

Trade Marks (Border Enforcement Measures) Rules 1999

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THE SCHEDULE Notice Under Section 82 (1) Of The Trade Marks Act 1998

No. S 5

TRADE MARKS ACT 1998 (ACT 46 OF 1998)

TRADE MARKS (BORDER ENFORCEMENT MEASURES) 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 (Border Enforcement Measures) Rules 1999 and shall come into operation on 15th January 1999.

Definitions

2. For the purposes of these Rules, “authorised officer” and “Director-General” have the same meaning respectively as in section 81 of the Act.

Notice under section 82 (1) of Act

3.—(1) A notice to the Director-General under section 82(1) of the Act shall be in the form set out in the Schedule.

(2) The notice shall be accompanied by —

- (a) a statutory declaration that the particulars in the notice are true;
- (b) a fee of \$200;
- (c) a copy of the certificate of registration issued by the Registrar under section 15(5) of the Act in relation to the registered trade mark specified in the notice;
- (d) evidence that the registration of the registered trade mark was duly renewed at all times; and
- (e) where the notice is given by a person as agent for the proprietor or licensee of the registered trade mark (whichever is appropriate), evidence of the authority of the person giving the notice.

(3) The proprietor or licensee of the registered trade mark may appoint another person to act as his agent for the purpose of giving the notice.

Time and manner of giving notice

4. A notice to the Director-General under section 82(1) of the Act shall be delivered to the Customs and Excise Department —

- (a) during such time as the office of the Customs and Excise Department is open for business; and
- (b) at such time as is reasonably possible for an authorised officer to take any action under the Act in relation to the notice.