

Trade Marks (Amendment) Rules 2007

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No. S 161

**TRADE MARKS ACT
(CHAPTER 332)**

TRADE MARKS (AMENDMENT) RULES 2007

In exercise of the powers conferred by section 108 of the Trade Marks Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2007 and shall come into operation on 2nd July 2007.

Amendment of rule 16

2. Rule 16 of the Trade Marks Rules (R 1) (referred to in these Rules as the principal Rules) is amended —

(a) by deleting paragraph (5) and substituting the following paragraphs:

“(4) Subject to paragraph (5), in the case of an application for the registration of a 3-dimensional mark, the representation of the mark may, at the option of the applicant, consist of a single view of the mark or of several different views of the mark.

(5) Where the applicant has provided a representation of a 3-dimensional mark consisting of a single view, or of several different views, of the mark, and the Registrar reasonably believes that the

representation does not sufficiently show the particulars of the mark, or does not allow all features of the mark to be properly examined, the Registrar may, by notice in writing, require the applicant to provide, within such time as the Registrar may specify in the notice, either or both of the following:

- (a) another representation of the mark consisting of up to 6 different views of the mark;
 - (b) a description of the mark expressed in words.”; and
- (b) by deleting the words “Form TM 27” in paragraph (6) and substituting the words “Form TM 27B”.

New rule 17

3. The principal Rules are amended by inserting, immediately after rule 16, the following rule:

“Division of application for registration

17.—(1) Subject to the provisions of this rule, an application for registration of a trade mark (referred to in this rule as the original application) made on or after 2nd July 2007 may, at the request of the applicant made on Form TM 8 at any time after the date of the original application but before the registration of the trade mark, be divided into 2 or more separate applications for registration of the trade mark.

(2) Where the original application is made in respect of 2 or more goods or services, a request under paragraph (1) may be made to divide the original application into 2 or more separate applications, each in respect of —

- (a) one or more classes of those goods or services, being classes of goods or services to which the original application relates; or
- (b) one or more of those goods or services included in one or more of the classes of goods or services to which the original application relates.

(3) Where the applicant makes a request under paragraph (1), the request shall contain, for each separate application and each class of goods or services in respect of which that separate application is made, a specification in accordance with rule 19 setting out the goods or services to which that separate application relates.

(4) Upon the division of the original application into 2 or more separate applications —

- (a) each separate application shall have the same date as the original application;
- (b) any notice of opposition to the registration of any trade mark which is a subject of the original application shall —
 - (i) if the notice relates only to some (but not all) of the goods or services in respect of which the original application is made, be treated as having been given in relation only to each separate application made in respect of any of the goods or services to which the notice relates; or
 - (ii) subject to sub-paragraph (i), be treated as having been given in relation to all of the separate applications,and the opposition proceedings shall continue as if the notice had been so given; and
- (c) any notice given to the Registrar under section 41(3) of the Act shall —
 - (i) if the notice relates only to some (but not all) of the goods or services in respect of which the original application is made, be treated as having been given in relation only to each separate application made in respect of any of the goods or services to which the notice relates; or
 - (ii) subject to sub-paragraph (i), be treated as having been given in relation to all of the separate applications.”.

Amendment of rule 21

4. Rule 21 (1) of the principal Rules is amended by deleting the word “may” and substituting the word “shall”.

Amendment of rule 22

5. Rule 22 of the principal Rules is amended —

- (a) by deleting paragraphs (1) and (2) and substituting the following paragraph:

“(1) An application to amend an application for registration shall be made on —

- (a) Form TM 26, if it is made to correct or change the name or other particulars of the applicant, and the change does not affect the representation of the trade mark;
- (b) Form TM 27A, if sub-paragraph (a) does not apply and the amendment, or any of the amendments, pertains to —
 - (i) the class number or specification of any goods or services to which the application for registration relates; or
 - (ii) the particulars of any claim to a right of priority included in the application for registration; or
- (c) Form TM 27B, if sub-paragraphs (a) and (b) do not apply.”; and

(b) by deleting paragraph (4).

Amendment of rule 41

6. Rule 41 of the principal Rules is amended by deleting the words “in Form TM 18”.

Amendment of rule 55

7. Rule 55 of the principal Rules is amended —

- (a) by deleting the words “, or to give notice to the Registrar of particulars of a transaction to which section 41 of the Act applies, shall be made” in paragraph (1) and substituting the words “shall be made, and a notice to be given to the Registrar of particulars of a transaction to which section 41 of the Act applies shall be”;
- (b) by deleting sub-paragraph (f) of paragraph (1) and substituting the following sub-paragraph:
 - “(f) in the case of the making by personal representatives of an assent in relation to, or of an order of the Court or other competent authority transferring, a registered trade mark, an application for registration of a trade mark, or any right in or under a registered trade mark or an application for