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TRADE MARKS ACT
(CHAPTER 332)

TRADE MARKS
(AMENDMENT) 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) Rules 2017 and come into operation on 31 January 2017.

Amendment of rule 23

2. Rule 23(4) of the Trade Marks Rules (R 1) (called in these Rules the principal Rules) is amended by deleting “(8)” and substituting “(7)”.

Amendment of rule 29

3. Rule 29 of the principal Rules is amended —

(a) by deleting paragraph (3) and substituting the following paragraphs:

“(3) A request for an extension of time to file the notice of opposition —

(a) must be made by filing with the Registrar Form TM 48 within 2 months after the date of the publication of the application for registration; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

- (3A) The person requesting for the extension must, at the time the request mentioned in paragraph (3) is filed with the Registrar, serve on the applicant, and on each person likely to be affected by an extension of time to file the notice of opposition, a copy of that request.”; and
- (b) by deleting paragraphs (5) to (8) and substituting the following paragraphs:

“(5) The Registrar may refuse to grant an extension of time to file the notice of opposition if the person requesting for the extension —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) fails to show to the Registrar’s satisfaction that the request mentioned in paragraph (3) has been served on the applicant and on each person likely to be affected by the extension.

(6) Upon granting an extension of time to file the notice of opposition, the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (3)(b)(ii).

(7) The applicant or any person likely to be affected by an extension of time to file the notice of opposition may, not later than 2 weeks after the receipt of the Registrar’s notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (3) had not been served on the applicant or on that person (as the case may be).”.

Amendment of rule 31

4. Rule 31 of the principal Rules is amended —

- (a) by deleting paragraph (4) and substituting the following paragraphs:

“(4) A request for an extension of time to file the counter-statement —

- (a) must be made by the applicant to the Registrar in Form HC3 within 2 months after the date of receipt of the notice of opposition from the opponent; and

(b) must state —

- (i) the reason for the extension; and
- (ii) the name and address of every person likely to be affected by the extension.

(4A) The applicant must, at the time the request mentioned in paragraph (4) is made to the Registrar, serve on the opponent, and on each person likely to be affected by an extension of time to file the counter-statement, a copy of that request.”; and

(b) by deleting paragraphs (6) to (9) and substituting the following paragraphs:

“(6) The Registrar may refuse to grant an extension of time to file the counter-statement if the applicant —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) fails to show to the Registrar’s satisfaction that the request mentioned in paragraph (4) has been served on the opponent and on each person likely to be affected by the extension.

(7) Upon granting an extension of time to file the counter-statement, the Registrar must send a notification of the extension to the opponent and each person mentioned in paragraph (4)(b)(ii).

(8) The opponent or any person likely to be affected by an extension of time to file the counter-statement may, not later than 2 weeks after the receipt of the Registrar’s notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (4) had not been served on the opponent or on that person (as the case may be).”.

New rule 31A and deletion and substitution of rules 32, 33 and 34

5. The principal Rules are amended by deleting rules 32, 33 and 34 and substituting the following rules:

“Rounds of evidence

31A.—(1) Where the counter-statement has been filed, the Registrar must, after hearing the parties on the appropriate timelines, specify the periods within which the following evidence may be filed by the parties:

- (a) statutory declaration setting out the evidence the opponent wishes to adduce in support of the opposition;
- (b) statutory declaration setting out the evidence the applicant wishes to adduce in support of the application;
- (c) statutory declaration setting out the opponent’s evidence in reply.

(2) Each period specified by the Registrar under paragraph (1) must not be shorter than 2 months.

(3) The opponent must file with the Registrar the statutory declaration mentioned in paragraph (1)(a) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32.

(4) The applicant must file with the Registrar the statutory declaration mentioned in paragraph (1)(b) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32(7)(a) or 33.

(5) The opponent may file with the Registrar the statutory declaration mentioned in paragraph (1)(c) within —

- (a) the period specified by the Registrar under paragraph (1) for that statutory declaration; or
- (b) that period as extended under rule 32(7)(a), 33(7)(a) or 34.

(6) When the opponent files the statutory declaration mentioned in paragraph (1)(a) or (c), the opponent must, at the same time, serve a copy of the statutory declaration on the applicant.

(7) When the applicant files the statutory declaration mentioned in paragraph (1)(b), the applicant must, at the same time, serve a copy of the statutory declaration on the opponent.

(8) If the opponent fails to comply with paragraph (3) or (6) in respect of the statutory declaration mentioned in paragraph (1)(a), the opponent is treated as having withdrawn the opposition.

(9) If the applicant fails to comply with paragraph (4) or (7), the applicant is treated as having withdrawn the application for registration.

(10) The opponent's statutory declaration in reply mentioned in paragraph (1)(c) must be confined to matters strictly in reply to the applicant's statutory declaration mentioned in paragraph (1)(b).

Extension of time for evidence in support of opposition

32.—(1) A request by the opponent for an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) must be made by filing with the Registrar Form HC3 before the expiry of the later of the following periods:

(a) the period specified by the Registrar under rule 31A(1) for that statutory declaration;

(b) that period as extended under paragraph (6).

(2) A request mentioned in paragraph (1) must state —

(a) the period of extension requested;

(b) the reason for the extension; and

(c) the name and address of every person likely to be affected by the extension.

(3) The opponent must serve a copy of the request mentioned in paragraph (1) on the applicant, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.

(4) The applicant or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).

(5) The Registrar may refuse to grant an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) if the opponent —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) fails to show to the Registrar's satisfaction that the request for extension has been served on the applicant and on each person likely to be affected by the extension.

(6) The Registrar may grant or refuse an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) without having to conduct a hearing in accordance with rule 67A.

(7) Upon granting an extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(a), the Registrar —

- (a) may extend the periods within which the statutory declarations mentioned in rule 31A(1)(b) and (c) are to be filed; and
- (b) must send a notification of the extension to the applicant and each person mentioned in paragraph (2)(c).

(8) The applicant or any person likely to be affected by the extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(a) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the applicant or on that person (as the case may be).

Extension of time for evidence in support of application

33.—(1) A request by the applicant for an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) must be made by filing with the Registrar Form HC3 before the expiry of the latest of the following periods:

- (a) the period specified by the Registrar under rule 31A(1) for that statutory declaration;
- (b) the period mentioned in sub-paragraph (a) as extended under rule 32(7)(a);

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- (c) the period mentioned in sub-paragraph (a) as extended under paragraph (6).
- (2) A request mentioned in paragraph (1) must state —
- (a) the period of extension requested;
 - (b) the reason for the extension; and
 - (c) the name and address of every person likely to be affected by the extension.
- (3) The applicant must serve a copy of the request mentioned in paragraph (1) on the opponent, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.
- (4) The opponent or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).
- (5) The Registrar may refuse to grant an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) if the applicant —
- (a) fails to show a good and sufficient reason for the extension; or
 - (b) fails to show to the Registrar's satisfaction that the request for extension has been served on the opponent and on each person likely to be affected by the extension.
- (6) The Registrar may grant or refuse an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) without having to conduct a hearing in accordance with rule 67A.
- (7) Upon granting an extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(b), the Registrar —
- (a) may extend the period within which the statutory declaration mentioned in rule 31A(1)(c) is to be filed; and
 - (b) must send a notification of the extension to the opponent and each person mentioned in paragraph (2)(c).

(8) The opponent or any person likely to be affected by the extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(b) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the opponent or on that person (as the case may be).

Extension of time for evidence in reply by opponent

34.—(1) A request by the opponent for an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) must be made by filing with the Registrar Form HC3 before the expiry of the latest of the following periods:

- (a) the period specified by the Registrar under rule 31A(1) for that statutory declaration;
- (b) the period mentioned in sub-paragraph (a) as extended under rule 32(7)(a) or 33(7)(a);
- (c) the period mentioned in sub-paragraph (a) as extended under paragraph (6).

(2) A request mentioned in paragraph (1) must state —

- (a) the period of extension requested;
- (b) the reason for the extension; and
- (c) the name and address of every person likely to be affected by the extension.

(3) The opponent must serve a copy of the request mentioned in paragraph (1) on the applicant, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.

(4) The applicant or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).

(5) The Registrar may refuse to grant an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) if the opponent —

- (a) fails to show a good and sufficient reason for the extension; or

(b) fails to show to the Registrar's satisfaction that the request for extension has been served on the applicant and on each person likely to be affected by the extension.

(6) The Registrar may grant or refuse an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) without having to conduct a hearing in accordance with rule 67A.

(7) Upon granting an extension of time for the filing of the statutory declaration in reply mentioned in rule 31A(1)(c), the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (2)(c).

(8) The applicant or any person likely to be affected by the extension of time for the filing of the statutory declaration in reply mentioned in rule 31A(1)(c) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the applicant or on that person (as the case may be)."

Deletion and substitution of rule 38

6. Rule 38 of the principal Rules is deleted and the following rule substituted therefor:

"Registrar's decision in opposition proceedings

38. After the end of the hearing mentioned in rule 37, and the filing of the closing submissions (if the Registrar grants leave for closing submissions to be filed after the last day of the hearing), the Registrar must inform the parties of the Registrar's decision and the grounds of the decision as soon as practicable."

Amendment of rule 56

7. Rule 56(6) of the principal Rules is amended by deleting "(8)" and substituting "(7)".

Amendment of rule 58

8. Rule 58 of the principal Rules is amended —

(a) by deleting paragraph (4) and substituting the following paragraphs:

“(4) A request for an extension of time to file the counter-statement —

(a) must be made by the proprietor to the Registrar in Form HC3 within 2 months after the date of receipt of the copies of the application and statement from the applicant; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

(4A) The proprietor must, at the time the request mentioned in paragraph (4) is made to the Registrar, serve on the applicant, and on each person likely to be affected by an extension of time to file the counter-statement, a copy of that request.”; and

(b) by deleting paragraphs (6) to (9) and substituting the following paragraphs:

“(6) The Registrar may refuse to grant an extension of time to file the counter-statement if the proprietor —

(a) fails to show a good and sufficient reason for the extension; or

(b) fails to show to the Registrar’s satisfaction that the request mentioned in paragraph (4) has been served on the applicant and on each person likely to be affected by the extension.

(7) Upon granting an extension of time to file the counter-statement, the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (4)(b)(ii).

(8) The applicant or any person likely to be affected by the extension of time to file the counter-statement may, not later than 2 weeks after receiving the Registrar’s notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (4) had not been served on the applicant or on that person (as the case may be).”.

Amendment of rule 59

9. Rule 59 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Upon an application being made —

(a) under rule 57(1) on the ground mentioned in section 22(1)(c) or (d) or 23 of the Act; or

(b) under rule 57(1A)(b),

and a counter-statement being filed under rule 58, rules 31A to 40 apply, with the necessary modifications mentioned in paragraph (2)(a) to (d), to further proceedings on the application.”;

(b) by deleting paragraph (1A) and substituting the following paragraph:

“(1A) Upon an application being made under rule 57(1) on the ground mentioned in section 22(1)(a) or (b) of the Act and a counter-statement being filed under rule 58 —

(a) the Registrar must, after hearing the parties on the appropriate timelines, specify the periods within which the following evidence may be filed by the parties:

(i) statutory declaration setting out the evidence the applicant wishes to adduce in support of the application;

(ii) statutory declaration setting out the evidence the proprietor wishes to adduce in support of the proprietor’s case that is additional to the evidence already provided in the statutory declaration filed with the counter-statement;

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- (iii) statutory declaration setting out the applicant's evidence in reply;
 - (b) each period specified by the Registrar under sub-paragraph (a) must not be shorter than 2 months;
 - (c) the applicant may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(i) within the period specified by the Registrar under sub-paragraph (a) for that statutory declaration, or any extension of that period by the Registrar;
 - (d) where the applicant files a statutory declaration under sub-paragraph (c), the applicant must, at the time the statutory declaration is filed, send to the proprietor a copy of the statutory declaration;
 - (e) if the applicant does not file any statutory declaration under sub-paragraph (c), the Registrar must notify the proprietor of this;
 - (f) the proprietor may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(ii) within the period specified by the Registrar under sub-paragraph (a) for that statutory declaration, or any extension of that period by the Registrar;
 - (g) where the proprietor files a statutory declaration under sub-paragraph (f) —
 - (i) the proprietor must, at the time the statutory declaration is filed, send to the applicant a copy of the statutory declaration; and
 - (ii) the applicant may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(iii) within the period specified by the Registrar under sub-paragraph (a) for that statutory declaration, or any extension of that period by the Registrar;

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- (h) the applicant’s statutory declaration mentioned in sub-paragraph (a)(iii) must be confined to matters strictly in reply to the proprietor’s statutory declaration mentioned in sub-paragraph (a)(ii); and
 - (i) rules 32 to 40 apply, with the necessary modifications mentioned in paragraph (2)(a), (b), (c), (ca), (e) and (f), to any proceedings on the application.”;
 - (c) by deleting “32” in paragraph (2) and substituting “31A”;
 - (d) by inserting, immediately after the word “for” in paragraph (2)(c) and (d), the word “rectification,”;
 - (e) by deleting the word “and” at the end of sub-paragraph (c) of paragraph (2), and by inserting immediately thereafter the following sub-paragraph:
 - “(ca) references in those rules to the opposition or the notice of opposition are to be treated as references to the application for rectification, revocation or a declaration of invalidity of the registration (as the case may be);”;
 - (f) by deleting “33(3)” in paragraph (2)(d) and substituting “31A(9)”;
 - (g) by deleting the full-stop at the end of sub-paragraph (d) of paragraph (2) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
 - “(e) references in those rules to the statutory declaration mentioned in rule 31A(1)(a), (b) or (c) are to be treated as references to the statutory declaration mentioned in paragraph (1A)(a)(i), (ii) or (iii) respectively; and
 - (f) references in those rules to the period specified by the Registrar under rule 31A(1) are to be treated as references to the period specified by the Registrar under paragraph (1A)(a).”.

Amendment of rule 66A

10. Rule 66A(3) of the principal Rules is amended by deleting “(8)” and substituting “(7)”.

Amendment of rule 69

11. Rule 69 of the principal Rules is amended by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Despite paragraph (1A), any statutory declaration used in any proceedings before the Registrar may contain statements of information or belief with the sources and grounds thereof.”.

Amendment of rule 77

12. Rule 77 of the principal Rules is amended —

- (a) by deleting the word “Any” in paragraph (1) and substituting the words “Subject to paragraph (6), any”;
- (b) by deleting paragraphs (2) to (5) and substituting the following paragraphs:

“(1A) A request for an extension of time under paragraph (1) —

- (a) in a case where the request relates to any *ex parte* proceedings not mentioned in sub-paragraph (b), must be made by filing with the Registrar Form CM5 before the expiry of the period of time in question;
- (b) in a case where the request relates to an extension of the period of time specified in rule 24(4), must be made by filing with the Registrar Form HC3 before the expiry of that period of time; or
- (c) in a case where the request relates to any *inter partes* proceedings, must be made by filing with the Registrar Form HC3 before the expiry of the period of time in question.

(1B) A request for an extension of time mentioned in paragraph (1A)(c) must state —

- (a) the period of extension requested;
- (b) the reason for the extension; and
- (c) the name and address of every person likely to be affected by the extension.

(1C) A person making a request mentioned in paragraph (1A)(c) must serve a copy of the request on each party, and on each person likely to be affected by the extension of time, at the time the request is filed with the Registrar.

(1D) Any party or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1A)(c).

(2) The Registrar may refuse to grant an extension of time if the person requesting the extension —

(a) fails to show a good and sufficient reason for the extension; or

(b) in the case of a request mentioned in paragraph (1A)(c), fails to show to the Registrar's satisfaction that the request for extension has been served on each party and on each person likely to be affected by the extension.

(3) The Registrar may grant or refuse an extension of time mentioned in paragraph (1A)(a), (b) or (c) without having to conduct a hearing in accordance with rule 67A.

(4) Upon granting an extension of time mentioned in paragraph (1A)(c), the Registrar must send a notification of the extension to each party and each person mentioned in paragraph (1B)(c).

(5) Any party or any person likely to be affected by the extension of time mentioned in paragraph (1A)(c) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1A)(c) had not been served on that party or that person (as the case may be)."; and

(c) by inserting, immediately after the word "rule" in paragraph (6)(ca), "31A,".

Amendment of rule 77B

13. Rule 77B(5) of the principal Rules is amended by deleting “32” in sub-paragraph (b)(ii)(A) and substituting “31A”.

Amendment of rule 84

14. Rule 84(4) of the principal Rules is amended —

- (a) by deleting “(8)” in sub-paragraph (a)(ii), (v) and (xi) and substituting in each case “(7)”; and
- (b) by deleting “32” in sub-paragraph (a)(vii) and substituting “31A”.

Amendment of First Schedule

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

- (a) by inserting, immediately after the word “Rules” in the first column of item 17, the words “(other than rule 24(4))”;
- (b) by deleting the word “non-contentious” in the first column of item 17 and substituting the words “ex parte”;
- (c) by deleting “77(3)” in the second column of item 17 and substituting “77(1A)(a)”;
- (d) by deleting item 18 and substituting the following items:

“17A.	Request for extension of period of time specified in rule 24(4)	77(1A)(b)	\$100	Form HC3
18.	Request for extension of time by a person or party regarding a particular period prescribed by the Rules or specified by the Registrar for doing any act or taking any proceedings in relation to inter partes proceedings	77(1A)(c)	\$100	Form HC3

”;

- (e) by deleting the words “, where the amendment affects the goods or services covered by the application for registration” in the first column of item 26(a);
 - (f) by inserting, immediately before “29(1)” in the second column of item 26(b), the words “29(1), or”;
 - (g) by deleting “32(6), 33(6), 34(6)” in the second column of item 31 and substituting the words “32(1), 33(1) or 34(1)”;
- and

(h) by inserting, immediately after paragraph (d) of item 34, the following paragraph:

“(e) a notice of opposition to the amendment of an application for registration of a trade mark which has been published 31(1) read with 23(4) \$360 × number of classes Form HC6

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Amendment of Fourth Schedule

16. The Fourth Schedule to the principal Rules is amended —

- (a) by deleting “\$300” in items 1 and 2 under the heading “*Amount*” and substituting in each case “\$390”;
- (b) by deleting “\$300–\$1,600” in item 3 under the heading “*Amount*” and substituting “\$390–\$2,080”;
- (c) by deleting “\$150–\$800” in item 4 under the heading “*Amount*” and substituting “\$195–\$1,040”;
- (d) by deleting “\$50–\$500” in items 5 and 6 under the heading “*Amount*” and substituting in each case the words “\$65–\$650 per proceeding, review or conference”;
- (e) by deleting “\$500–\$2,000” in item 7 under the heading “*Amount*” and substituting “\$650–\$2,600”;
- (f) by deleting “\$200–\$800” in item 8 under the heading “*Amount*” and substituting “\$260–\$1,040”;
- (g) by deleting “\$5” in item 10 under the heading “*Amount*” and substituting “\$6.50”; and
- (h) by deleting “\$100–\$300” in item 11 under the heading “*Amount*” and substituting “\$130–\$390”.

Saving and transitional provisions

17.—(1) Despite rule 3, rule 29 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any notice of opposition filed or to be filed in relation to an application for registration of a trade mark published before that date, as if rule 3 had not been enacted.

(2) Despite rule 3, rule 29 of the principal Rules as in force immediately before 31 January 2017 continues to apply, with the necessary modifications, to or in relation to any of the following, as if rule 3 had not been enacted:

- (a) a notice of opposition under rule 23(2) of the principal Rules filed or to be filed in relation to an amendment published before that date under rule 23(1) of the principal Rules;
- (b) a notice of opposition under rule 56(4) of the principal Rules filed or to be filed in relation to a proposed alteration of a registered trade mark published before that date under rule 56(3) of the principal Rules;
- (c) a notice of opposition under rule 65(1) of the principal Rules filed or to be filed in relation to an application for registration of a collective mark or certification mark published before that date;
- (d) a notice of opposition under rule 66A(1) of the principal Rules filed or to be filed in relation to a notice published before that date under rule 66(3) of the principal Rules.

(3) Despite rule 4, rule 31 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any counter-statement filed or to be filed in relation to a notice of opposition filed before that date under rule 29 of the principal Rules, as if rule 4 had not been enacted.

(4) Despite rule 4, rule 31 of the principal Rules as in force immediately before 31 January 2017 continues to apply, with the necessary modifications, to or in relation to any counter-statement filed or to be filed in relation to a notice of opposition filed before that date under rule 23(2), 56(4), 65(1) or 66A(1) of the principal Rules, as if rule 4 had not been enacted.

(5) Despite rule 5, rules 32, 33 and 34 of the principal Rules as in force immediately before 31 January 2017 continue to apply to any evidence to be adduced in opposition proceedings where a counter-statement is filed before that date under rule 31 of the principal Rules, as if rule 5 had not been enacted.

(6) Despite rule 5, rules 32, 33 and 34 of the principal Rules as in force immediately before 31 January 2017 continue to apply, with the necessary modifications, to any evidence to be adduced in any proceedings mentioned in rule 23(4), 56(6), 65(1) or 66A(3) of the principal Rules where a counter-statement is filed before that date under rule 31 of the principal Rules, as if rule 5 had not been enacted.

(7) Despite rule 6, rule 38 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any opposition hearing under rule 37 of the principal Rules that ended before that date, as if rule 6 had not been enacted.

(8) Despite rule 6, rule 38 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any opposition hearing under rule 37 of the principal Rules, arising from any proceedings mentioned in rule 23(4), 56(6), 65(1) or 66A(3) of the principal Rules, that ended before that date, as if rule 6 had not been enacted.

(9) Despite rule 6, rule 38 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any hearing, of an application under rule 57 of those Rules in any proceedings mentioned in rule 59(1) or (1A)(f) of those Rules, that ended before that date, as if rule 6 had not been enacted.

(10) Despite rule 8, rule 58 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any counter-statement filed or to be filed in relation to any of the following, as if rule 8 had not been enacted:

- (a) an application filed before that date for rectification of an error or omission in the register;
- (b) an application filed before that date for revocation of the registration of a trade mark;
- (c) an application filed before that date for a declaration of invalidity of the registration of a trade mark.

(11) Rule 9 does not apply to any application made before 31 January 2017 under rule 57(1A)(b) of the principal Rules.

(12) Despite rule 9, rule 59 of the principal Rules as in force immediately before 31 January 2017 continues to apply to or in relation to any further proceedings on an application under rule 57 of the principal Rules where a counter-statement is filed before that date under rule 58 of the principal Rules, as if rule 9 had not been enacted.

(13) Rule 11 does not apply to any statutory declaration filed before 31 January 2017.

(14) Rule 12 does not apply to any request for extension of time made before 31 January 2017 under rule 77 of the principal Rules.

(15) Despite rule 15(g), item 31 of the First Schedule to the principal Rules as in force immediately before 31 January 2017 continues to apply on or after that date to any request for an extension of time made in any of the following proceedings under rule 32(6), 33(6) or 34(6) of the principal Rules as in force immediately before that date, as if rule 15(g) had not been enacted:

- (a) any opposition proceedings where a counter-statement is filed before that date under rule 31 of the principal Rules;
- (b) any proceedings mentioned in rule 23(4), 56(6), 65(1) or 66A(3) of the principal Rules where a counter-statement is filed before that date under rule 31 of the principal Rules;
- (c) any proceedings mentioned in rule 59(1) or (1A)(f) of the principal Rules as in force immediately before that date where a counter-statement is filed before that date under rule 58 of the principal Rules.

(16) Despite rule 16, the Fourth Schedule to the principal Rules as in force immediately before 31 January 2017 continues to apply to any bill of costs relating to work done in relation to proceedings arising from any of the following, as if rule 16 had not been enacted:

- (a) a notice of opposition filed before that date under rule 23(2), 29, 56(4), 65(1) or 66A(1) of the principal Rules;
- (b) an application filed before that date for revocation of the registration of a trade mark;
- (c) an application filed before that date for a declaration of invalidity of the registration of a trade mark;
- (d) an application filed before that date for rectification of an error or omission in the register.

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

Made on 22 December 2016.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*