

Trade Marks (Amendment) Bill

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Bill No: 30/1990

Read the first time: 9th November 1990

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Trade Marks (Amendment) Bill

Bill No. 30/1990

Read the first time on 9th November 1990.

An Act to amend the Trade Marks Act (Chapter 332 of the 1985 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.—(1) This Act may be cited as the Trade Marks (Amendment) Act 1990 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

Amendment of section 2

2. Section 2 of the Trade Marks Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “limitations” and substituting the following definition:

“ “limitations” means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor of the trade mark, including limitations of that right as to mode of use, or as to use in relation to —

- (a) goods to be sold, or otherwise traded in, within Singapore;
- (b) goods to be exported to any market outside Singapore;
- (c) services for use or available for acceptance within Singapore; or
- (d) services for use in any place outside Singapore;”;

- (b) by inserting, immediately after the definition of “mark”, the following definition:

“ “permitted use” has the meaning assigned to it by section 30(2);”;

- (c) by inserting, immediately after the definition of “prescribed”, the following definition:

“ “provision”, in relation to services, means their provision for money or money’s worth;”;

- (d) by inserting, immediately after the definition of “register”, the following definition:

“ “registered proprietor”, in relation to a trade mark, means the

person for the time being entered in the register as proprietor of the trade mark;”;

- (e) by deleting the definitions of “Registrar” and “trade mark” and substituting the following definitions:

“ “Registrar” means the Registrar of Trade Marks and includes any Deputy Registrar of Trade Marks holding office under this Act;

“Registry” means the Registry of Trade Marks established under this Act;

“the expiration of the last registration”, in relation to a registered trade mark, means the date of expiration of the original registration of the trade mark or of the last renewal of registration, as the case may be;

“trade mark” means —

(a) except in relation to a defensive or a certification trade mark, a mark used or proposed to be used in relation to goods or services for the purpose of indicating or so as to indicate, a connection in the course of trade between the goods or services and a person who has the right, either as proprietor or as registered user, to use the mark, whether with or without an indication of the identity of that person;

(b) in relation to a defensive trade mark, a mark registered under section 41; and

(c) in relation to a certification trade mark, a mark registered under section 68;”;

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

“(2) References in this Act to —

(a) the use of a trade mark shall be construed as references to the use of a printed or other visual representation of the mark;

(b) the use of a trade mark in relation to goods shall be