
First published in the *Government Gazette*, Electronic Edition, on 23 May 2022 at 5 pm.

No. S 402

REGISTERED DESIGNS ACT 2000

REGISTERED DESIGNS (AMENDMENT NO. 2) RULES 2022

In exercise of the powers conferred by section 74 of the Registered Designs Act 2000, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, makes the following Rules:

Citation and commencement

1. These Rules are the Registered Designs (Amendment No. 2) Rules 2022 and come into operation on 26 May 2022.

Amendment of rule 6

2. In rule 6 of the Registered Designs Rules (R 1) (called in these Rules the principal Rules) —

(a) in paragraph (2)(c), delete “or” at the end;

(b) in paragraph (2), after sub-paragraph (c), insert —

“(ca) by sending an electronic communication using the electronic online system; or”;

(c) in paragraph (2)(d), after “by any”, insert “other”;

(d) in paragraph (6A), replace “paragraph (2)(d)” with “paragraph (2)(ca) or (d)”; and

(e) after paragraph (6A), insert —

“(7) Service of any notice or other document under the Act or these Rules on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 58A(3).

(7A) A notice or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

- (a) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or document is sent, filed or served does not fall on an excluded day for the business of sending, filing or serving the notice or document — at that time and on that day; or
- (b) if that time falls on such excluded day — on the next following day that is not such excluded day.

(7B) A notice or other document that is —

- (a) transmitted to the Registrar or Registry or a party by means of the electronic online system; and
- (b) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or Registry or the party —

- (c) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or Registry or the party the notice or document by means of that system — at that time and on that day; or
- (d) if that day is such excluded day — on the next following day that is not such excluded day.

(7C) For the purposes of paragraph (7B), the notice or other document is treated as sent to, filed with or

served on, and received by, the Registrar or Registry or the party if and only if the last byte of the transmission containing the notice or other document is received by the server mentioned in that paragraph.

(7D) Any person who sends, files or serves a notice or other document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

- (a) the sending, filing or service of that notice or document; and
- (b) the date and time when the sending, filing or service took place.”.

Amendment of rule 7

3. In rule 7 of the principal Rules —

- (a) in paragraph (4)(c)(ii), replace “on a separate Form CM8” with “on the same Form CM8”;
- (b) in paragraph (4)(h)(i), replace “paragraph (7)” with “rule 66”;
- (c) in paragraph (4)(i), insert “and” at the end;
- (d) in paragraph (4)(j), replace “; and” at the end with a full-stop;
- (e) in paragraph (4), delete sub-paragraph (k);
- (f) replace paragraphs (6) and (7) with —

“(6) Where an address for service is not filed by or on behalf of a person as required by paragraph (1), and no address for service is effective for the purposes of any of the proceedings mentioned in paragraph (4), the Registrar may, subject to paragraph (7), treat the person’s trade or business address in Singapore as that person’s address for service for the purposes of those proceedings.

(7) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of those proceedings, within 2 months after the date of the notice.

(7A) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (7) or where the Registrar has sent a notice under that paragraph but no address for service is provided within 2 months after the date of the notice —

(a) in the case of an applicant or a person mentioned in paragraph (1)(a) or (b) — the application made by the applicant or person is treated as withdrawn;

(b) in the case of a person mentioned in paragraph (1)(c) — the person is treated as having withdrawn the person's intervention;

(c) in the case of the owner of a registered design mentioned in paragraph (1)(d) — the owner is not permitted to take part in any proceedings relating to the application for the revocation of the registration of the design; and

(d) in the case of a party mentioned in paragraph (1)(e) — the party is not permitted to take part in the proceedings in question.”; and

(g) after paragraph (8), insert —

“(9) In paragraphs (7) and (7A), “alternative address” means —

(a) any address (not being an email address) that was previously provided by the person

to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or

- (b) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that email address to be used for correspondence with the person for such matter.”.

Amendment of rule 8

4. In rule 8 of the principal Rules, replace paragraphs (6) and (7) with —

“(6) Where an agent for a party to any matter intends to cease to so act, the agent —

(a) must file with the Registrar in Form CM1 —

- (i) a notice of the intention;
- (ii) the party’s latest address, including any email address, on the agent’s records; and
- (iii) a statement that the agent has given reasonable notice to the party of the intention, and informed the party of the consequences set out in rule 7(7A) as applied by paragraph (9); and

(b) must serve Form CM1 on the party at the same time the form is filed with the Registrar.

(7) On receipt of the form mentioned in paragraph (6)(a), the Registrar must send to the party a notice requesting the party to provide an address for service within 3 months after the date of the notice.

(8) The notice in paragraph (7) must be sent to the address of the party filed under paragraph (6)(a)(ii) or any alternative address of the party.

(9) Rule 7(7A)(a), (b), (c) or (d) (whichever is applicable) applies, with the necessary modifications, if —

(a) the Registrar does not have any alternative address of the party to which to send a notice under paragraph (7); or

(b) the Registrar sent a notice under paragraph (7) and no address for service was provided within 3 months after the date of the notice.

(10) In paragraphs (8) and (9), “alternative address” has the meaning given by rule 7(9).”.

New rule 14A

5. After rule 14 of the principal Rules, insert —

“Disclaimer in application

14A. An applicant for registration of a design who wishes to disclaim any right in relation to a specified feature of the design under section 30A of the Act, must set out the disclaimer in the application form in compliance with the requirements in practice directions issued by the Registrar.”.

Amendment of rule 19

6. In rule 19 of the principal Rules —

(a) after paragraph (2), insert —

“(2AA) For the purposes of section 12(1)(d) of the Act, an applicant for registration of a design in a Convention country or the applicant’s successor in title must provide the application number of each priority application (where available) within 3 months after the date of the Registrar’s request for it.”;

(b) in paragraph (2A)(c), delete “and” at the end;

-
-
- (c) in paragraph (2A)(d), replace the full-stop at the end with “; and”; and
- (d) in paragraph (2A), after sub-paragraph (d), insert —
- “(e) the application number of the priority application, where available.”.

Replacement of rule 24

7. Rule 24 of the principal Rules is replaced with —

“Amendment of application

24.—(1) A request under section 15 of the Act to amend an application for registration of a design must be made —

- (a) if the request is to correct the name or other particular of the applicant — in Form CM4; or
- (b) if the request is for any other amendment — in Form D5.

(2) This rule does not apply to a request to change the name or other particular of the applicant in the application.”.

New rule 24A

8. After rule 24 of the principal Rules, insert —

“Publication of and opposition to request for correction

24A.—(1) This rule applies where a person (*X*) makes a request under rule 24(1) on or after 26 May 2022 for the correction in an application of an error or a mistake in —

- (a) the name or other particular of an applicant in an application for registration of a design; or
- (b) any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the request and the nature of the proposed correction in the Designs Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of opposition to the request.

(4) The notice of opposition must be supported by a statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *Y* does not comply with paragraph (5), *Y*'s notice of opposition is treated as not having been filed.

(7) If *X* desires to proceed with the request, *X* must —

(a) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement in Form HC6 setting out fully the grounds on which *X* contests the opposition; and

(b) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(8) If *X* does not comply with paragraph (7), *X* is treated as having withdrawn *X*'s application.

(9) The Registrar may give such directions as the Registrar thinks fit with regard to any aspect of the procedure for the request or the opposition to the request.

(10) The Registrar must consider the opposition in deciding whether to grant the request.”.

Amendment of rule 25

9. In rule 25 of the principal Rules —

(a) in paragraph (2)(a), replace “6 months after” with “2 months starting on”; and

-
-
- (b) in paragraph (5)(b)(i), after sub-paragraph (B), insert —
- “(BA) any act under rule 24A(3), (4) or (7), or rule 24A(3), (4) or (7) as applied by rule 33(2) or 65(6), in any proceedings relating to an opposition to a request for correction;”.

Amendment of rule 27

10. In rule 27(1) of the principal Rules, after “14,”, insert “14A,”.

Amendment of rule 28

11. In rule 28 of the principal Rules —
- (a) in paragraph (b), after “priority date, if any,”, insert “and (in the case of an application for registration filed with the Registrar on or after 26 May 2022) the application number, if any,”; and
- (b) after paragraph (g), insert —
- “(ga) any disclaimer of rights under section 30A of the Act filed with the Registrar on or after 26 May 2022;”.

Amendment of rule 31

12. In rule 31 of the principal Rules —
- (a) in paragraph (b), after “priority date, if any,”, insert “and (if the application for registration of the design is filed on or after 26 May 2022) the application number, if any,”; and
- (b) after paragraph (i), insert —
- “(ia) any disclaimer of rights under section 30A of the Act filed with the Registrar on or after 26 May 2022;”.

Amendment of rule 33

13. In rule 33 of the principal Rules, replace paragraph (2) with —

“(2) Rule 24A applies, with the necessary modifications, in relation to a request to correct an error in the name or other particular of a registered owner, or in any information pertaining to a priority application, in the Register on or after 26 May 2022 as it applies in relation to a request to correct an error or a mistake in a particular of an applicant, or in any information pertaining to a priority application, in an application for registration of a design.”.

Amendment of heading to Part V

14. In Part V of the principal Rules, in the Part heading, insert “AND DISCLAIMERS AFTER REGISTRATION” at the end.

Replacement of rule 37 and new rule 38

15. Rule 37 of the principal Rules is replaced with —

“Application for registration of particulars of transaction

37.—(1) An application —

- (a) to register the particulars of a registrable transaction, or to amend any particular of a registrable transaction, under section 34 of the Act; or
- (b) to give notice to the Registrar of the particulars of a transaction, instrument or event under section 35 of the Act,

must be made —

- (c) in the case of the grant, amendment or termination of a licence for the use of a registered design — in Form CM6;
- (d) in the case of the grant, amendment or termination of a security interest over a registered design or any right in it, or an application for registration of a design or any right in it — in Form CM7;
- (e) in the case of an assignment of a registered design or any right in it, or an application for the registration of a design or any right in it — in Form CM8;

-
-
- (f) in the case of the making by personal representatives of an assent in relation to a registered design or any right in it, or an application for registration of a design or any right in it — by way of a written request; or
 - (g) in the case of an order of the Court or other competent authority transferring a registered design or any right in it, or an application for registration of a design or any right in it — by way of a written request accompanied by a copy of the order.

(2) Where an application under paragraph (1)(c), (d), (e) or (f) is filed other than by means of the electronic online system, the application must be signed by or on behalf of each relevant party.

(3) Where an application under paragraph (1)(c), (d), (e) or (f) is filed by means of the electronic online system, the application must be authorised by each relevant party and validated by such means as the Registrar considers fit.

(4) In paragraphs (2) and (3), “relevant party” means —

- (a) in the case of paragraph (1)(c) — the grantor of the licence;
- (b) in the case of paragraph (1)(d) — the grantor of the security interest;
- (c) in the case of paragraph (1)(e) — the assignor; or
- (d) in the case of a transaction mentioned in paragraph (1)(f) — each personal representative who makes the assent.

(5) Where an application under paragraph (1)(c), (d), (e) or (f) is not signed in accordance with paragraph (2), or not authorised and validated in accordance with paragraph (3), the application must be accompanied —

- (a) in the case of an assignment of a registered design or any right in it, or of an application for registration of a design or any right in it, at the option of the applicant, by —

-
-
- (i) a copy of the contract of assignment;
 - (ii) an extract of the contract of assignment, being an extract that shows the change in the ownership of the registered design, application or right;
 - (iii) a certificate of transfer of the registered design, application or right in such form as the Registrar may require, being a certificate signed by all parties to the assignment;
 - (iv) a transfer document relating to the registered design, application or right in such form as the Registrar may require, being a document signed by all parties to the assignment; or
 - (v) a copy of any documentary evidence that in the Registrar's view is sufficient to establish the assignment;
- (b) in the case of the grant of a licence for the use of a registered design, at the option of the applicant, by —
- (i) an extract of the licence contract, being an extract that shows the parties to the contract and the rights which are licensed under the contract;
 - (ii) a statement of the licence containing such information as the Registrar may require, being a statement signed by both the person granting the licence, and the licensee; or
 - (iii) a copy of any documentary evidence that in the Registrar's view is sufficient to establish the grant of the licence;
- (c) in the case of an amendment to, or a termination of, a licence for the use of a registered design, at the option of the applicant, by —
- (i) a statement of the amendment or termination (as the case may be) containing such information as the Registrar may require, being a statement

signed by both the person granting the licence and the licensee; or

(ii) a copy of any documentary evidence that in the Registrar's view is sufficient to establish the amendment or termination of the licence, as the case may be; or

(d) in any other case, by a copy of any documentary evidence which in the Registrar's view is sufficient to establish the transaction, instrument or event.

(6) The Registrar may require the applicant to furnish such other document, instrument or information in support of the application as the Registrar thinks fit within such time as the Registrar may specify.

(7) The Registrar must refuse an application under paragraph (1) if paragraph (2), (3) or (5) is not complied with.

(8) In this rule, a reference to a licence includes a sub-licence, and a reference to a licensee includes a sub-licensee.

Disclaimer after registration

38. An application by a registered owner of a registered design to disclaim any right in relation to a specified feature of the design under section 30A of the Act is to be made in Form D10 and in compliance with the requirements in practice directions issued by the Registrar.”.

Amendment of rule 57

16. In rule 57 of the principal Rules —

(a) after paragraph (1), insert —

“(1A) A request under paragraph (1) must be made by filing with the Registrar the following form before the expiry of the period in question:

(a) where the request relates to any proceedings with notice — Form HC3;

-
-
- (b) where the request relates to extending the period in rule 27(6) — Form HC3;
 - (c) where the request relates to any other matter — Form CM5.”;
 - (b) in paragraph (2), replace “for an extension of time” with “under paragraph (1) relating to any proceedings with notice”;
 - (c) in paragraph (3), replace “shall be made in Form CM5 or Form HC3, as appropriate, before the expiry of the period of time in question, and shall” with “relating to any proceedings with notice must”;
 - (d) in paragraph (4)(b), before “fails”, insert “where the request relates to any proceedings with notice —”;
 - (e) in paragraph (6), reletter sub-paragraph (a) as sub-paragraph (aa); and
 - (f) in paragraph (6), before sub-paragraph (aa), insert —
 - “(a) the filing of a request under rule 25(2) to reinstate any application, right or thing;”.

Amendment of rule 58A

17. In rule 58A of the principal Rules, replace paragraph (2A) with —

- “(2A) The electronic online system may be used —
 - (a) by the Registrar or the Registry for giving or sending to or serving on any person any notice or other document; and
 - (b) by a party for the giving, sending or serving on another party (other than the Registrar or the Registry) of any document required to be given, sent to or served on that other party under the Act or these Rules.

(2B) To avoid doubt, paragraph (2A) does not apply to the service of any notice or document to be served in proceedings in court.”.

Amendment of rule 59

18. In rule 59 of the principal Rules, delete paragraphs (4), (5) and (6).

Amendment of rule 60

19. In rule 60 of the principal Rules —

- (a) in paragraph (1), replace “first day next following (not being an excluded day)” with “next following day (not being an excluded day for such business)”; and
- (b) in paragraph (2)(b), replace “, on the first following day which is not an excluded day” with “for the business of giving, sending, filing or serving the notice, application or document, on the next following day that is not such excluded day”.

Amendment of rule 65

20. In rule 65 of the principal Rules —

- (a) in paragraph (4)(a)(i), delete “or” at the end;
- (b) in paragraph (4)(a), after sub-paragraph (ii), insert —
 - “(iii) rule 24A(3), (4) and (7);
 - (iv) rule 24A(3), (4) and (7), as applied by rule 33(2); or
 - (v) rule 24A(3), (4) and (7), as applied by paragraph (6);”;and
- (c) after paragraph (5), insert —
 - “(6) Rule 24A applies, with the necessary modifications, in relation to a request made under paragraph (1) on or after 26 May 2022 to correct an error or a mistake in a particular of an applicant of an application for registration of a design or the

registered owner of a registered design, or in any information pertaining to a priority application, as it applies in relation to a request to correct an error or a mistake in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for the registration of a design.

(7) The Registrar may, on the Registrar’s own initiative, make any consequential amendment to the Register arising from any correction pursuant to a request under paragraph (1) that is made on or after 26 May 2022, and the Registrar must notify the applicant making the request of the amendment.”.

Amendment of rule 65A

21. In rule 65A of the principal Rules —

(a) renumber rule 65A as paragraph (1); and

(b) after paragraph (1), insert —

“(2) Where the irregularity in procedure in connection with any proceedings (other than proceedings with notice) is attributable, wholly or in part, to an omission or other error by the party in the proceedings and the irregularity has been corrected under paragraph (1) on or after 26 May 2022, the Registrar must publish a notification of the decision in the Register.”.

Replacement of rule 66

22. Rule 66 of the principal Rules is replaced with —

“Change of particulars

66.—(1) A request by a person (including an agent of a person) to change the name or other particular of the person in the Register or any application or document given or sent to or filed with the Registrar must be made in Form CM2.

(2) If the Registrar is satisfied that a request in paragraph (1) may be allowed, the Registrar must cause the Register, application or other document to be updated accordingly.”.

Amendment of rule 66A

23. In rule 66A(2) of the principal Rules, replace “monthly” with “weekly”.

Amendment of First Schedule

24. In the First Schedule to the principal Rules —

(a) in item 1, in the third column, replace “\$250” with “\$200”;

(b) replace item 3 with —

“3. Application to amend an application for registration of a design under section 15 of the Act	24(1)	\$50 in respect of correction of name or of other particular of applicant	Form CM4
		\$45 per design number in respect of any other type of amendment	Form D5”;

(c) in item 10, in the second column, replace “33(1)” with “33”;

(d) in item 11, in the first column, replace “non-contentious proceedings” with “any matter, other than proceedings with notice or extension of the period under rule 27(6)”;

(e) in item 11, in the second column, replace “57(3)” with “27(4), 57(1A)(c)”;

(f) after item 11, insert —

“12. Request for extension of period under rule 27(6) —	57(1A)(b)	Form HC3”;
(a) for first extension	—	
(b) for second or any subsequent extension	\$120	

-
-
- (g) in item 13, in the first column, replace “contentious proceedings” with “proceedings with notice”;
- (h) in item 13, in the second column, replace “57(3)” with “57(1A)(a)”;
- (i) in item 13(b), in the third column, replace “\$100” with “\$120”;
- (j) in item 14, in the second column, replace “37(1)(i)” with “37(1)(c)”;
- (k) in item 15, in the second column, replace “37(1)(ii)” with “37(1)(d)”;
- (l) in item 16, in the second column, replace “37(1)(iii)” with “37(1)(e)”;
- (m) in item 18(a) and (b), in the first column, delete “or document”;
- (n) in item 18(a) and (b), in the third column, delete “in respect of each design number”;
- (o) after item 19, insert —
- | | | | |
|---------------------------|-----------------|-------|-----|
| “19A. Filing of notice of | 24A(3), 24A(3) | \$400 | —”; |
| opposition to an | read with 33(2) | | |
| application for | or 65(6) | | |
| correction of an | | | |
| error or a mistake | | | |
- (p) in item 21, in the first column, replace “Notice of attendance at hearing” with “Attending hearing and obtaining decision”;
- (q) in item 21, in the third column, replace “\$715” with “\$1,000”; and
- (r) in item 26, in the second column, before “41(1)”, insert “24A(7), 24A(7) read with 33(2) or 65(6),”.

Amendment of Second Schedule

25. In the Second Schedule to the principal Rules —

- (a) in item 2, in the second column, after “Act”, insert “, other than to correct the name or other particular of any person”;
- (b) after item 3, insert —
 - “3A. Form D10 Request for disclaimer for registered design under section 30A of the Act”;
- (c) in item 5, in the second column, replace “, change or remove agent” with “or change agent or notice of intention to cease to act as agent”;
- (d) in item 6, in the second column, replace “, address and Singapore address for service of agent, applicant, proprietor or other interested person” with “or other particular of any person”;
- (e) in item 17, in the second column, replace “Notice of attendance at hearing” with “Hearing and decision”; and
- (f) in item 21, in the second column, delete “for hearing at which only the party who requested the hearing was present”.

Saving and transitional provisions

26.—(1) Despite rule 4, rule 8(7) of the principal Rules as in force immediately before 26 May 2022 (called in this paragraph the old rule) continues to apply in relation to a notice mentioned in the old rule that was filed and served in accordance with the old rule before that date.

(2) Despite rule 6, rule 19 of the principal Rules as in force immediately before 26 May 2022 continues to apply to an application for registration of a design filed with the Registrar before that date.

(3) Despite rule 7, a request to amend an application for registration of a design that was made in accordance with rule 24(1) of the principal Rules as in force immediately before 26 May 2022, and that

is pending on that date, is treated as made in accordance with rule 24(1) of the principal Rules as replaced by rule 7.

(4) Despite rule 9, rule 25 of the principal Rules as in force immediately before 26 May 2022 continues to apply in relation to any application that is treated as withdrawn, any right that has been abrogated, or any thing that has ceased to be in force or to exist, at any time before that date.

(5) Despite rule 15, rule 37 of the principal Rules as in force immediately before 26 May 2022 continues to apply in relation to an application mentioned in paragraph (1) of that rule that was made before that date.

(6) Despite rule 16(f), rule 57 of the principal Rules as in force immediately before 26 May 2022 continues to apply to a request under rule 25(2) of the principal Rules that was filed before that date and that is pending on that date.

*[G.N. Nos. S 778/2004; S 556/2005; S 587/2011;
S 742/2014; S 148/2017; S 574/2017; S 435/2020;
S 690/2021; S 262/2022]*

Made on 19 May 2022.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 71/003; AG/LEGIS/SL/266/2020/2 Vol. 1]