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## No. S 149

### TRADE MARKS ACT (CHAPTER 332)

### TRADE MARKS (AMENDMENT NO. 2) RULES 2017

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

#### **Citation and commencement**

1. These Rules are the Trade Marks (Amendment No. 2) Rules 2017 and come into operation on 1 April 2017.

#### **Amendment of rule 9**

2. Rule 9 of the Trade Marks Rules (R 1) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “Form TM 20” in paragraph (4)(m) and substituting the word “writing”; and
- (b) by deleting the words “filed in Form CM2” in paragraph (5) and substituting the words “furnished in writing”.

#### **Amendment of rule 19**

3. Rule 19 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(2A) For the purpose of paragraph (2)(b), the applicant may adopt a specification set out in an approved list of goods or services contained in a practice direction issued by the Registrar.”.

**Amendment of rule 55****4. Rule 55 of the principal Rules is amended —**

- (a) by deleting the words “in Form TM 20” in paragraph (1)(d) and substituting the words “by way of a written request”; and
- (b) by deleting the words “both the personal representative and the beneficiary” in paragraph (2)(b) and substituting the words “the personal representative”.

**Amendment of First Schedule****5. The First Schedule to the principal Rules is amended —****(a) by deleting item 1 and substituting the following items:**

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|---|---------------|--|
| <p>“1. Application to register a trade mark, collective mark or certification mark filed by means of the electronic online system, where the specification is not adopted entirely from the approved list of goods or services mentioned in rule 19(2A) —</p> | <p>15, 62</p> | <p>Form TM 4</p>                         |
| <p>(a) if the specification consists of goods or services included in one class in the Nice Classification as in force on the date of that application</p>  | <p></p>       | <p>\$341</p>                             |
| <p>(b) if the specification consists of goods or services included in 2 or more classes in the Nice Classification as in force on the date of that application</p>  | <p></p>       | <p>\$341 ×<br/>number<br/>of classes</p> |

1A. Application to register a trade mark, collective mark or certification mark filed by means of the electronic online system, where the specification is adopted entirely from the approved list of goods or services mentioned in rule 19(2A) —	15, 62	Form TM 4
(a) if the specification consists of goods or services included in one class in the Nice Classification as in force on the date of that application		\$240
(b) if the specification consists of goods or services included in 2 or more classes in the Nice Classification as in force on the date of that application		\$240 × number of classes

”;

(b) by deleting item 6 and substituting the following item:

“6. Application for renewal of registration of a trade mark	49(3)(a) or (4)	\$380 × number of classes	Form TM 19
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”;

(c) by deleting “\$370” in the third column of item 7 and substituting “\$560”;

(d) by deleting “\$400” in the third column of item 8 and substituting “\$610”;

(e) by deleting items 12, 13, 14 and 15;

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- (f) by deleting the words “\$50 in respect of each trade mark number” in the third column of item 21(b) and substituting “—”;
  - (g) by deleting the words “Form TM 20” in the fourth column of item 21(b) and substituting “—”; and
  - (h) by deleting the words “in respect of each trade mark number” in the third column of item 25.

### **Amendment of Second Schedule**

- 6. Item 6 of the Second Schedule to the principal Rules is deleted.

### **Saving and transitional provisions**

7.—(1) Despite rule 2(a), rule 9(4)(m) of the principal Rules as in force immediately before 1 April 2017 continues to apply to or in relation to an address for service furnished before that date by a person mentioned in rule 9(4)(m) of those Rules.

(2) Despite rule 2(b), rule 9(5) of the principal Rules as in force immediately before 1 April 2017 continues to apply to or in relation to an address for service filed before that date under rule 9(5) of those Rules.

(3) Despite rule 4, rule 55(1)(d) and (2)(b) of the principal Rules as in force immediately before 1 April 2017 continues to apply to or in relation to —

- (a) an application made before that date to register particulars of the making by personal representatives of an assent mentioned in rule 55(1)(d) of those Rules; and
- (b) a notice given before that date to the Registrar of particulars of the making by personal representatives of an assent mentioned in rule 55(1)(d) of those Rules.

*[G.N. Nos. S 598/2008; S 588/2011; S 761/2013;  
S 743/2014; S 739/2015; S 22/2017]*

Made on 31 March 2017.

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