



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 10th July 2012 and assented to by the President on 13th August 2012:—

### REPUBLIC OF SINGAPORE

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**No. 16 of 2012.**

I assent.

TONY TAN KENG YAM,

*President.*

*13th August 2012.*



An Act to amend the Plant Varieties Protection Act (Chapter 232A of the 2006 Revised Edition), the Registered Designs Act (Chapter 266 of the 2005 Revised Edition) and the Trade Marks Act (Chapter 332 of the 2005 Revised Edition) mainly to streamline certain registry procedures and processes under those Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Intellectual Property (Miscellaneous Amendments) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of Plant Varieties Protection Act**

2. The Plant Varieties Protection Act (Cap. 232A) is amended —

- (a) by inserting, immediately after the words “an Assistant Registrar of Plant Varieties” in section 6(1), the words “or any public officer”;
- (b) by deleting subsection (4) of section 40;
- (c) by deleting the words “or (4)” in section 40(5);
- (d) by deleting the words “and sealed with the seal of the Registrar” in section 40(6);
- (e) by inserting, immediately after section 49, the following section:

**“Amendment of documents**

**49A.** The Registrar may, at the written request of a person who has made any application under this Act (including an application for a grant of protection for a plant variety), or filed a notice or other document for the purposes of this Act, or at the written request of the person’s agent, amend the application, notice or document —

- (a) to correct a clerical error or an obvious mistake; or
- (b) if the Registrar is of the opinion that it is fair and reasonable in all the circumstances of the case to do so.”;
- (f) by inserting, immediately after the word “applications” in section 50(1), the words “, grants, registrations”;
- (g) by deleting the words “before the Registrar” in section 50(1); and

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- (h) by deleting the word “Registry” in section 50(3) and substituting the word “Office”.

### **Amendment of Registered Designs Act**

3. The Registered Designs Act (Cap. 266) is amended —

- (a) by inserting, immediately after the definition of “exclusive licence” in section 2(1), the following definition:

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

- (b) by renumbering section 11 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) The application shall —

- (a) contain a request for the registration of a design;
- (b) state the name and address of the applicant; and
- (c) contain a clear representation of the design.

(3) The date on which the application is filed shall be the earliest date on which —

- (a) the fee payable under subsection (1) has been paid or is treated by the Registrar as paid; and
- (b) all the requirements under subsection (2) have been satisfied.”;

- (c) by deleting the words “section 17” in section 18 and substituting the words “sections 17 and 18A(3)”;

- (d) by inserting, immediately after section 18, the following section:

#### **“Deferment of publication**

**18A.—**(1) An applicant may, when filing his application for registration of a design, request that

any publication under section 18 of the design be deferred for the prescribed period after the date of filing of that application.

(2) A request under subsection (1) shall be made in the prescribed manner and accompanied by the prescribed fee.

(3) Notwithstanding section 18, the Registrar shall defer the publication under that section of a design which is the subject of a request under subsection (1) for the prescribed period referred to in that subsection.

(4) The Minister may make rules to provide for the deferment of the publication under section 18 of a registered design and for matters relating thereto.”;

(e) by inserting, immediately after subsection (5) of section 21, the following subsection:

“(6) The Minister may make rules to provide for the restoration of the registration of a design which has been removed from the Register, subject to such conditions as may be prescribed.”;

(f) by inserting, immediately after subsection (8) of section 32, the following subsection:

“(8A) A registered design or any right in it may be the subject of a charge in the same way as other personal or movable property.”;

(g) by deleting subsection (3) of section 33 and substituting the following subsection:

“(3) Subject to any agreement to the contrary, where there is more than one registered owner of a registered design, no registered owner shall, without the consent of each of the others —

(a) grant a licence for the use of the design;

(b) assign any interest in the design; or

(c) charge his share in the rights in the design.”;

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- (h) by inserting, immediately after subsection (4) of section 34, the following subsection:

“(5) Provision may be made by rules as to the amendment, alteration or removal from the Register of any particulars in the Register relating to any registrable transaction.”;

- (i) by deleting the words “upon payment of the prescribed fee” in section 55(1);
- (j) by deleting the words “and sealed with the seal of the Registry” in section 55(5);
- (k) by deleting the definition of “International Bureau” in section 64A(4);
- (l) by inserting, immediately after section 72, the following section:

**“Amendment of documents other than application for registration**

**72A.** The Registrar may, at the written request of a person who has made an application (other than an application for registration of a design), or filed a notice or other document for the purposes of this Act, or at the written request of the person’s agent, amend the application, notice or document —

- (a) to correct a clerical error or an obvious mistake; or
- (b) if the Registrar is of the opinion that it is fair and reasonable in all the circumstances of the case to do so.”;
- (m) by repealing section 73 and substituting the following section:

**“Fees**

**73.—**(1) There shall be paid in respect of applications, registrations and other matters under this Act such fees as may be prescribed.

(2) All fees collected shall be paid into the funds of the Office.

(3) Subsection (2) shall not apply to fees prescribed in rules made under section 64A(2)(e) which are to be forwarded to the International Bureau.”;

(n) by inserting, immediately after paragraph (a) of section 74(2), the following paragraph:

“(aa) as to the practice and procedure of any proceedings or other matter before the Registrar;”;

(o) by deleting the word “and” at the end of section 74(2)(m); and

(p) by deleting the full-stop at the end of paragraph (n) of section 74(2) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(o) for the reinstatement, and the conditions for the reinstatement, of —

(i) any application which is treated as withdrawn; or

(ii) any right which has been abrogated, or thing which has ceased to be in force or to exist, by reason of a failure to comply with any time limit which has been prescribed or which the Registrar has specified.”.

#### **Amendment of Trade Marks Act**

4. The Trade Marks Act (Cap. 332) is amended —

(a) by deleting the definition of “international trade mark (Singapore)” in section 2(1) and substituting the following definitions:

“ “International Bureau” has the meaning given by Article 2(1) of the Madrid Protocol;

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“international trade mark (Singapore)” means a trade mark which is entitled to protection in Singapore under the Madrid Protocol, or a trade mark prescribed by the Minister (by rules made under section 54) as an international trade mark (Singapore);

“Madrid Protocol” means the Protocol relating to the Madrid Agreement concerning the International Registration of Marks, adopted at Madrid on 27th June 1989, as revised or amended from time to time;”;

- (b) by deleting subsection (4) of section 54;
- (c) by deleting the words “; and any person who applies for an uncertified copy or extract shall be entitled to such a copy or extract on payment of the prescribed fee” in section 68(3); and
- (d) by deleting the words “and sealed with the seal of the Registrar” in section 68(5).

### **Savings and transitional provisions**

**5.**—(1) Section 3(b) shall not apply to any application for registration of a design that is filed before the date of commencement of section 3(b), and section 11 of the Registered Designs Act in force immediately before that date shall continue to apply to every such application for registration of a design as if section 3(b) had not been enacted.

(2) For a period of 2 years after the commencement of this subsection, the Minister may, by order published in the *Gazette*, prescribe such other provisions of a savings or transitional nature consequent on the enactment of this Act as he may consider necessary or expedient.

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