



REPUBLIC OF SINGAPORE  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**  
*Published by Authority*

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NO. 8]

FRIDAY, MARCH 13

[2020

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First published in the *Government Gazette*, Electronic Edition, on 9 March 2020 at 5 pm.

The following Act was passed by Parliament on 3 February 2020 and assented to by the President on 20 February 2020:—

**REPUBLIC OF SINGAPORE**

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**No. 5 of 2020.**

I assent.

HALIMAH YACOB,  
*President.*  
20 February 2020.



An Act to amend the Geographical Indications Act 2014 (Act 19 of 2014).

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 is the Geographical Indications (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of section 2**

2. Section 2 of the Geographical Indications Act 2014 (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “use”, the following definition:

““variant”, in relation to a geographical indication, means a variant of the indication constituting the geographical indication, and includes any translation, transliteration or other variation of the indication;”; and

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

“(2) There may be 2 or more variants constituting the same geographical indication.

(3) A geographical indication, and each variant constituting the geographical indication (if any), may contain 2 or more words.”.

**Amendment of section 39**

3. Section 39 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) If a person desires to register any variant constituting a geographical indication and the geographical indication is the subject of an application for registration, the person may include that variant either in that application, or in a different application for registration.”.

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**Amendment of section 41**

4. Section 41 of the principal Act is amended by inserting, immediately after subsection (7), the following subsection:

“(7A) To avoid doubt —

- (a) a reference to a geographical indication in this section includes a variant constituting a geographical indication; and
- (b) a refusal of registration under this section of any variant constituting a geographical indication does not prevent the registration of any other variant constituting the geographical indication, if that other variant satisfies the requirements of this Act.”.

**Amendment of section 46**

5. Section 46 of the principal Act is amended —

- (a) by deleting the words “Any person may” in subsection (1) and substituting the words “Subject to subsection (3A), any person may”;
- (b) by deleting the words “under section 45” in subsection (1) and substituting the words “of a geographical indication under section 45 but before the registration of the geographical indication under section 48”;
- (c) by inserting, immediately after the words “request that a qualification, of” in subsection (1), the words “any of”; and
- (d) by inserting, immediately after subsection (3), the following subsection:

“(3A) A request under subsection (1) may not be made if the request —

- (a) is for a qualification of all the rights conferred under this Act in respect of a registered geographical indication to be entered in the register —

- (i) in relation to any name contained in the geographical indication that is the subject of the application for registration; or
  - (ii) in relation to any term which may be a possible translation of the geographical indication that is the subject of the application for registration; and
- (b) is made on the ground that one or more of the exceptions mentioned in section 11(a), (b) or (c) or 15 applies to that name or term.”.

### **Amendment of section 48**

6. Section 48(1) of the principal Act is amended —

- (a) by inserting, immediately after the words “registration of a geographical indication”, the words “, or of 2 or more variants constituting the same geographical indication,”;
- (b) by inserting, immediately after the words “all opposition proceedings” in paragraph (b), the words “in respect of the geographical indication, or in respect of any of those variants,”; and
- (c) by deleting the words “shall register the geographical indication” and substituting the words “must register the geographical indication, or each variant that is unopposed or in respect of which opposition proceedings are withdrawn or decided in favour of the applicant, as the case may be”.

### **New section 48A**

7. The principal Act is amended by inserting, immediately after section 48, the following section:

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**“Application for limitation of scope to be entered in register**

**48A.**—(1) Subject to subsection (4), any person may, at any time after the registration of a geographical indication under section 48, apply to the Court for an order that a limitation of the scope of any of the rights conferred under this Act in respect of a registered geographical indication be entered in the register —

- (a) in relation to any name contained in the registered geographical indication; or
- (b) in relation to any term which may be a possible translation of the registered geographical indication.

(2) The application under subsection (1) may only be made on either or both of the following grounds:

- (a) that one or more of the exceptions mentioned in Part III applies;
- (b) that the term mentioned in subsection (1)(b) is not a translation of the registered geographical indication.

(3) The application must be made to the Court in the prescribed manner, and must include a statement of the grounds for the application and any other matter that may be prescribed.

(4) An application under subsection (1) may not be made if the application —

- (a) is for an order that a limitation of the scope of all the rights conferred under this Act in respect of a registered geographical indication be entered in the register —
  - (i) in relation to any name contained in the registered geographical indication; or
  - (ii) in relation to any term which may be a possible translation of the registered geographical indication and which is registered as a variant constituting the registered geographical indication; and

(b) is made on the ground that one or more of the exceptions mentioned in section 11(a), (b) or (c) or 15 applies to that name or term.

(5) The Court, if satisfied that either or both of the grounds mentioned in subsection (2) is made out, must order the Registrar to cause to be entered in the register a limitation of the scope of the rights conferred under this Act in relation to any of the following that is applicable:

- (a) any name contained in the registered geographical indication;
- (b) any term which is not a translation of the registered geographical indication;
- (c) any term which is a translation of the registered geographical indication.

(6) Where a registered geographical indication is subject to a limitation of the scope of rights under subsection (5), the rights of an interested party in respect of the geographical indication are restricted accordingly.

(7) The Minister may make rules as to the entry in the register of a limitation of the scope of rights under subsection (5).”.

### **Amendment of section 52**

**8.** Section 52 of the principal Act is amended —

- (a) by inserting, immediately after the words “may be cancelled” in subsection (4)(a), the words “by the Registrar”; and
- (b) by inserting, immediately after subsection (8), the following subsection:

“(9) To avoid doubt —

- (a) a reference to a geographical indication in this section includes a variant constituting a geographical indication; and

- (b) a cancellation of the registration under this section of any variant constituting a geographical indication does not affect the registration of any other variant constituting the geographical indication.”.

### **Transitional provisions**

**9.**—(1) Section 4 applies to or in relation to any application for registration of a geographical indication, whether made before, on or after the date of commencement of that section.

(2) Despite section 5, section 46 of the principal Act as in force immediately before the date of commencement of section 5 continues to apply to or in relation to any request that a qualification be entered in the register in respect of a geographical indication, made before the date of commencement of section 5.

(3) Section 6 applies to or in relation to any application for registration of a geographical indication, whether made before, on or after the date of commencement of that section.

(4) Section 7 applies to or in relation to any registered geographical indication, whether the geographical indication is registered before, on or after the date of commencement of that section.

(5) Section 8 applies to or in relation to any application for the cancellation of the registration of a geographical indication, or of a variant constituting a geographical indication, whether made before, on or after the date of commencement of that section.

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