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**No. S 557**

TRADE MARKS ACT  
(CHAPTER 332)

TRADE MARKS  
(BORDER ENFORCEMENT MEASURES)  
(AMENDMENT) RULES 2018

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 (Border Enforcement Measures) (Amendment) Rules 2018 and come into operation on 10 October 2018.

**Deletion and substitution of rule 2**

2. Rule 2 of the Trade Marks (Border Enforcement Measures) Rules (R 2) (called in these Rules the principal Rules) is deleted and the following rule substituted therefor:

**“Definitions**

2. In these Rules —

“authorised officer” and “Director-General” have the meanings given by section 81 of the Act;

“officer of customs” has the meaning given by section 3(1) of the Customs Act (Cap. 70).”.

**New rules 9A, 9B and 9C**

3. The principal Rules are amended by inserting, immediately after rule 9, the following rules:

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**“Written undertakings for forfeiture by consent of goods seized on request**

**9A.** For the purposes of section 87(1) of the Act, the prescribed written undertakings are that the importer must —

- (a) propose an arrangement for the disposal of the seized goods for the Director-General’s approval; and
- (b) dispose of the seized goods in accordance with an arrangement approved by the Director-General —
  - (i) within one month after the date of a notice given by the Director-General; and
  - (ii) under the supervision of an officer of customs.

**Written undertakings for forfeiture by consent of goods detained under section 93A of Act**

**9B.** For the purposes of section 87(1) of the Act as applied by section 93A(5)(b) of the Act, the prescribed written undertakings are that the exporter or the consignee (as the case may be) must —

- (a) propose an arrangement for the disposal of the detained goods for the Director-General’s approval; and
- (b) dispose of the detained goods in accordance with an arrangement approved by the Director-General —
  - (i) within one month after the date of a notice given by the Director-General; and
  - (ii) under the supervision of an officer of customs.

**Disposal of seized or detained goods forfeited by consent**

**9C.—**(1) Upon forfeiture of the goods to the Government under section 87(3) of the Act, or that provision as applied by section 93A(5)(b) of the Act, the seized or detained goods must be disposed of by the importer, exporter or consignee (as the case may be) in accordance with an arrangement approved by the Director-General —

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- (a) within one month after the date of a notice given by the Director-General; and
  - (b) under the supervision of an officer of customs.

(2) If the importer, exporter or consignee (as the case may be) does not dispose of the goods within the period mentioned in paragraph (1)(a), the Director-General must dispose of those goods in such manner as the Director-General thinks fit.”.

#### **Amendment of Schedule**

**4. The Schedule to the principal Rules is amended —**

- (a) by deleting the words “or expense which it may incur as a result of seizing the goods” in paragraph 6(a) and substituting the words “or reasonable expense it is likely to incur in relation to the seizure, storage and disposal of the goods”;
- (b) by deleting the words “a company” in paragraph (8) under the *Explanatory Notes* and substituting the words “an entity”; and
- (c) by deleting the words “the company” wherever they appear in paragraph (8) under the *Explanatory Notes* and substituting in each case the words “the entity”.

[G.N. No. S 371/2004]

Made on 10 September 2018.

NG HOW YUE  
*Permanent Secretary,  
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