
(c) any other person who satisfies the Registrar that he is authorized to sign the document on behalf of the partnership.

(2) A document to be signed for or on behalf of a body corporate shall be signed by a director, the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document on behalf of the body corporate.

(3) A document to be signed by or on behalf of an unincorporated body or association of persons may be signed by any person who appears to the Registrar to be qualified to so sign.

## **6. Service of documents**

(1) Where the Act or these Rules authorize or require any document to be given or sent to, filed with or served on the Registrar or Registry, the giving, sending, filing or service may be effected on the Registrar or Registry -

- (a) by sending the document by post; or
- (b) where there is no fee payable to the Registrar or Registry for the giving, sending, filing or service of the document, by sending the document by facsimile transmission.

(2) Where the Act authorises or requires any document to be given or sent to or served on any party other than the Registrar or Registry, the giving, sending or service may be effected on that party by sending the document by post.

(3) Where the Act authorises or requires any notice or other document to be given or sent to or served on any party by the Registrar or Registry, the Registrar or Registry may effect the giving, sending or service on the party -

- (a) by sending the notice or other document by post; or
- (b) by sending the notice or other document by facsimile transmission.

(4) Where any notice or other document is sent by post under paragraph (2) or (3), the giving, sending or service, as the case may be, of the notice or other document shall, until the contrary is proved, be treated as having been effected at the time at which the document would have been delivered in the ordinary course of post.

(5) For the purposes of paragraphs (2) and (3), a notice or other document is sent to a party by post if the notice or other document is sent by pre-paid post to the party at his address for service referred to in rule 7.

(6) Where any person has attempted to send any document by facsimile transmission under paragraph (1) -

- (a) if any part or all of the document received by the Registrar or Registry

is illegible or if any part of the document is not received by the Registrar or Registry, the document shall be treated as not having been submitted;

(b) the burden of proving the legibility and completeness of the document lies with the person who has attempted to send the document;

(c) the original of any document sent by facsimile transmission and an accompanying letter identifying the date and time of the transmission shall be furnished to the Registrar within 14 days from the date of transmission; and

(d) if the person who has attempted to send the document fails to comply with sub-paragraph (c), the document shall be treated as not having been sent at all.

(7) Paragraph (1) (b) shall not apply to the filing of evidence by way of a statutory declaration under rule 42 (1), 43 (1) or 44 (1).

## **7. Address for service**

(1) An address for service in Singapore shall be filed by or on behalf of

(a) every applicant for registration of a design; and

(b) every party to any other proceedings before the Registrar.

(2) Where a form is required to be filed under these Rules in relation to any such proceedings, being a form which requires the furnishing of an address for service, the address for service for those proceedings shall be filed using that form.

(3) The filing of an address for service in accordance with paragraph (2) shall be effective only for the matter for which the form is filed.

(4) An application requesting the Registrar to change an address for service shall be made on Form D1.

(5) Before acting on an application referred to in paragraph (4), the Registrar may require such proof of the alteration as he thinks fit.

(6) Anything given or sent to, filed with or served on a person at his address for service shall be taken to have been duly given or sent to, filed with or served on the person.

(7) Subject to any filing to the contrary under paragraph (1) or (4), the Registrar may

- (a) treat the address for service of an applicant for registration of a design as that of the owner upon registration of that design; and
- (b) treat the trade or business address in Singapore of a person as his address for service.

## **8. Agents**

(1) The Registrar may, in dealing with any matter under the Act or these Rules in respect of which a person has been authorized to act as an agent on behalf of another, require the personal signature or presence of either the agent or his principal.

(2) The Registrar may, by notice in writing sent to an agent, require the agent to produce evidence of his authority.

(3) Where a person who has become a party to any proceedings before the Registrar appoints an agent for the first time or substitutes one agent for another, the newly appointed agent shall file with the Registrar Form D2 on or before the first occasion he acts as agent.

(4) Any act required or authorized by the Act in connection with the registration of a design, or any procedure relating to a registered design, may not be done by or to the newly appointed agent referred to in paragraph (3) until after he has complied with that paragraph.

## **PART II REGISTRATION OF DESIGNS**

### **Division 1 Registrability of Designs**

#### **9. Designs excluded from registration**

The Registrar shall refuse to register a design intended to be applied to any of the following articles:

- (a) works of sculpture (other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process);
- (b) wall plaques, medals and medallions;
- (c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles.

#### **10. Registration of design consisting of arms, etc.**

(1) Where a representation of the name, initials, armorial bearings, insignia, orders of chivalry, decorations, flags or devices of any state, settlement, city, borough, town, place, society, body corporate, government body, statutory board, institution or person appears on a design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, require the applicant to furnish the Registrar with the consent to the registration and use of the matter in question of such official or other person as appears to the Registrar to be entitled to give consent.

(2) The Registrar shall refuse to register the design if no such consent is furnished within the time specified by the Registrar.

#### **11. Persons living or recently dead**

(1) Where the name or representation of any person appears on a design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, require the applicant to furnish the Registrar with the consent of the person or, in the case of a person recently dead, of his legal representatives.

(2) Where such consent is not furnished within the time specified by the Registrar and the applicant fails to satisfy the Registrar that it is impossible or impracticable in the circumstances of the case to obtain the consent, the Registrar shall refuse to register the design.

## **12. Industrial application of designs**

(1) For the purposes of section 9 of the Act, a design is applied industrially if

(a) more than 50 reproductions in 3 dimensions are made of it for the purposes of sale or hire;

(b) it is reproduced in 3 dimensions in one or more articles manufactured in lengths for the purposes of sale or hire; or

(c) it is reproduced as a plate which has been used to produce

(i) more than 50 reproductions of an object in 3 dimensions for the purposes of sale or hire; or

(ii) one or more articles in 3 dimensions for the purposes of sale or hire.

(2) For the purposes of paragraph (1), 2 or more reproductions in 3 dimensions which are of the same general character and intended for use together are a single reproduction.

## **Division 2 Application for Registration**

### **13. Application for registration of design**

An application for the registration of a design under section 11 of the Act shall be made in Form D3 (referred to in this Division as the application form).

### **14. Representations of design**

(1) Deleted by S 556/2005, wef 01/09/2005.

(1A) The Registrar may issue practice directions to indicate -

- (a) the maximum number of different views of the design that may be filed as representations of the design;
- (b) the dimensions of each view; and
- (c) the number of sets of representations that shall accompany an application for the registration of a design.

(2) The representation of a design or, where there is more than one view filed as representation of a design, the representation of each view of the design shall be in the form of a drawing or photograph that is suitable for reproduction.

(3) Where the application is made for the registration of a design intended to be applied to a set of articles, the representation shall show the design as applied to each different article in the set.

### **15. Statement of novelty**

(1) A statement describing the features of the design which the applicant considers to be new shall appear on the application form.

(2) Paragraph (1) shall not apply in the case of an application for registration of the pattern or ornament of a design to be applied to a textile article, wallpaper or similar wall covering, lace or sets of textile articles or lace.

### **16. Prescribed case under section 5(3) of Act**

The Registrar may exercise his power under section 5(3) of the Act in a case where a request under section 15 of the Act for amendment of an application for registration of a design has been approved, in the opinion of the Registrar, the amendment has the effect of significantly altering the design for which the application was initially filed.

**17. Statement relating to confidential disclosure**

(1) If the applicant claims that section 8 of the Act applies in relation to his application, he shall include in the application form a statement to that effect.

(2) The statement shall

(a) identify the provision of section 8 of the Act that applies in relation to the application;

(b) describe the circumstances under which the disclosure of the design was made, including the relevant date; and

(c) if the applicant claims that section 8(2) of the Act applies in relation to the application, the name and opening date of the exhibition, the place it is held, and the date of the first disclosure of the design.

(3) The applicant may file additional information or documents in support of his claim.

**18. Statement relating to previous registration of design in respect of other articles, etc.**

(1) If the applicant claims that section 10 of the Act applies in relation to his application, he shall include in the application form a statement to that effect.

(2) The statement shall include such details of the previous registration or, as the case may be, the previous application for registration of the design as the Registrar may require.

(3) The applicant may file additional information or documents in support of his claim.

**19. Claim to priority**

(1) If a right of priority is claimed by reason of an application for registration of a design (referred to in this rule as the priority application) filed

(a) in a Convention country under section 12 of the Act; or

(b) in another country or territory in respect of which provision corresponding to that set out in section 12 of the Act is made under section 13 of the Act,

particulars of that claim shall be included in the application form.

(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) the classification of the article to which the design is intended to be applied in accordance with the Third Schedule;
- (d) where the right of priority is claimed in respect of one or more, but not all, of the articles for which registration was sought in the priority application, the articles in respect of which the right of priority is claimed; and
- (e) where the right of priority is claimed through more than one priority application, the articles in respect of which the right of priority is claimed through each priority application.

(2A) The Registrar may at any time require the applicant to file a certificate by the registering or other competent authority of the country or territory concerned certifying or verifying to the satisfaction of the Registrar -

- (a) the date of filing of the priority application;
- (b) the country or territory of the registering or other competent authority;
- (c) the representation of the design; and
- (d) the articles covered by the priority application.

(3) Where the certificate referred to in paragraph (2A) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.

## **20. Samples**

(1) An application for registration of a 2-dimensional design intended to be applied to a textile article may be accompanied by a sample of the article.

(2) The sample of the article shall not exceed such size or weight as the Registrar may specify.

(3) The Registrar may, in his discretion, refuse the acceptance of any sample of article.

#### **21. Specimens**

Unless the Registrar otherwise requires, no specimen shall be filed.

#### **22. Multiple applications**

Two or more designs may be the subject of the same application for registration if the designs relate to

- (a) the same class and subclass of articles as classified in accordance with the Third Schedule; or
- (b) the same set of articles.

#### **23. Withdrawal of application**

A notice of withdrawal of an application for registration of a design referred to in section 14 of the Act shall be in Form D4.

#### **24. Amendment of application**

(1) Subject to paragraph (2), a request under section 15 of the Act to amend an application for registration of a design shall be made in Form D5.

(2) A request to amend the particulars relating to the name or address of an applicant in an application for registration of a design shall be made in Form D1.

#### **25. Reinstatement of application**

A notice requesting reinstatement of an application for registration of a design referred to in section 16 of the Act shall be in Form D6.

### **Division 3 Miscellaneous**

#### **26. Classification**

For the purposes of the registration of designs, articles shall be classified in accordance with the Third Schedule.

#### **27. Formal requirements**

(1) The requirements under rules 10, 11, 13, 14, 15, 17, 18 and 19 shall be formal requirements for the purposes of sections 16, 17 and 18 of the Act.

(2) If, in the course of an examination of an application for registration, it appears to the Registrar that the formal requirements for registration are not met, the Registrar shall give a written notice of this to the applicant.

(3) If, within 3 months from the date of the written notice of the Registrar, the applicant fails to -

- (a) make representations in writing;
  - (b) apply to the Registrar for a hearing; or
  - (c) apply to correct the non-compliance,
- the application shall be treated as withdrawn.

(4) If the applicant wishes to have an extension of time to do any act referred to in paragraph (3) (a), (b) or (c), he shall file with the Registrar a request for extension in Form D16 before the expiry of the period of 3 months or any extended period previously allowed by the Registrar.

(5) If the applicant requests for a hearing to make representations, the Registrar shall give notice to the applicant of a date on which he will hear the applicant's arguments.

(6) For the purposes of the hearing, the applicant shall file with the Registrar his written submissions and bundle of authorities at least 14 days before the date of the hearing.

(7) The decision of the Registrar, in respect of the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing or in such other manner as the Registrar thinks fit.

(8) Where the applicant wishes to appeal against the decision of the Registrar -

(a) the applicant shall, within one month from the date of the decision, in writing and upon payment of the prescribed fee, request the Registrar to state the Registrar's grounds of decision; and

(b) the Registrar shall, within 2 months from the date of the request, send the grounds of decision to the applicant.

(9) The date on which the Registrar's grounds of decision are sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

### **28. Publication of notice of registration**

The notice of registration of a design to be published in the Designs Journal under section 18(d) of the Act shall contain the following particulars:

(a) the date of registration;

(b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;

(c) the name, address and address for service of the registered owner;

(d) the article in respect of which the design is registered, including its classification number as set out in the Third Schedule;

(e) the registration number; and

(f) a representation of the design.

### **29. Designs relevant for defence purposes**

Where the Registrar gives a direction under section 29(1) of the Act in respect of any application for registration of a design, the representation of the design and any evidence filed in support of the application shall not be open to public inspection in the Registry during the continuance in force of the direction.

### **30. Information and inspection of documents**

(1) A request under section 28 of the Act for information, or for permission to inspect any document, relating to a registered design shall be accompanied by the applicable fee set out in the First Schedule.

(2) Subject to sections 28 and 29 of the Act and paragraphs (3) and (4), the Registrar shall permit the inspection of such document as may be specified in the request.

(3) The person making a request to inspect any document must file such evidence as the Registrar considers sufficient to prove that

(a) the owner consents to the inspection; or

(b) section 28 of the Act applies in respect of the request.

(4) The Registrar may refuse a request to inspect any of the following documents:

(a) any document prepared by the Registrar solely for use by the Registrar and officers of the Registry;

(b) any document given to or filed with the Registrar, whether at his request or otherwise, for inspection and subsequent return to the sender;

(c) a copy of any request referred to in paragraph (1);

(d) any document issued or given by the Registrar which the Registrar considers should be treated as confidential;

(e) any document the contents of which, in the Registrar's opinion, disparages any person in a way likely to damage him;

(f) any document given or sent to or filed with the Registrar before 13th November 2000.

## **PART III REGISTER**

### **31. Entry in Register of particulars of registered design**

There shall be entered in the Register in respect of each registered design the following particulars:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the owner;
- (d) the article in respect of which the design is registered, including its classification number in accordance with the Third Schedule;
- (e) the registration number;
- (f) a representation of the design;
- (g) the statement of novelty relating to the design;
- (h) particulars of registrable transactions (if any) under section 34 of the Act affecting the design;
- (i) if applicable, a statement that the design has been registered by virtue of section 9 or 10 of the Act;
- (j) such other particulars as the Registrar considers appropriate.

### **32. Certificates and copies**

An application under section 55(3) of the Act for

- (a) a certified copy of an entry in the Register; or
  - (b) a certified extract from the Register,
- shall be made in Form D7.

### **33. Correction of Register**

(1) Subject to paragraph (2), a request under section 57 of the Act for the correction of any clerical error in the Register shall be made in Form D5.

(2) A request to correct the particulars in the Register relating to the name or address of the applicant shall be made in Form D1.

## **PART IV EXTENSION OF PERIOD OF REGISTRATION OF DESIGN**

### **34. Reminder to extend period of registration**

(1) The Registrar shall, not earlier than 6 months nor later than one month before the end of the current period of registration of a design, give to the registered owner written notice of the imminent expiry of the period and the manner in which it may be extended.

(2) Paragraph (1) shall not apply if an application for extension of the current period of registration has already been made.

(3) Paragraph (1) shall not apply to the extension of the period of registration of a relevant design upon the expiry of its initial period of registration.

### **35. Application to extend period of registration**

(1) Subject to rule 67, an application to extend the period of registration of a design shall be made in Form D8.

(2) The application to extend the period of registration of a design shall not be made -

(a) earlier than 6 months before; or

(b) later than 6 months after, the date of expiry of the current period of registration of the design.

(3) Where an application to extend the period of registration of a design is made within 6 months after the date of expiry of the current period of registration, the application for extension in Form D8 shall be accompanied by the payment of the prescribed late fee.

### **35A. Notice of non-compliance**

(1) If, in the course of an examination of an application to extend the period of registration of a design, it appears to the Registrar that the application is not in order, the Registrar shall give written notice of this to the applicant.

(2) If the applicant fails to -

(a) respond in writing to the Registrar on the notice; or

(b) comply with any requisition of the Registrar set out in the notice, within the time specified in the notice, the Registrar may treat the application as having been withdrawn.

(3) If the applicant wishes to have an extension of time to do any act referred to in paragraph (2) (a) or (b), he shall file with the Registrar a request for an extension of time in Form D16 before the expiry of the time specified in the notice or any extended period previously allowed by the Registrar.

**35B. Removal of registered design from Register**

The Registrar may remove a registered design from the Register if -

(a) no application for the extension of the period of registration of the design is filed in accordance with rule 35; or

(b) where an application for the extension of the period of registration of the design is filed in accordance with rule 35, the applicant -

(i) fails to comply with any direction of the Registrar relating to the extension; or

(ii) notifies the Registrar that he wishes to withdraw or abandon the application.

## **PART V REGISTRABLE TRANSACTIONS**

### **36. Particulars of transactions to be entered in Register**

For the purposes of section 34 of the Act, the prescribed particulars of a registrable transaction to be entered in the Register are

(a) in the case of an assignment of a registered design or any right in it

(i) the name and address of the subsequent owner;

(ii) the date of the assignment; and

(iii) where the assignment is in respect of any right in the design, a description of the right assigned;

(b) in the case of the grant of a licence for the use of a design

(i) the name and address of the licensee;

(ii) where the licence is an exclusive licence, that fact;

(iii) where the licence is limited, a description of the limitation; and

(iv) the duration of the licence if the same is, or is ascertainable as, a definite period;

(c) in the case of the grant of any security interest over a registered design or any right in it

(i) the name and address of the grantee;

(ii) the nature of the interest (i.e. whether fixed or floating); and

(iii) the extent of the security and the right in the design secured;

(d) in the case of the making by personal representatives of an assent in relation to a registered design or any right in it

(i) the name and address of the person in whom the design or any right in it vests by virtue of an assent; and

(ii) the date of the assent; and

(e) in the case of an order of the Court or other competent authority transferring a registered design or any right in it

(i) the name and address of the transferee;

(ii) the date of the order; and

(iii) where the transfer is in respect of a right in the design, a description of the right transferred,

and in each of the cases, there shall be entered in the Register the date on which the entry is made.

### **37. Application for registration of particulars of transactions**

(1) An application to register particulars of a registrable transaction under section 34 of the Act, or to give notice to the Registrar of particulars of a transaction under section 35 of the Act, shall be made in Form D9.

(2) The application shall

(a) where the transaction is an assignment, be signed by or on behalf of all the parties to the assignment;

(b) where the transaction is the grant of a licence or sub-licence, be signed by the grantor of the licence or sub-licence;

(c) where the transaction is the grant of a security interest, be signed by the mortgagor of the security interest; and

(ca) where the transaction is the making by a personal representative of an assent in relation to a registered design or any right in it, be signed by or on behalf of both the personal representative and the beneficiary;

(cb) where the transaction is an order of the Court or other competent authority transferring a registered design or any right in it, be accompanied by any documentary evidence which in the Registrar's view is sufficient to establish the transaction; or

(d) where the transaction is a transaction referred to in sub-paragraph (a), (b), (c) or (ca), but the application is not signed in accordance with that sub-paragraph, be accompanied by such evidence as the Registrar considers to be sufficient proof of the transaction.

(2A) The Registrar shall refuse to accept an application under paragraph (1) if paragraph (2) is not complied with and, in such event, may require a fresh application to be made.

(2B) For the purposes of this rule, where a party required to sign the application is a corporation, it is sufficient for that party to seal the application with its corporate seal.

(3) The Registrar may require the applicant to furnish such other document, instrument or information in support of the application as the Registrar thinks fit within such time as the Registrar may specify.

(3A) If the applicant wishes to have an extension of time to comply with the requirement referred to in paragraph (3), he shall file with the Registrar a request for an extension of time in Form D16 before the expiry of the time specified by the Registrar or any extended period previously allowed by the Registrar.

(3B) Where the transaction is effected by an instrument chargeable with duty, the granting of the application shall be subject to the Registrar being satisfied that the instrument has been duly stamped.

(4) An application to amend any particular of a registrable transaction entered under section 34 of the Act shall be made in Form D10.

**38. Cancellation of claim to be mortgagee or licensee**

(1) Where the name of a person is entered in the Register as mortgagee or licensee, such person may, on making an application in Form D11, have a note entered in the Register that he no longer claims to be mortgagee or licensee, as the case may be.

(2) The Registrar may direct the applicant to furnish, within such period as the Registrar may specify, such evidence as the Registrar may require in connection with the application.

## **PART VI SURRENDER AND REVOCATION OF REGISTRATION OF DESIGN**

### **39. Notice of surrender of registration**

(1) The surrender of the registration of a design under section 26 of the Act shall be made by filing with the Registrar a notice in Form D12.

(2) The surrender shall not be effective unless the registered owner (a) states in the notice the articles in respect of which the design is surrendered;

(b) states in the notice the name and address of every other person having an interest in the design; and

(c) certifies in the notice, in respect of every such person, that the person

(i) has been given not less than 3 months' notice of the registered owner's intention to surrender the registration; and

(ii) is not affected by the surrender or, if affected, has consented to the surrender.

(3) The surrender shall take effect upon receipt by the Registrar of a notice that complies with paragraphs (1) and (2).

(4) A surrender of the registration of a design in respect of any article has the same effect as the registration of the design ceasing to have effect in respect of that article.

### **40. Application for revocation**

(1) An application under section 27 of the Act to the Registrar for revocation of the registration of a design shall be made in Form D13.

(2) The application shall be accompanied by a statement of the grounds on which the application is made.

(3) The Registrar shall serve a copy each of the application and the statement on the registered owner of the design at the time he files these documents with the Registrar.

### **41. Counter-statement**

(1) If the registered owner wishes to respond to an application under rule 40, he shall, within 2 months from the date he receives the copies of both the application and the statement, file with the Registrar a counter-statement in Form D14 setting out fully

- (a) the grounds on which he relies as supporting his registration; and
- (b) the facts alleged in the application which he admits (if any).

(2) The registered owner shall serve a copy of the counter-statement on the applicant at the time the counter-statement is filed with the Registrar.

(3) A request for an extension of time to file the counter-statement shall be made to the Registrar within 2 months from the date the registered owner receives the copies of both the application and the statement.

(4) The total extension of time which the Registrar may allow to file the counter-statement shall not exceed 4 months from the date the registered owner receives the copies of both the application and the statement.

(5) Before making a request for an extension of time, the registered owner shall serve on the applicant and every other person likely to be affected by the extension a notice containing -

- (a) a statement of the registered owner's intention to request for the extension, the period of extension requested for and the reason for the extension; and

- (b) a request for the consent in writing of the applicant or other person likely to be affected by the extension.

(6) The request for the extension shall be supported by -

- (a) a copy of the notice referred to in paragraph (5); and

- (b) the consent in writing of the applicant and of every other person likely to be affected by the extension, if given.

(7) The Registrar may refuse to grant the extension if the registered owner -

- (a) fails to show a good and sufficient reason for the extension; or

- (b) fails to show to the Registrar's satisfaction that the notice referred to in paragraph (5) has been served on the applicant and every other person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in paragraph (5) is served fails or refuses to give his consent in writing to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension without having to conduct a hearing in accordance with rule 52.

(9) This rule and rules 42 to 48 shall not apply in any case where the Registrar refers the application to the Court for determination under section 27 (4) of the Act.

**42. Evidence in support of application**

(1) Within 2 months from the date the applicant receives the counter-statement from the registered owner, the applicant shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his application and shall, at the same time, send to the registered owner a copy of that evidence.

(2) If the applicant does not file any evidence in accordance with paragraph (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn the application.

**43. Evidence in support of counter-statement**

(1) Within 2 months from the date of receipt by the registered owner of the copy of the applicant's evidence referred to in rule 42, the registered owner shall file with the Registrar such evidence by way of a statutory declaration as the registered owner may desire to adduce in support of his counter-statement and shall, at the same time, send to the applicant a copy of that evidence.

(2) If the registered owner does not file any evidence in accordance with paragraph (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his counter-statement.

**44. Evidence in reply**

(1) Within 2 months from the date the applicant receives the copy of the registered owner's evidence referred to in rule 43, the applicant may file with the Registrar evidence in reply by way of a statutory declaration and shall, at the same time, send to the registered owner a copy of that evidence.

(2) If the applicant files such further evidence with the Registrar, the applicant shall at the same time send a copy of that evidence to the registered owner.

(3) Evidence in reply shall be confined to matters strictly in reply to the registered owner's evidence.

**45. Further evidence**

No further evidence may be filed by any party except that, in any proceedings before the Registrar, the Registrar may at any time, if he thinks fit, give leave or direction to either party to file further evidence upon such terms as to costs or otherwise as the Registrar may think fit.

**46. Directions on subsequent procedure**

The Registrar may give such directions as he thinks fit with regard to the subsequent procedure relating to an application for revocation referred to in rule 40.

**47. Exhibits**

(1) Where there are exhibits to any evidence filed under rule 40, 41, 42, 43, 44 or 45, the party who is relying on the exhibits in support of his case shall, at the request of the other party and at that other party's expense, send a copy of each exhibit to that other party.

(2) If such copy cannot be conveniently furnished, the original shall be filed with the Registrar in order that it may be open to inspection.

(3) The original exhibits shall be produced at the revocation hearing unless the Registrar otherwise directs.

**47A. Pre-hearing review**

(1) At any time after the completion of the filing of evidence by the parties, the Registrar may direct the parties to attend a pre-hearing review at which he may give such directions as he considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings.

(2) At the pre-hearing review, the Registrar may consider any matter including the possibility of settlement of all or any of the issues in the proceedings and may require the parties to furnish him with such information as he may require.

(3) If any party fails to comply with any direction given under paragraph (1) or (2), the Registrar may dismiss the proceedings or make such other order as he thinks fit.

(4) Any direction or order by the Registrar may be set aside or varied

by him on such terms as he thinks fit.

(5) If, at any time during the pre-hearing review, the parties are agreeable to a settlement of all or some of the matters in dispute in the proceedings, the Registrar may give his decision in relation to the proceedings or make such order as he thinks just to give effect to the settlement.

(6) If a party does not appear at the pre-hearing review, the Registrar may dismiss the proceedings or make such other order as the Registrar thinks fit, or he may adjourn the review.

(7) An order made by the Registrar in the absence of a party may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

#### **48. Revocation hearing**

(1) Upon completion of the filing of evidence by the parties, the Registrar shall give notice to the parties of a date on which he will hear arguments on the case.

(2) The parties shall file with the Registrar their written submissions and bundles of authorities at least one month before the date of hearing, and shall at the same time exchange with one another their respective written submissions and bundles of authorities.

(3) Any party who intends to appear at the hearing shall file with the Registrar Form D15 before the hearing.

(4) Any party who does not file with the Registrar Form D15 before the hearing may be treated as not desiring to be heard, and the Registrar may proceed with the hearing in the absence of that party or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(5) If, after filing with the Registrar Form D15, a party does not appear at the hearing, the Registrar may proceed with the hearing in the absence of that party, or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(6) If neither party appears at the hearing, the proceedings may be struck out of the list except that they may thereafter be restored on the direction

of the Registrar.

(7) Any decision made by the Registrar pursuant to a hearing in which any party does not appear may, on the application of that party, be set aside by the Registrar on such terms as he thinks fit.

(8) An application under this rule to restore any proceedings or to set aside any decision under paragraph (6) or (7) shall be made within 7 days after the proceedings have been struck out of the list or after the hearing, as the case may be.

**49. Notice of decision**

The Registrar shall, within 3 months from the date of the hearing, notify the parties of his decision and the grounds thereof.

**49A. Extension of time in revocation proceedings**

Where any extension of time is granted to any party, the Registrar may, if he thinks fit, without giving the party a hearing, grant a reasonable extension of time to the other party in which to take any subsequent step.

**49B. Costs in uncontested revocations**

Where a revocation is uncontested by the registered owner, the Registrar shall, in deciding whether costs should be awarded to the applicant, consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered owner before the application for revocation was filed.

**49C. Intervention by third parties**

(1) Any person, other than the registered owner, claiming to have an interest in a registered design which is the subject of an application for revocation under rule 40 may apply to the Registrar in writing for leave to intervene.

(2) The Registrar may, after hearing the parties concerned if he has so required -

(a) refuse leave to intervene; or

(b) grant leave to intervene upon such terms (including any undertaking as to costs) as he thinks fit.

(3) Any person granted leave to intervene shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party to the proceedings in question.

**50. Reference to Court**

Where the Registrar receives an application for revocation under rule 40 and decides to refer the application to the Court for determination, the Registrar shall forthwith serve a copy of the reference to the Court on the applicant and the registered owner of the design.

**51. Service on Registrar of applications to Court**

Where application to the Court is made under section 27 of the Act for the revocation of the registration of a design, the applicant shall forthwith send a copy of the application to the Registrar.

## **PART VII EVIDENCE AND PROCEDURE**

### **52. Right of affected party to be heard**

(1) Without prejudice to any of the provisions of the Act requiring the Registrar to hear any party to proceedings under the Act or to give such party an opportunity to be heard, the Registrar shall, before exercising any power given to the Registrar by the Act adversely to any party, give that party an opportunity to be heard.

(2) The Registrar shall give that party at least 10 days' notice of the date on which he may be heard.

(3) The Registrar shall notify that party of his decision made in relation to the exercise of his power.

### **53. Hearing before Registrar to be in public**

The hearing before the Registrar of any dispute between 2 or more parties relating to any matter under the Act or these Rules shall be in public unless the Registrar, after consultation with those parties who appear in person or are represented at the hearing, otherwise directs.

### **54. Evidence in proceedings before Registrar**

(1) In any proceedings before the Registrar under the Act, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Act or directed by the Registrar.

(1A) Subject to the provisions of the Oaths and Declarations Act (Cap. 211) and these Rules, Order 41 of the Rules of Court (Cap. 322, R 5) shall, with the necessary modifications, apply in relation to a statutory declaration filed or used in any proceedings before the Registrar as it applies to an affidavit filed or used in any proceedings before the Court.

(2) Any such statutory declaration may, in the case of an appeal to the Court, be used before the Court in lieu of evidence by affidavit, and if so used, shall have all the incidents and consequences of evidence by affidavit.

(3) The Registrar may in any particular case take oral evidence in lieu of or in addition to a statutory declaration and shall, unless he otherwise directs, allow any witness to be cross-examined on his statutory declaration or oral evidence.

(4) Deleted by S 778/2004, wef 01/01/2005.

**55. Statutory declarations**

Any statutory declaration filed under these Rules, or used in any proceedings under the Act, shall be made and subscribed as follows:

(a) in Singapore, before any justice of the peace, or any commissioner for oaths or other officer authorized by law to administer an oath for the purpose of any legal proceedings;

(b) in any other part of the Commonwealth, before any court, judge, justice of the peace, notary public or any officer authorized by law to administer an oath there for the purpose of any legal proceedings; and

(c) elsewhere, before a Consul, Vice-Consul, or other person exercising the functions of a Singapore Consul, or before a notary public, judge or magistrate.

**56. Notice of seal of officer taking declaration**

Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized by rule 55 to take a declaration may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

## **PART VIIA COSTS**

### **56A. Application for costs**

(1) For the purposes of section 56 of the Act, a party to proceedings before the Registrar who desires to obtain costs shall apply to the Registrar for an award of costs in relation to the proceedings -

(a) during the proceedings; or

(b) within one month from -

(i) the day on which the Registrar makes a decision in the proceedings that ends those proceedings; or

(ii) the date of the Registrar's notice to the party that the proceedings have been withdrawn, discontinued or dismissed, as the case may be.

(2) Before awarding costs in respect of the proceedings, the Registrar shall give each party to the proceedings an opportunity to be heard in relation to the award of costs.

### **56B. Taxation of costs**

(1) Where the Registrar has awarded party and party costs to a party to proceedings before the Registrar and the party wishes to have the costs taxed by the Registrar, the party shall, within one month from the date of the award of costs -

(a) apply for the costs to be taxed by filing a copy of the bill of costs with the Registrar; and

(b) send at the same time a copy of the bill of costs to every other person having an interest in the taxation proceedings.

(2) Every bill of costs shall set out the following:

(a) the work done in the cause or matter;

(b) all disbursements made in the cause or matter;

(c) the sum claimed for each item; and

(d) in chronological order and with dates, all events in the cause or matter which are relevant to the taxation proceedings.

(3) Where costs have already been awarded for any of the items set out in the bill of costs, this fact and the amount awarded shall be indicated.

(4) Any party on whom a copy of the bill of costs has been served in accordance with paragraph (1) shall, if he wishes to dispute the bill or any part thereof, within one month from the receipt of the copy of the bill, mark

the copy in accordance with paragraph (5) and send copies of the marked copy to the Registrar and the party requesting for taxation.

(5) The marking of a copy of a bill of costs shall be effected by writing on the right hand margin against each item the word "Agree" if the party concerned agrees with the costs claimed for that item, or the word "Disagree" if the party concerned disagrees with the costs claimed for that item.

(6) Upon expiry of the period referred to in paragraph (4), the Registrar shall give to the parties having an interest in the taxation proceedings notice of the date and time appointed for taxation.

#### **56C. Taxation proceedings**

(1) If any party entitled to be heard in any taxation proceedings does not attend at the time appointed for taxation, the Registrar may proceed with the taxation.

(2) The Registrar may, if he thinks it necessary to do so, adjourn the proceedings.

#### **56D. Scale of costs**

(1) The provisions in the Fourth Schedule shall apply in relation to taxation proceedings.

(2) Costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

#### **56E. Certificate**

When a bill of costs has been taxed, the party who requested the taxation may file with the Registrar Form D19, and the Registrar shall proceed to issue to him a certificate for the amount of the taxed costs.

## **PART VIII EXTENSION OF TIME**

### **57. Request for extension of time**

(1) Any period of time

(a) prescribed by these Rules; or

(b) specified by the Registrar for doing any act or taking any proceedings, may, at the request of the person or party concerned made in Form D16, be extended by the Registrar by such period and upon such terms as the Registrar considers fit.

(2) Before making a request for an extension of time, the person seeking the extension shall serve on every person or party likely to be affected by the extension a notice containing -

(a) a statement of his intention to request for the extension, the period of extension requested for, and the reason for the extension; and

(b) a request for the consent in writing of the person or party likely to be affected by the extension.

(3) The request for extension shall be made before the expiry of the period of time

in question and shall be supported by -

(a) a copy of the notice referred to in paragraph (2); and

(b) the consent in writing of every person or party likely to be affected by the extension, if given.

(4) The Registrar may refuse to grant the extension if the person seeking 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 notice referred to in paragraph (2) has been served on every person or party likely to be affected by the extension.

(5) Where a person or party on whom a notice referred to in paragraph (2) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension without having to conduct a hearing in accordance with rule 52.

(6) Paragraphs (1) to (5) shall not apply to the following matters:

(a) the doing of any act referred to in rule 27 (3) (a), (b) or (c);

- (b) the making of an application to extend the period of registration of a design under rule 35;
- (c) the furnishing of any document, instrument or information required by the Registrar under rule 37 (3);
- (d) the filing of a counter-statement to an application for revocation under rule 41;
- (e) the making of an application to extend the period of registration of a relevant design under rule 67.

**58. Where non-compliance with time caused by Registry**

(1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to any application for the registration of a design or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding rule 57, extend the period for doing the act or taking the steps by such period as the Registrar considers fit.

(2) Notwithstanding the provisions of these Rules, the period of time for doing an act or taking a step under paragraph (1) may be extended although the period has expired.

## **PART VIIIA ELECTRONIC ONLINE SYSTEM**

### **58A. Establishment of electronic online system**

(1) There shall be established an electronic online system for the purposes of these Rules.

(2) The electronic online system may be used for carrying out any of the transactions referred to in rules 7 (4), 8 (3), 13, 24, 27 (4), 32, 33, 35, 35A (3), 37 (3A), 57 (1) and 66 (1) and (2).

### **58B. Registration of account holder**

(1) Any person who desires to make use of the electronic online system to

(a) carry out any transaction referred to in rule 58A (2); and  
(b) make payment through Interbank GIRO for that transaction, shall, in accordance with the procedures set out in practice directions issued by the Registrar, apply to the Registrar to be registered as an account holder.

(2) The Registrar may register a person as an account holder on such terms and with such restrictions pertaining to the use of the electronic online system as the Registrar thinks fit.

### **58C. Identification name and authentication code**

Upon registration of a person as an account holder, the person shall be assigned such number of identification names and authentication codes as the Registrar may determine.

### **58D. Obligation to inform Registrar of change of particulars**

An account holder shall, in accordance with such procedure as may be laid down in practice directions issued by the Registrar, inform the Registrar of any change in the particulars furnished in his application for registration as an account holder under rule 58B.

### **58E. Security measures**

(1) An account holder shall ensure the confidentiality and security of each identification name and authentication code assigned to him and shall not -

(a) divulge the identification name and authentication code to any other person who has no authority to use the identification name and authentication code; or

(b) permit any other person who has not been so authorised to use the identification name and authentication code.

(2) When using the electronic online system, an account holder shall not circumvent any security or authentication mechanism in the system.

**58F. Duty of person carrying out electronic filing**

A person shall only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.

**58G. Cancellation of registration as account holder**

The Registrar may cancel -

- (a) the registration of an account holder; and
- (b) any identification name and authentication code issued to the account holder,

if the Registrar is satisfied that the account holder has contravened rule 58E or 58F or any term or restriction imposed by the Registrar.

## **PART IX MISCELLANEOUS PROVISIONS**

### **59. Hours of business and excluded days**

(1) Subject to paragraph (3), any business done under the Act -  
(a) on any day after the hours of business of the Registry for that class of business; or  
(b) on any day which is an excluded day for that class of business, shall be taken to have been done on the next following day which is not an excluded day for that class of business.

(2) Where the time for doing any business under the Act expires on an excluded day for the doing of that class of business, that time shall be extended to the next following day which is not an excluded day for the doing of that class of business.

(3) For the avoidance of doubt, where the time for carrying out any transaction referred to in rule 58A (2) expires on an excluded day for the carrying out of that transaction, that time shall be extended to the next following day which is not an excluded day for the carrying out of that transaction, notwithstanding the availability of the electronic online system for the carrying out of that transaction.

(4) Where, in carrying out any transaction referred to in rule 58A (2), a document -  
(a) is transmitted to the Registry by means of the electronic online system; and  
(b) is received, by the server of that system set up to receive such transmissions,  
at any time before midnight on any day which is not an excluded day for the business of sending to or filing with the Registry any document by means of that system, that document shall be treated as sent to or filed with, and received by, the Registry at that time and on that day.

(5) For the purposes of paragraph (4), the document shall be treated as sent to or filed with, and received by, the Registry if and only if the last byte of the transmission containing the document is received by the server referred to in that paragraph.

(6) Any person who sends or files a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of -

- (a) the sending or filing of that document; and
- (b) the date and time when the sending or filing took place.

(7) Subject to paragraph (6) of rule 6, where a document referred to in that paragraph -

(a) is transmitted to the Registrar or Registry by means of facsimile transmission; and

(b) is received -

(i) by any facsimile machine designated by the Registry for the receipt of such transmissions; and

(ii) at any time before midnight on any day which is not an excluded day for the business of sending to or filing with the Registry that document by means of facsimile transmission,

that document shall be treated as sent to or filed with, and received by, the Registry at that time and on that day.

(8) For the purposes of paragraph (7) -

(a) a document shall be treated as sent to or filed with, and received by, the Registry if and only if all sheets comprising the complete document are received by the facsimile machine referred to in that paragraph; and

(b) the date and time of receipt of the document, as recorded by the facsimile machine referred to in that paragraph, shall, until the contrary is proved, be treated as the date and time when the document was sent to or filed with, and received by, the Registry.

(9) In the Act, "excluded day", in relation to any specific class of business, means any day on which the Registry shall be taken to be closed for the purposes of the transaction by the public of that class of business.

**60. Extension of period where interruption in postal service, etc.**

(1) Where, on any day, there is an interruption in -

(a) the postal service of Singapore;

(b) the operation of the Registry; or

(c) the operation of the electronic online system,

the Registrar may issue practice directions to declare that day as one on which there has been such an interruption and, where any period of time specified in the Act for the giving, sending, filing or serving of any notice, application or other document expires on a day so declared, the period shall be extended to the first day next following (not being an excluded day) which is not so declared.

(2) If in any case the Registrar is satisfied that the failure to give, send, file or serve any notice, application or other document within the period specified in the Act was wholly or mainly attributable to a failure of or delay in the postal service of Singapore, the Registrar may, if he thinks fit and upon such terms as he may direct, extend the period so that it ends on -

(a) the day of the receipt by the addressee of the notice, application or other document; or

(b) if the day of such receipt is an excluded day, on the first following day which is not an excluded day.

(3) The Registrar shall give notice of an extension referred to in paragraph (2) to all parties to the matter.

**60A. Case management conference**

Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or parties to attend a case management conference in order that the Registrar may make such order or give such direction as he thinks fit for the just, expeditious and economical disposal of the matter.

**60B. Registrar's power to require documents, information or evidence**

Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or any party to produce or file, within such period as the Registrar may specify, any document, information or evidence which the Registrar may reasonably require.

**60C. Address altered by public authority**

(1) No fee need be paid for filing a request under rule 7 (4) or 66 (2) with the Registrar to change an address or address for service, as the case may be, if the change of the address was made by a public authority and the changed address designates the same premises as before.

(2) A request referred to in paragraph (1) shall be accompanied by the relevant documentary evidence of such change by the public authority.

#### **60D. Application to Court**

A person who makes an application to the Court under the Act shall, as soon as practicable, file a copy of the application with the Registrar.

#### **61. Publication and sale of documents**

The Registrar may arrange for the publication and sale of documents by the Registry and of information about such documents.

#### **62. Filing of court orders, declarations and certificates**

Where any order or declaration is made or any certificate is granted by the Court under the Act, the person in whose favour such order, declaration or certificate is made or granted or, if there is more than one person, such one of them as the Registrar may direct, shall file with the Registrar Form D17 and a copy of the order, declaration or certificate.

#### **63. Security for costs**

(1) If a party in any proceedings before the Registrar neither resides nor carries on business in Singapore, the Registrar may require him to give security for costs in such form and amount as the Registrar considers sufficient.

(2) If the Registrar requires any party making an application or request under these Rules to give security for costs and the party fails to comply with the requirement of the Registrar, the Registrar may treat the application or request as abandoned or withdrawn.

#### **64. Transliteration and translation**

(1) Where any document given or sent to or filed with the Registrar, or any part of the document, contains or consists of a word or words in characters other than Roman or in a language other than English, it shall, unless the Registrar otherwise directs, be accompanied by

(a) a translation and, if the case requires, a transliteration, of each word in English to the satisfaction of the Registrar; and

(b) a statement as to the language to which each word belongs.

(2) The Registrar may at any time require a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar, to be filed with the Registrar.

#### **65. Amendment of documents and rectification of irregularities**

Subject to the provisions of these Rules, any document given or sent to

or filed with the Registrar may be amended, and any irregularity in procedure under these Rules may be rectified, on the direction of the Registrar and on such terms as the Registrar may impose.

**66. Application to change name or address**

(1) A request by any person to change his name appearing in the Register or any document given or sent to or filed with the Registrar shall be made in Form D1.

(2) A request by any person to change his address or address for service appearing in the Register or any document given or sent to or filed with the Registrar shall be made in Form D1.

(3) Before acting on the request, the Registrar may require such proof of the change as he thinks fit.

(4) Upon due proof of such alteration, the Registrar shall amend the Register or document, as the case may be.

**66A. Designs Journal**

(1) The Registrar shall publish a journal, to be called the Designs Journal which shall contain -

- (a) the matters required to be published in that Journal under rules 4 (1), 28 and 67 (3);
- (b) the practice directions issued by the Registrar under the Act; and
- (c) such other information as the Registrar thinks fit.

(2) The Designs Journal shall be published monthly, unless the Registrar otherwise directs.

## **PART X TRANSITIONAL PROVISIONS**

### **67. Extension of registration of relevant design after initial period**

(1) An application to extend the period of registration of a relevant design from the expiry of its initial period of registration shall be made in Form D18 and shall, in addition to the matters referred to in paragraph 3(3) of the Schedule to the Act, be accompanied by

- (a) the name and address of the registered proprietor as they appear in the UK Register;
- (b) an address for service in Singapore of the applicant;
- (c) 3 identical representations of the design as registered under the UK Act; all of which must be suitable for reproduction and of a size that is no more than 15 centimetres by length and 13 centimetres by breadth;
- (d) a statement of novelty identical to that used in relation to the application for registration of the design under the UK Act; and
- (e) such other information or documents as the Registrar may require.

(2) The application to extend the period of registration of a relevant design shall not be made -

- (a) earlier than 6 months before; or
- (b) later than 6 months after,

the date of expiry of the initial period of registration of the relevant design..

(3) Upon the extension of the period of registration of a relevant design from the expiry of its initial period of registration, a notice of extension shall be published in the Designs Journal which shall set out the registration number in relation to the design.

**67A.** Deleted by S 556/2005, wef 01/09/2005.

### **68. Right to information**

(1) After the extension of the period of registration of a relevant design from the expiry of its initial period of registration, and upon the filing of a request by any person and the payment of the applicable fee referred to in the First Schedule, the Registrar shall

- (a) give the person making the request such information; and
  - (b) permit him to inspect such documents,
- relating to the application for the extension of the period of registration (including any representation, sample or specimen of the design), as may be specified in the request.

(2) Rule 30(3) and (4) shall apply, with the necessary modifications, in relation to an inspection of documents under this rule.

**FIRST SCHEDULE (Rule 3(1), 30(1) and 68(1)) FEES**

No.	Matter	Corresponding Rule(s)	Fee	Corresponding Form(s)
1	Request to change or correct the name and/or address of an applicant for registration or of a registered proprietor; or request to change an address for service (a) filed by means of the electronic online system (b) filed other than by means of the electronic online system	7(4) 66	\$15 \$21	D1 D1
2	Notice of appointment or substitution of agent - (a) filed by means of the electronic online system (b) filed other than by means of the electronic online system	8(3)	\$12 \$17	D2 D2
3	Application for Registration of a design under section 11 of the Act (a) filed by means of the electronic online system (b) filed other than by means of the electronic online system	13	\$250 in respect of each design \$270 in respect of each design	D3 D3
4	Withdrawal of application for registration of a design under section 14 of the Act	23	No fee	D4
5	Application to amend an application for registration of a design under section 15 of the Act  (a) filed by means of the electronic online system - (i) where the amendment relates to text only (ii) where the amendment relates to representations only or to representations and text  (b) filed other than by means of the electronic online system - (i) where the amendment relates to text only (ii) where the amendment relates to representations only or to representations and text	24	\$40 \$45 \$50 \$55	D5 D5 D5 D5
6	Request for reinstatement of an application for registration of a design under section 16 of the Act	25	\$40	D6
7	Request for information and	30	\$6	

	permission to inspect any document under section 28 of the Act and rule 68	68		
8	Application for a certified copy of an entry in the Register or a certified extract from the Register under section 55(3) of the Act (a) filed by means of the electronic online system (b) filed other than by means of the electronic online system	32	\$30 \$36	D7 D7
9	Application to correct an error in the Register under section 57 of the Act (a) filed by means of the electronic online system - (i) where the correction relates to text only (ii) where the correction relates to representations only or to representations and text	33	\$40 \$45	D5 D5
	(b) filed other than by means of the electronic online system - (i) where the correction relates to text only (ii) where the correction relates to representations only or to representations and text		\$50 \$55	D5 D5
10	Application for extension of period of registration of a design under section 21 of the Act and paragraph 3(6) of the Schedule to the Act	35		
	(a) for the first period of 5 years (i) filed by means of the electronic online system  (ii) filed other than by means of the electronic online system		\$200 in respect of each registration \$220 in respect of each registration	D8 D8
	(b) for the second period of 5 years (i) filed by means of the electronic online system  (ii) filed other than by means of the electronic online system		\$300 in respect of each registration \$330 in respect of each registration	D8 D8

	(c) for the third period of 5 years (i) filed by means of the electronic online system  (ii) filed other than by means of the electronic online system		\$400 in respect of each registration  \$440 in respect of each registration	D8  D8
	(d) for the fourth period of 5 years (i) filed by means of the electronic online system  (ii) filed other than by means of the electronic online system		\$500 in respect of each registration  \$550 in respect of each registration	D8  D8
11	Late application to extend period of registration of a design under section 21(5) of the Act and paragraph 3(6) of the Schedule to the Act	-	\$50 in respect of each registration in addition to fee under item 10	-
12	Application to register particulars of a transaction affecting rights in a registered design under section 34 of the Act	37(1)	\$80	D9
13	Filing of a notice of a transaction relating to an application for registration of a design under section 35 of the Act	37(1)	\$80	D9
14	Application to amend particulars of a transaction registered under section 34 of the Act	37(4)	\$40	D10
15	Application to cancel claim as mortgagee or licensee in Register	38(1)	\$30	D11
16	Filing of a notice to surrender registration under section 26 of the Act	39(1)	\$40	D12
17	Application for revocation of the registration of a design under section 27 of the Act	40(1)	\$400	D13
18	Filing of a counter-statement	41(1)	\$320	D14
19	Filing of a notice of appearance at hearing	48(3)	\$450	D15
20	Request for an extension of time whether by means of the electronic online system or	57(1)	No fee	D16

	otherwise			
21	Filing of an order, declaration or certificate of the Court with the Registrar (other than in relation to an application referred to in item 12 or 13)	62	\$60	D17
22	Application for extension of period of registration of design registered in the United Kingdom upon expiry of initial period of Registration	67(1)	\$220	D18
22A	Issue by Registrar of a certificate as to amount of taxed costs	56E	\$80	D19
23	Inspection of Register under section 55 of the Act and obtaining of copies of documents and computer print-outs			
	(a) for each search per file		\$2 for every half hour or less	
	(b) for any document placed in the public search room			
	(i) self-service photocopying of each page or part thereof using a stored-value card		\$0.15	
	(ii) photocopying of each page or part thereof by the staff of the Registry		\$0.30	
	(c) for photocopying of each page or part thereof of any other document by the staff of the Registry		\$0.30	
	(d) for each page of computer print-out from an electronic database of the Registry		\$0.30	
24	Purchase of a copy of the Designs Journal		\$10	-
25	Request for grounds of decision		\$700	-
26	Request for re-advertisement		\$75	

SECOND SCHEDULE (Rule 4(3)) FORMS (omitted)

**THIRD SCHEDULE (Rules 19 (2) , 22 , 26 , 28 and 31) CLASSIFICATION OF ARTICLES**

CLASS 1 FOODSTUFFS

01-01 Baker's products, biscuits, pastry, macaroni, and other cereal products, chocolates, confectionery, ices

01-02 Fruit and vegetables

01-03 Cheeses, butter and butter substitutes, other dairy produce

01-04 Butcher's meat (including pork products), fish

01-05 [vacant]

01-06 Animal foodstuffs

01-99 Miscellaneous

CLASS 2 ARTICLES OF CLOTHING AND HABERDASHERY

02-01 Undergarments, lingerie, corsets, brassieres, nightwear

02-02 Garments

02-03 Headwear

02-04 Footwear, socks and stockings

02-05 Neckties, scarves, neckerchiefs and handkerchiefs

02-06 Gloves

02-07 Haberdashery and clothing accessories

02-99 Miscellaneous

CLASS 3 TRAVEL GOODS, CASES, PARASOLS AND PERSONAL BELONGINGS, NOT ELSEWHERE SPECIFIED

03-01 Trunks, suitcases, briefcases, handbags, keyholders, cases specially designed for their contents, wallets and similar articles

03-02 [vacant]

03-03 Umbrellas, parasols, sunshades and walking sticks

03-04 Fans

03-99 Miscellaneous

CLASS 4 BRUSHWARE

04-01 Brushes and brooms for cleaning

04-02 Toilet brushes, clothes brushes and shoe brushes

04-03 Brushes for machines

04-04 Paintbrushes, brushes for use in cooking

04-99 Miscellaneous

CLASS 5 TEXTILE PIECEGOODS, ARTIFICIAL AND NATURAL SHEET MATERIAL

05-01 Spun Articles

05-02 Lace

05-03 Embroidery  
05-04 Ribbons, braids and other decorative trimmings  
05-05 Textile fabrics  
05-06 Artificial or natural sheet material  
05-99 Miscellaneous

CLASS 6 FURNISHING

06-01 Beds and seats  
06-02 [vacant]  
06-03 Tables and similar furniture  
06-04 Storage furniture  
06-05 Composite furniture  
06-06 Other furniture and furniture parts  
06-07 Mirrors and frames  
06-08 Clothes hangers  
06-09 Mattresses and cushions  
06-10 Curtains and indoor blinds  
06-11 Carpets, mats and rugs  
06-12 Tapestries  
06-13 Blankets and other covering materials, household linen and napery  
06-99 Miscellaneous

CLASS 7 HOUSEHOLD GOODS, NOT ELSEWHERE SPECIFIED

07-01 China, glassware, dishes and other articles of a similar nature  
07-02 Cooking appliances, utensils and containers  
07-03 Table knives, forks and spoons  
07-04 Appliances and utensils, hand-manipulated, for preparing food or drink  
07-05 Flat-irons and washing, cleaning and drying equipment  
07-06 Other table utensils  
07-07 Other household receptacles  
07-08 Fireplace implements  
07-99 Miscellaneous

CLASS 8 TOOLS AND HARDWARE

08-01 Tools and implements for drilling, milling or digging  
08-02 Hammers and other similar tools and implements  
08-03 Cutting tools and implements  
08-04 Screwdrivers and other similar tools and implements  
08-05 Other tools and implements  
08-06 Handles, knobs and hinges

08-07 Locking or closing devices  
08-08 Fastening, supporting or mounting devices not included in other classes  
08-09 Metal fittings and mountings for doors, windows and furniture, and similar articles  
08-10 Bicycle racks  
08-99 Miscellaneous

CLASS 9 PACKAGES AND CONTAINERS FOR THE TRANSPORT OR HANDLING OF GOODS

09-01 Bottles, flasks, pots, carboys, demijohns, and containers with dynamic dispensing means  
09-02 Storage cans, drums and casks  
09-03 Boxes, cases, containers, (preserve) tins or cans  
09-04 Hampers, crates and baskets  
09-05 Bags, sachets, tubes and capsules  
09-06 Ropes and hooping materials  
09-07 Closing means and attachments  
09-08 Pallets and platforms for forklifts  
09-09 Refuse and trash containers and stands therefor  
09-99 Miscellaneous

CLASS 10 CLOCKS AND WATCHES AND OTHER MEASURING INSTRUMENTS, CHECKING AND SIGNALLING INSTRUMENTS

10-01 Clocks and alarm clocks  
10-02 Watches and wrist watches  
10-03 Other time-measuring instruments  
10-04 Other measuring instruments, apparatus and devices  
10-05 Instruments, apparatus and devices for checking, security or testing  
10-06 Signalling apparatus and devices  
10-07 Casings, cases, dials, hands and all other parts and accessories of instruments for measuring, checking and signalling  
10-99 Miscellaneous

CLASS 11 ARTICLES OF ADORNMENT

11-01 Jewellery  
11-02 Trinkets, table, mantel and wall ornaments, flower vases and pots  
11-03 Medals and badges  
11-04 Artificial flowers, fruit and plants  
11-05 Flags, festive decorations  
11-99 Miscellaneous

CLASS 12 MEANS OF TRANSPORT OR HOISTING

- 12-01 Vehicles drawn by animals
- 12-02 Handcarts, wheelbarrows
- 12-03 Locomotives and rolling stock for railways and all other rail vehicles
- 12-04 Telfer carriers, chair lifts and ski lifts
- 12-05 Elevators and hoists for loading or conveying
- 12-06 Ships and boats
- 12-07 Aircraft and space vehicles
- 12-08 Motor cars, buses and lorries
- 12-09 Tractors
- 12-10 Road vehicle trailers
- 12-11 Cycles and motorcycles
- 12-12 Perambulators, invalid chairs, stretchers
- 12-13 Special-purpose vehicles
- 12-14 Other vehicles
- 12-15 Tyres and anti-skid chains for vehicles
- 12-16 Parts, equipment and accessories for vehicles, not included in other classes or subclasses
- 12-99 Miscellaneous

CLASS 13 EQUIPMENT FOR PRODUCTION, DISTRIBUTION OR TRANSFORMATION OF ELECTRICITY

- 13-01 Generators and motors
- 13-02 Power transformers, rectifiers, batteries and accumulators
- 13-03 Equipment for distribution or control of electric power
- 13-99 Miscellaneous

CLASS 14 RECORDING, COMMUNICATION OR INFORMATION RETRIEVAL EQUIPMENT

- 14-01 Equipment for the recording or reproduction of sounds or pictures
- 14-02 Data processing equipment as well as peripheral apparatus and devices
- 14-03 Communications equipment, wireless remote controls and radio amplifiers
- 14-99 Miscellaneous

CLASS 15 MACHINES, NOT ELSEWHERE SPECIFIED

- 15-01 Engines
- 15-02 Pumps and compressors
- 15-03 Agricultural machinery
- 15-04 Construction machinery
- 15-05 Washing, cleaning and drying machines
- 15-06 Textile, sewing, knitting and embroidering machines, including their

integral parts

15-07 Refrigeration machinery and apparatus

15-08 [vacant]

15-09 Machine tools, abrading and founding machinery

15-99 Miscellaneous

CLASS 16 PHOTOGRAPHIC, CINEMATOGRAPHIC AND OPTICAL APPARATUS

16-01 Photographic cameras and film cameras

16-02 Projectors and viewers

16-03 Photocopying apparatus and enlargers

16-04 Developing apparatus and equipment

16-05 Accessories

16-05 Optical articles

16-99 Miscellaneous

CLASS 17 MUSICAL INSTRUMENTS

17-01 Keyboard instruments

17-02 Wind instruments

17-03 Stringed instruments

17-04 Percussion instruments

17-05 Mechanical instruments

17-99 Miscellaneous

CLASS 18 PRINTING AND OFFICE MACHINERY

18-01 Typewriters and calculating machines

18-02 Printing machines

18-03 Type and type faces

18-04 Bookbinding machines, printers' stapling machines, guillotines and trimmers (for bookbinding)

18-99 Miscellaneous

CLASS 19 STATIONERY AND OFFICE EQUIPMENT, ARTISTS' AND TEACHING MATERIALS

19-01 Writing paper, cards for correspondence and announcements

19-02 Office equipment

19-03 Calendars

19-04 Books and other objects of similar outward appearance

19-05 [vacant]

19-06 Materials and instruments for writing by hand, for drawing, for painting, for sculpture, for engraving and for other artistic techniques

19-07 Teaching materials

19-08 Other printed matter

19-99Miscellaneous

CLASS 20 SALES AND ADVERTISING EQUIPMENT, SIGNS

- 20-01 Automatic vending machines
- 20-02 Display and sales equipment
- 20-03 Signs, signboards and advertising devices
- 20-99 Miscellaneous

CLASS 21 GAMES, TOYS, TENTS AND SPORTS GOODS

- 21-01 Games and toys
- 21-02 Gymnastics and sports apparatus and equipment
- 21-03 Other amusement and entertainment articles
- 21-04 Tents and accessories thereof
- 21-99 Miscellaneous

CLASS 22 ARMS, PYROTECHNIC ARTICLES, ARTICLES FOR HUNTING, FISHING AND PEST KILLING

- 22-01 Projectile weapons
- 22-02 Other weapons
- 22-03 Ammunition, rockets and pyrotechnic articles
- 22-04 Targets and accessories
- 22-05 Hunting and fishing equipment
- 22-06 Traps, articles for pest killing
- 22-99 Miscellaneous

CLASS 23 FLUID DISTRIBUTION EQUIPMENT, SANITARY, HEATING, VENTILATION AND AIR-CONDITIONING EQUIPMENT, SOLID FUEL

- 23-01 Fluid distribution equipment
- 23-02 Sanitary appliances
- 23-03 Heating equipment
- 23-04 Ventilation and air-conditioning equipment
- 23-05 Solid fuel
- 23-99 Miscellaneous

CLASS 24 MEDICAL AND LABORATORY EQUIPMENT

- 24-01 Apparatus and equipment for doctors, hospitals and laboratories
- 24-02 Medical instruments, instruments and tools for laboratory use
- 24-03 Prosthetic articles
- 24-04 Materials for dressing wounds, nursing and medical care
- 24-99 Miscellaneous

CLASS 25 BUILDING UNITS AND CONSTRUCTION ELEMENTS

- 25-01 Building materials
- 25-02 Prefabricated or pre-assembled building parts
- 25-03 Houses, garages and other buildings
- 25-04 Steps, ladders and scaffolds
- 25-99 Miscellaneous

CLASS 26 LIGHTING APPARATUS

- 26-01 Candlesticks and candelabra
- 26-02 Torches and hand lamps and lanterns
- 26-03 Public lighting fixtures
- 26-04 Luminous sources, whether electrical or not
- 26-05 Lamps, standard lamps, chandeliers, wall and ceiling fixtures, lampshades, reflectors, photographic and cinematographic projector lamps
- 26-06 Luminous devices for vehicles
- 26-99 Miscellaneous

CLASS 27 TOBACCO AND SMOKERS' SUPPLIES

- 27-01 Tobacco, cigars and cigarettes
- 27-02 Pipes, cigar and cigarette holders
- 27-03 Ashtrays
- 27-04 Matches
- 27-05 Lighters
- 27-06 Cigar cases, cigarette cases, tobacco jars and pouches
- 27-99 Miscellaneous

CLASS 28 PHARMACEUTICAL AND COSMETIC PRODUCTS, TOILET ARTICLES AND APPARATUS

- 28-01 Pharmaceutical products
- 28-02 Cosmetic products
- 28-03 Toilet articles and beauty parlour equipment
- 28-04 Wigs, false hairpieces
- 28-99 Miscellaneous

CLASS 29 DEVICES AND EQUIPMENT AGAINST FIRE HAZARDS, FOR ACCIDENT PREVENTION AND FOR RESCUE

- 29-01 Devices and equipment against fire hazards
- 29-02 Devices and equipment for accident prevention and for rescue, not elsewhere specified
- 29-99 Miscellaneous

CLASS 30 ARTICLES FOR THE CARE AND HANDLING OF ANIMALS

- 30-01 Animal clothing
- 30-02 Pens, cages, kennels and similar shelters
- 30-03 Feeders and waterers
- 30-04 Saddlery
- 30-05 Whips and prods
- 30-06 Beds and nests
- 30-07 Perches and other cage attachments
- 30-08 Markers, marks and shackles
- 30-09 Hitching posts
- 30-99 Miscellaneous

CLASS 31 MACHINES AND APPLIANCES FOR PREPARING FOOD OR DRINK, NOT ELSEWHERE SPECIFIED

- 31-00 Machines and appliances for preparing food or drink, not elsewhere specified

CLASS 99 MISCELLANEOUS

- 99-00 Miscellaneous

**FOURTH SCHEDULE (Rule 56D (1)) SCALE OF COSTS**

<i>Item</i>	<i>Matter</i>	<i>Amount</i>
	INSTITUTION OF PROCEEDINGS:	
1	Drawing and filing application for revocation of registration of a design, including a statement of grounds	\$300
2	Drawing and filing counter-statement	\$300
3	Preparing and filing evidence for revocation proceedings	\$300 - \$1,600 per statutory declaration
4	Reviewing the reply to any document referred to in items 1, 2 and 3	\$150-\$800 per document
	INTERLOCUTORY PROCEEDINGS:	
5	Preparing for all interlocutory proceedings	\$50 - \$500
6	Attending all interlocutory proceedings	\$50 - \$500
	PREPARATION FOR AND ATTENDANCE AT HEARING:	
7	Preparing for hearing	\$500 - \$2,000
8	Attendance at hearing	\$200 - \$800
9	General expenses and travelling of each witness required to attend the hearing	Expert: \$100 - \$200 per day Non-Expert: \$50 - \$100 per day
	TAXATION:	
10	Drawing bill of costs	\$5 per folio
11	Attending taxation and obtaining the Registrar's certificate or order	\$100 - \$300.