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## BILLS SUPPLEMENT

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**Notification No. B 14** — The Intellectual Property (Miscellaneous Amendments) Bill is hereby published for general information. It was introduced in Parliament on 14th May 2012.

# **Intellectual Property (Miscellaneous Amendments) Bill**

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**Bill No. 14/2012.**

*Read the first time on 14th May 2012.*

A BILL

*i n t i t u l e d*

An Act to amend the Plant Varieties Protection Act (Chapter 232A of the 2006 Revised Edition), the Registered Designs Act (Chapter 266 of the 2005 Revised Edition) and the Trade Marks Act (Chapter 332 of the 2005 Revised Edition) mainly to streamline certain registry procedures and processes under those Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act may be cited as the Intellectual Property (Miscellaneous Amendments) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## Amendment of Plant Varieties Protection Act

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2. The Plant Varieties Protection Act (Cap. 232A) is amended —

(a) by inserting, immediately after the words “an Assistant Registrar of Plant Varieties” in section 6(1), the words “or any public officer”;

(b) by deleting subsection (4) of section 40;

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(c) by deleting the words “or (4)” in section 40(5);

(d) by deleting the words “and sealed with the seal of the Registrar” in section 40(6);

(e) by inserting, immediately after section 49, the following section:

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### “Amendment of documents

**49A.** The Registrar may, at the written request of a person who has made any application under this Act (including an application for a grant of protection for a plant variety), or filed a notice or other document for the purposes of this Act, or at the written request of the person’s agent, amend the application, notice or document —

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(a) to correct a clerical error or an obvious mistake; or

(b) if the Registrar is of the opinion that it is fair and reasonable in all the circumstances of the case to do so.”;

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(f) by inserting, immediately after the word “applications” in section 50(1), the words “, grants, registrations”;

(g) by deleting the words “before the Registrar” in section 50(1); and

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- (h) by deleting the word “Registry” in section 50(3) and substituting the word “Office”.

### **Amendment of Registered Designs Act**

3. The Registered Designs Act (Cap. 266) is amended —

- (a) by inserting, immediately after the definition of “exclusive licence” in section 2(1), the following definition:

“ “International Bureau” means the International Bureau of the World Intellectual Property Organisation;”;

- (b) by renumbering section 11 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) The application shall —

- (a) contain a request for the registration of a design;  
 (b) state the name and address of the applicant; and  
 (c) contain a clear representation of the design.

(3) The date on which the application is filed shall be the earliest date on which —

- (a) the fee payable under subsection (1) has been paid or is treated by the Registrar as paid; and  
 (b) all the requirements under subsection (2) have been satisfied.”;

- (c) by deleting the words “section 17” in section 18 and substituting the words “sections 17 and 18A(3)”;

- (d) by inserting, immediately after section 18, the following section:

#### **“Deferment of publication**

**18A.**—(1) An applicant may, when filing his application for registration of a design, request that any publication under section 18 of the design be deferred for the prescribed period after the date of filing of that application.

(2) A request under subsection (1) shall be made in the prescribed manner and accompanied by the prescribed fee.

(3) Notwithstanding section 18, the Registrar shall defer the publication under that section of a design which is the subject of a request under subsection (1) for the prescribed period referred to in that subsection.

(4) The Minister may make rules to provide for the deferment of the publication under section 18 of a registered design and for matters relating thereto.”;

(e) by inserting, immediately after subsection (5) of section 21, the following subsection:

“(6) The Minister may make rules to provide for the restoration of the registration of a design which has been removed from the Register, subject to such conditions as may be prescribed.”;

(f) by inserting, immediately after subsection (8) of section 32, the following subsection:

“(8A) A registered design or any right in it may be the subject of a charge in the same way as other personal or movable property.”;

(g) by deleting subsection (3) of section 33 and substituting the following subsection:

“(3) Subject to any agreement to the contrary, where there is more than one registered owner of a registered design, no registered owner shall, without the consent of each of the others —

(a) grant a licence for the use of the design;

(b) assign any interest in the design; or

(c) charge his share in the rights in the design.”;

(h) by inserting, immediately after subsection (4) of section 34, the following subsection:

“(5) Provision may be made by rules as to the amendment, alteration or removal from the Register of