

REGISTERED DESIGNS ACT
(CHAPTER 266, SECTION 74)

REGISTERED DESIGNS RULES

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Citation
2. Definitions
3. Fees
- 3A. Filing of documents
4. Forms
- 4A. [*Deleted*]
- 4AA. Practice directions
5. Signature on documents
6. Service of documents
7. Address for service
8. Agents

PART II

REGISTRATION OF DESIGNS

Division 1 — Registrability of Designs

9. Designs excluded from registration
10. Registration of design consisting of arms, etc.
11. Persons living or recently dead
12. Industrial application of designs

Division 2 — Application for Registration

13. Application for registration of design
14. Representations of design
15. Statement of novelty
16. Prescribed case under section 5(3) of Act
17. Statement relating to disclosure of design
18. Statement relating to previous registration of design in respect of other articles or non-physical products, etc.
19. Claim to priority

Rule

20. Samples
21. Specimens
22. Multiple designs in one application
23. Withdrawal of application
24. Amendment of application
25. Reinstatement of application, right or thing

Division 3 — Miscellaneous

26. Classification
27. Formal requirements
28. Publication of notice of registration
- 28A. Deferment of publication
29. Designs relevant for defence purposes
30. Information and inspection of documents

PART III

REGISTER

31. Entry in Register of particulars of registered design
32. Certificates and copies
- 32A. General certificates by Registrar
33. Correction of Register

PART IV

EXTENSION OF PERIOD OF REGISTRATION OF DESIGN

34. Reminder to extend period of registration
35. Application to extend period of registration
- 35A. Notice of non-compliance
- 35B. Removal of registered design from Register
- 35C. Restoration of registration

PART V

REGISTRABLE TRANSACTIONS

36. Particulars of transactions to be entered in Register
37. Application for registration of particulars of transactions
38. [*Deleted*]

PART VI

SURRENDER AND REVOCATION OF REGISTRATION OF DESIGN

Rule

39. Notice of surrender of registration
40. Application for revocation
41. Counter-statement
42. Evidence in support of application
43. Evidence in support of registration
44. Evidence in reply
45. Further evidence
46. Directions on subsequent procedure
47. Exhibits
- 47A. Pre-hearing review
48. Revocation hearing
49. Notice of decision
- 49A. Extension of time in revocation proceedings
- 49B. Costs in uncontested revocations
- 49C. Intervention by third parties
50. Reference to Court
51. Service on Registrar of applications to Court

PART VII

EVIDENCE AND PROCEDURE

52. Registrar's discretionary powers
- 52A. Request for hearing
53. Hearing before Registrar to be in public
54. Evidence in proceedings before Registrar
55. Statutory declarations
56. Notice of seal of officer taking declaration

PART VIIA

COSTS

- 56A. Application for costs
- 56B. Assessment of costs
- 56C. Assessment proceedings
- 56D. Scale of costs
- 56E. Certificate of assessment

PART VIII

EXTENSION OF TIME

Rule

- 57. Request for extension of time
- 57A. Extension of time limits in special circumstances
- 58. Where non-compliance with time caused by Registry

PART VIIIA

ELECTRONIC ONLINE SYSTEM

- 58A. Establishment of electronic online system
- 58B. *[Deleted]*
- 58C. *[Deleted]*
- 58D. *[Deleted]*
- 58E. *[Deleted]*
- 58F. Duty of person carrying out electronic filing
- 58G. Documents to be signed, made on oath, etc.
- 58H. *[Deleted]*

PART IX

MISCELLANEOUS PROVISIONS

- 59. Hours of business and excluded days
- 60. Extension of period where interruption in postal service, etc.
- 60A. Case management conference
- 60B. Registrar's power to require documents, information or evidence
- 60C. *[Deleted]*
- 60D. Application to Court
- 61. Publication and sale of documents
- 62. Order of Court and certificate of validity
- 63. Security for costs
- 64. Transliteration and translation
- 65. Correction of errors
- 65A. Irregularities
- 66. Application to change name or address
- 66A. Designs Journal

PART X

TRANSITIONAL PROVISIONS

- 67. *[Deleted]*

Rule

- 67A. [Deleted]
68. Right to information
The Schedules
-

[13th November 2000]

PART I
PRELIMINARY

Citation

1. These Rules may be cited as the Registered Designs Rules.

Definitions

- 2.—(1) In these Rules, unless the context otherwise requires —

[Deleted by S 742/2014 wef 13/11/2014]

[Deleted by S 742/2014 wef 13/11/2014]

“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;

[S 574/2017 wef 30/10/2017]

“Designs Journal” means the journal by that name published under rule 66A;

[S 556/2005 wef 01/09/2005]

“electronic online system” means the electronic online system established under rule 58A;

[S 556/2005 wef 01/09/2005]

[Deleted by S 742/2014 wef 13/11/2014]

“statement of novelty” means a statement made under rule 15;

“textile article” means textile or plastics piece goods, handkerchiefs, shawls or such other class of articles of a similar character as the Registrar may, from time to time, decide, for which the protection required is limited to features of pattern and ornament only.

(2) For the purposes of this Part —

- (a) “initial period of registration”, in relation to a relevant design;
- (b) “relevant design”;
- (c) “UK Act”; and
- (d) “UK Register”,

have the meanings given to these expressions in paragraph 1 of the Schedule to the Act.

(3) Unless the context otherwise requires, the word “month”, wherever it occurs in any decision, direction or other document issued by the Registrar, means calendar month.

(4) Any period of time fixed by these Rules or by any decision, direction or other document issued by the Registrar for the doing of any act shall be reckoned in accordance with paragraphs (5), (6) and (7).

(5) Where the act is required to be done within a specified period from or after a specified date, the specified period begins immediately after that date.

(6) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(7) Where the act is required to be done within a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

Fees

3.—(1) The fees set out in the First Schedule shall be payable to the Registrar in respect of the matters set out in that Schedule.

(2) Unless otherwise provided for in these Rules, or the Registrar permits or directs otherwise —

(a) where a fee is specified in the First Schedule in respect of any matter, the fee shall be paid at the same time as the filing of the form corresponding to the matter; and

(b) if the fee is not paid, the form shall not be treated as filed.

[S 742/2014 wef 13/11/2014]

(3) Subject to paragraph (4), a fee must be paid using the mode of payment permitted or directed by the Registrar.

[S 435/2020 wef 05/06/2020]

(4) Where the electronic online system is used to carry out an act referred to in rule 58A(2), the fee payable in connection with that act must, unless otherwise permitted or directed by the Registrar, be paid using the mode of payment designated by the electronic online system.

[S 435/2020 wef 05/06/2020]

Filing of documents

3A.—(1) The Registrar may refuse to accept or process any document filed at the Registry that fails to comply with the Act.

[S 556/2005 wef 01/09/2005]

[S 435/2020 wef 05/06/2020]

(2) Every document filed at the Registry shall —

(a) be in English; or

(b) where the document is not in English, be accompanied by an English translation of the document.

(3) Every document filed at the Registry must be filed in accordance with the requirements relating to its size, durability,

legibility or format specified in any practice direction issued by the Registrar.

[S 435/2020 wef 05/06/2020]

(4) Where the Registrar refuses to accept any document that does not comply with paragraph (2) or (3), the Registrar shall give the applicant a notice stating the manner in which the document does not comply with paragraph (2) or (3), as the case may be.

(5) Where any document filed at the Registry is a copy, the Registrar may —

(a) decide whether to accept or process the document; and

(b) require the original to be filed with the Registry.

(6) The Registrar may require the filing of a hard copy of any document filed using the electronic online system.

[S 556/2005 wef 01/09/2005]

[S 778/2004 wef 01/01/2005]

Forms

4.—(1) The Registrar shall publish on the Office's Internet website at <http://www.ipos.gov.sg> the forms to be used for any purpose relating to the registration of a design or any other proceedings before the Registrar under the Act.

[S 742/2014 wef 13/11/2014]

(2) The Registrar may modify any form in any particular case or class of cases.

[S 435/2020 wef 05/06/2020]

(3) Any reference in these Rules to a numbered form shall be construed as a reference to the current version of the form which bears the corresponding number and is described in the Second Schedule.

[S 742/2014 wef 13/11/2014]

(4) The matters referred to in the Act, including sections 11, 14(1), 15(1), 27(5), 28(1) and 35(2) of the Act, shall be filed with, made to or given to, the Registrar, or done in an effective and efficient manner

by means which may be specified by the Registrar by the issuance of practice directions.

[S 742/2014 wef 13/11/2014]

4A. [*Deleted by S 435/2020 wef 05/06/2020*]

Practice directions

4AA. All practice directions issued by the Registrar under the Act or these Rules shall be published by the Registrar on the Office's Internet website at <http://www.ipos.gov.sg>.

[S 742/2014 wef 13/11/2014]

Signature on documents

5.—(1) A document to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by —

- (a) all the partners;
- (b) any partner stating that he signs on behalf of the partnership; or
- (c) any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the partnership.

(2) A document to be signed for or on behalf of a body corporate shall be signed by a director, the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the body corporate.

(3) A document to be signed by or on behalf of an unincorporated body or association of persons may be signed by any person who appears to the Registrar to be qualified to so sign.

Service of documents

6.—(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar or the Registry, the giving, sending, filing or service must be effected on the Registrar or the Registry (as the case may be) by sending an

electronic communication of the document using the electronic online system.

[S 435/2020 wef 05/06/2020]

(2) Where the Act or these Rules authorise or require a party to give or send a document to, or serve a document on, another party (other than the Registrar or the Registry), the giving, sending or service may be effected —

(a) by post;

(b) by hand;

(c) by courier; or

(d) subject to paragraph (3B), by sending an electronic communication of the document by any electronic means.

[S 435/2020 wef 05/06/2020]

(3) Where the Act or these Rules authorise or require any notice or other document to be given or sent to or served on any party by the Registrar or Registry, the Registrar or Registry may effect the giving, sending or service on the party —

(a) by sending the notice or other document by post;

(b) by sending an electronic communication of the notice or other document using the electronic online system or, subject to paragraph (3B), any other electronic means;

[S 435/2020 wef 05/06/2020]

(c) by hand; or

[S 435/2020 wef 05/06/2020]

(d) by courier.

[S 435/2020 wef 05/06/2020]

(3A) Subject to paragraph (3B), the Registrar may, in a particular case, permit the giving, sending, filing or serving of a document in a manner other than provided by paragraph (1) or (2).

[S 435/2020 wef 05/06/2020]

(3B) However, the use of electronic means under paragraph (2)(d), (3)(b) or (3A), other than the use of the electronic online system, must be with the consent (express or implied) of —

- (a) the party; or
- (b) the Registrar or the Registry,

to whom the notice or other document is being given or sent, filed with or served by those means.

[S 435/2020 wef 05/06/2020]

(4) Where any notice or other document is sent by post under paragraph (2) or (3), the giving, sending or service, as the case may be, of the notice or other document shall, until the contrary is proved, be treated as having been effected at the time at which the notice or document would have been delivered in the ordinary course of post.

[S 742/2014 wef 13/11/2014]

(5) For the purposes of paragraphs (2) and (3), a notice or other document is sent to a party by post if the notice or other document is sent by pre-paid post to the party at his address for service referred to in rule 7 or 8.

[S 742/2014 wef 13/11/2014]

(6) *[Deleted by S 435/2020 wef 05/06/2020]*

(6A) Notwithstanding the availability of an address for service filed in accordance with rule 7, where any notice or other document is given, sent, filed or served by sending an electronic communication in the manner permitted by paragraph (2)(d), (3)(b) or (3A), that notice or document shall be taken to have been duly given, sent to or served on the person.

[S 742/2014 wef 13/11/2014]

[S 435/2020 wef 05/06/2020]

(7) *[Deleted by S 435/2020 wef 05/06/2020]*

(8) This rule shall not apply to notices and documents to be served in proceedings in court.

[S 742/2014 wef 13/11/2014]

Address for service

7.—(1) For the purposes of any proceedings before the Registrar, an address for service in Singapore shall be filed in accordance with paragraph (2) or (5) by or on behalf of —

- (a) every applicant for the registration of a design;
- (b) every person applying to the Registrar under section 27 of the Act for the revocation of the registration of a design;
- (c) every person granted permission to intervene under rule 49C;

[S 262/2022 wef 01/04/2022]

- (d) every owner of a registered design which is the subject of an application to the Registrar for the revocation of the registration of the design; and
- (e) every other party to any proceedings before the Registrar.

(2) Where the application for a matter requires an address for service in Singapore to be furnished, the address for service in Singapore shall be furnished on the form filed for the matter.

(3) The filing of an address for service in accordance with paragraph (2) shall be effective only for the matter for which the form is filed.

(4) Notwithstanding paragraph (3) —

- (a) where an applicant for the registration of a grant of a licence, the amendment of a licence or the termination of a licence furnishes an address for service in Form CM6 in relation to that licence, the address for service shall be effective for the purposes of all proceedings in respect of that licence;
- (b) where an applicant for the registration of a grant of any security interest, the amendment of any security interest or the termination of any security interest furnishes an address for service in Form CM7 in relation to that security interest, the address for service shall be effective for the purposes of all proceedings in respect of that security interest;
- (c) where an applicant for the registration of a change in the ownership of a registered design furnishes an address for service in Form CM8, the address for service may, at the option of the applicant, be effective —

- (i) for the purposes of all proceedings in respect of the design, including the application for the registration of the design; or
 - (ii) only for the purposes of the registration of the change in the ownership of the registered design, in which case the applicant must furnish another address for service for all other proceedings in respect of the design, including the application for the registration of the design, on a separate Form CM8;
- (d) where an applicant for the registration of a design furnishes an address for service in Form D3, the address for service shall be effective for the purposes of all proceedings in respect of the design in relation to which that form is filed;
- (e) where a registered owner who files a counter-statement under rule 41 furnishes an address for service in Form HC6, the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed and any related proceedings under Part VIIA;
- (f) where an applicant for the revocation of the registration of a design furnishes an address for service in Form D13, the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed and any related proceedings under Part VIIA;
- (g) where an applicant for any of the following, furnishes an address for service in Form D8, the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed:
 - (i) an application for an extension of the period of registration of a design under section 21 of, or paragraph 3(6) of the Schedule to, the Act;
 - (ii) an application for the restoration of the registration of a design which was removed from the Register;
- (h) subject to sub-paragraph (e), the address for service of an applicant for the registration of a design shall, upon the

registration of the design, be the address for service of that party as the owner of the design, unless —

- (i) the Registrar is notified of a change in the address for service in accordance with paragraph (7); or
 - (ii) the Registrar is notified of an assignment of a registered design or any right in it referred to in rule 37(1)(b), in accordance with rule 37;
- (i) where a person referred to in paragraph (1)(c) furnishes an address for service in Form CM1, the address for service shall be effective for the purposes of an application under rule 49C for permission to intervene in relation to which that form is filed and any related proceedings under Part VIIA;

[S 262/2022 wef 01/04/2022]

- (j) where a party referred to in paragraph (1)(e) furnishes an address for service in Form CM1, the address for service shall be effective for the purposes of any proceedings before the Registrar in relation to which that form is filed and any related proceedings under Part VIIA; and
- (k) the Registrar may treat the trade or business address in Singapore of a person as his address for service, unless a different address for service is provided under paragraph (1) or (7).

(5) In a case where paragraphs (2) and (4) do not apply, the address for service shall be furnished in writing.

[S 148/2017 wef 01/04/2017]

(6) Where an address for service is not filed as required by paragraph (1), the Registrar may send to the person concerned notice to file an address for service within 2 months after the date of the notice, and if that person fails to do so —

- (a) in the case of an applicant or person referred to in paragraph (1)(a) or (b), the application made by the applicant or person shall be treated as withdrawn;

- (b) in the case of a person referred to in paragraph (1)(c), the person shall be treated as having withdrawn the person's intervention;
- (c) in the case of the owner of a registered design referred to in paragraph (1)(d), the owner shall not be 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 referred to in paragraph (1)(e), the party shall not be permitted to take part in the proceedings in question.

(7) Where a person referred to in paragraph (1) has changed his address for service in Singapore, he shall notify the Registrar of such change in Form CM2.

(8) Anything sent to or served on a person at his address for service shall be taken to have been duly sent to or served on the person.

[S 742/2014 wef 13/11/2014]

Agents

8.—(1) The Registrar may, in dealing with any matter under the Act or these Rules in respect of which a person has been authorised to act as an agent on behalf of another, require the personal signature or presence of either the agent or his principal.

[S 742/2014 wef 13/11/2014]

(2) The Registrar may, by notice in writing sent to an agent, require the agent to produce evidence of his authority.

(3) Where an agent has been appointed by a person for any application or proceedings, the agent's address for service in Singapore shall be treated as the address for service of that person.

[S 742/2014 wef 13/11/2014]

(4) The appointment of an agent for a matter shall be notified to the Registrar in the form for that matter.

[S 742/2014 wef 13/11/2014]

- (5) The following shall be notified to the Registrar in Form CM1:
- (a) any appointment of an agent for a matter for which no form is prescribed;
 - (b) any change of an agent for a matter.

[S 742/2014 wef 13/11/2014]

(6) Where an agent who has changed his name desires to change his name appearing on the Register, the agent shall apply for the name appearing on the Register to be changed by filing Form CM2 with the Registrar.

[S 742/2014 wef 13/11/2014]

(7) Where an agent for a party to any proceedings intends to cease to act on the party's behalf —

- (a) the agent shall file, and serve on the party and on the Registrar, a notice in Form CM1 of the intention to cease to act on the party's behalf; and
- (b) upon complying with sub-paragraph (a), the agent shall cease to be the agent for the party.

[S 742/2014 wef 13/11/2014]

PART II

REGISTRATION OF DESIGNS

Division 1 — Registrability of Designs

Designs excluded from registration

9. The Registrar shall refuse to register a design intended to be applied to any of the following articles:

- (a) works of sculpture (other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process);
- (b) wall plaques, medals and medallions;
- (c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets,

maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles.

Registration of design consisting of arms, etc.

10.—(1) Where a representation of the name, initials, armorial bearings, insignia, orders of chivalry, decorations, flags or devices of any state, settlement, city, borough, town, place, society, body corporate, government body, statutory board, institution or person appears on a design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, require the applicant to furnish the Registrar with the consent to the registration and use of the matter in question of such official or other person as appears to the Registrar to be entitled to give consent.

(2) The Registrar shall refuse to register the design if no such consent is furnished within the time specified by the Registrar.

Persons living or recently dead

11.—(1) Where the name or representation of any person appears on a design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, require the applicant to furnish the Registrar with the consent of the person or, in the case of a person recently dead, of his legal representatives.

(2) Where such consent is not furnished within the time specified by the Registrar and the applicant fails to satisfy the Registrar that it is impossible or impracticable in the circumstances of the case to obtain the consent, the Registrar shall refuse to register the design.

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 —

- (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 —

(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.

[S 574/2017 wef 30/10/2017]

Division 2 — Application for Registration

Application for registration of design

13. An application for the registration of a design under section 11 of the Act shall be made in Form D3 (referred to in this Division as the application form).

Representations of design

14.—(1A) *[Deleted by S 574/2017 wef 30/10/2017]*

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

- (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.

[S 574/2017 wef 30/10/2017]

(2) The representation of a design or, where there is more than one view filed as representation of a design, the representation of each view of the design shall be in the form of a drawing or photograph that is suitable for reproduction.

[S 778/2004 wef 01/01/2005]

(3) Where the application is made for the registration of a design intended to be applied to a set of articles, the representation shall show the design as applied to each different article in the set.

(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.

[S 574/2017 wef 30/10/2017]

(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.

[S 574/2017 wef 30/10/2017]

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.

[S 574/2017 wef 30/10/2017]

Prescribed case under section 5(3) of Act

16. The Registrar may exercise his power under section 5(3) of the Act in a case where a request under section 15 of the Act for amendment of an application for registration of a design has been approved and, in the opinion of the Registrar, the amendment has the effect of significantly altering the design for which the application was initially filed.

Statement relating to disclosure of design

17.—(1) If the applicant claims that section 8, 8A or 8B of the Act applies in relation to any design in his application, he shall include in the application form a statement to that effect.

[S 574/2017 wef 30/10/2017]

(2) The statement shall —

(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;

[S 574/2017 wef 30/10/2017]

(b) describe the circumstances under which the disclosure of the design was made, including the relevant date; and

(c) if the applicant claims that section 8(2) of the Act applies in relation to the application, the name and opening date of the exhibition, the place it is held, and the date of the first disclosure of the design.

(3) The applicant may file additional information or documents in support of his claim.

[S 574/2017 wef 30/10/2017]

Statement relating to previous registration of design in respect of other articles or non-physical products, etc.

18.—(1) If the applicant claims that section 10 of the Act applies in relation to any design in his application, he shall include in the application form a statement to that effect.

[S 574/2017 wef 30/10/2017]

(2) The statement shall include such details of the previous registration or, as the case may be, the previous application for registration of the design as the Registrar may require.

(3) The applicant may file additional information or documents in support of his claim.

[S 574/2017 wef 30/10/2017]

Claim to priority

19.—(1) If an applicant claims a right of priority in relation to any design in the application by reason of an application for registration of a design (referred to in this rule as the priority application) filed —

(a) in a Convention country under section 12 of the Act; or

(b) in another country or territory in respect of which provision corresponding to that set out in section 12 of the Act is made under section 13 of the Act,

particulars of that claim shall be included in the application form at the time of filing the application form.

[S 778/2004 wef 01/01/2005]

[S 574/2017 wef 30/10/2017]

(2) The particulars referred to in paragraph (1) are —

(a) the country or territory in which —

(i) the priority application; or

(ii) where there is more than one priority application, each priority application,

was filed;

- (b) the date on which —
- (i) the priority application; or
 - (ii) where there is more than one priority application, each priority application, was filed;
- (c) the classification of each article or non-physical product to which the design is intended to be applied;
- [S 574/2017 wef 30/10/2017]*
- (d) where the right of priority is claimed in respect of one or more, but not all, of the articles or non-physical products for which registration was sought in the priority application, the articles or non-physical products in respect of which the right of priority is claimed; and
- [S 574/2017 wef 30/10/2017]*
- (e) where the right of priority is claimed through more than one priority application, the articles or non-physical products in respect of which the right of priority is claimed through each priority application.

[S 778/2004 wef 01/01/2005]

[S 574/2017 wef 30/10/2017]

(2A) The Registrar may at any time require the applicant to file a certificate by the registering or other competent authority of the country or territory concerned certifying or verifying to the satisfaction of the Registrar —

- (a) the date of filing of the priority application;
- (b) the country or territory of the registering or other competent authority;
- (c) the representation of the design; and
- (d) the articles or non-physical products covered by the priority application.

[S 778/2004 wef 01/01/2005]

[S 574/2017 wef 30/10/2017]

(3) Where the certificate referred to in paragraph (2A) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.

[S 778/2004 wef 01/01/2005]

Samples

20.—(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.

[S 574/2017 wef 30/10/2017]

(2) The sample of the article shall not exceed such size or weight as the Registrar may specify.

(3) The Registrar may, in his discretion, refuse the acceptance of any sample of article.

Specimens

21. Unless the Registrar otherwise requires, no specimen shall be filed.

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.

[S 574/2017 wef 30/10/2017]

Withdrawal of application

23. A notice of withdrawal of an application for registration of a design referred to in section 14 of the Act shall be in Form CM9.

[S 742/2014 wef 13/11/2014]

Amendment of application

24.—(1) Subject to paragraph (2), a request under section 15 of the Act to amend an application for registration of a design shall be made in Form D5.

[S 778/2004 wef 01/01/2005]

(2) A request to amend the particulars relating to the name or address of an applicant in an application for registration of a design shall be made in Form CM2.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

Reinstatement of application, right or thing

25.—(1) Any person whose —

- (a) application is treated as withdrawn; or
- (b) right has been abrogated, or thing has ceased to be in force or to exist, by reason that he has failed to comply with any procedural requirement in any proceedings or other matter before the Registrar within the time limit under the Act or specified by the Registrar for complying with that requirement,

may request for the reinstatement of the application, right or thing, as the case may be, in accordance with paragraphs (2), (3) and (4).

(2) A request for the reinstatement of any application, right or thing referred to in paragraph (1) —

- (a) shall be made in Form CM13 and filed with the Registrar within 6 months after the date the application was treated as withdrawn, the right was abrogated or the thing ceased to be in force or to exist, as the case may be;
- (b) shall not be made unless —
 - (i) the omission which led to the application being treated as withdrawn was unintentional; or
 - (ii) the failure to comply with a time limit which led to —

- (A) the right being abrogated; or
 - (B) the thing ceasing to be in force or to exist,
was unintentional; and
- (c) where the omission, or the failure to comply with a time limit, relates to the filing of any document or thing, shall be accompanied by that document or thing not filed or not filed on time, as the case may be.
- (3) Subject to paragraph (4), where a request is filed under paragraph (2), the Registrar shall allow the reinstatement unless there is a good and sufficient reason to refuse the request.
- (4) The Registrar shall not allow the reinstatement unless paragraph (2) is complied with.
- (5) Paragraphs (1) to (4) do not allow the reinstatement of —
- (a) any application for the registration of a design which has been withdrawn under section 14 of the Act; or
 - (b) any application which is treated as withdrawn, any right which has been abrogated or any thing which has ceased to be in force or to exist by reason of —
 - (i) a failure to comply with the time limit for —
 - (A) [*Deleted by S 574/2017 wef 30/10/2017*]
 - (B) any act under —
 - (BA) section 27 of the Act or Part VI of these Rules; or
 - (BB) section 27 of the Act and Part VI of these Rules, read with rule 12 of the Registered Designs (International Registration) Rules 2005 (G.N. No. S 177/2005),

[S 574/2017 wef 30/10/2017]
- in any proceedings for the revocation of the registration of a design;
- (C) the filing of a request under paragraph (2);

- (D) the filing of Form HC5 under rule 27(8)(a); or
 - (E) an application for a hearing to make representations in relation to a written notice given by the Registrar that the formal requirements for registration under rule 27 are not met; or
- (ii) a failure to pay the fee for the extension of the period of registration of a design under rule 35(2) or the restoration of the registration of a design under rule 35C.

[S 742/2014 wef 13/11/2014]

Division 3 — Miscellaneous

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.

[S 574/2017 wef 30/10/2017]

Formal requirements

27.—(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.

[S 574/2017 wef 30/10/2017]

(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.

[S 574/2017 wef 30/10/2017]

(2) If, in the course of an examination of an application for registration, it appears to the Registrar that the formal requirements

for registration are not met, the Registrar shall give a written notice of this to the applicant.

[S 778/2004 wef 01/01/2005]

(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.

[S 574/2017 wef 30/10/2017]

(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-paragraph (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-paragraph (a)(iii)(B) and (b)(iii)(B) (as the case may be), on the same day.

[S 574/2017 wef 30/10/2017]

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

[S 574/2017 wef 30/10/2017]

(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.

[S 574/2017 wef 30/10/2017]

(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).

[S 574/2017 wef 30/10/2017]

(4) If the applicant wishes to have an extension of time to 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), he shall file with the Registrar a request for extension in Form CM5 before the expiry of the period of 3 months or any extended period previously allowed by the Registrar.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

[S 574/2017 wef 30/10/2017]

(5) Where the applicant has applied to the Registrar in Form HC4 for a hearing, the Registrar shall give notice to the applicant of a date on which the Registrar will hear the applicant's arguments.

[S 742/2014 wef 13/11/2014]

(6) For the purposes of the hearing, the applicant shall file with the Registrar his written submissions and bundle of authorities at least 14 days before the date of the hearing.

[S 778/2004 wef 01/01/2005]

(7) The decision of the Registrar, in respect of the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing or in such other manner as the Registrar thinks fit.

[S 778/2004 wef 01/01/2005]

(8) Where the applicant wishes to have the Registrar's grounds of decision —

- (a) the applicant shall, within one month after the date of the Registrar's decision, file a request in Form HC5 for the Registrar to state the Registrar's grounds of decision; and
- (b) the Registrar shall, within 2 months after the date of the request, send the grounds of decision to the applicant.

[S 742/2014 wef 13/11/2014]

(9) The date on which the Registrar's grounds of decision are sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

[S 778/2004 wef 01/01/2005]

Publication of notice of registration

28. The notice of registration of a design to be published in the Designs Journal under section 18(d) of the Act shall contain the following particulars:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the registered owner;
- (d) the article, non-physical product or set of articles and non-physical products in respect of which the design is registered, including its classification number;

[S 574/2017 wef 30/10/2017]

- (e) the registration number;

[S 742/2014 wef 13/11/2014]

- (f) a representation of the design;

[S 742/2014 wef 13/11/2014]

- (g) the statement of novelty relating to the design;

[S 742/2014 wef 13/11/2014]

- (h) such other information as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

Deferment of publication

28A.—(1) An applicant may, when applying for the registration of a design in Form D3, request in that form that any publication of the design be deferred for 18 months.

(2) A request made under paragraph (1) shall be accompanied by the applicable fee specified in the First Schedule.

[S 742/2014 wef 13/11/2014]

Designs relevant for defence purposes

29. Where the Registrar gives a direction under section 29(1) of the Act in respect of any application for registration of a design, the representation of the design and any evidence filed in support of the application shall not be open to public inspection in the Registry during the continuance in force of the direction.

Information and inspection of documents

30.—(1) A request under section 28 of the Act for information, or for permission to inspect any document, relating to a registered design which has been published under section 18 of the Act, shall be made in Form CM10 and shall be accompanied by the applicable fee set out in the First Schedule.

[S 742/2014 wef 13/11/2014]

(2) Subject to sections 28 and 29 of the Act and paragraphs (3) and (4), the Registrar shall permit the inspection of such document as may be specified in the request.

(3) The person making a request to inspect any document must file such evidence as the Registrar considers sufficient to prove that —

(a) the owner consents to the inspection; or

(b) section 28 of the Act applies in respect of the request.

(4) The Registrar may refuse a request to inspect any of the following documents:

(a) any document prepared by the Registrar solely for use by the Registrar and officers of the Registry;

- (b) any document given to or filed with the Registrar, whether at his request or otherwise, for inspection and subsequent return to the sender;
- (c) a copy of any request referred to in paragraph (1);
- (d) any document issued or given by the Registrar which the Registrar considers should be treated as confidential;
- (e) any document the contents of which, in the Registrar's opinion, disparages any person in a way likely to damage him;
- (f) any document given or sent to or filed with the Registrar before 13th November 2000.

PART III REGISTER

Entry in Register of particulars of registered design

31. There shall be entered in the Register in respect of each registered design the following particulars:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 12 or 13 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the owner;
- (d) the article, non-physical product or set of articles and non-physical products in respect of which the design is registered, including its classification number;

[S 574/2017 wef 30/10/2017]

- (e) the registration number;
- (f) the representations relating to the design;

[S 742/2014 wef 13/11/2014]

- (g) the statement of novelty relating to the design;

- (h) particulars of registrable transactions (if any) under section 34 of the Act affecting the design;
- (i) if applicable, a statement that the design has been registered by virtue of section 9 or 10 of the Act;
- (j) such other particulars as the Registrar considers appropriate.

Certificates and copies

32. An application under section 55(3) of the Act for —

- (a) a certified copy of an entry in the Register; or
- (b) a certified extract from the Register,

shall be made in Form CM12.

[S 742/2014 wef 13/11/2014]

General certificates by Registrar

32A.—(1) Any person who desires to obtain a certificate referred to in section 72 of the Act in relation to any entry, matter or thing which the Registrar is authorised to make or do under the Act or these Rules may make a request to the Registrar in writing.

(2) Before giving the certificate, the Registrar may require the person to furnish evidence to show that he has an interest in the entry, matter or thing.

[S 742/2014 wef 13/11/2014]

Correction of Register

33.—(1) Subject to paragraph (2), a request under section 57 of the Act for the correction of any clerical error in the Register shall be made in Form CM4.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

(2) A request to correct the particulars in the Register relating to the name or address of the applicant shall be made in Form CM2.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

PART IV

EXTENSION OF PERIOD OF REGISTRATION OF DESIGN

Reminder to extend period of registration

34.—(1) The Registrar shall, not earlier than 6 months nor later than one month before the end of the current period of registration of a design, give to the registered owner written notice of the imminent expiry of the period and the manner in which it may be extended.

(2) Paragraph (1) shall not apply if an application for extension of the current period of registration has already been made.

(3) Paragraph (1) shall not apply to the extension of the period of registration of a relevant design upon the expiry of its initial period of registration.

Application to extend period of registration

35.—(1) An application to extend the period of registration of a design shall be made in Form D8.

[S 742/2014 wef 13/11/2014]

(2) The application to extend the period of registration of a design shall not be made —

(a) earlier than 6 months before; or

(b) later than 6 months after,

the date of expiry of the current period of registration of the design.

[S 778/2004 wef 01/01/2005]

(3) Where an application to extend the period of registration of a design is made within 6 months after the date of expiry of the current period of registration, the application for extension in Form D8 shall be accompanied by the payment of the prescribed late fee.

[S 778/2004 wef 01/01/2005]

Notice of non-compliance

35A.—(1) If, in the course of an examination of an application to extend the period of registration of a design, it appears to the

Registrar that the application is not in order, the Registrar shall give written notice of this to the applicant.

(2) If the applicant fails to —

- (a) respond in writing to the Registrar on the notice; or
- (b) comply with any requisition of the Registrar set out in the notice,

within the time specified in the notice, the Registrar may treat the application as having been withdrawn.

[S 778/2004 wef 01/01/2005]

(3) *[Deleted by S 742/2014 wef 13/11/2014]*

Removal of registered design from Register

35B. The Registrar may remove a registered design from the Register if —

- (a) no application for the extension of the period of registration of the design is filed in accordance with rule 35;

[S 742/2014 wef 13/11/2014]

- (b) where an application for the extension of the period of registration of the design is filed in accordance with rule 35, the applicant —

- (i) fails to comply with any direction of the Registrar relating to the extension; or
- (ii) notifies the Registrar that he wishes to withdraw or abandon the application; or

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

- (c) no application for the restoration of the design is filed in accordance with rule 35C.

[S 742/2014 wef 13/11/2014]

Restoration of registration

35C.—(1) A person may apply to restore a design which has been removed, on or after 13 November 2014, from the Register under rule 35B by —

- (a) filing an application with the Registrar in Form D8 within 6 months after the last day of the first 6-month period after the date on which the design is removed from the Register; and
- (b) paying the fees for the restoration of the design and the extension of the period of registration of the design after the design is restored.

(2) The Registrar may, in any case, require the applicant for restoration to furnish such additional evidence or information, by statutory declaration or otherwise, as the Registrar thinks fit, within such time as the Registrar may specify.

(3) The Registrar may restore the design to the Register and renew the registration of the design if he is satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

[S 742/2014 wef 13/11/2014]

PART V**REGISTRABLE TRANSACTIONS****Particulars of transactions to be entered in Register**

36. For the purposes of section 34 of the Act, the prescribed particulars of a registrable transaction to be entered in the Register are —

- (a) in the case of an assignment of a registered design or any right in it —
 - (i) the name and address of the subsequent owner;
 - (ii) the date of the assignment; and
 - (iii) where the assignment is in respect of any right in the design, a description of the right assigned;

- (b) in the case of the grant of a licence for the use of a design —
- (i) the name and address of the licensee;
 - (ii) where the licence is an exclusive licence, that fact;
 - (iii) where the licence is limited, a description of the limitation; and
 - (iv) the duration of the licence if the same is, or is ascertainable as, a definite period;
- (c) in the case of the grant of any security interest over a registered design or any right in it —
- (i) the name and address of the grantee;
 - (ii) the nature of the interest (i.e. whether fixed or floating); and
 - (iii) the extent of the security and the right in the design secured;
- (d) in the case of the making by personal representatives of an assent in relation to a registered design or any right in it —
- (i) the name and address of the person in whom the design or any right in it vests by virtue of an assent; and
 - (ii) the date of the assent; and
- (e) in the case of an order of the Court or other competent authority transferring a registered design or any right in it —
- (i) the name and address of the transferee;
 - (ii) the date of the order; and
 - (iii) where the transfer is in respect of a right in the design, a description of the right transferred,

and in each of the cases, there shall be entered in the Register the date on which the entry is made.

Application for registration of particulars of transactions

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 under section 35 of the Act,

shall be made —

- (i) in the case of the grant, amendment or termination of a licence, in Form CM6;
- (ii) in the case of the grant, amendment or termination of any security interest, in Form CM7; or
- (iii) in any other case, in Form CM8.

[S 742/2014 wef 13/11/2014]

(2) The application shall —

- (a) where the transaction is an assignment, be signed by or on behalf of all the parties to the assignment;
- (b) where the transaction is the grant of a licence or sub-licence, be signed by the grantor of the licence or sub-licence;
- (c) where the transaction is the grant of a security interest, be signed by the grantor of the security interest;

[S 742/2014 wef 13/11/2014]

- (ca) where the transaction is the making by a personal representative of an assent in relation to a registered design or any right in it, be signed by or on behalf of both the personal representative and the beneficiary; or

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

- (cb) *[Deleted by S 742/2014 wef 13/11/2014]*

- (d) where the transaction is a transaction referred to in sub-paragraph (a), (b), (c) or (ca), but the application is

not signed in accordance with that sub-paragraph, be accompanied by such evidence as the Registrar considers to be sufficient proof of the transaction.

[S 778/2004 wef 01/01/2005]

be accompanied by such evidence as the Registrar considers to be sufficient proof of the transaction.

(2AA) Where an application under paragraph (2) is filed by means of the electronic online system, the application shall be authorised by all relevant parties and be validated by such means as the Registrar considers fit.

[S 742/2014 wef 13/11/2014]

(2A) Subject to paragraph (3), the Registrar must refuse to accept an application under paragraph (1) if paragraph (2) or (2AA) is not complied with.

[S 690/2021 wef 01/10/2021]

(2B) *[Deleted by S 742/2014 wef 13/11/2014]*

(3) 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.

[S 778/2004 wef 01/01/2005]

(3A) *[Deleted by S 742/2014 wef 13/11/2014]*

(3B) *[Deleted by S 742/2014 wef 13/11/2014]*

(4) *[Deleted by S 742/2014 wef 13/11/2014]*

38. *[Deleted by S 742/2014 wef 13/11/2014]*

PART VI

SURRENDER AND REVOCATION OF REGISTRATION OF
DESIGN**Notice of surrender of registration**

39.—(1) The surrender of the registration of a design under section 26 of the Act shall be made by filing with the Registrar a notice in Form CM3.

[S 742/2014 wef 13/11/2014]

(2) The surrender shall not be effective unless the registered owner —

- (a) states in the notice each article, non-physical product or set of articles and non-physical products in respect of which the design is surrendered; and

[S 742/2014 wef 13/11/2014]

[S 574/2017 wef 30/10/2017]

- (b) *[Deleted by S 742/2014 wef 13/11/2014]*

- (c) certifies in the notice, in respect of every person having an interest in the design, that the person —

- (i) has been given not less than 3 months' notice of the registered owner's intention to surrender the registration; and

- (ii) is not affected by the surrender or, if affected, has no objection to the surrender.

[S 742/2014 wef 13/11/2014]

(3) The surrender shall take effect upon receipt by the Registrar of a notice that complies with paragraphs (1) and (2).

(4) A surrender of the registration of a design in respect of any article, non-physical product or set of articles and non-physical products has the same effect as the registration of the design ceasing to have effect in respect of that article, non-physical product or set of articles and non-physical products (as the case may be).

[S 574/2017 wef 30/10/2017]

Application for revocation

40.—(1) An application under section 27 of the Act to the Registrar for revocation of the registration of a design shall be made in Form D13.

(2) The application shall be accompanied by a statement of the grounds on which the application is made.

(3) The applicant shall serve a copy each of the application and the statement on the registered owner of the design at the time he files these documents with the Registrar.

[S 778/2004 wef 01/01/2005]

(4) If the applicant does not comply with paragraph (3), his application shall be treated as not having been filed.

[S 742/2014 wef 13/11/2014]

Counter-statement

41.—(1) If the registered owner wishes to respond to an application under rule 40, he shall, within 2 months after the date he receives the copies of the application and the statement, file with the Registrar a counter-statement in Form HC6 setting out fully —

- (a) the grounds on which he relies as supporting his registration; and
- (b) the facts alleged in the application which he admits, if any.

[S 742/2014 wef 13/11/2014]

(2) The registered owner shall serve a copy of the counter-statement on the applicant at the time the counter-statement is filed with the Registrar.

(3) A request for an extension of time to file the counter-statement shall be made by the registered owner to the Registrar in Form HC3 within 2 months after the date of receipt of the copies of the application and the statement.

[S 742/2014 wef 13/11/2014]

(4) The total extension of time for which the Registrar may allow the registered owner to file the counter-statement shall not exceed

4 months after the date of receipt by the registered owner of the copies of the application and the statement.

[S 742/2014 wef 13/11/2014]

(5) Before making a request for an extension of time, the registered owner shall serve on the applicant and every other person likely to be affected by the extension a notice containing —

- (a) a statement of the registered owner's intention to request for the extension, the period of extension requested for and the reason for the extension; and
- (b) a request for the consent in writing of the applicant or other person likely to be affected by the extension.

(6) The request for the extension shall be supported by —

- (a) a copy of the notice referred to in paragraph (5); and
- (b) the consent in writing of the applicant and of every other person likely to be affected by the extension, if given.

(7) The Registrar may refuse to grant the extension if the registered owner —

- (a) fails to show a good and sufficient reason for the extension;
or
- (b) fails to show to the Registrar's satisfaction that the notice referred to in paragraph (5) has been served on the applicant and every other person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in paragraph (5) is served fails or refuses to give his consent in writing to the extension within 2 weeks after the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension without having to conduct a hearing in accordance with rule 52A.

[S 742/2014 wef 13/11/2014]

(8A) The Registrar shall grant the application where no counter-statement has been filed or served on the applicant within the time allowed.

[S 742/2014 wef 13/11/2014]

(9) This rule and rules 42 to 48 shall not apply in any case where the Registrar refers the application to the Court for determination under section 27(4) of the Act.

[S 778/2004 wef 01/01/2005]

Evidence in support of application

42.—(1) Within 3 months after the date the applicant receives the counter-statement from the registered owner, the applicant shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his application and shall, at the same time, serve on the registered owner a copy of that evidence.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

(2) If the applicant does not file or serve any evidence in accordance with paragraph (1), the application shall, unless the Registrar otherwise directs, be treated as withdrawn.

[S 742/2014 wef 13/11/2014]

Evidence in support of registration

43.—(1) Within 3 months after the date of receipt by the registered owner of the copy of the applicant's evidence referred to in rule 42, the registered owner shall file with the Registrar such evidence by way of a statutory declaration as the registered owner may desire to adduce in support of his registration and shall, at the same time, serve on the applicant a copy of that evidence.

[S 742/2014 wef 13/11/2014]

(2) If the registered owner does not file or serve any evidence in accordance with paragraph (1), he shall, unless the Registrar otherwise directs, be deemed to have admitted to the facts alleged by the applicant in his application for revocation.

[S 742/2014 wef 13/11/2014]

Evidence in reply

44.—(1) Within 3 months after the date the applicant receives the copy of the registered owner's evidence referred to in rule 43, the applicant may file with the Registrar evidence in reply by way of a statutory declaration and shall, at the same time, serve on the registered owner a copy of that evidence.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

(2) *[Deleted by S 778/2004 wef 01/01/2005]*

(3) Evidence in reply shall be confined to matters strictly in reply to the registered owner's evidence.

Further evidence

45. No further evidence may be filed by any party except that, in any proceedings before the Registrar, the Registrar may at any time, if he thinks fit, give permission or direction to either party to file further evidence upon such terms as to costs or otherwise as the Registrar may think fit.

[S 262/2022 wef 01/04/2022]

Directions on subsequent procedure

46. The Registrar may give such directions as he thinks fit with regard to the subsequent procedure relating to an application for revocation referred to in rule 40.

Exhibits

47.—(1) Where there are exhibits to any evidence filed under rule 40, 41, 42, 43, 44 or 45, the party who is relying on the exhibits in support of his case shall send a copy of each exhibit to that other party.

[S 742/2014 wef 13/11/2014]

(2) If such copy cannot be conveniently furnished, the original shall be filed with the Registrar in order that it may be open to inspection.

(3) The original exhibits shall be produced at the revocation hearing unless the Registrar otherwise directs.

Pre-hearing review

47A.—(1) At any time after the completion of the filing of evidence by the parties, the Registrar may direct the parties to attend a pre-hearing review at which he may give such directions as he considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings.

(2) At the pre-hearing review, the Registrar may consider any matter including the possibility of settlement of all or any of the issues in the proceedings and may require the parties to furnish him with such information as he may require.

(3) If any party fails to comply with any direction given or requirement imposed under paragraph (1) or (2), the Registrar may —

- (a) where that direction was given or requirement was imposed in relation to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be; or
- (b) make such other order as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

(4) Any direction or order by the Registrar may be set aside or varied by him on such terms as he thinks fit.

(5) If, during or pursuant to a pre-hearing review, the parties are agreeable to a settlement of all or some of the matters in dispute in any application or proceedings, the Registrar may —

- (a) give his decision in relation to the application or proceedings; or
- (b) make such order as he thinks just to give effect to the settlement.

[S 742/2014 wef 13/11/2014]

(6) If any party does not appear at a pre-hearing review, the Registrar may —

- (a) where the pre-hearing review pertains to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be;

- (b) make such other order as the Registrar thinks fit; or
- (c) adjourn the pre-hearing review.

[S 742/2014 wef 13/11/2014]

(7) An order made by the Registrar in the absence of a party may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

[S 778/2004 wef 01/01/2005]

Revocation hearing

48.—(1) Upon completion of the filing of evidence by the parties, the Registrar shall give notice to the parties of a date on which he will hear arguments on the case.

(2) The parties shall file with the Registrar their written submissions and bundles of authorities at least one month before the date of hearing, and shall at the same time exchange with one another their respective written submissions and bundles of authorities.

(3) Any party who intends to appear at the hearing shall file with the Registrar Form HC1 before the hearing.

[S 742/2014 wef 13/11/2014]

(4) Any party who does not file with the Registrar Form HC1 before the hearing may be treated as not desiring to be heard, and the Registrar may proceed with the hearing in the absence of that party or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

[S 742/2014 wef 13/11/2014]

(5) If, after filing with the Registrar Form HC1, a party does not appear at the hearing, the Registrar may proceed with the hearing in the absence of that party, or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

[S 742/2014 wef 13/11/2014]

(6) Where the Registrar gives his decision under paragraph (4) or (5) in relation to the proceedings, whether the hearing was proceeded with or not, rule 49 shall apply.

[S 742/2014 wef 13/11/2014]

(7) If neither party appears at the hearing, the Registrar may dismiss the proceedings.

[S 742/2014 wef 13/11/2014]

(8) Upon making any decision or order under paragraph (4) or (5) or dismissing any proceedings under paragraph (4), (5) or (7), the Registrar shall notify every party of the decision, order or dismissal, as the case may be, in writing.

[S 742/2014 wef 13/11/2014]

(9) Any decision or order made by the Registrar under paragraph (4) or (5) in the absence of any party may, on the application of that party, be set aside by the Registrar on such terms as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

(10) Any proceedings dismissed under paragraph (4), (5) or (7) may, on the application of any party, be restored on the direction of the Registrar.

[S 742/2014 wef 13/11/2014]

(11) An application under paragraph (9) or (10) shall be made within 14 days after the date of the Registrar's notification under paragraph (8).

[S 742/2014 wef 13/11/2014]

Notice of decision

49.—(1) Subject to paragraph (2), the Registrar shall inform the parties of his decision and the grounds of the decision —

- (a) in any case where the duration of the hearing is one day or less, within 3 months after the date of the hearing; or
- (b) in any other case, within 3 months after the last day of the hearing.

(2) Where the Registrar grants permission to one or more parties to file closing submissions on a date which is after the last day of the hearing, he shall inform all parties of his decision and the grounds of the decision within 3 months after the date of filing of those submissions.

[S 742/2014 wef 13/11/2014]

[S 262/2022 wef 01/04/2022]

Extension of time in revocation proceedings

49A. Where any extension of time is granted to any party, the Registrar may, if he thinks fit, without giving the party a hearing, grant a reasonable extension of time to the other party in which to take any subsequent step.

[S 778/2004 wef 01/01/2005]

Costs in uncontested revocations

49B. Where a revocation is uncontested by the registered owner, the Registrar shall, in deciding whether costs should be awarded to the applicant, consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered owner before the application for revocation was filed.

[S 778/2004 wef 01/01/2005]

Intervention by third parties

49C.—(1) Any person, other than the registered owner, claiming to have an interest in a registered design which is the subject of an application for revocation under rule 40 may apply to the Registrar in writing for permission to intervene.

[S 262/2022 wef 01/04/2022]

(2) The Registrar may, after hearing the parties concerned if he has so required —

(a) refuse permission to intervene; or

[S 262/2022 wef 01/04/2022]

(b) grant permission to intervene upon such terms (including any undertaking as to costs) as he thinks fit.

[S 262/2022 wef 01/04/2022]

(3) Any person granted permission to intervene shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party to the proceedings in question.

[S 778/2004 wef 01/01/2005]

[S 262/2022 wef 01/04/2022]

Reference to Court

50. Where the Registrar receives an application for revocation under rule 40 and decides to refer the application to the Court for determination, the Registrar shall forthwith serve a copy of the reference to the Court on the applicant and the registered owner of the design.

Service on Registrar of applications to Court

51. Where application to the Court is made under section 27 of the Act for the revocation of the registration of a design, the applicant shall forthwith send a copy of the application to the Registrar.

PART VII

EVIDENCE AND PROCEDURE

Registrar's discretionary powers

52. Without prejudice to any of the provisions of the Act or these Rules requiring the Registrar to hear any party to proceedings under the Act or these Rules, or to give such party an opportunity to be heard, the Registrar shall, before exercising any discretionary power vested in him by or under the Act or these Rules adversely to any party to a proceeding before him, give that party an opportunity to be heard.

[S 742/2014 wef 13/11/2014]

Request for hearing

52A.—(1) A request for the exercise of the discretionary power of the Registrar under rule 52 in proceedings at which only the party making the request is present, whether interlocutory or otherwise —

(a) shall be made in Form HC4; and

(b) shall be filed within one month after —

- (i) the date of notification by the Registrar of any objection to an application; or
- (ii) the date of any other indication that the Registrar proposes to exercise a discretionary power,

and the Registrar may refuse to hear any party who has not filed the request within the time allowed.

[S 262/2022 wef 01/04/2022]

(2) Upon receipt of a request under paragraph (1), the Registrar shall send to the person making the request a notice of a time when the person may be heard, which shall be not less than 14 days after the date of the notice.

(3) A request for the exercise of the discretionary powers of the Registrar under rule 52 in interlocutory proceedings with notice shall be made to the Registrar in writing.

[S 262/2022 wef 01/04/2022]

(4) A person shall, at the time he makes a request under paragraph (3), serve on every other party to the proceedings a copy of the request.

(5) Except as provided in paragraph (1) or (3), no request shall be made for the exercise of the discretionary powers of the Registrar under rule 52.

(6) The Registrar may give such directions as he may think fit with regard to any aspect of the procedure for a hearing under this rule.

(7) After hearing each party, the Registrar shall notify every party of the Registrar's decision in relation to the exercise of the discretionary power.

(8) Where any party wishes to have the Registrar's grounds of decision in respect of a request under paragraph (1) —

- (a) the party shall, within one month after the date of the Registrar's decision, by filing Form HC5, request the Registrar to state the Registrar's grounds of decision; and

(b) the Registrar shall, within 2 months after the date of the request, send the grounds of decision to the party.

(9) The date on which the Registrar's grounds of decision are sent to the party making the request under paragraph (8)(a) shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

(10) In paragraph (9), "Registrar's decision" means any decision referred to in section 62(1) of the Act.

[S 742/2014 wef 13/11/2014]

Hearing before Registrar to be in public

53. The hearing before the Registrar of any dispute between 2 or more parties relating to any matter under the Act shall be in public unless the Registrar, after consultation with those parties who appear in person or are represented at the hearing, otherwise directs.

Evidence in proceedings before Registrar

54.—(1) In any proceedings before the Registrar under the Act, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Act or directed by the Registrar.

(1A) Subject to the provisions of the Oaths and Declarations Act (Cap. 211) and these Rules, Division 2 of Order 15 of the Rules of Court 2021 (G.N. No. S 914/2021) shall, with the necessary modifications, apply in relation to a statutory declaration filed or used in any proceedings before the Registrar as it applies to an affidavit filed or used in any proceedings before the Court.

[S 778/2004 wef 01/01/2005]

[S 262/2022 wef 01/04/2022]

(2) Any such statutory declaration may, in the case of an appeal to the Court, be used before the Court in lieu of evidence by affidavit, and if so used, shall have all the incidents and consequences of evidence by affidavit.

(3) The Registrar may in any particular case take oral evidence in lieu of or in addition to a statutory declaration and shall, unless he

otherwise directs, allow any witness to be cross-examined on his statutory declaration or oral evidence.

(4) [*Deleted by S 778/2004 wef 01/01/2005*]

Statutory declarations

55. Any statutory declaration filed under these Rules, or used in any proceedings under the Act, shall be made and subscribed as follows:

- (a) in Singapore, before any justice of the peace, or any commissioner for oaths or other officer authorised by law to administer an oath for the purpose of any legal proceedings;
- (b) in any other part of the Commonwealth, before any court, judge, justice of the peace, notary public or any officer authorised by law to administer an oath for the purpose of any legal proceedings; and
- (c) elsewhere, before a Consul, Vice-Consul, or other person exercising the functions of a Singapore Consul, or before a notary public, judge or magistrate.

Notice of seal of officer taking declaration

56. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by rule 55 to take a declaration may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

PART VIIA

COSTS

Application for costs

56A.—(1) For the purposes of section 56 of the Act, a party to proceedings before the Registrar who desires to obtain costs shall apply to the Registrar for an award of costs in relation to the proceedings —

- (a) during the proceedings; or
 - (b) within one month after —
 - (i) the day on which the Registrar makes a decision in the proceedings that ends those proceedings; or
 - (ii) the date of the Registrar’s notice to the party that the proceedings have been withdrawn, discontinued or dismissed,
- as the case may be.

[S 742/2014 wef 13/11/2014]

(2) Before awarding costs in respect of the proceedings, the Registrar shall give each party to the proceedings an opportunity to be heard in relation to the award of costs.

[S 778/2004 wef 01/01/2005]

Assessment of costs

56B.—(1) Where the Registrar has awarded party and party costs to a party to proceedings before the Registrar and the party wishes to have the costs assessed by the Registrar, the party shall, within 6 weeks after the relevant date referred to in paragraph (1A) —

- (a) apply for the costs to be assessed by filing a copy of the bill of costs with the Registrar; and
- (b) send at the same time a copy of the bill of costs to every other person having an interest in the assessment proceedings.

[S 742/2014 wef 13/11/2014]

[S 262/2022 wef 01/04/2022]

[S 690/2021 wef 01/10/2021]

[S 262/2022 wef 01/04/2022]

(1A) For the purposes of paragraph (1), the relevant date is —

- (a) subject to sub-paragraph (b), the date of the order for costs made by the Registrar; or

- (b) where any appeal is brought in respect of that order for costs, the date on which that appeal is finally disposed of.

[S 742/2014 wef 13/11/2014]

(2) Every bill of costs shall set out in 3 separate sections the following:

- (a) work done in the cause or matter (other than for or in the assessment of costs);

[S 262/2022 wef 01/04/2022]

- (b) work done for or in the assessment of costs;

[S 262/2022 wef 01/04/2022]

- (c) all disbursements made in the cause or matter.

[S 742/2014 wef 13/11/2014]

(2A) The costs claimed under paragraph (2)(a), (b) and (c) shall set out the sum claimed for each item.

[S 742/2014 wef 13/11/2014]

(2B) The bill of costs shall set out in chronological order, with dates, all relevant events in the cause or matter, all relevant events in the assessment of costs, and all relevant events relating to the making of disbursements.

[S 742/2014 wef 13/11/2014]

[S 262/2022 wef 01/04/2022]

(3) Where costs have already been awarded for any of the items set out in the bill of costs, this fact and the amount awarded shall be indicated.

(4) Any party on whom a copy of the bill of costs has been served in accordance with paragraph (1) shall, if he wishes to dispute the bill or any part thereof, within one month after the receipt of the copy of the bill, mark the copy in accordance with paragraph (5) and send copies of the marked copy to the Registrar and the party requesting for assessment.

[S 742/2014 wef 13/11/2014]

[S 262/2022 wef 01/04/2022]

(5) The marking of a copy of a bill of costs shall be effected by writing on the right hand margin against each item the word “Agree”

if the party concerned agrees with the costs claimed for that item, or the word “Disagree” if the party concerned disagrees with the costs claimed for that item.

(6) Upon expiry of the period referred to in paragraph (4), the Registrar shall give to the parties having an interest in the assessment proceedings notice of the date and time appointed for assessment.

[S 778/2004 wef 01/01/2005]

[S 262/2022 wef 01/04/2022]

[S 262/2022 wef 01/04/2022]

Assessment proceedings

56C.—(1) If any party entitled to be heard in any assessment proceedings does not attend at the time appointed for assessment, the Registrar may proceed with the assessment.

[S 262/2022 wef 01/04/2022]

(2) The Registrar may, if he thinks it necessary to do so, adjourn the proceedings.

[S 778/2004 wef 01/01/2005]

[S 262/2022 wef 01/04/2022]

Scale of costs

56D.—(1) The provisions in the Fourth Schedule shall apply to the sections of the bill of costs relating to —

(a) work done in the cause or matter (other than for or in the assessment of costs); and

[S 262/2022 wef 01/04/2022]

(b) work done for or in the assessment of costs.

[S 742/2014 wef 13/11/2014]

[S 262/2022 wef 01/04/2022]

(2) Costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

[S 778/2004 wef 01/01/2005]

(3) Paragraphs (1) and (2) do not apply to any assessment of costs of a registered owner of a registered design who is entitled under

section 43(2) of the Act to the registered owner's costs as between solicitor and client.

[S 690/2021 wef 01/10/2021]

[S 262/2022 wef 01/04/2022]

Certificate of assessment

56E. When a bill of costs has been assessed, the Registrar must make the Registrar's certificate for the amount of the assessed costs.

[S 690/2021 wef 01/10/2021]

[S 262/2022 wef 01/04/2022]

PART VIII

EXTENSION OF TIME

Request for extension of time

57.—(1) Any period of time —

- (a) prescribed by these Rules; or
- (b) specified by the Registrar for doing any act or taking any proceedings,

may, at the request of the person or party concerned, be extended by the Registrar by such period and upon such terms as the Registrar considers fit.

[S 742/2014 wef 13/11/2014]

(2) Before making a request for an extension of time, the person seeking the extension shall serve on every person or party likely to be affected by the extension a notice containing —

- (a) a statement of his intention to request for the extension, the period of extension requested for, and the reason for the extension; and
- (b) a request for the consent in writing of the person or party likely to be affected by the extension.

[S 778/2004 wef 01/01/2005]

(3) A request under paragraph (1) shall be made in Form CM5 or Form HC3, as appropriate, before the expiry of the period of time in question, and shall be accompanied by —

- (a) a copy of the notice referred to in paragraph (2);
- (b) each written consent, if any, that has been given pursuant to a request under paragraph (2)(b); and
- (c) the applicable fee specified in the First Schedule.

[S 742/2014 wef 13/11/2014]

(4) The Registrar may refuse to grant the extension if the person seeking the extension —

- (a) fails to show a good and sufficient reason for the extension;
or
- (b) fails to show to the Registrar's satisfaction that the notice referred to in paragraph (2) has been served on every person or party likely to be affected by the extension.

[S 778/2004 wef 01/01/2005]

(5) Where a person or party on whom a notice referred to in paragraph (2) is served fails or refuses to give his consent to the extension within 2 weeks after the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension without having to conduct a hearing in accordance with rule 52A.

[S 778/2004 wef 01/01/2005]

[S 742/2014 wef 13/11/2014]

(6) Paragraphs (1) to (5) shall not apply to the following matters:

- (a) the doing of the act referred to in rule 27(3)(b);

[S 742/2014 wef 13/11/2014]

- (b) the making of an application to extend the period of the registration of a design under rule 35;

[S 742/2014 wef 13/11/2014]

- (c) the making of an application for the restoration of a design which has been removed from the Register under rule 35C(1);

[S 742/2014 wef 13/11/2014]

- (d) the filing of a counter-statement to an application for revocation under rule 41;

[S 742/2014 wef 13/11/2014]

- (e) the filing of a request for the Registrar's grounds of decision under rule 27(8)(a) or 52A(8)(a).

[S 742/2014 wef 13/11/2014]

(7) This rule as in force immediately before 13 November 2014 shall continue to apply on or after that date to any request made before that date under this rule for an extension of time.

[S 742/2014 wef 13/11/2014]

(8) Notwithstanding paragraph (7), any request made by a person or party concerned before 13 November 2014 under this rule as in force immediately before that date, for the extension of a particular period of time (whether prescribed by these Rules or specified by the Registrar) for doing any act or taking any proceedings, shall be taken into account for the purpose of determining the fee payable under paragraph (3)(c) for any request for a further extension of that period made by that person or party on or after that date under this rule.

[S 742/2014 wef 13/11/2014]

Extension of time limits in special circumstances

57A.—(1) Despite anything in these Rules, where the Registrar is of the opinion that there are —

- (a) circumstances beyond the control of a party concerned; or
(b) other special circumstances,

the Registrar may, before the expiration of the period of time prescribed or allowed by or under these Rules for —

- (c) the giving, sending, filing or serving of any notice, application or other document; or
(d) the doing of any act,

extend that period for one or more periods of time, and subject to conditions, as the Registrar thinks fit.

(2) Paragraph (1) does not apply where the Act specifies the circumstances in which the period of time for any matter referred to in paragraph (1)(c) or (d) may be extended.

[S 435/2020 wef 05/06/2020]

Where non-compliance with time caused by Registry

58.—(1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to any application for the registration of a design or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding the provisions of these Rules, extend the period for doing the act or taking the steps by such period as the Registrar considers fit.

[S 778/2004 wef 01/01/2005]

(2) Notwithstanding the provisions of these Rules, the period of time for doing an act or taking a step under paragraph (1) may be extended although the period has expired.

[S 778/2004 wef 01/01/2005]

PART VIIIA

ELECTRONIC ONLINE SYSTEM

[S 556/2005 wef 01/09/2005]

Establishment of electronic online system

58A.—(1) There shall be established an electronic online system for the purposes of these Rules.

[S 778/2004 wef 01/01/2005]

(2) Unless the Registrar permits otherwise in a particular case, the electronic online system must be used by any person for giving or sending to, filing with or serving on the Registrar or the Registry any document (other than a notice or document to be served in proceedings in court).

[S 435/2020 wef 05/06/2020]

(2A) The electronic online system may be used by the Registrar or the Registry for giving or sending to or serving on any person any notice or other document (other than a notice or document to be served in proceedings in court).

[S 435/2020 wef 05/06/2020]

(3) The Registrar may issue practice directions specifying —

(a) the manner in which any document is to be given or sent to, filed with or served on the Registrar or Registry under paragraph (2);

[S 435/2020 wef 05/06/2020]

(b) the manner in which the Registrar or Registry may give, send or serve any notice or document under paragraph (2A);

[S 435/2020 wef 05/06/2020]

(c) the procedures and conditions for the setting-up, operation and use of the electronic online system; and

(d) in the event of any interruption in the operation of the electronic online system, the manner in which any document is to be given or sent to, filed with or served on the Registrar or the Registry under paragraph (2), or in which the Registrar or the Registry may give, send or serve any notice or document under paragraph (2A).

[S 435/2020 wef 05/06/2020]

[S 690/2021 wef 01/10/2021]

(4) The Registrar —

(a) may correct any error or omission in any document or information that has occurred or arisen as a result of any interruption in the operation of the electronic online system; and

[S 690/2021 wef 01/10/2021]

(b) must maintain a record of the correction so made.

[S 435/2020 wef 05/06/2020]

58B. *[Deleted by S 742/2014 wef 13/11/2014]*

58C. *[Deleted by S 742/2014 wef 13/11/2014]*

58D. *[Deleted by S 742/2014 wef 13/11/2014]*

58E. *[Deleted by S 742/2014 wef 13/11/2014]*

Duty of person carrying out electronic filing

58F. A person shall only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.

[S 556/2005 wef 01/09/2005]

Documents to be signed, made on oath, etc.

58G.—(1) Where any document to be given, sent, filed or served using the electronic online system is to be signed or made on oath or by affirmation, it shall be signed, made on oath or affirmed in the usual way on the original paper document.

(2) Where any document to be given, sent, filed or served using the electronic online system is to be attested, it shall be attested in the usual way in which the original paper document is attested.

(3) The giving, sending, filing or service of such document using the electronic online system shall be effected by sending a true and complete electronic image of the original paper document.

[S 742/2014 wef 13/11/2014]

58H. *[Deleted by S 690/2021 wef 01/10/2021]*

PART IX

MISCELLANEOUS PROVISIONS

Hours of business and excluded days

59.—(1) Subject to paragraph (3), any business done under the Act —

- (a) on any day after the hours of business of the Registry for that class of business; or
- (b) on any day which is an excluded day for that class of business,

shall be taken to have been done on the next following day which is not an excluded day for that class of business.

(2) Where the time for doing any business under the Act expires on an excluded day for the doing of that class of business, that time shall be extended to the next following day which is not an excluded day for the doing of that class of business.

(3) For the avoidance of doubt, where the time for carrying out any transaction referred to in rule 58A(2) or (2A) expires on an excluded day for the carrying out of that transaction, that time shall be extended to the next following day which is not an excluded day for the carrying out of that transaction, notwithstanding the availability of the electronic online system for the carrying out of that transaction.

[S 556/2005 wef 01/09/2005]

[S 435/2020 wef 05/06/2020]

(4) Where, in carrying out any transaction referred to in rule 58A(2), a document —

- (a) is transmitted to the Registry by means of the electronic online system; and
- (b) is received, by the server of that system set up to receive such transmissions, at any time before midnight on any day which is not an excluded day for the business of sending to or filing with the Registry any document by means of that system,

that document shall be treated as sent to or filed with, and received by, the Registry at that time and on that day.

[S 556/2005 wef 01/09/2005]

(5) For the purposes of paragraph (4), the document shall be treated as sent to or filed with, and received by, the Registry if and only if the last byte of the transmission containing the document is received by the server referred to in that paragraph.

[S 556/2005 wef 01/09/2005]

(6) Any person who sends or files a document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

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

[S 556/2005 wef 01/09/2005]

(7) *[Deleted by S 435/2020 wef 05/06/2020]*

(8) *[Deleted by S 435/2020 wef 05/06/2020]*

(9) In the Act, “excluded day”, in relation to any specific class of business, means any day on which the Registry shall be taken to be closed for the purposes of the transaction by the public of that class of business.

[S 556/2005 wef 01/09/2005]

[S 778/2004 wef 01/01/2005]

Extension of period where interruption in postal service, etc.

60.—(1) Where, on any day, there is an interruption in —

- (a) the postal service of Singapore;
- (b) the operation of the Registry; or
- (c) the operation of the electronic online system,

[S 556/2005 wef 01/09/2005]

the Registrar may issue practice directions to declare that day as one on which there has been such an interruption and, where any period of time specified in the Act for the giving, sending, filing or serving of any notice, application or other document expires on a day so declared, the period shall be extended to the first day next following (not being an excluded day) which is not so declared.

(2) If in any case the Registrar is satisfied that the failure to give, send, file or serve any notice, application or other document within the period specified in the Act was wholly or mainly attributable to a failure of or delay in the postal service of Singapore, the Registrar may, if he thinks fit and upon such terms as he may direct, extend the period so that it ends on —

- (a) the day of the receipt by the addressee of the notice, application or other document; or

(b) if the day of such receipt is an excluded day, on the first following day which is not an excluded day.

(3) The Registrar shall give notice of an extension referred to in paragraph (2) to all parties to the matter.

[S 778/2004 wef 01/01/2005]

Case management conference

60A.—(1) Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or parties to attend a case management conference in order that the Registrar may make such order or give such direction as he thinks fit for the just, expeditious and economical disposal of the matter.

[S 742/2014 wef 13/11/2014]

(2) At a case management conference, the Registrar may —

- (a) consider any matter, including the possibility of settlement of any or all of the issues in the application or proceedings; and
- (b) direct the parties to furnish the Registrar with such information as the Registrar may require.

[S 742/2014 wef 13/11/2014]

(3) If any party fails to comply with any direction or order given under paragraph (1) or (2), the Registrar may —

- (a) where that direction or order was given in relation to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be; or
- (b) make such other order as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

(4) Any direction given or order made by the Registrar under paragraph (1), (2) or (3) may be set aside or varied by the Registrar on such terms as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

(5) If, during or pursuant to a case management conference, the parties are agreeable to a settlement of all or some of the matters in dispute in any application or proceedings, the Registrar may —

- (a) give the Registrar's decision in relation to the application or proceedings; or
- (b) make such order as the Registrar thinks just to give effect to the settlement.

[S 742/2014 wef 13/11/2014]

(6) If any party does not appear at a case management conference, the Registrar may —

- (a) where the case management conference pertains to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be;
- (b) make such other order as the Registrar thinks fit; or
- (c) adjourn the case management conference.

[S 742/2014 wef 13/11/2014]

(7) An order made by the Registrar in the absence of a party under paragraph (6) may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

[S 742/2014 wef 13/11/2014]

(8) Any application or proceedings dismissed under paragraph (3) or (6) may, on application of any party, be restored on the direction of the Registrar.

[S 742/2014 wef 13/11/2014]

[S 778/2004 wef 01/01/2005]

Registrar's power to require documents, information or evidence

60B. Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or any party to produce or file, within such period as the Registrar may specify, any document, information or evidence which the Registrar may reasonably require.

[S 778/2004 wef 01/01/2005]

60C. [*Deleted by S 742/2014 wef 13/11/2014*]

Application to Court

60D. A person who makes an application to the Court under the Act shall, as soon as practicable, file a copy of the application with the Registrar.

[S 778/2004 wef 01/01/2005]

Publication and sale of documents

61. The Registrar may arrange for the publication and sale of documents by the Registry and of information about such documents.

Order of Court and certificate of validity

62.—(1) Where an order is made by the Court or any other competent authority in any matter under the Act, the person, or one of the persons, in whose favour the order is made shall, as soon as practicable, file with the Registrar a copy of the order by way of a written request.

(2) If the order is to rectify or alter the Register, the Registrar shall rectify or alter the Register in accordance with such order.

(3) Where the Court has certified under section 43(1) of the Act —

- (a) that the registration of a design is found to be valid in any proceedings before the Court; and
- (b) the fact that the validity of the registration was contested in the proceedings,

the registered owner may file a written request with the Registrar to add to the entry of the registered design in the Register a note that the certificate has been given in the course of the proceedings, and a copy of the certificate must be filed together with the written request.

[S 690/2021 wef 01/10/2021]

(4) The Registrar, must on receipt of the written request mentioned in paragraph (3) and the copy of the certificate, add the note to the entry of the registered design in the Register.

[S 690/2021 wef 01/10/2021]

(5) Where the Registrar has certified under section 43(1) of the Act —

- (a) that the registration of a design is found to be valid in any proceedings before the Registrar; and
- (b) the fact that the validity of the registration was contested in the proceedings,

the Registrar must add to the entry of the registered design in the Register a note that such certificate has been given in the course of the proceedings.

[S 690/2021 wef 01/10/2021]

Security for costs

63.—(1) If a party in any proceedings before the Registrar neither resides nor carries on business in Singapore, the Registrar may require him to give security for costs in such form and amount as the Registrar considers sufficient.

(2) If the Registrar requires any party making an application or request under these Rules to give security for costs and the party fails to comply with the requirement of the Registrar, the Registrar may treat the application or request as abandoned or withdrawn.

Transliteration and translation

64.—(1) Where any document given or sent to or filed with the Registrar, or any part of the document, contains or consists of a word or words in characters other than Roman or in a language other than English, it shall, unless the Registrar otherwise directs, be accompanied by —

- (a) a translation and, if the case requires, a transliteration, of each word in English to the satisfaction of the Registrar; and
- (b) a statement as to the language to which each word belongs.

(2) The Registrar may at any time require a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar, to be filed with the Registrar.

Correction of errors

65.—(1) A request by a person who has made an application (other than an application for registration of a design) for the correction of a clerical error or mistake referred to in section 72A of the Act must be made in Form CM4.

(2) For the purposes of paragraph (1), the correction must be clearly identified on a document filed together with the form or on the form itself.

(3) The Registrar may call for such written explanation of the reasons for the request or evidence in support of the request as the Registrar may require in order to be satisfied that there is an error or mistake.

(4) Paragraph (1) shall not apply to the correction of an error of translation or transcription or of a clerical error or mistake in —

(a) any document filed in proceedings with notice under —

(i) any of rules 40 to 48; or

(ii) rule 49C, 52A(3) or (4), 56A, 56B, 56E or 57(1);

[S 262/2022 wef 01/04/2022]

(b) any form filed under rule 52A(1) or (8); or

(c) any form filed for an application under rule 27(3)(b) or for a request under rule 27(8)(a).

(5) A request for the correction of an error in respect of any proceedings referred to in paragraph (4)(a) shall be made to the Registrar in writing.

[S 742/2014 wef 13/11/2014]

Irregularities

65A. Any irregularity in procedure which, in the opinion of the Registrar, is not detrimental to the interests of any person or party may be corrected on such terms as the Registrar may direct.

[S 742/2014 wef 13/11/2014]

Application to change name or address

66.—(1) A request by any person to change his name appearing in the Register or any document given or sent to or filed with the Registrar shall be made in Form CM2.

[S 742/2014 wef 13/11/2014]

(2) A request by any person to change his address or address for service appearing in the Register or any document given or sent to or filed with the Registrar shall be made in Form CM2.

[S 742/2014 wef 13/11/2014]

(3) *[Deleted by S 742/2014 wef 13/11/2014]*

(4) If the Registrar is satisfied that any request to change any name or address may be allowed, the Registrar shall amend the Register or document, as the case may be.

[S 742/2014 wef 13/11/2014]

Designs Journal

66A.—(1) The Registrar shall publish a journal, to be called the Designs Journal which shall contain —

(a) the matters required to be published in that Journal under rule 28; and

[S 742/2014 wef 13/11/2014]

(b) *[Deleted by S 742/2014 wef 13/11/2014]*

(c) such other information as the Registrar thinks fit.

(2) The Designs Journal shall be published monthly, unless the Registrar otherwise directs.

[S 556/2005 wef 01/09/2005]

PART X**TRANSITIONAL PROVISIONS**

67. *[Deleted by S 742/2014 wef 13/11/2014]*

67A. *[Deleted by S 556/2005 wef 01/09/2005]*

Right to information

68.—(1) After the extension of the period of registration of a relevant design from the expiry of its initial period of registration, and upon the filing of a request by any person and the payment of the applicable fee referred to in the First Schedule, the Registrar shall —

- (a) give the person making the request such information; and
- (b) permit him to inspect such documents,

relating to the application for the extension of the period of registration (including any representation, sample or specimen of the design), as may be specified in the request.

(2) Rule 30(3) and (4) shall apply, with the necessary modifications, in relation to an inspection of documents under this rule.

FIRST SCHEDULE

Rules 3(1), 28A(2), 30(1), 57(3)(c) and
68(1)

FEES

<i>First column Matter</i>	<i>Second column Corresponding Rule(s)</i>	<i>Third column Fee</i>	<i>Fourth column Corresponding Form(s)</i>
1. Application for registration of a design under section 11 of the Act	13	\$250 in respect of each design	Form D3
2. Request for deferment of publication	28A	\$40 in respect of each request	Form D3
3. Application to amend an application for registration of a design under section 15 of the Act	24(1)	\$45 in respect of each design number	Form D5
4. Application for extension of period of registration of a design under section 21 of, or paragraph 3(6) of the Schedule to, the Act —	35		Form D8

FIRST SCHEDULE — *continued*

<i>First column Matter</i>	<i>Second column Corresponding Rule(s)</i>	<i>Third column Fee</i>	<i>Fourth column Corresponding Form(s)</i>
(a) for the first period of 5 years		\$220	
(b) for the second period of 5 years		\$330	
(c) for the third period of 5 years		\$440	
(d) for the fourth period of 5 years		\$550	
5. Application for restoration of registration of a design removed from the Register under section 21(6) of the Act	35C(1)	\$135 in respect of each registration	Form D8
6. Late application to extend period of registration of a design under section 21(5) of, or paragraph 3(6) of the Schedule to, the Act	—	\$50 in respect of each registration in addition to fee under item 4	—
7. [Deleted by S 148/2017 wef 01/04/2017]			
8. [Deleted by S 148/2017 wef 01/04/2017]			
9. [Deleted by S 148/2017 wef 01/04/2017]			
10. Request for correction of error	33(1), 65(1)	\$50	Form CM4
11. Request for extension of time by a person or party regarding a particular period prescribed by the Rules or specified by the Registrar for doing any act or taking any proceedings in relation to non-contentious proceedings —	57(3)		Form CM5

FIRST SCHEDULE — *continued*

<i>First column Matter</i>	<i>Second column Corresponding Rule(s)</i>	<i>Third column Fee</i>	<i>Fourth column Corresponding Form(s)</i>
(a) for first or second extension of that period		—	
(b) for third or any subsequent extension of that period		\$50 in respect of each design number	
12. [<i>Deleted by S 690/2021 wef 01/10/2021</i>]			
13. Request for extension of time by a person or party regarding a particular period prescribed by the Rules or specified by the Registrar for doing any act or taking any proceedings in relation to contentious proceedings —	57(3)		Form HC3
(a) for first extension of that period		—	
(b) for second or any subsequent extension of that period		\$100	
14. Application to register the grant, amendment or termination of a licence	37(1)(i)	\$60 in respect of each design number	Form CM6
15. Application to register the grant, amendment or termination of any security interest	37(1)(ii)	\$50 in respect of each design number	Form CM7
16. Application for an assignment of a registered design or any right in it	37(1)(iii)	\$70 in respect of each design number	Form CM8

FIRST SCHEDULE — *continued*

<i>First column Matter</i>	<i>Second column Corresponding Rule(s)</i>	<i>Third column Fee</i>	<i>Fourth column Corresponding Form(s)</i>
17. Request for online file inspection	30, 68	\$30 in respect of each design number	Form CM10
18. Request for certified copy of an entry in the Register or certified extract from the Register —	32		Form CM12
(a) where the certified copy or extract or document is in soft copy		\$28 in respect of each design number	
(b) where the certified copy or extract or document is in hard copy		\$35 in respect of each design number	
19. Request for reinstatement of application, right or thing	25(2)	\$100	Form CM13
20. Application for revocation of the registration of a design	40(1)	\$400	Form D13
21. Notice of attendance at hearing	48(3)	\$715	Form HC1
22. [<i>Deleted by S 690/2021 wef 01/10/2021</i>]			
23. [<i>Deleted by S 690/2021 wef 01/10/2021</i>]			
24. Request for hearing at which only the party making the request is present	27(5), 52A(1)	\$100	Form HC4
25. Request to the Registrar to state grounds of decision for hearing	27(8), 52A(8)(a)	\$700	Form HC5

FIRST SCHEDULE — *continued*

<i>First column Matter</i>	<i>Second column Corresponding Rule(s)</i>	<i>Third column Fee</i>	<i>Fourth column Corresponding Form(s)</i>
26. Filing of counter-statement	41(1)	\$360	Form HC6
27. Purchase of a copy of the Designs Journal	—	\$10	—
28. [<i>Deleted by S 690/2021 wef 01/10/2021</i>]			

[S 262/2022 wef 01/04/2022]

[S 690/2021 wef 01/10/2021]

[S 148/2017 wef 01/04/2017]

[S 742/2014 wef 13/11/2014]

SECOND SCHEDULE

Rule 4(3)

DESCRIPTION OF FORMS

<i>First column Form</i>	<i>Second column Description of Form</i>
1. Form D3	Application for registration of a design under section 11 of the Act
2. Form D5	Application to amend an application for registration of a design under section 15 of the Act
3. Form D8	Application for extension of period of registration of a design under section 21 of, or paragraph 3(6) of the Schedule to, the Act, for restoration of registration removed from the Register, or for extension of period of registration
4. Form D13	Application for revocation of the registration of a design under section 27 of the Act
5. Form CM1	Request to appoint, change or remove agent

SECOND SCHEDULE — *continued*

<i>First column</i> <i>Form</i>	<i>Second column</i> <i>Description of Form</i>
6. Form CM2	Request to change name, address and Singapore address for service of agent, applicant, proprietor or other interested person
7. Form CM3	Request to surrender a registered design
8. Form CM4	Request for correction of error
9. Form CM5	Request for extension of time
10. Form CM6	Application to register, amend or terminate licence
11. Form CM7	Application to register, amend or terminate security interest
12. Form CM8	Application to register transfer of ownership
13. Form CM9	Request for withdrawal of application
14. Form CM10	Request for online file inspection
15. Form CM12	Request for certified copy of an entry in the Register or certified extract from the Register
16. Form CM13	Request for reinstatement of rights
17. Form HC1	Notice of attendance at hearing
18. [<i>Deleted by S 690/2021 wef 01/10/2021</i>]	
19. Form HC3	Request for extension of time
20. Form HC4	Request for a hearing at which only the party making the request is present
21. Form HC5	Request for grounds of decision for hearing at which only the party who requested the hearing was present
22. Form HC6	Counter-statement

[S 262/2022 wef 01/04/2022]

[S 690/2021 wef 01/10/2021]

[S 742/2014 wef 13/11/2014]

THIRD SCHEDULE

[Deleted by S 574/2017 wef 30/10/2017]

FOURTH SCHEDULE

Rule 56D(1)

SCALE OF COSTS

<i>Item</i>	<i>Matter</i>	<i>Amount</i>
INSTITUTION OF PROCEEDINGS:		
1.	Drawing and filing application for revocation of registration of a design, including a statement of grounds	\$300
2.	Drawing and filing counter-statement	\$300
3.	Preparing and filing evidence for revocation proceedings	\$300–\$1,600 per statutory declaration
4.	Reviewing the reply to any document referred to in items 1, 2 and 3	\$150–\$800 per document
INTERLOCUTORY PROCEEDINGS, ETC.		
5.	Preparing for all interlocutory proceedings, pre-hearing reviews and case management conferences	\$50–\$500
6.	Attending all interlocutory proceedings, pre-hearing reviews and case management conferences	\$50–\$500
PREPARATION FOR AND ATTENDANCE AT HEARING:		
7.	Preparing for hearing	\$500–\$2,000
8.	Attendance at hearing	\$200–\$800
9.	[Deleted by S 742/2014 wef 13/11/2014]	

FOURTH SCHEDULE — *continued*

ASSESSMENT:

- | | | |
|-----|-----------------------|---------------|
| 10. | Drawing bill of costs | \$5 per folio |
| 11. | Attending assessment | \$100–\$300. |

[S 262/2022 wef 01/04/2022]

[S 690/2021 wef 01/10/2021]

[S 778/2004 wef 01/01/2005]

[[S 742/2014 wef 13/11/2014]

[G.N. Nos. S 504/2000; S 461/2001; S 657/2001]

LEGISLATIVE HISTORY
REGISTERED DESIGNS RULES
(CHAPTER 266, R 1)

This Legislative History is provided for the convenience of users of the Registered Designs Rules. It is not part of these Rules.

- 1. G. N. No. S 504/2000 — Registered Designs Rules 2000**
Date of commencement : 13 November 2000
- 2. G. N. No. S 461/2001 — Registered Designs (Amendment) Rules 2001**
Date of commencement : 28 September 2001
- 3. G. N. No. S 657/2001 — Registered Designs (Amendment No. 2) Rules 2001**
Date of commencement : 15 January 2002
- 4. 2002 Revised Edition — Registered Designs Rules**
Date of operation : 31 January 2002
- 5. G. N. No. S 778/2004 — Registered Designs (Amendment) Rules 2004**
Date of commencement : 1 January 2005
- 6. G. N. No. S 556/2005 — Registered Designs (Amendment) Rules 2005**
Date of commencement : 1 September 2005
- 7. G. N. No. S 587/2011 — Registered Designs (Amendment) Rules 2011**
Date of commencement : 1 December 2011
- 8. G. N. No. S 742/2014 — Registered Designs (Amendment) Rules 2014**
Date of commencement : 13 November 2014
- 9. G.N. No. S 148/2017 — Registered Designs (Amendment) Rules 2017**
Date of commencement : 1 April 2017
- 10. G.N. No. S 574/2017 — Registered Designs (Amendment No. 2) Rules 2017**
Date of commencement : 30 October 2017
- 11. G.N. No. S 435/2020 — Registered Designs (Amendment) Rules 2020**
Date of commencement : 5 June 2020
- 12. G.N. No. S 690/2021 — Registered Designs (Amendment) Rules 2021**
Date of commencement : 1 October 2021

13. G.N. No. S 262/2022 — Registered Designs (Amendment) Rules 2022

Date of commencement : 1 April 2022