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REGISTERED DESIGNS ACT (CHAPTER 266)

REGISTERED DESIGNS (AMENDMENT NO. 2) RULES 2017

In exercise of the powers conferred by section 74 of the Registered Designs Act, 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 2017 and come into operation on 30 October 2017.

Amendment of rule 2

2. Rule 2(1) of the Registered Designs Rules (R 1) (called in these Rules the principal Rules) is amended by inserting, immediately before the definition of “Designs Journal”, the following definition:

“ “classification” means the classification of an article, a non-physical product or a set of articles and non-physical products to which a design is intended to be applied, or in respect of which a design is registered, in accordance with any practice directions issued by the Registrar under rule 26;”.

Deletion and substitution of rule 12

3. Rule 12 of the principal Rules is deleted and the following rule substituted therefor:

“Industrial application of designs

12.—(1) For the purposes of section 9 of the Act, on or after 30 October 2017 but before 30 October 2018, a design is to be regarded as having been applied industrially in relation to articles, if —

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- (a) the design is applied to one or more articles (not being hand-made articles) that are manufactured in lengths; or
 - (b) the design is applied to more than 50 articles, no 2 or more of which are part of the same set of articles.

(2) For the purposes of section 9 of the Act, on or after 30 October 2018, a design is to be regarded as having been applied industrially in relation to articles, if —

- (a) the design is applied to one or more articles (not being hand-made articles) that are manufactured in lengths or in pieces;
- (b) the design is applied to more than 50 articles, no 2 or more of which are part of the same set of articles; or
- (c) all of the following apply:
 - (i) the design is applied to articles and non-physical products;
 - (ii) the total of the number of those articles, and the number of those non-physical products that can be projected simultaneously by one or more activated devices for projecting non-physical products, is more than 50;
 - (iii) no 2 or more of those articles and non-physical products are part of any of the following:
 - (A) the same set of articles;
 - (B) the same set of non-physical products;
 - (C) the same set of articles and non-physical products.

(3) For the purposes of section 9 of the Act, on or after 30 October 2018, a design is to be regarded as having been applied industrially in relation to non-physical products or devices for projecting non-physical products, if —

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- (a) all of the following apply:
- (i) the design is applied to non-physical products;
 - (ii) more than 50 of those non-physical products can be projected simultaneously by one or more activated devices for projecting non-physical products;
 - (iii) no 2 or more of those non-physical products are part of the same set of non-physical products; or
- (b) all of the following apply:
- (i) the design is applied to articles and non-physical products;
 - (ii) the total of the number of those articles, and the number of those non-physical products that can be projected simultaneously by one or more activated devices for projecting non-physical products, is more than 50;
 - (iii) no 2 or more of those articles and non-physical products are part of any of the following:
 - (A) the same set of articles;
 - (B) the same set of non-physical products;
 - (C) the same set of articles and non-physical products.

(4) For the purposes of paragraphs (1), (2) and (3), the date on which the design is applied to an article or a non-physical product is irrelevant.”.

Amendment of rule 14

4. Rule 14 of the principal Rules is amended —

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

“(1) The Registrar may issue practice directions to indicate, for each design in an application for registration —

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- (a) the maximum number of different views of the design that may be filed as representations of the design; and
- (b) the dimensions of each view.”; and
- (b) by inserting, immediately after paragraph (3), the following paragraphs:

“(4) Where the application is made for the registration of a design intended to be applied to a set of non-physical products, the representation must show the design as applied to each different non-physical product in the set.

(5) Where the application is made for the registration of a design intended to be applied to a set of articles and non-physical products, the representation must show the design as applied to each different article and each different non-physical product in the set.”.

Deletion and substitution of rule 15

5. Rule 15 of the principal Rules is deleted and the following rule substituted therefor:

“Statement of novelty

15.—(1) The application form must contain, for each design, a statement describing the features of the design that the applicant considers to be new.

(2) Paragraph (1) does not apply to any features of pattern or ornament to be applied to any textile article, wallpaper or similar wall covering, lace or set of textile articles or lace.”.

Amendment of rule 17

6. Rule 17 of the principal Rules is amended —

- (a) by inserting, immediately after the words “the applicant claims that section 8” in paragraph (1), the words “, 8A or 8B”;

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- (b) by inserting, immediately after the words “in relation to” in paragraph (1), the words “any design in”;
 - (c) by deleting sub-paragraph (a) of paragraph (2) and substituting the following sub-paragraph:
 - “(a) identify —
 - (i) each design mentioned in paragraph (1); and
 - (ii) the provision of section 8, 8A or 8B of the Act that applies in relation to that design;”;
 - (d) by deleting the words “confidential disclosure” in the rule heading and substituting the words “disclosure of design”.

Amendment of rule 18

7. Rule 18 of the principal Rules is amended —

- (a) by inserting, immediately after the words “in relation to” in paragraph (1), the words “any design in”; and
- (b) by inserting, immediately after the word “articles” in the rule heading, the words “or non-physical products”.

Amendment of rule 19

8. Rule 19 of the principal Rules is amended —

- (a) by deleting the words “a right of priority is claimed” in paragraph (1) and substituting the words “an applicant claims a right of priority in relation to any design in the application”;
- (b) by deleting the words “the article” in paragraph (2)(c) and substituting the words “each article or non-physical product”;
- (c) by deleting the words “in accordance with the Third Schedule” in paragraph (2)(c); and

(d) by deleting the word “articles” wherever it appears in paragraphs (2)(d) and (e) and (2A)(d) and substituting in each case the words “articles or non-physical products”.

Amendment of rule 20

9. Rule 20 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Where any design in an application for registration is a 2-dimensional design intended to be applied to a textile article, the application may be accompanied by a sample of the article.”.

Deletion and substitution of rule 22

10. Rule 22 of the principal Rules is deleted and the following rule substituted therefor:

“Multiple designs in one application

22. For the purposes of section 11(4)(b) of the Act, the other requirements that an application for the registration of 2 or more designs must comply with are as follows:

- (a) the registration of all of those designs must be applied for at the time of filing the application form;
- (b) the application is for the registration of not more than 50 designs.”.

Amendment of rule 25

11. Rule 25(5) of the principal Rules is amended —

- (a) by deleting sub-paragraph (A) of sub-paragraph (b)(i); and
- (b) by inserting, immediately after the words “Registered Designs (International Registration) Rules 2005” in sub-paragraph (b)(i)(B)(BB), the words “(G.N. No. S 177/2005)”.

Deletion and substitution of rule 26

12. Rule 26 of the principal Rules is deleted and the following rule substituted therefor:

“Classification

26. For the purposes of the registration of a design, each article, non-physical product or set of articles and non-physical products to which the design is intended to be applied is to be classified in accordance with any practice directions that the Registrar may issue under this rule.”.

Amendment of rule 27

13. Rule 27 of the principal Rules is amended —

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

“(1) For the purposes of paragraph (b) of the definition of “formal requirements” in section 2(1) of the Act, the requirements of rules 10, 11, 13, 14, 15, 17, 18 and 19 (being rules made for the purposes of section 11 of the Act) are formal requirements.

(1A) For the purposes of section 16 of the Act and this rule, the Registrar need not take into account any document filed by an applicant after the Registrar has started examining the applicant’s application for registration of a design.”;

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

“(3) Except in the case mentioned in paragraph (3A), the applicant must, within 3 months after the date of the written notice mentioned in paragraph (2), respond to the written notice by doing at least one of the following acts:

(a) make representations in writing;

(b) apply to the Registrar in Form HC4 for a hearing;

(c) apply to correct the non-compliance.

(3A) Where the written notice mentioned in paragraph (2) states that the application (called in

this paragraph the original application) fails to comply with either or both of the formal requirements of section 11(2)(c) and (4)(a) of the Act, and the Registrar, by the written notice, invites the applicant under section 16A(1) of the Act to correct the non-compliance by filing one or more new applications under section 11 of the Act, the following apply:

- (a) if the written notice states that the original application fails to comply with the formal requirement of section 11(2)(c) of the Act, the applicant must, within 3 months after the date of the written notice, respond to the written notice by doing at least one of the following:
 - (i) make representations in writing;
 - (ii) apply to the Registrar in Form HC4 for a hearing;
 - (iii) do both of the following acts:
 - (A) file one or more new applications under section 11 of the Act;
 - (B) apply to correct the non-compliance;
- (b) if the written notice states that the original application fails to comply with the formal requirement of section 11(4)(a) of the Act, the applicant must, within 3 months after the date of the written notice, respond to the written notice by doing at least one of the following:
 - (i) make representations in writing;
 - (ii) apply to the Registrar in Form HC4 for a hearing;

(iii) do both of the following acts:

(A) file one or more new applications under section 11 of the Act;

(B) file a notice of withdrawal under section 14 of the Act in relation to the original application;

(c) if the applicant wishes to respond to the written notice by filing one or more new applications under section 11 of the Act, and by doing either or both of the acts mentioned in sub-paragraphs (a)(iii)(B) and (b)(iii)(B) —

(i) the applicant must file each new application before doing any act mentioned in sub-paragraph (a)(iii)(B) or (b)(iii)(B); and

(ii) the applicant must file each new application, and do either or both of the acts mentioned in sub-paragraphs (a)(iii)(B) and (b)(iii)(B) (as the case may be), on the same day.

(3B) If the applicant fails to comply with paragraph (3) or (3A) (whichever is applicable), the application is treated as withdrawn.

(3C) If the applicant responds to the written notice in paragraph (3A) by doing one or more of the acts mentioned in paragraph (3A)(a)(i) and (iii)(B) and (b)(i), the Registrar may, after considering the applicant's representations in writing (if any) —

(a) give the applicant another written notice that states that the application fails to

comply with either or both of the formal requirements of section 11(2)(c) and (4)(a) of the Act; and

(b) by the written notice mentioned in sub-paragraph (a), invite the applicant under section 16A(1) of the Act to correct the non-compliance by filing, within 3 months after the date of that written notice, one or more new applications under section 11 of the Act.

(3D) Paragraphs (3A), (3B) and (3C) apply with the necessary modifications to a written notice mentioned in paragraph (3C)(a) as they apply to a written notice mentioned in paragraph (2).”; and

(c) by deleting the words “do any act referred to in paragraph (3)(a), (b) or (c)” in paragraph (4) and substituting the words “comply with paragraph (3) or either or both of paragraph (3A)(a) and (b), whether as applied to a written notice mentioned in paragraph (2) or as applied with the necessary modifications to a written notice mentioned in paragraph (3C)(a)”.

Amendment of rule 28

14. Rule 28 of the principal Rules is amended —

- (a) by deleting the word “article” in paragraph (d) and substituting the words “article, non-physical product or set of articles and non-physical products”; and
- (b) by deleting the words “as set out in the Third Schedule” in paragraph (d).

Amendment of rule 31

15. Rule 31 of the principal Rules is amended —

- (a) by deleting the word “article” in paragraph (d) and substituting the words “article, non-physical product or set of articles and non-physical products”; and

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- (b) by deleting the words “in accordance with the Third Schedule” in paragraph (d).

Amendment of rule 39

16. Rule 39 of the principal Rules is amended —

- (a) by deleting the words “the articles” in paragraph (2)(a) and substituting the words “each article, non-physical product or set of articles and non-physical products”;
- (b) by deleting the words “any article” in paragraph (4) and substituting the words “any article, non-physical product or set of articles and non-physical products”; and
- (c) by deleting the words “that article” in paragraph (4) and substituting the words “that article, non-physical product or set of articles and non-physical products (as the case may be)”.

Deletion of Third Schedule

17. The Third Schedule to the principal Rules is deleted.

Saving and transitional provisions

18.—(1) Rule 2 does not apply to —

- (a) an application for registration of a design that is made before 30 October 2017; or
- (b) a design that is registered pursuant to such an application.

(2) Despite rule 3, rule 12 of the principal Rules as in force immediately before 30 October 2017 continues to apply to or in relation to a design, if the design has been applied industrially before that date in accordance with rule 12 of the principal Rules as in force immediately before that date.

(3) Rule 4(b) does not apply to an application for registration of a design that is made before 30 October 2017.

(4) Despite rules 8(b), (c) and (d), 10, 11 and 13, rules 19(2)(c), (d) and (e) and (2A)(d), 22, 25(5)(b)(i) and 27 of the principal Rules as in force immediately before 30 October 2017 continue to apply to or in

relation to an application for registration of a design that is made before that date.

(5) Despite rules 12 and 17, rule 26 of, and the Third Schedule to, the principal Rules as in force immediately before 30 October 2017 continue to apply to or in relation to —

(a) an application for registration of a design that is made before that date; and

(b) a design that is registered pursuant to such an application.

(6) Despite rules 14, 15 and 16, rules 28(d), 31(d) and 39(2)(a) and (4) of the principal Rules as in force immediately before 30 October 2017 continue to apply to or in relation to a design that is registered pursuant to an application for registration of a design that is made before that date.

*[G.N. Nos. S 778/2004; S 556/2005; S 587/2011;
S 742/2014; S 148/2017]*

Made on 5 October 2017.

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