

Supreme Court of Judicature (Geographical Indications) Rules 2019

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No. S 706

**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

**SUPREME COURT OF JUDICATURE
(GEOGRAPHICAL INDICATIONS) RULES 2019**

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

PART 1

PRELIMINARY

Citation and commencement

1. These Rules are the Supreme Court of Judicature (Geographical Indications) Rules 2019 and come into operation on 1 November 2019.

Definitions

2. In these Rules —

“Act” means the Geographical Indications Act 2014 (Act 19 of 2014);

“geographical indication”, “homonymous geographical indication”, “interested party”, “international trade mark (Singapore)”, “proprietor” in relation to a

trade mark, “register”, “registered geographical indication”, “registered trade mark”, “registrant”, “Registrar” and “well known trade mark” have the respective meanings given by section 2 of the Act;

[S 686/2020 wef 15/08/2020]

“GI Rules” means the Geographical Indications Rules 2019 (G.N. No. S 125/2019).

Application of Rules of Court

3. Subject to the provisions of these Rules, the Rules of Court (R 5) apply to any proceedings before the Court under the Act.

Proceedings under Act

4.—(1) Subject to rules 7, 10 and 10A, proceedings before the Court under the Act may be begun by writ or originating summons as the applicant considers appropriate.

[S 686/2020 wef 15/08/2020]

(2) The writ or originating summons must be served on the parties and the Registrar.

(3) Where the Registrar refers to the Court an application made to the Registrar under the Act, then, unless the applicant makes the same application to the Court within one month after receiving notification of the Registrar’s decision to refer, the applicant is treated to have abandoned the application.

(4) The period mentioned in paragraph (3) may be extended by the Registrar on the application of any party interested, and may be so extended although the application is not made until after the expiration of that period.

(5) Paragraph (4) does not affect the power of the Court under Order 3, Rule 4 of the Rules of Court to extend that period.

PART 2

ACTIONS UNDER SECTION 4 OF ACT

Action brought by interested party for certain uses of geographical indication

5.—(1) This Part applies where an action is brought by an interested party of goods identified by a geographical indication against a person (called in this Part the defendant) for carrying on an act to which section 4 of the Act applies in relation to that geographical indication.

(2) If the geographical indication that is the subject of an action mentioned in

paragraph (1) is a registered geographical indication, the defendant may make a counterclaim for one or both of the following:

- (a) the cancellation of the registration of the registered geographical indication;
- (b) the rectification of an error or omission in the register affecting the registration of the registered geographical indication.

(3) A defendant in an action mentioned in paragraph (1) must serve on the Registrar a copy of the defendant's pleading that is filed in Court within 7 days after the filing of the pleading.

(4) The Registrar is entitled to take part in the proceedings in an action mentioned in paragraph (1) to the extent permitted by the Court, but need not serve a defence or other pleading unless ordered to do so by the Court.

Particulars, etc., to be included in pleading

6.—(1) A defendant who by way of defence disputes that a geographical indication falls within the meaning of “geographical indication” as defined in section 2 of the Act must include in the defendant's pleading particulars of the dispute.

(1A) A defendant who by way of defence disputes the validity of the registration of a registered geographical indication must include in the defendant's pleading particulars of the objection to the validity of the registration on which the defendant relies.

[S 772/2019 wef 01/12/2019]

(2) A defendant who by way of defence pleads any exception under Part III of the Act must include in the defendant's pleading particulars of the exception and the relevant particulars set out in paragraph (3), (4), (5), (6), (6A), (6B), (6C) or (6D) (whichever is applicable) in relation to the exception.

[S 772/2019 wef 01/12/2019]

(3) The relevant particular in relation to an exception under section 11(b) of the Act for the use of a geographical indication that has ceased to be protected in its country or territory of origin is the date of such cessation.

(4) The relevant particulars in relation to an exception under section 12(1) of the Act are —

- (a) the goods or services or related goods or services in relation to which the geographical indication (being a geographical indication identifying a wine or a spirit) was continuously used by the defendant or by the defendant and the defendant's predecessor in title (as the case may be) and details of such use;

- (b) the name of every such predecessor in title that has continuously used the geographical indication; and
- (c) the date on which the geographical indication was first used in relation to the goods or services or related goods or services.

(5) The relevant particulars in relation to an exception under section 12(2)(a) of the Act are —

- (a) the name of the proprietor of the trade mark;
- (b) the date on which the trade mark was first used by the defendant;
- (c) the details of the registration of the trade mark or the application for the registration of the trade mark, as the case may be;
- (d) a representation of the trade mark; and
- (e) the date on which the geographical indication was first protected in its country or territory of origin.

(6) The relevant particulars in relation to an exception under section 12(2)(b) of the Act are —

- (a) the name of the proprietor (if any) of the trade mark;
- (b) the date on which the trade mark was first used in the manner mentioned in that provision by the defendant or by the defendant and the defendant's predecessor in title, as the case may be;
[S 772/2019 wef 01/12/2019]
- (c) the name of every predecessor in title (if any) of the defendant who has used the trade mark in the manner mentioned in that provision;
[S 772/2019 wef 01/12/2019]
- (d) a representation of the trade mark, and details of its use in the manner mentioned in that provision by the defendant or by the defendant and every such predecessor in title, as the case may be; and
[S 772/2019 wef 01/12/2019]
- (e) the date on which the geographical indication was first protected in its country or territory of origin.

(6A) The relevant particulars in relation to an exception under section 16(1) of the Act are —

- (a) the goods or services or related goods or services in relation to which the registered geographical indication (being a geographical indication