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SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

SUPREME COURT OF JUDICATURE (GEOGRAPHICAL INDICATIONS) (AMENDMENT) RULES 2019

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Supreme Court of Judicature (Geographical Indications) (Amendment) Rules 2019 and come into operation on 1 December 2019.

Amendment of rule 2

2. Rule 2 of the Supreme Court of Judicature (Geographical Indications) Rules 2019 (G.N. No. S 706/2019) is amended by deleting the definitions of “geographical indication”, “homonymous geographical indication”, “proprietor” in relation to a trade mark, “register”, “registered geographical indication” and “Registrar” and substituting the following definitions:

““geographical indication”, “homonymous geographical indication”, “international trade mark (Singapore)”, “proprietor” in relation to a trade mark, “register”, “registered geographical indication”, “registered trade mark”, “Registrar” and “well known trade mark” have the respective meanings given by section 2 of the Act;”.

Amendment of rule 6

3. Rule 6 of the Supreme Court of Judicature (Geographical Indications) Rules 2019 is amended —

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- (a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) A defendant who by way of defence disputes the validity of the registration of a registered geographical indication must include in the defendant’s pleading particulars of the objection to the validity of the registration on which the defendant relies.”;

- (b) by deleting the words “(5) or (6)” in paragraph (2) and substituting the words “(5), (6), (6A), (6B), (6C) or (6D)”;
- (c) by inserting, immediately after the words “first used” in paragraph (6)(b), the words “in the manner mentioned in that provision”;
- (d) by deleting the word “section” in paragraph (6)(c) and substituting the word “provision”;
- (e) by deleting the words “the manner of its use” in paragraph (6)(d) and substituting the words “its use in the manner mentioned in that provision”; and
- (f) by inserting, immediately after paragraph (6), the following paragraphs:

“(6A) The relevant particulars in relation to an exception under section 16(1) of the Act are —

- (a) the goods or services or related goods or services in relation to which the registered geographical indication (being a geographical indication identifying any goods other than a wine or a spirit) was continuously used by the defendant or the defendant and the defendant’s predecessor in title (as the case may be) and details of such use;
- (b) the name of every such predecessor in title that has continuously used the goods or services or related goods or services; and

(c) the date on which the registered geographical indication was first used in relation to the goods or services or related goods or services.

(6B) The relevant particulars in relation to an exception under section 16(2)(a) of the Act are —

- (a) whether the trade mark is a registered trade mark or an international trade mark (Singapore);
- (b) the name of the proprietor of the trade mark;
- (c) the date on which the trade mark was first used by the defendant;
- (d) the details of the registration of the trade mark or the application for the registration of the trade mark, as the case may be;
- (e) a representation of the trade mark; and
- (f) the date of application for the registration of the geographical indication.

(6C) The relevant particulars in relation to an exception under section 16(2)(b) of the Act are —

- (a) the name of the proprietor (if any) of the trade mark;
- (b) the date on which the trade mark was first used in the manner mentioned in that provision by the defendant or by the defendant and the defendant's predecessor in title, as the case may be;
- (c) the name of every predecessor in title (if any) that has used the trade mark in the manner mentioned in that provision;
- (d) a representation of the trade mark, and details of its use in the manner mentioned

in that provision by the defendant or by the defendant and every such predecessor in title, as the case may be; and

(e) the date of application for the registration of the geographical indication.

(6D) The relevant particulars in relation to an exception under section 16(3) of the Act are —

(a) the name of the proprietor of the well known trade mark;

(b) the date of application for the registration of the geographical indication;

(c) details of any matter from which it may be inferred that the trade mark is well known; and

(d) details of how the application of section 4 of the Act to the use of the trade mark is liable to mislead consumers as to the true identity of the goods identified by the geographical indication.”.

Made on 19 November 2019.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

SEE KEE OON
Presiding Judge of the State Courts.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
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Advocate and Solicitor.

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(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act).