

Trade Marks (Amendment) Rules 2001

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No. S 661

TRADE MARKS ACT

(CHAPTER 332)

TRADE MARKS (AMENDMENT) RULES 2001

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

Citation and commencement

1.—(1) These Rules may be cited as the Trade Marks (Amendment) Rules 2001 and shall, with the exception of rule 13, come into operation on 15th January 2002.

(2) Rule 13 shall come into operation on 1st January 2002.

Amendment of rule 2

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

(a) by inserting, immediately before the definition of “folio”, the following definitions:

““account holder” means a person registered as an account holder by the Registrar under rule 78B;

“authentication code” means an identification or identifying code, password or any other authentication method or procedure that may be assigned to or approved for an account holder by the Registrar;

“electronic online system” means the electronic online system established under rule 78A;” and

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

““identification name” means an identification name assigned to an account holder by the Registrar under rule 78C;”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Any fee in the First Schedule shall be paid at the same time as the filing of

the matter in question.”.

Amendment of rule 4

4. Rule 4 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Any form may be modified on the direction of the Registrar —

- (a) for use in a case other than the case for which it is intended; or
- (b) for carrying out any transaction by means of the electronic online system.”.

Amendment of rule 5

5. Rule 5 of the principal Rules is amended by inserting, immediately after the words “served on the Registrar”, the words “, other than by means of the electronic online system,”.

Amendment of rule 18

6. Rule 18 of the principal Rules is amended —

- (a) by inserting, immediately after the words “section 11 of the Act” in the penultimate line of paragraph (1), the words “(referred to in this rule as the priority application)”; and
- (b) by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) The applicant shall file with the Registrar a declaration in Form TM 5 that —

- (a) the date of filing of the priority application is no earlier than 6 months before the date of filing of the application under rule 15 (1);
- (b) the country or territory in which the priority application was filed is that named in the application form as such country or territory;
- (c) the applicant is the same person as the applicant or his successor in title for the priority application;
- (d) the mark in the application form is identical to the mark in the priority application; and
- (e) the goods or services in respect of which application under rule 15 (1) is made are the same

as all or any of the goods or services in respect of which the priority application was made.

(3) The Registrar may at any time require the applicant to file a certificate by the registering or other competent authority of the country or territory concerned certifying or verifying to the satisfaction of the Registrar —

- (a) the date of filing of the priority application;
- (b) the country or territory, or the registering or competent authority;
- (c) the representation of the mark; and
- (d) the goods and services covered by the priority application.

(4) Where the certificate referred to in paragraph (1) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.”.

Amendment of rule 19

7. Rule 19 (4) of the principal Rules is amended by inserting, immediately after the word “class” in the 2nd line, the words “in the Third Schedule”.

New Part XIA

8. The principal Rules are amended by inserting, immediately after rule 78, the following Part:

“PART XIA

ELECTRONIC ONLINE SYSTEM

Establishment of electronic online system

78A.—(1) There shall be established an electronic online system for the purposes of these Rules.

(2) The electronic online system may be used for carrying out any of the transactions referred to in rules 9 (5) and (7), 10 (3), 15 (1), 22 (2), 24 (2A), 44 (1), 49, 50A (3), 53 (3A), 55 (5A) and 62 (4).

Registration of agent as account holder

78B.—(1) A person who has been appointed to act as an agent on behalf of another for any matter under the Act or these Rules and who desires to make use of the electronic online system to —

- (a) file or send any application, request or other document for that matter; and
- (b) make payment through Interbank GIRO for that matter,

shall, in accordance with the procedures set out in practice directions issued by the Registrar, apply to the Registrar to be registered as an account holder.

(2) The Registrar may register a person as an account holder on such terms and with such restrictions pertaining to the use of the electronic online system as the Registrar thinks fit.

Identification name and authentication code

78C.—(1) Upon registration of a person as an account holder, the person shall be assigned such number of identification names and authentication codes as the Registrar may determine.

(2) The Registrar may cancel the identification name and authentication code assigned to an account holder if, to the knowledge of the Registrar, the authority of the account holder as agent has been revoked or terminated.

Obligation to inform Registrar of change of particulars

78D. An account holder shall, in accordance with such procedure as may be laid down in practice directions issued by the Registrar, inform the Registrar of any change in the particulars furnished in his application for registration as an account holder under rule 78B.

Security measures

78E.—(1) An account holder shall ensure the confidentiality and security of each identification name and authentication code assigned to him and shall not —

- (a) divulge the identification name and authentication code to any other person who has no authority to use the identification name and authentication code; or