

Trade Marks (Amendment) Rules 1999

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No. S 228

TRADE MARKS ACT 1998

(ACT 46 OF 1998)

TRADE MARKS (AMENDMENT) RULES 1999

In exercise of the powers conferred by section 108 of the Trade Marks Act 1998, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Trade Marks (Amendment) Rules 1999 and shall come into operation on 4th June 1999.

Amendment of rule 2

2. Rule 2(1) of the Trade Marks Rules 1998 (G.N. No. S 635/98) (referred to in these Rules as the principal Rules) is amended by deleting the full-stop at the end of the definition of "specification" and substituting a semicolon, and by inserting immediately thereafter the following definition:

“ “Trade Marks Journal” means the journal by that name published under rule 86A.”.

Amendment of rule 15

3. Rule 15 (3) of the principal Rules is amended by deleting the words "part of".

Amendment of rule 18

4. Rule 18 (2) of the principal Rules is amended by deleting the words "There shall be filed together with the application form" in the 1st line and substituting the words "An applicant claiming a right of priority shall file with the Registrar".

Deletion and substitution of rule 21

5. The principal Rules are amended by deleting rule 21 and substituting the following rule:

“Deficiencies in application

21.—(1) Where an application for registration does not satisfy the requirements of section 5(2) of the Act or rule 15(1), 16(1) or 19(2), or does not contain the name or address of the applicant, the Registrar shall send notice of this to the applicant to remedy the deficiency.

(2) The application shall be taken to be made on the day on which all

deficiencies set out in the notice are remedied.

(3) If the applicant fails to remedy all deficiencies set out in the notice within 2 months from the date of the notice, the application may be taken as not having been made.

(4) Where no address for service has been filed in respect of the application and the Registrar is unable to rely on rule 9(9)(b) for the purposes of sending the notice to the applicant, the application may be taken as not having been made without the Registrar having to send the notice to the applicant.”.

Amendment of rule 30

6. Rule 30 (2) of the principal Rules is amended by inserting, immediately after the word "*Gazette*" in sub-paragraph (b), the words "or, as the case may be, the Trade Marks Journal,".

Amendment of rule 77

7. Rule 77 of the principal Rules is amended —

- (a) by inserting, immediately after the word "extension" in the last line of paragraph (3), the words "and shall obtain the consent of that person or party to the extension";
- (b) by deleting the words "This rule" in the 1st line of paragraph (6) and substituting the words "Paragraphs (1) to (5)"; and
- (c) by inserting, immediately after paragraph (6), the following paragraph:

“(7) The following shall apply in relation to a request for an extension of time in respect of any of the matters referred to in paragraph (6)(a), (b) and (f) to (j):

- (a) if the person or party requesting for an extension fails to show a good and sufficient reason for the extension, the Registrar may refuse to grant the extension;
- (b) the person or party requesting for an extension shall send a notice of his request to any other person or party who will be affected by such extension and shall obtain the consent of that person or party to the extension.”.

New rule 77A

8. The principal Rules are amended by inserting, immediately after rule 77, the following rule:

“Where non-compliance with time caused by act of person employed in Registry

77A.—(1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to an application for the registration of a trade mark or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding the provisions of these Rules, extend the period for doing the act or taking the step by such period as the Registrar considers fit.

(2) Notwithstanding the provisions of these Rules, the period of time for doing an act or taking a step under paragraph (1) may be extended although the period has expired.”.

New rule 86A

9. The principal Rules are amended by inserting, immediately after rule 86, the following rule:

“Trade Marks Journal

86A.—(1) The Registrar shall publish a journal, to be called the Trade Marks Journal, which shall contain —

- (a) all such matters as are required to be published in that Journal under rules 26(1), 47(2) and 56(3); and
- (b) such other information as the Registrar thinks fit.

(2) The Trade Marks Journal shall be published weekly, unless the Registrar otherwise directs.”.

Amendment of rule 89

10. Rule 89 (2) of the principal Rules is amended by inserting, immediately after the word "proceeding" in the last line, the words ", and such time or period may be extended by the Registrar by such period and upon such terms as the Registrar considers fit".

Miscellaneous amendments

11. The principal Rules are amended by deleting the word “*Gazette*” in the following rules and substituting in each case the words “Trade Marks Journal”:

Rules 26(1), 47(2) and 56(3).

Amendment of First Schedule

12. The First Schedule to the principal Rules is amended —

- (a) by deleting the words "Application to change name or address" in item 4 and substituting the words "Application to change name, address or other particulars (except trading nature) of person in an application for registration or in register"; and
- (b) by inserting, immediately after item 43, the following items:

| <i>Matter</i> | <i>Corresponding Rule(s)</i> | <i>Fee</i> | <i>Corresponding Form(s)</i> | |
|--|------------------------------|------------|------------------------------|----|
| "44. Request to enter a disclaimer or limitation in the register | 43 | \$30 | 33 | |
| 45. Purchase of a copy of the Trade Marks Journal | 86A | \$8.50 | — | ". |

Amendment of Second Schedule

13. The Second Schedule to the principal Rules is amended by deleting Forms TM 4, TM 9, TM 26, TM 37, TM 38 and TM 39 and substituting the following Forms respectively: