

Trade Marks (International Registration) Rules 2000

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FIRST SCHEDULE Fees

SECOND SCHEDULE Forms

No. S 490

**TRADE MARKS ACT
(CHAPTER 332)**

TRADE MARKS (INTERNATIONAL REGISTRATION) RULES 2000

In exercise of the powers conferred by sections 54 and 108 of the Trade Marks Act, the Minister for Law hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Trade Marks (International Registration) Rules 2000 and shall come into operation on 31st October 2000.

Definitions

2. In these Rules, unless the context otherwise requires —

“Common Regulations” means the regulations adopted under Article 10 of the Madrid Protocol, with effect from 1st April 1996, as replaced, revised or amended from time to time;

“international application” means an application to the International Bureau for registration of a trade mark in the International Register;

“International Bureau” means the International Bureau of the World Intellectual Property Organisation;

“International Register” means the register of trade marks maintained by the International Bureau for the purposes of the Madrid Protocol;

“international registration” means the registration of a trade mark in the International Register;

“international registration designating Singapore” means an international registration in which a request has been made (either in the relevant international application or subsequently) for extension of protection to Singapore under Article 3^{ter} (1) or (2) of the Madrid Protocol;

“protected international trade mark (Singapore)” has the meaning given by rule 17, and references to “protection” and “protected” shall be construed accordingly.

Fees

3.—(1) The fees set out in the First Schedule shall be payable to the Registrar in respect of the matters set out in that Schedule.

(2) In any case where a form specified in the First Schedule as the corresponding form in relation to any matter is required to be used, that form shall be accompanied by the fee specified in respect of that matter.

Forms

4.—(1) The forms mentioned in these Rules, other than Forms MP 1, MP 2 and MP 3, are those set out in the Second Schedule to the Trade Marks Rules (R 1).

(2) Any form may be modified on the direction of the Registrar for use in a case other than the case for which it is intended.

PART II

INTERNATIONAL REGISTRATIONS DESIGNATING SINGAPORE

Entitlement to protection

5.—(1) Subject to the provisions of rules 11 to 17, an international registration designating Singapore shall be entitled to become protected where, if the particulars of the international registration were comprised in an application for registration of a trade mark under the Act, such an application would satisfy the requirements for registration of a trade mark under the Act, including any imposed by the Trade Marks Rules.

(2) For the purpose of paragraph (1), sections 5 and 6 of the Act and rules 9 and 15 to 21 of the Trade Marks Rules shall be disregarded.

Effects of protected international trade mark (Singapore)

6.—(1) The proprietor of a protected international trade mark (Singapore) has, subject to the provisions of these Rules, the same rights and remedies as are given by or under sections 26 to 29 and 31 to 34 of the Act to the proprietor of a registered trade mark.

(2) Paragraph (1) is subject to the provisions relating to acts not amounting to infringement and exhaustion which are applicable to a registered trade mark by virtue of sections 28 and 29 of the Act respectively.

(3) For the purposes of the application of section 26 of the Act —

- (a) the rights of the proprietor shall have effect as of the date on which the protected international trade mark (Singapore) is to be treated as registered under rule 17 or 26; and
- (b) a protected international trade mark (Singapore) shall be treated as being in fact registered when it becomes protected under rule 17.

(4) For the purposes of paragraph (1), references in sections 27 and 28 of the Act to goods or services in respect of which a trade mark is registered shall be treated as references to goods or services in respect of which a protected international trade mark (Singapore) confers protection in Singapore.

(5) Where the holder of an international registration designating Singapore, by notice in writing sent to the Registrar —

- (a) disclaims any right to the exclusive use of any specified element of the trade mark; or
- (b) agrees that the rights conferred in Singapore by the international registration shall be subject to a specified territorial or other limitation,