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No. S 404

TRADE MARKS ACT 1998

TRADE MARKS (INTERNATIONAL REGISTRATION) (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 108 of the Trade Marks Act 1998, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Trade Marks (International Registration) (Amendment) Rules 2022 and come into operation on 26 May 2022.

Amendment of rule 11

2. In rule 11 of the Trade Marks (International Registration) Rules (R 3) (called in these Rules the principal Rules) —

(a) in paragraph (7), delete “or correct”; and

(b) after paragraph (7), insert —

“(7A) A request by the holder to the Registrar to correct an address for service must be made in Form CM4.”.

New rule 17A

3. After rule 17 of the principal Rules, insert —

“Notice of non-renewal

17A. For the purposes of section 8(14) of the Act, the prescribed notice of non-renewal in respect of an international trade mark (Singapore) is the notification given by the International Bureau under Rule 31(4) of the Common Regulations in a case where the international registration of the international trade mark (Singapore) is not renewed.”.

Amendment of rule 28

4. In rule 28(2) of the principal Rules, replace sub-paragraph (*aa*) with —

“(aa) the basic application, or the basic application insofar as it relates to the goods or services for which registration is sought but the requirements for registration have not been met —

(i) is, before the expiry of the period of 5 years after the date of the international registration, treated as withdrawn under —

(A) section 12(5) of, paragraph 6(3) or 7(4) of the First Schedule to, or paragraph 7(3) or 8(4) of the Second Schedule to, the Act; or

(B) rule 9(6B)(a), 21(5) or 24(2) of the Trade Marks Rules (R 1),

as the case may be; and

(ii) is, whether before or after the expiry of that period of 5 years —

(A) not the subject of any request for continued processing under rule 77AA of the Trade Marks Rules made within the period prescribed in rule 77AA(3)(a) of those Rules; or

(B) the subject of one or more requests for continued processing under rule 77AA of the Trade Marks Rules made within the period prescribed in rule 77AA(3)(a) of those Rules, none of which has been successful;”.

Amendment of First Schedule

5. In the First Schedule to the principal Rules, in item 1, under the heading “*Fee*”, replace “\$341” with “\$380”.

Saving and transitional provisions

6.—(1) Despite rule 2, a request to correct an address for service made in Form CM2 before 26 May 2022 in accordance with rule 11 of the principal Rules as in force immediately before that date, and that is pending on that date, is treated as made in accordance with rule 11 of the principal Rules as amended by rule 2.

(2) Despite rule 4, rule 28(2)(aa) of the principal Rules as replaced by rule 4 does not apply in relation to an application submitted by the Registrar for international registration, where the application for registration of a trade mark in Singapore (in respect of which the application for international registration is made) is treated as withdrawn before 26 May 2022, and rule 28(2)(aa) of the principal Rules as in force immediately before that date continues to apply in relation to the firstmentioned application.

*[G.N. Nos. S 372/2004; S 853/2005; S 162/2007;
S 597/2008; S 589/2011; S 740/2014; S 23/2017;
S 150/2017; S 128/2019; S 434/2020; S 693/2021]*

Made on 19 May 2022.

LOH KHUM YEAN
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Ministry of Law,
Singapore.*

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