
First published in the *Government Gazette*, Electronic Edition, on 21 October 2022 at 5 pm.

No. S 814

REGISTERED DESIGNS ACT 2000

REGISTERED DESIGNS (BORDER ENFORCEMENT MEASURES) RULES 2022

ARRANGEMENT OF RULES

Rule

1. Citation and commencement
2. Notice under section 68D(1) of Act
3. Time and manner of giving notice under section 68D(1) of Act
4. Further information and evidence for notice under section 68D(1) of Act
5. Change in particulars of notice under section 68D(1) of Act
6. Refusal to seize goods pursuant to notice under section 68D(1) of Act
7. Period under section 68G(2)(a) of Act for instituting infringement action
8. Period under section 68G(6) of Act for extension of initial period
9. Written undertakings for forfeiture of seized goods by consent under section 68K(1) of Act
10. Disposal of seized goods forfeited by consent under section 68K(3) of Act

In exercise of the powers conferred by sections 68D(5) and 74 of the Registered Designs Act 2000, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, makes the following Rules:

Citation and commencement

1. These Rules are the Registered Designs (Border Enforcement Measures) Rules 2022 and come into operation on 21 November 2022.

Notice under section 68D(1) of Act

2.—(1) A notice to the Director-General under section 68D(1) of the Act must be supported by the following documents and information:

- (a) a statutory declaration that the particulars in the notice are true;
- (b) a copy of the certificate of registration issued by the Registrar under section 18(c) of the Act in relation to the registered design specified in the notice;
- (c) evidence that the period of registration of the registered design was duly extended at all times;
- (d) where the notice is given by a person as agent for the registered owner or exclusive licensee of the registered design, evidence of the authority of the person giving the notice.

(2) The notice must be accompanied by the fee prescribed in the Registered Designs (Border Enforcement Measures — Fees) Rules 2022 (G.N. No. S 815/2022).

(3) The registered owner or exclusive licensee of the registered design may appoint another person to act as its, his or her agent for the purpose of giving the notice.

Time and manner of giving notice under section 68D(1) of Act

3. A notice to the Director-General under section 68D(1) of the Act must be delivered to the Singapore Customs —

- (a) at any time that the office of the Singapore Customs is open for business; and
- (b) at any time that is reasonably possible for an authorised officer to take any action under the Act in relation to the notice.

Further information and evidence for notice under section 68D(1) of Act

4. A person who has given a notice under section 68D(1) of the Act to the Director-General must, as and when required by the Director-General, give to the Director-General any information and evidence within the time and in the form that the Director-General may reasonably require.

Change in particulars of notice under section 68D(1) of Act

5. A person who has given a notice to the Director-General under section 68D(1) of the Act must notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change, and provide any documents and information in relation to the change that the Director-General may reasonably require.

Refusal to seize goods pursuant to notice under section 68D(1) of Act

6. An authorised officer may refuse to seize any goods to which a notice under section 68D(1) of the Act relates if the person who has given the notice fails to comply with —

- (a) any direction of the Director-General; or
- (b) any provision of these Rules.

Period under section 68G(2)(a) of Act for instituting infringement action

7. For the purposes of section 68G(2)(a) of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 68G(1) of the Act.

Period under section 68G(6) of Act for extension of initial period

8. For the purposes of section 68G(6) of the Act, the prescribed period is 10 working days after the end of the initial period mentioned in that provision.

Written undertakings for forfeiture of seized goods by consent under section 68K(1) of Act

9. For the purposes of section 68K(1) of the Act, the prescribed written undertakings are that the importer or exporter (as the case may be) must —

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

Disposal of seized goods forfeited by consent under section 68K(3) of Act

10.—(1) Upon forfeiture of the seized goods to the Government under section 68K(3) of the Act, the goods must be disposed of by the importer or exporter (as the case may be) in accordance with an arrangement approved by the Director-General —

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

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

Made on 18 October 2022.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[REQ20180525736239; AG/LEGIS/SL/266/2015/4 Vol. 1]