

Trade Marks (Border Enforcement Measures) (Amendment) Rules 2004

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No. S 371

TRADE MARKS ACT (CHAPTER 332)

TRADE MARKS (BORDER ENFORCEMENT MEASURES) (AMENDMENT) RULES 2004

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 (Border Enforcement Measures) (Amendment) Rules 2004 and shall come into operation on 1st July 2004.

New rule 10

2. The Trade Marks (Border Enforcement Measures) Rules (R 2) are amended by inserting, immediately after rule 9, the following rule:

“Prescribed period under section 93A (3) of Act

10. For the purposes of section 93A(3) of the Act, the prescribed period shall

be —

- (a) 48 hours after the Director-General has given the proprietor of the registered trade mark the written notice referred to in section 93A(2) of the Act; or
- (b) where —
 - (i) the detained goods are goods that are to be exported from Singapore or goods in transit that are consigned to a person with a commercial or physical presence in Singapore; and
 - (ii) the proprietor of the registered trade mark has complied with section 93A(3)(b)(iii) of the Act within the period referred to in paragraph (a),

10 working days after the Director-General has given the proprietor of the registered trade mark the written notice referred to in section 93A(2) of the Act.”.

Deletion and substitution of Schedule

3. The Schedule to the Trade Marks (Border Enforcement Measures) Rules is deleted and the following Schedule substituted therefor:

“THE SCHEDULE

Rule 3

NOTICE UNDER SECTION 82 (1) OF THE TRADE MARKS ACT

Please read these instructions before completing the notice

1. This notice may only be given by the proprietor or licensee of a registered trade mark.
2. Unless otherwise indicated, the notice must provide sufficient particulars of all matters specified therein and in Appendices 1 and 2 to enable the Director-General of Customs to act on it. Please follow the instructions in the Explanatory Notes below when filling up the notice.
3. A statutory declaration that the contents of the notice are true is to be enclosed with the notice.
4. A fee of \$200 is payable on giving the notice.
5. A copy of the certificate of registration for the trade mark, as well as the certificate of renewal (where applicable), is to be enclosed with the notice.
6. You are required to provide the Director-General of Customs with security (whether by way