

## **Trade Marks (Amendment) Bill**

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**Bill No: 15/2006**

*Read the first time: 8th November 2006*

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## **Trade Marks (Amendment) Bill**

**Bill No. 15/2006**

*Read the first time on 8th November 2006.*

An Act to amend the Trade Marks Act (Chapter 332 of the 2005 Revised Edition).

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 Trade Marks (Amendment) Act 2006 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **New section 5A**

2. The Trade Marks Act (referred to in this Act as the principal Act) is amended by inserting, immediately after section 5, the following section:

#### **“Division of application for registration**

**5A.—**(1) Subject to this section and any rules made under subsection (3), an application for registration of a trade mark may, at the request of the applicant, be divided into 2 or more separate applications for registration of the trade mark.

(2) A request under subsection (1) —

(a) shall be made to the Registrar —

(i) in the prescribed manner; and

(ii) before the trade mark is registered; and

(b) shall be subject to the payment of such fee as may be prescribed.

(3) The Minister may make rules for the purposes of this section and may, in those rules, provide for —

(a) the circumstances in which an application for registration of a trade mark may be divided;

(b) the conditions to be satisfied before a request under subsection (1) may be granted by the Registrar; and

(c) the effect of dividing an application for registration of a trade mark into 2 or more separate applications for registration of the trade mark.”.

### **Amendment of section 17**

3. Section 17(1) of the principal Act is amended by deleting the words “in respect of the same goods or services, or of similar goods or services which fall within a single class

in accordance with the system of classification referred to in section 6”.

#### **Amendment of section 41**

4. Section 41 of the principal Act is amended by deleting subsections (3), (4) and (5) and substituting the following subsections:

“(3) Any person claiming to be —

- (a) entitled to an interest in or under an application for registration of a trade mark by virtue of a registrable transaction; or
- (b) affected by a registrable transaction,

may give to the Registrar notice of the prescribed particulars of the transaction.

(4) The following are registrable transactions under subsection (3):

- (a) an assignment of an application for registration of a trade mark or any right in it;
- (b) the grant of a licence under an application for registration of a trade mark;
- (c) the granting of any security interest (whether fixed or floating) over an application for registration of a trade mark or any right in or under it;
- (d) the making by personal representatives of an assent in relation to an application for registration of a trade mark or any right in or under it;
- (e) an order of the Court or other competent authority transferring an application for registration of a trade mark or any right in or under it.

(5) The Registrar shall maintain a record of each notice given to him under subsection (3).

(6) Until the notice referred to in subsection (3) has been given to the Registrar in respect of a transaction referred to in subsection (4)(a), (c), (d) or (e), the transaction is ineffective as against a person acquiring a conflicting interest in or under the application for registration of a trade mark in ignorance of the transaction.

(7) For the avoidance of doubt, subsection (6) shall not apply to any registrable transaction relating to —

- (a) a licence under an application for registration of a trade mark; or
- (b) any right in or under the licence.