

TRADE MARKS ACT  
(CHAPTER 332, SECTION 108)

TRADE MARKS RULES

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[15th January 1999]

## PART I

## PRELIMINARY

**Citation**

1. These Rules may be cited as the Trade Marks Rules.

**Definitions**

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

*[Deleted by S 743/2014 wef 13/11/2014]*

*[Deleted by S 743/2014 wef 13/11/2014]*

“electronic online system” means the electronic online system established under rule 78A;

“folio” means 100 words, each figure being counted as one word;

“Nice Agreement” means the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised at Stockholm on 14 July 1967 and at Geneva on 13 May 1977, and as amended on 28 September 1979, and any later revision of or amendment to that Agreement which has come into force and has been accepted by the Government;

*[S 739/2015 wef 01/01/2016]*

“Nice Classification” means the system of classification of goods and services under the Nice Agreement, and includes any amendment or change to the Classification that has entered into force;

*[S 739/2015 wef 01/01/2016]*

*[Deleted by S 743/2014 wef 13/11/2014]*

“specification” means the specification of goods or services in respect of which —

- (a) a trade mark; or

(b) a transaction in relation to a registered trade mark or an application for the registration of a trade mark,

is registered or proposed to be registered;

“Trade Marks Journal” means the journal by that name published under rule 86A.

(2) 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.

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

(4) 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.

(5) 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.

(6) 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 specified in the First Schedule shall be payable to the Registrar in respect of the matters specified 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 743/2014 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 433/2020 wef 05/06/2020]*

(4) Where the electronic online system is used to carry out an act referred to in rule 78A(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 433/2020 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 or these Rules.

(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 433/2020 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.

## 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 trade mark or any other proceedings before the Registrar under the Act.

*[S 743/2014 wef 13/11/2014]*

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

*[S 433/2020 wef 05/06/2020]*

(3) The Registrar may accept, in lieu of any form, any other document which is filed with the Registry for any purpose for which the form was published, if the document —

- (a) complies with rule 3A(2) and every direction of the Registrar relating to the use of the form; and
- (b) is in a format that is acceptable to the Registrar.

(4) 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 743/2014 wef 13/11/2014]*

(5) The matters referred to in the Act, including sections 5(1), 5A(2), 13(3) and 67(5) 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 743/2014 wef 13/11/2014]*

## Practice directions

4A. 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 743/2014 wef 13/11/2014]*

5. *[Deleted by S 433/2020 wef 05/06/2020]*

**Signature on documents**

6.—(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.

(4) For the purposes of this rule, “document” means a document to be given or sent to, filed with or served on the Registrar in respect of any matter under the Act or these Rules.

**Service of documents**

7.—(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 433/2020 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 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 433/2020 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 433/2020 wef 05/06/2020]*

- (c) by hand; or

*[S 433/2020 wef 05/06/2020]*

- (d) by courier.

*[S 433/2020 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 433/2020 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 433/2020 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.

(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 9 or 10.

(6) [*Deleted by S 433/2020 wef 05/06/2020*]

(6A) Notwithstanding the availability of an address for service filed in accordance with rule 9, 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), it shall be taken to have been duly given, sent to or served on the person.

*[S 598/2008 wef 01/12/2008]*

*[S 433/2020 wef 05/06/2020]*

(6B) [*Deleted by S 743/2014 wef 13/11/2014*]

(7) [*Deleted by S 433/2020 wef 05/06/2020*]

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

*[S 598/2008 wef 01/12/2008]*

### **Furnishing of address**

**8.—**(1) Where any person is by the Act or these Rules required to furnish the Registrar with an address, the address furnished shall be as full as possible for the purpose of enabling any person to find easily the place indicated by the address.

*[S 692/2021 wef 01/10/2021]*

(2) The Registrar may require the address to include the name of the street, the number of the block of building, the number of the premises or name of premises, if any, and the postal code.

**Address for service**

9.—(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 trade mark;
  - (b) every person opposing any of the following:
    - (i) an amendment of an application for registration of a trade mark which has been published, where the amendment affects the goods or services covered by the application for registration;
    - (ii) an application for registration of a trade mark, collective mark or certification mark;
    - (iii) a removal of any matter from the register;
    - (iv) an alteration of a registered trade mark;
    - (v) an application to amend the regulations governing the use of a registered collective mark or certification mark;
  - (c) every person applying to the Registrar under section 22 of the Act for the revocation of the registration of a trade mark, under section 23 of the Act for a declaration of invalidity of the registration of a trade mark, or under section 67 of the Act for the rectification of the register;
  - (d) every person granted permission to intervene under rule 60;
- [S 263/2022 wef 01/04/2022]*
- (e) every proprietor of a registered trade mark which is the subject of an application to the Registrar for the revocation of the registration of the trade mark, for a declaration of invalidity of the registration, or for a rectification of the register;
  - (f) every applicant for the renewal of the registration of a trade mark or for the restoration of a trade mark to the register;

- (g) every applicant for the registration of —
  - (i) a grant of a licence;
  - (ii) the amendment of a licence; or
  - (iii) the termination of a licence;
- (h) every applicant for the registration of —
  - (i) a grant of any security interest;
  - (ii) the amendment of any security interest; or
  - (iii) the termination of any security interest;
- (i) every applicant for the registration of a change in ownership of a registered trade mark;
- (j) every person recorded as having an interest in a trade mark pursuant to —
  - (i) the making of an assent by personal representatives;  
or
  - (ii) an order of the Court or any other competent authority; and
- (k) 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) subject to sub-paragraph (e), where an applicant for the registration of a trade mark furnishes an address for service in Form TM 4, the address for service shall be effective for the purposes of all proceedings in respect of the trade mark in relation to which that form is filed;
- (b) subject to sub-paragraph (f), the address for service of a proprietor of a registered trade mark shall be effective for

the purposes of all proceedings in respect of the registered trade mark, except for any application for the second or any subsequent renewal of the registered trade mark;

- (c) where a person who opposes any of the following furnishes an address for service in Form TM 11, 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 X:
- (i) an amendment of an application for registration of a trade mark which has been published, where the amendment affects the goods or services covered by the application for registration;
  - (ii) an application for registration of a trade mark, collective mark or certification mark;
  - (iii) a removal of any matter from the register;
  - (iv) an alteration of a registered trade mark;
  - (v) an application to amend the regulations governing the use of a registered collective mark or certification mark;
- (d) where an applicant who makes any of the following applications to the Registrar furnishes an address for service in Form TM 28, 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 X:
- (i) an application under section 22 of the Act for the revocation of the registration of a trade mark;
  - (ii) an application under section 23 of the Act for a declaration of invalidity of the registration of a trade mark;
  - (iii) an application under section 67 of the Act for the rectification of the register;
- (e) where an applicant who replies to an opposition to any of the following 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 X:

- (i) an amendment of an application for registration of a trade mark which has been published, where the amendment affects the goods or services covered by the application for registration;
  - (ii) an application for registration of a trade mark, collective mark or certification mark;
  - (iii) an alteration of a registered trade mark;
  - (iv) an application to amend the regulations governing the use of a registered collective mark or certification mark;
- (f) where a registered proprietor who files a counter-statement under rule 58 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 X;
- (g) where an applicant for the renewal of the registration of a trade mark, or the restoration of a trade mark to the register, furnishes an address for service in Form TM 19, the address for service shall be effective for the purposes of all renewal applications or proceedings, and all restoration applications or proceedings, in respect of the trade mark in relation to which that form is filed;
- (h) 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;
- (i) 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;

(j) where an applicant for the registration of a change in the ownership of a registered trade mark 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 trade mark, including the application for the registration of the trade mark; or

(ii) only for the purposes of the registration of the change in the ownership of the registered trade mark, in which case the applicant must furnish another address for service for all other proceedings in respect of the trade mark, including the application for the registration of the trade mark, on a separate Form CM8;

(k) where a person referred to in paragraph (1)(d) furnishes an address for service in Form CM1, the address for service shall be effective for the purposes of the application under rule 60 (for permission to intervene) in relation to which that form is filed and any related proceedings under Part X;

*[S 263/2022 wef 01/04/2022]*

(l) where a party referred to in paragraph (1)(k) 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 X;

(m) where a person, recorded as having an interest in a trade mark pursuant to the making of an assent by personal representatives, or pursuant to an order of the Court or any other competent authority, furnishes an address for service in writing in relation to the assent or order, the address for service shall be effective for the purposes of such of the following as may be applicable in respect of the assent or order:

- (i) the registration of —
  - (A) a grant of a licence;
  - (B) the amendment of a licence; or
  - (C) the termination of a licence;
- (ii) the registration of —
  - (A) a grant of any security interest;
  - (B) the amendment of any security interest; or
  - (C) the termination of any security interest;
- (iii) the registration of a change in the ownership of a registered trade mark;

[S 149/2017 wef 01/04/2017]

- (n) subject to sub-paragraph (f), the address for service of an applicant for the registration of a trade mark shall, upon the registration of the trade mark, be the address for service of that party as the proprietor of the trade mark, unless —
  - (i) the Registrar is notified of a change in the address for service in accordance with paragraph (7) or rule 44; or
  - (ii) the Registrar is notified of an assignment or transaction referred to in rule 55(1)(a), in accordance with rule 55; and
- (o) 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) or rule 44.

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

[S 149/2017 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), (c), (f), (g), (h) or (i), 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)(b) or (d), the person shall be treated as having withdrawn the person's opposition or intervention (as the case may be);
- (c) in the case of the proprietor referred to in paragraph (1)(e), the proprietor shall not be permitted to take part in any proceedings relating to the application for the revocation of the registration of the trade mark, the declaration of invalidity of the registration, or the rectification of the register, as the case may be;
- (d) in the case of a person referred to in paragraph (1)(j), the application made by the person to register the making of the assent, or the order of the Court or any other competent authority, shall be treated as withdrawn; and
- (e) in the case of a party referred to in paragraph (1)(k), 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 743/2014 wef 13/11/2014]*

## **Agents**

**10.—**(1) The Registrar, 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, may require the personal signature or presence of either the agent or his principal.

(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 743/2014 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 743/2014 wef 13/11/2014]*

(4A) *[Deleted by S 743/2014 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 743/2014 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 743/2014 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 743/2014 wef 13/11/2014]*

## PART II

## REGISTRATION OF TRADE MARKS

*Division 1 — Registrability of Trade Marks***Representation of President**

**11.** The Registrar shall refuse to register a trade mark which consists of or contains any representation of the President or any colourable imitation thereof.

**Singapore Crest, Presidential Coat of Arms, Royal Arms, etc.**

**12.** The Registrar shall refuse to register a trade mark which consists of or contains —

- (a) any representation of the Crest of the Republic of Singapore, the Presidential Coat of Arms, the Royal or Imperial Arms, or of any crest, armorial bearing, insignia, or device so nearly resembling any of the foregoing as to be likely to be mistaken for them;
- (b) any representation of the Royal or Imperial crown, or of the Singapore flag, or of the Royal or Imperial flag;
- (c) the word “Royal”, “Imperial”, “Presidential”, or “Singapore Government”, or any word, letter or device if used in such a manner as to be likely to lead persons to think that the applicant either has or recently has had Royal, Imperial, Presidential or the Singapore Government’s patronage or authorisation, whether or not such be the case;
- (d) the words “Red Cross” or “Geneva Cross”, any representation of the Geneva Cross or the Red Cross, any representation of the Swiss Federal cross in white on a red background or silver on a red background, or any representation similar to any of the foregoing; or
- (e) the word “ANZAC”,

unless it appears to the Registrar that consent to its registration and use of the person or authority entitled to give consent has been obtained.

**Registration of mark consisting of arms, etc.**

13.—(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 trade mark which is the subject of an application for registration, the Registrar, before proceeding to register the mark, may 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 mark if no such consent is furnished within the time specified by the Registrar.

**Persons living or recently dead**

14.—(1) Where the name or representation of any person appears on a trade mark which is the subject of an application for registration, the Registrar may, before proceeding to register the mark, 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 the consent referred to in paragraph (1) 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 mark.

*Division 2 — Application for Registration***Application for registration**

15.—(1) An application for the registration of a trade mark must be made in Form TM 4 (called in this Part the application form).

(2) The application must contain a clear indication of the nature of the mark.

*[S 692/2021 wef 01/10/2021]*

**Representation of trade marks**

**16.**—(1) The applicant shall provide a clear and durable representation of the mark in the space provided for that purpose in the application form.

(2) *[Deleted by S 692/2021 wef 01/10/2021]*

(3) Where an application is for the registration of a series of trade marks, a representation of each trade mark in the series shall be provided in the application form.

(4) Where the Registrar reasonably believes that the representation provided by the applicant does not sufficiently show the particulars of the mark or does not allow all features of the mark to be properly examined, the Registrar may, by notice in writing, require the applicant to provide, within such time as the Registrar may specify in the notice, any or all of the following:

- (a) another representation of the mark consisting of a single view of the mark or of several different views of the mark;
- (b) a description of the mark expressed in words;
- (c) such other information as the Registrar may require.

*[S 588/2011 wef 01/11/2011]*

(5) *[Deleted by S 588/2011 wef 01/11/2011]*

(6) The Registrar may at any time, if dissatisfied with any representation of a trade mark, require another representation satisfactory to him to be filed before proceeding with the application, and the applicant shall substitute the representation by filing with the Registrar Form TM 27.

*[S 743/2014 wef 13/11/2014]*

**Division of application for registration**

**17.**—(1) Subject to the provisions of this rule, an application for registration of a trade mark (referred to in this rule as the original application) made on or after 2nd July 2007 may, at the request of the applicant made on Form TM 8 at any time after the date of the original application but before the registration of the trade mark, be

divided into 2 or more separate applications for registration of the trade mark.

(2) Where the original application is made in respect of 2 or more goods or services, a request under paragraph (1) may be made to divide the original application into 2 or more separate applications, each in respect of —

- (a) one or more classes of those goods or services, being classes of goods or services to which the original application relates; or
- (b) one or more of those goods or services included in one or more of the classes of goods or services to which the original application relates.

(3) Where the applicant makes a request under paragraph (1), the request shall contain, for each separate application and each class of goods or services in respect of which that separate application is made, a specification in accordance with rule 19 setting out the goods or services to which that separate application relates.

(4) Upon the division of the original application into 2 or more separate applications —

- (a) each separate application shall have the same date as the original application;
- (b) any notice of opposition to the registration of any trade mark which is a subject of the original application shall —
  - (i) if the notice relates only to some (but not all) of the goods or services in respect of which the original application is made, be treated as having been given in relation only to each separate application made in respect of any of the goods or services to which the notice relates; or
  - (ii) subject to sub-paragraph (i), be treated as having been given in relation to all of the separate applications,

and the opposition proceedings shall continue as if the notice had been so given; and

- (c) any notice given to the Registrar under section 41(3) of the Act shall —
- (i) if the notice relates only to some (but not all) of the goods or services in respect of which the original application is made, be treated as having been given in relation only to each separate application made in respect of any of the goods or services to which the notice relates; or
  - (ii) subject to sub-paragraph (i), be treated as having been given in relation to all of the separate applications.

### **Claim to priority**

**18.**—(1) Where a right of priority is claimed by reason of an application for the registration of a trade mark filed in a Convention country under section 10 of the Act or in another country or territory in respect of which provision corresponding to that set out in section 10 of the Act is made under section 11 of the Act (referred to in this rule as the priority application), particulars of that claim shall be included in the application form at the time of filing the application form.

- (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) where the right of priority is claimed in respect of one or more, but not all, of the goods or services for which registration was sought in the priority application, the goods or services in respect of which the right of priority is claimed; and
- (d) where the right of priority is claimed through more than one priority application, the goods or services in respect of which the right of priority is claimed through each priority application.

(3) 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, or the registering or competent authority;
- (c) the representation of the mark; and
- (d) the goods and services covered by the priority application.

(4) Where the certificate referred to in paragraph (3) 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.

### **Specification**

**19.—**(1) For the purposes of the registration of a trade mark, goods and services are classified according to the Nice Classification as in force on the date of the application for registration of the trade mark.

*[S 739/2015 wef 01/01/2016]*

(2) Every application shall contain, for each class of goods or services to which the application relates —

- (a) the class number as set out in the Nice Classification as in force on the date of that application; and

*[S 739/2015 wef 01/01/2016]*

- (b) a specification of those goods or services which —
- (i) is appropriate to that class;
  - (ii) is described in such a manner as to —
    - (A) indicate clearly the nature of those goods or services; and
    - (B) allow those goods or services to be classified in accordance with the Nice Classification as in force on the date of that application; and
- [S 739/2015 wef 01/01/2016]*
- (iii) complies with any other requirement of the Registrar.

(2A) For the purpose of paragraph (2)(b), the applicant may adopt a specification set out in an approved list of goods or services contained in a practice direction issued by the Registrar.

*[S 149/2017 wef 01/04/2017]*

(3) An application may be made in respect of more than one class of goods or services in the Nice Classification as in force on the date of that application, and in such a case, the specification shall set out the classes and list under each class the goods or services to which the application relates.

*[S 743/2014 wef 13/11/2014]*

*[S 739/2015 wef 01/01/2016]*

(4) In the case of an application for registration in respect of all the goods or services included in a particular class in the Nice Classification as in force on the date of that application, or of a large variety of goods or services, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

*[S 739/2015 wef 01/01/2016]*

### **Translation and transliteration**

**20.** Where a trade mark contains or consists of a word or words in characters other than Roman or in a language other than English, the

Registrar may at any time require any of the following documents to be filed with the Registry:

- (a) a copy of the translation in English and, if the case requires, transliteration in English, of the word or words;
- (b) any supporting document certifying or verifying, to the satisfaction of the Registrar, the accuracy of the translation and transliteration (if any) in English of the word or words.

*[S 692/2021 wef 01/10/2021]*

### **Deficiencies in application**

**21.**—(1) Where an application for registration of a trade mark does not satisfy any requirement under section 5(2) or (3) of the Act, the Registrar shall send the applicant a notice requiring the applicant to remedy the deficiency.

(2) Where the Registrar has sent the applicant a notice under paragraph (1), the applicant shall remedy all deficiencies set out in the notice within 2 months after the date of the notice.

*[S 743/2014 wef 13/11/2014]*

(3) In accordance with section 5(4) of the Act, an application for registration of a trade mark shall not be treated as made unless —

- (a) all the requirements under section 5(2) of the Act have been satisfied; and
- (b) all the fees payable under section 5(3) of the Act —
  - (i) have been paid; or
  - (ii) are treated by the Registrar as paid.

(4) Subject to paragraph (1), where an application for registration does not comply with rule 15(1) or 19(2)(a), the Registrar shall send the applicant a notice requiring the applicant to remedy the deficiency.

(5) If the applicant fails to remedy all deficiencies set out in the notice under paragraph (4) within 2 months after the date of the notice, the application shall be treated as withdrawn.

*[S 743/2014 wef 13/11/2014]*

**Withdrawal of application**

**21A.** A notice of withdrawal of an application for registration of a trade mark referred to in section 5 of the Act may be made in either of the following ways:

- (a) by way of a written request;
- (b) in Form CM9.

[S 743/2014 wef 13/11/2014]

*Division 3 — Amendment of Application***Amendment of application**

**22.—**(1) An application to amend an application for registration shall be made in —

- (a) Form CM1, if it is made to appoint, change or remove an agent;
- (b) Form CM2, if it is made to change or correct the name or other particulars of the applicant, and the change or correction does not affect the representation of the trade mark; and
- (c) Form TM 27, if sub-paragraphs (a) and (b) do not apply.

[S 743/2014 wef 13/11/2014]

(2) [*Deleted by S 161/2007*]

(3) [*Deleted by S 370/2004*]

(3A) [*Deleted by S 852/2005*]

(4) [*Deleted by S 161/2007*]

(5) Before acting on an application to amend an application for registration, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit.

**Amendment of application after publication**

**23.—**(1) Where an application is made for an amendment of an application for registration which has been published, and the amendment affects the representation of the trade mark or the

goods or services covered by the application for registration, the amendment shall also be published.

[S 743/2014 wef 13/11/2014]

(2) Any person who wishes to oppose the amendment shall, within 2 months after the date of publication of the amendment, file with the Registrar a notice of opposition to the amendment in Form TM 11.

[S 743/2014 wef 13/11/2014]

(3) The notice of opposition shall contain a statement of the grounds upon which the person opposes the amendment, including, where relevant, how the amendment would be contrary to section 14(3) of the Act.

(4) Rules 29 (2) to (7) and 31 to 40 shall apply, with the necessary modifications, to any proceedings arising from the notice of opposition.

[S 22/2017 wef 31/01/2017]

(5) For the purposes of the application of the rules referred to in paragraph (4) —

(a) any reference to the application for registration shall be read as a reference to the application for amendment referred to in paragraph (1);

(b) any reference to the date of publication of the application for registration shall be read as a reference to the date of publication of the amendment;

[S 743/2014 wef 13/11/2014]

(c) any reference to the notice of opposition shall be read as a reference to the notice of opposition referred to in paragraphs (2) and (3); and

(d) any reference to the opponent shall be read as a reference to the person referred to in paragraphs (2) and (3).

#### *Division 4 — Examination of Application for Registration*

### **Examination report and applicant's response**

**24.—**(1) If, in the course of an examination of an application for registration, it appears to the Registrar that the requirements for

registration are not met or that additional information or evidence is required to meet those requirements, the Registrar shall give a written notice of this to the applicant.

(2) If, within 4 months after the date of the written notice of the Registrar, the applicant fails to —

(a) make representations in writing;

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

*[S 743/2014 wef 13/11/2014]*

(c) apply to amend the application; or

(d) furnish the additional or any other information or evidence, the application shall be treated as withdrawn.

*[S 743/2014 wef 13/11/2014]*

(2A) *[Deleted by S 743/2014 wef 13/11/2014]*

(3) 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 743/2014 wef 13/11/2014]*

(4) 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.

(5) 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.

(5A) For the purpose of paragraph (5), the Registrar may, on the Registrar's own accord, send to the applicant the Registrar's grounds of decision for the decision in respect of the representations of the applicant.

*[S 692/2021 wef 01/10/2021]*

(6) Where the Registrar's grounds of decision are not sent to the applicant under paragraph (5A), and 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 743/2014 wef 13/11/2014]

[S 692/2021 wef 01/10/2021]

(7) *[Deleted by S 370/2004]*

(8) The date on which the Registrar's grounds of decision are sent to the applicant under paragraph (5A) or (6)(b) shall be deemed to be the date of the Registrar's decision for the purpose of an appeal.

[S 692/2021 wef 01/10/2021]

### **Acceptance of application**

25. *[Deleted by S491/2000]*

### *Division 5 — Publication*

### **Publication of application**

26.—(1) An application which has been accepted for registration shall be published in the Trade Marks Journal during such times and in such manner as the Registrar may direct.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the proprietor of, or the applicant for the registration of, another trade mark, the words "By Consent" and the number of that other mark shall appear in the publication.

(3) *[Deleted by S 743/2014 wef 13/11/2014]*

### **Photographs and artworks, etc.**

27. *[Deleted by S 491/2000]*

### **Publication of series of trade marks**

28. *[Deleted by S 491/2000]*

*Division 6 — Opposition to Registration***Notice of opposition**

**29.**—(1) A person (referred to in this Division as the opponent) may, within 2 months after the date of publication of the application for registration, file with the Registrar a notice opposing the registration in Form TM 11 (referred to in this Division as a notice of opposition).

*[S 743/2014 wef 13/11/2014]*

(2) The opponent shall serve on the applicant a copy of the notice of opposition at the same time as the notice is filed with the Registrar.

(2A) If the opponent does not comply with paragraph (2), his notice of opposition shall be treated as not having been filed.

*[S 743/2014 wef 13/11/2014]*

(3) A request for an extension of time to file the notice of opposition —

(a) must be made by filing with the Registrar Form TM 48 within 2 months after the date of the publication of the application for registration; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

*[S 22/2017 wef 31/01/2017]*

(3A) The person requesting for the extension must, at the time the request mentioned in paragraph (3) is filed with the Registrar, serve on the applicant, and on each person likely to be affected by an extension of time to file the notice of opposition, a copy of that request.

*[S 22/2017 wef 31/01/2017]*

(4) The total extension of time for which the Registrar may allow to file the notice of opposition shall not exceed 4 months after the date of the publication of the application for registration.

*[S 743/2014 wef 13/11/2014]*

(5) The Registrar may refuse to grant an extension of time to file the notice of opposition if the person requesting for 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 request mentioned in paragraph (3) has been served on the applicant and on each person likely to be affected by the extension.

[S 22/2017 wef 31/01/2017]

(6) Upon granting an extension of time to file the notice of opposition, the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (3)(b)(ii).

[S 22/2017 wef 31/01/2017]

(7) The applicant or any person likely to be affected by an extension of time to file the notice of opposition may, not later than 2 weeks after the receipt of the Registrar's notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (3) had not been served on the applicant or on that person (as the case may be).

[S 22/2017 wef 31/01/2017]

(8) [*Deleted by S 22/2017 wef 31/01/2017*]

### **Contents of notice of opposition**

**30.**—(1) The notice of opposition shall contain a statement of the grounds upon which the opponent opposes the registration.

(2) If registration is opposed on the ground that the mark is identical or similar to an earlier trade mark, the following information must be included in the statement, for the purpose of determining whether the mark is identical or similar to the earlier trade mark:

- (a) a representation of the earlier trade mark; and
- (b) such of the following as may be applicable:
  - (i) if the earlier trade mark is registered —
    - (A) its registration number; and

- (B) the class number and specification of the goods or services in respect of which the earlier trade mark is registered;
- (ii) if the application to register the earlier trade mark is pending —
  - (A) the number accorded by the Registrar to the application; and
  - (B) the class number and specification of the goods or services in respect of which the earlier trade mark is sought to be registered; or
- (iii) if the earlier trade mark is not registered, and no application has been made to register it, the specification of the goods or services in respect of which the earlier trade mark is used.

*[S 743/2014 wef 13/11/2014]*

(3) If registration is opposed on the ground that the mark is identical or similar to an earlier trade mark which is well known in Singapore, the following additional information must be included in the statement for the purpose of determining whether the trade mark is well known in Singapore:

- (a) information on the use of the earlier trade mark; and
- (b) information on any promotion undertaken for the earlier trade mark.

*[S 743/2014 wef 13/11/2014]*

### **Counter-statement**

**31.**—(1) Within 2 months after the date of receipt of the copy of the notice of opposition from the opponent, the applicant shall file with the Registrar a counter-statement in Form HC6 (referred to in this Division as the counter-statement) setting out —

- (a) the grounds on which he relies as supporting his application; and

- (b) the facts alleged in the notice of opposition which he admits, if any.

*[S 743/2014 wef 13/11/2014]*

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

(3) If the applicant does not comply with paragraph (1) or (2), he shall be treated as having withdrawn his application.

*[S 743/2014 wef 13/11/2014]*

(4) A request for an extension of time to file the counter-statement —

(a) must be made by the applicant to the Registrar in Form HC3 within 2 months after the date of receipt of the notice of opposition from the opponent; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

*[S 22/2017 wef 31/01/2017]*

(4A) The applicant must, at the time the request mentioned in paragraph (4) is made to the Registrar, serve on the opponent, and on each person likely to be affected by an extension of time to file the counter-statement, a copy of that request.

*[S 22/2017 wef 31/01/2017]*

(5) The total extension of time which the Registrar may allow to file the counter-statement shall not exceed 4 months after the date of receipt by the applicant of the notice of opposition.

*[S 743/2014 wef 13/11/2014]*

(6) The Registrar may refuse to grant an extension of time to file the counter-statement if the applicant —

(a) fails to show a good and sufficient reason for the extension;  
or

- (b) fails to show to the Registrar's satisfaction that the request mentioned in paragraph (4) has been served on the opponent and on each person likely to be affected by the extension.

[S 22/2017 wef 31/01/2017]

(7) Upon granting an extension of time to file the counter-statement, the Registrar must send a notification of the extension to the opponent and each person mentioned in paragraph (4)(b)(ii).

[S 22/2017 wef 31/01/2017]

(8) The opponent or any person likely to be affected by an extension of time to file the counter-statement may, not later than 2 weeks after the receipt of the Registrar's notification of the extension, apply in writing to the Registrar for the revocation of the extension on the ground that the request mentioned in paragraph (4) had not been served on the opponent or on that person (as the case may be).

[S 22/2017 wef 31/01/2017]

(9) [Deleted by S 22/2017 wef 31/01/2017]

## **Rounds of evidence**

**31A.**—(1) Where the counter-statement has been filed, the Registrar must, after hearing the parties on the appropriate timelines, specify the periods within which the following evidence may be filed by the parties:

- (a) statutory declaration setting out the evidence the opponent wishes to adduce in support of the opposition;
- (b) statutory declaration setting out the evidence the applicant wishes to adduce in support of the application;
- (c) statutory declaration setting out the opponent's evidence in reply.

(1A) Subject to paragraphs (1B) and (2), the Registrar may, in any case after specifying the periods within which the evidence mentioned in paragraph (1) may be filed by the parties, shorten any of those periods.

[S 692/2021 wef 01/10/2021]

(1B) The Registrar may only exercise the Registrar's power under paragraph (1A) after giving the parties an opportunity to be heard.

*[S 692/2021 wef 01/10/2021]*

(2) Each period specified by the Registrar under paragraph (1), or as shortened by the Registrar under paragraph (1A) (if applicable), must not be shorter than 2 months.

*[S 692/2021 wef 01/10/2021]*

(3) The opponent must file with the Registrar the statutory declaration mentioned in paragraph (1)(a) within —

(a) the period specified by the Registrar under paragraph (1), or as shortened by the Registrar under paragraph (1A) (if applicable), for that statutory declaration; or

*[S 692/2021 wef 01/10/2021]*

(b) that period as extended under rule 32.

(4) The applicant must file with the Registrar the statutory declaration mentioned in paragraph (1)(b) within —

(a) the period specified by the Registrar under paragraph (1), or as shortened by the Registrar under paragraph (1A) (if applicable), for that statutory declaration; or

*[S 692/2021 wef 01/10/2021]*

(b) that period as extended under rule 32(7)(a) or 33.

(5) The opponent may file with the Registrar the statutory declaration mentioned in paragraph (1)(c) within —

(a) the period specified by the Registrar under paragraph (1), or as shortened by the Registrar under paragraph (1A) (if applicable), for that statutory declaration; or

*[S 692/2021 wef 01/10/2021]*

(b) that period as extended under rule 32(7)(a), 33(7)(a) or 34.

(6) When the opponent files the statutory declaration mentioned in paragraph (1)(a) or (c), the opponent must, at the same time, serve a copy of the statutory declaration on the applicant.

(7) When the applicant files the statutory declaration mentioned in paragraph (1)(b), the applicant must, at the same time, serve a copy of the statutory declaration on the opponent.

(8) If the opponent fails to comply with paragraph (3) or (6) in respect of the statutory declaration mentioned in paragraph (1)(a), the opponent is treated as having withdrawn the opposition.

(9) If the applicant fails to comply with paragraph (4) or (7), the applicant is treated as having withdrawn the application for registration.

(10) The opponent's statutory declaration in reply mentioned in paragraph (1)(c) must be confined to matters strictly in reply to the applicant's statutory declaration mentioned in paragraph (1)(b).

[S 22/2017 wef 31/01/2017]

### **Extension of time for evidence in support of opposition**

**32.**—(1) A request by the opponent for an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) must be made by filing with the Registrar Form HC3 within —

(a) the period specified by the Registrar under rule 31A(1), or as shortened by the Registrar under rule 31A(1A) (if applicable), for that statutory declaration; or

[S 692/2021 wef 01/10/2021]

(b) that period as extended under paragraph (6).

[S 692/2021 wef 01/10/2021]

(2) A request mentioned in paragraph (1) must state —

(a) the period of extension requested;

(b) the reason for the extension; and

(c) the name and address of every person likely to be affected by the extension.

(3) The opponent must serve a copy of the request mentioned in paragraph (1) on the applicant, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.

(4) The applicant or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).

(5) The Registrar may refuse to grant an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) if the opponent —

(a) fails to show a good and sufficient reason for the extension;  
or

(b) fails to show to the Registrar's satisfaction that the request for extension has been served on the applicant and on each person likely to be affected by the extension.

(6) The Registrar may grant or refuse an extension of time to file the statutory declaration mentioned in rule 31A(1)(a) without having to conduct a hearing in accordance with rule 67A.

(7) Upon granting an extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(a), the Registrar —

(a) may extend the periods within which the statutory declarations mentioned in rule 31A(1)(b) and (c) are to be filed; and

(b) must send a notification of the extension to the applicant and each person mentioned in paragraph (2)(c).

(8) The applicant or any person likely to be affected by the extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(a) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the applicant or on that person (as the case may be).

[S 22/2017 wef 31/01/2017]

### **Extension of time for evidence in support of application**

**33.—**(1) A request by the applicant for an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) must be made by filing with the Registrar Form HC3 before the expiry of the latest of the following periods:

- (a) the period specified by the Registrar under rule 31A(1), or as shortened by the Registrar under rule 31A(1A) (if applicable), for that statutory declaration;

*[S 692/2021 wef 01/10/2021]*

- (b) the period mentioned in sub-paragraph (a) as extended under rule 32(7)(a);
- (c) the period mentioned in sub-paragraph (a) as extended under paragraph (6).

(2) A request mentioned in paragraph (1) must state —

- (a) the period of extension requested;
- (b) the reason for the extension; and
- (c) the name and address of every person likely to be affected by the extension.

(3) The applicant must serve a copy of the request mentioned in paragraph (1) on the opponent, and on each person likely to be affected by an extension of time, at the time the request is filed with the Registrar.

(4) The opponent or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).

(5) The Registrar may refuse to grant an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) if the applicant —

- (a) fails to show a good and sufficient reason for the extension;  
or
- (b) fails to show to the Registrar's satisfaction that the request for extension has been served on the opponent and on each person likely to be affected by the extension.

(6) The Registrar may grant or refuse an extension of time to file the statutory declaration mentioned in rule 31A(1)(b) without having to conduct a hearing in accordance with rule 67A.

(7) Upon granting an extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(b), the Registrar —

- (a) may extend the period within which the statutory declaration mentioned in rule 31A(1)(c) is to be filed; and
- (b) must send a notification of the extension to the opponent and each person mentioned in paragraph (2)(c).

(8) The opponent or any person likely to be affected by the extension of time for the filing of the statutory declaration mentioned in rule 31A(1)(b) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the opponent or on that person (as the case may be).

[S 22/2017 wef 31/01/2017]

### **Extension of time for evidence in reply by opponent**

**34.—**(1) A request by the opponent for an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) must be made by filing with the Registrar Form HC3 before the expiry of the latest of the following periods:

- (a) the period specified by the Registrar under rule 31A(1), or as shortened by the Registrar under rule 31A(1A) (if applicable), for that statutory declaration;

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- (b) the period mentioned in sub-paragraph (a) as extended under rule 32(7)(a) or 33(7)(a);
- (c) the period mentioned in sub-paragraph (a) as extended under paragraph (6).

(2) A request mentioned in paragraph (1) must state —

- (a) the period of extension requested;
- (b) the reason for the extension; and
- (c) the name and address of every person likely to be affected by the extension.

(3) The opponent must serve a copy of the request mentioned in paragraph (1) on the applicant, and on each person likely to be

affected by an extension of time, at the time the request is filed with the Registrar.

(4) The applicant or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1).

(5) The Registrar may refuse to grant an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) if the opponent —

- (a) fails to show a good and sufficient reason for the extension;  
or
- (b) fails to show to the Registrar's satisfaction that the request for extension has been served on the applicant and on each person likely to be affected by the extension.

(6) The Registrar may grant or refuse an extension of time to file the statutory declaration in reply mentioned in rule 31A(1)(c) without having to conduct a hearing in accordance with rule 67A.

(7) Upon granting an extension of time for the filing of the statutory declaration in reply mentioned in rule 31A(1)(c), the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (2)(c).

(8) The applicant or any person likely to be affected by the extension of time for the filing of the statutory declaration in reply mentioned in rule 31A(1)(c) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1) had not been served on the applicant or on that person (as the case may be).

*[S 22/2017 wef 31/01/2017]*

### **Further evidence**

**35.** No further evidence may be filed by either party except that, in any proceedings before the Registrar, the Registrar may at any time, if he thinks fit, give permission to either party to file further evidence

upon such terms as to costs or otherwise as the Registrar may think fit.

*[S 263/2022 wef 01/04/2022]*

## **Exhibits**

**36.**—(1) Where there are exhibits to any evidence filed in an opposition, the party who is relying on the exhibits in support of his case must send a copy of each exhibit to the other party.

*[S 743/2014 wef 13/11/2014]*

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

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

## **Pre-hearing review**

**36A.**—(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 any or all 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 743/2014 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 743/2014 wef 13/11/2014]*

(6) If any party does not attend 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 743/2014 wef 13/11/2014]*

*[S 692/2021 wef 01/10/2021]*

(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.

(8) Despite paragraphs (1) and (2) but subject to paragraphs (9), (10) and (11), the Registrar may direct that a pre-hearing review be held in an asynchronous manner by exchange of written correspondence with the parties, and the Registrar may exercise any power conferred on the Registrar under this rule for the purpose of securing the just, expeditious and economical disposal of the proceedings.

*[S 692/2021 wef 01/10/2021]*

(9) Where a pre-hearing review is held under paragraph (8), the Registrar must —

- (a) before giving any direction or imposing any requirement on the parties on any matter, give each party an opportunity to address the Registrar on the intended direction or requirement; and

- (b) before giving any direction or imposing any requirement on a party that affects a party's rights or interests, give that party an opportunity to address the Registrar and respond to any submission made by the other party on the intended direction or requirement.

*[S 692/2021 wef 01/10/2021]*

(10) For the purpose of exercising the Registrar's powers under paragraph (6) or (7) in a pre-hearing review held under paragraph (8), the references to the non-attendance of a party in paragraph (6) and the absence of a party in paragraph (7) are each to be read as a reference to the failure of a party to respond to the Registrar's written correspondence relating to the pre-hearing review within the time specified in the written correspondence.

*[S 692/2021 wef 01/10/2021]*

(11) The Registrar must not hold a pre-hearing review in an asynchronous manner under paragraph (8) if any party requests that the pre-hearing review be held in accordance with paragraph (1) instead.

*[S 692/2021 wef 01/10/2021]*

### **Opposition hearing**

**37.—**(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 743/2014 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 743/2014 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 743/2014 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 38 shall apply.

*[S 743/2014 wef 13/11/2014]*

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

*[S 743/2014 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 743/2014 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 743/2014 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 743/2014 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 743/2014 wef 13/11/2014]*

**Registrar's decision in opposition proceedings**

**38.** After the end of the hearing mentioned in rule 37, and the filing of the closing submissions (if the Registrar grants permission for closing submissions to be filed after the last day of the hearing), the Registrar must inform the parties of the Registrar's decision and the grounds of the decision as soon as practicable.

[S 22/2017 wef 31/01/2017]

[S 263/2022 wef 01/04/2022]

**Extension of time in opposition proceedings**

**39.** 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.

**Costs in uncontested oppositions**

**40.** Where an opposition is uncontested by the applicant, the Registrar, in deciding whether costs should be awarded to the opponent, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

*Division 7 — Registration***Certificate of registration**

**41.** Upon the registration of a trade mark, the Registrar shall issue to the applicant a certificate of registration.

## PART III

## REGISTER

**Entry in register of particulars of registered trade mark**

**42.—(1)** There shall be entered in the register in respect of each registered trade mark the following particulars:

- (a) the date of the filing of the application for registration;

- (b) the actual date of registration, that is, the date of the entry in the register;
- (c) the priority date, if any, accorded pursuant to a claim to a right to priority under section 10 or 11 of the Act;
- (d) the name and address of the proprietor;
- (e) the address for service;
- (f) any disclaimer or limitation of rights notified to the Registrar under rule 43;
- (g) [*Deleted by S 743/2014 wef 13/11/2014*]
- (h) the goods or services in respect of which the trade mark is registered;
- (i) where the trade mark is a collective mark or certification mark, that fact;
- (j) where the trade mark is registered with the consent of the proprietor of an earlier trade mark or other earlier right, that fact; and
- (k) where the trade mark is registered pursuant to a transformation application, the number of the corresponding international registration and —
  - (i) the date of that international registration in accordance with Article 3(4) of the Madrid Protocol; or
  - (ii) where the request for extension of protection to Singapore was made subsequent to that international registration, the date of recordal of that request in accordance with Article 3<sup>ter</sup> (2) of the Madrid Protocol.

(2) In this rule —

“corresponding international registration”, in relation to a transformation application, means the international registration referred to in rule 24(1) of the Trade Marks (International Registration) Rules (R 3);

“international registration” has the same meaning as in the Trade Marks (International Registration) Rules;

“Madrid Protocol” has the same meaning as in section 54(4) of the Act;

“transformation application” means an application referred to in rule 24(1)(b) of the Trade Marks (International Registration) Rules.

### **Registration subject to disclaimer or limitation**

**43.** Where the applicant for registration of a trade mark by notice in writing sent to the Registrar, or the proprietor of a registered trade mark by Form TM 27 filed with the Registrar —

- (a) disclaims any right to the exclusive use of any specified element of the trade mark; or
- (b) agrees that the rights conferred by the registration shall be subject to a specified territorial or other limitation,

the Registrar shall make the appropriate entry in the register.

*[S 743/2014 wef 13/11/2014]*

### **Application to change name or address in register**

**44.—(1)** An application by —

- (a) the proprietor of a registered trade mark;
- (b) a licensee of a registered trade mark; or
- (c) any person having an interest in or charge on a registered trade mark registered under rule 55,

to change his name or address appearing in the register shall be filed with the Registrar in Form CM2.

*[S 743/2014 wef 13/11/2014]*

(2) *[Deleted by S 370/2004]*

(3) *[Deleted by S 370/2004]*

(4) The Registrar may at any time, on a request filed in Form CM2 by any person who has filed an address for service under rule 9 or 10, change that address in the register.

*[S 743/2014 wef 13/11/2014]*

### **Death of applicant before registration**

**45.** If an applicant for the registration of a trade mark dies after the date of his application and before the date the trade mark is entered in the register, the Registrar —

- (a) after the expiration of the time referred to in rule 29 to file a notice of opposition (including any extension of such time); or
- (b) after the determination of any opposition to the registration,

may, on being satisfied that the applicant is dead, enter in the register, in place of the name of the deceased applicant, the name, address and other particulars of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

### **Removal of matter from register**

**46.—**(1) Before removing from the register any matter which appears to the Registrar to have ceased to have effect, the Registrar —

- (a) may, if he considers it appropriate, publish his intention to remove that matter; and
- (b) shall send notice of such intention to any person who appears to him to be likely to be affected by the removal.

(2) Within 2 months after the date on which his intention to remove the matter is published under paragraph (1)(a), any person may file with the Registrar a notice of opposition to the removal in Form TM 11.

*[S 743/2014 wef 13/11/2014]*

(3) Within 2 months after the date on which notice of his intention to remove the matter is sent to any person under paragraph (1)(b), that

person may file with the Registrar a notice of opposition to the removal in Form TM 11.

*[S 743/2014 wef 13/11/2014]*

(4) If the Registrar is satisfied after considering any opposition to the removal that the matter has not ceased to have effect, he shall not remove it.

(5) Where there has been no response to the Registrar's publication or notice, he may remove the matter.

(6) If the Registrar is satisfied after considering any opposition to the removal that the entry or any part thereof has ceased to have effect, he shall remove the entry or that part of the entry, as the case may be.

### **Certificate of contested validity of trade mark**

**47.—**(1) This rule applies where the Registrar or the Court has certified under section 102(1) of the Act that the registration of a trade mark is found to be wholly or partially valid in any proceedings before the Registrar or the Court (as the case may be), and the fact that the validity of the registration was contested in the proceedings.

(2) If the certificate is given by the Court, the proprietor of the registered trade mark may file a written request with the Registrar to add to the entry of the trade mark 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.

(3) The Registrar must, on receipt of the request mentioned in paragraph (2) and the copy of the certificate, add the note to the entry of the trade mark in the register.

(4) If the certificate is given by the Registrar, the Registrar must add to the entry of the trade mark in the register a note that such certificate has been given in the course of the proceedings.

*[S 692/2021 wef 01/10/2021]*

### **Extract from register**

**48.** Any person may, by filing Form CM12 with the Registrar, request from the Registrar any of the following:

- (a) a certified copy of any entry in the register pertaining to a trade mark;
- (b) a certified extract from the register pertaining to a trade mark;
- (c) a certified copy of any form, pertaining to an application for registration, which was filed with the Registrar.

[S 743/2014 wef 13/11/2014]

## PART IV

### RENEWAL OF REGISTRATION OF TRADE MARK

#### **Renewal of registration**

**49.**—(1) Subject to paragraph (2), an application for the renewal of registration of a trade mark shall be made not earlier than 6 months before, and not later than 6 months after, the date of expiry of the registration.

[S 743/2014 wef 13/11/2014]

(2) Where a trade mark is registered after the date on which it becomes due for renewal by reference to the date of the application for its registration, an application for the renewal of its registration shall be made not later than 6 months after the actual date of its registration.

(3) An application for the renewal of registration of a trade mark shall —

- (a) be in Form TM 19, if made on or before the date of expiry of the registration; or
- (b) be in Form TM 19 and be accompanied by the additional late payment fee, if made within 6 months after the date of expiry of the registration.

[S 743/2014 wef 13/11/2014]

(4) Notwithstanding paragraph (3)(b), where —

- (a) a trade mark is registered —
  - (i) within 6 months before; or

(ii) after,

the date on which it becomes due for renewal by reference to the date of the application for its registration; and

(b) an application for the renewal of its registration is made not later than 6 months after the actual date of its registration,

the application for the renewal of its registration shall be in Form TM 19.

(5) To avoid doubt, the application for the renewal of the registration of the trade mark under paragraph (4) need not be accompanied by any additional late payment fee.

*[S 743/2014 wef 13/11/2014]*

### **Notice of renewal**

**50.**—(1) Subject to paragraphs (2) and (3), the Registrar shall, not less than one month nor more than 6 months before the date of expiry of the registration of a trade mark, send a notice in writing to the proprietor, at the proprietor's address for service, notifying him of the date of expiry of the registration.

(2) Subject to paragraph (3), where a trade mark is registered —

(a) within 6 months before; or

(b) after,

the date on which it becomes due for renewal by reference to the date of the application for its registration, the Registrar shall, within one month after the actual date of its registration, send a notice in writing to the proprietor —

(i) where an application for the renewal of registration of the trade mark has previously been made in accordance with rule 49, at the address for service as indicated in the application; or

(ii) in any other case, at the proprietor's address for service, notifying him of the date of expiry of its registration.

(3) The Registrar need not send any notice referred to in paragraph (1) or (2) if an application for the renewal of registration of the trade mark has been made in accordance with rule 49.

### **Notice of non-compliance**

**50A.**—(1) If, in the course of an examination of an application for renewal of registration, 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.

(3) [*Deleted by S 743/2014 wef 13/11/2014*]

### **Removal of trade mark from register**

**51.** The Registrar may remove a trade mark from the register if —

- (a) no application for the renewal of registration of the trade mark is filed in accordance with rule 49; or
- (b) where an application for the renewal of registration of the trade mark is filed in accordance with rule 49, the applicant for the renewal of registration —
  - (i) fails to comply with any direction of the Registrar relating to the renewal; or
  - (ii) notifies the Registrar that he wishes to withdraw or abandon the application.

### **Delayed renewal**

**52.** [*Deleted by S 370/2004*]

**Restoration of registration**

**53.**—(1) An application for restoration of a trade mark which has been removed from the register under rule 51 shall be filed with the Registrar in Form TM 19 within 6 months after the date of the removal of the trade mark from the register.

*[S 743/2014 wef 13/11/2014]*

(2) *[Deleted by S 743/2014 wef 13/11/2014]*

(2A) *[Deleted by S 743/2014 wef 13/11/2014]*

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

(3A) *[Deleted by S 743/2014 wef 13/11/2014]*

(4) The Registrar may restore the trade mark to the register and renew its registration if he is satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

**PART V****REGISTRABLE TRANSACTIONS****Entry in register of particulars of registrable transactions**

**54.**—(1) The prescribed particulars of a transaction to which section 39 of the Act applies to be entered in the register are —

- (a) in the case of an assignment of a registered trade mark or any right in it —
  - (i) the name and address of the subsequent proprietor;
  - (ii) the date of the assignment; and
  - (iii) where the assignment is in respect of any right in the trade mark, a description of the right assigned;
- (b) in the case of the grant of a licence under a registered trade mark —
  - (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 trade mark or any right in or under it —
- (i) the name and address of the grantee;
  - (ii) the nature of the interest (whether fixed or floating); and
  - (iii) the extent of the security and the right in or under the trade mark secured;
- (d) in the case of the making by personal representatives of an assent in relation to a registered trade mark or any right in or under it —
- (i) the name and address of the person in whom the trade mark or any right in or under 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 trade mark or any right in or under 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 trade mark, a description of the right transferred.

(2) In each of the cases mentioned in paragraph (1), there shall be entered in the register the date on which the entry is made.

### **Application to register or give notice of transaction**

**55.—**(1) An application to register particulars of a transaction to which section 39 of the Act applies shall be made, and a notice to be

given to the Registrar of particulars of a transaction to which section 41 of the Act applies shall be —

- (a) in the case of any assignment or transaction other than a transaction referred to in sub-paragraphs (b) and (c), in Form CM8;

*[S 743/2014 wef 13/11/2014]*

- (b) in the case of the grant, amendment or termination of a licence, in Form CM6;

*[S 743/2014 wef 13/11/2014]*

- (c) in the case of the grant, amendment or termination of any security interest, in Form CM7;

*[S 743/2014 wef 13/11/2014]*

- (d) in the case of the making by personal representatives of an assent in relation to a registered trade mark, an application for registration of a trade mark, or any right in or under a registered trade mark or an application for registration of a trade mark, by way of a written request; or

*[S 743/2014 wef 13/11/2014]*

*[S 149/2017 wef 01/04/2017]*

- (e) in the case of an order of the Court or any other competent authority transferring a registered trade mark, an application for registration of a trade mark, or any right in or under a registered trade mark or an application for registration of a trade mark, by way of a written request accompanied by a copy of the order.

*[S 743/2014 wef 13/11/2014]*

- (f) *[Deleted by S 743/2014 wef 13/11/2014]*

(2) Where an application under paragraph (1) is filed other than by means of the electronic online system, the application shall be —

- (a) signed by or on behalf of all the parties to the assignment or transaction, in the case of an assignment or transaction referred to in paragraph (1)(a);

- (b) signed by or on behalf of the personal representative, in the case of the making by a personal representative of an assent referred to in paragraph (1)(d);

*[S 743/2014 wef 13/11/2014]*

*[S 149/2017 wef 01/04/2017]*

- (c) accompanied by any documentary evidence which in the Registrar's view is sufficient to establish the transaction, in the case of an order of the Court or other competent authority referred to in paragraph (1)(e); and

*[S 743/2014 wef 13/11/2014]*

- (d) signed by or on behalf of the grantor of the licence or security interest, in any other case.

(3) Where an application under paragraph (1) 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.

(3A) Where an application under paragraph (1) is not signed in accordance with paragraph (2)(a), (b) or (d), or not authorised and validated in accordance with paragraph (3), the application shall be accompanied —

- (a) in the case of an assignment (of a registered trade mark or an application for registration of a trade mark) referred to in paragraph (1)(a), at the option of the applicant, by —

- (i) a copy of the contract of assignment;

*[S 743/2014 wef 13/11/2014]*

- (ii) an extract of the contract of assignment, being an extract which shows the change in the ownership of the registered trade mark or application for registration;

*[S 743/2014 wef 13/11/2014]*

- (iii) a certificate of transfer of the registered trade mark or application for registration in such form as the Registrar may require, being a certificate signed by all parties to the assignment;

- (iv) a transfer document relating to the registered trade mark or application for registration in such form as the Registrar may require, being a document signed by all parties to the assignment; or
- (v) a copy of any documentary evidence which in the Registrar's view is sufficient to establish the assignment;

*[S 743/2014 wef 13/11/2014]*

(b) in the case of a grant of a licence (under a registered trade mark or an application for registration of a trade mark) referred to in paragraph (1)(b), at the option of the applicant, by —

- (i) an extract of the licence contract, being an extract which shows the parties to the contract and the rights which are licensed under the contract;

*[S 743/2014 wef 13/11/2014]*

- (ii) a statement of the licence containing such information as the Registrar may require, being a statement signed by both the person granting the licence and the licensee; or
- (iii) a copy of any documentary evidence which in the Registrar's view is sufficient to establish the grant of the licence;

*[S 743/2014 wef 13/11/2014]*

(c) in the case of an amendment to, or a termination of, a licence (under a registered trade mark or an application for registration of a trade mark) referred to in paragraph (1)(b), at the option of the applicant, by —

- (i) a statement of the amendment or termination of the licence, as the case may be, containing such information as the Registrar may require, being a statement signed by both the person granting the licence and the licensee; or

- (ii) a copy of any documentary evidence which in the Registrar's view is sufficient to establish the

amendment or termination of the licence, as the case may be; or

*[S 743/2014 wef 13/11/2014]*

- (d) in any other case, by a copy of any documentary evidence which in the Registrar's view is sufficient to establish the transaction.

*[S 743/2014 wef 13/11/2014]*

(3B) Where an application under paragraph (1) is filed by means of the electronic online system, the document referred to in paragraph (3A)(a)(i), (ii), (iii), (iv) or (v) shall be filed within such time as the Registrar may specify.

(3C) The Registrar shall refuse to accept an application under paragraph (1) if paragraph (2), (3), (3A) or (3B) is not complied with and in such event, the Registrar may require a fresh application to be made.

(4) *[Deleted by S 743/2014 wef 13/11/2014]*

(5) The Registrar may require the applicant to furnish such other document, instrument and information in support of the application as the Registrar thinks fit, within such time as the Registrar may specify.

(5A) *[Deleted by S 743/2014 wef 13/11/2014]*

(6) *[Deleted by S 743/2014 wef 13/11/2014]*

## PART VI

### ALTERATION OF REGISTERED TRADE MARK

#### **Application to alter registered trade mark**

**56.—**(1) The proprietor of a registered trade mark may apply to the Registrar in Form TM 27 for such alteration of his mark as is permitted under section 20 of the Act.

*[S 743/2014 wef 13/11/2014]*

(2) The proprietor shall provide to the Registrar such evidence in respect of the application as the Registrar may require.

(3) Where the Registrar proposes to allow such alteration, he shall publish the mark as altered in the Trade Marks Journal.

(4) Any person claiming to be affected by the alteration may, within 2 months after the date of the publication of the alteration, file with the Registrar a notice of opposition to the alteration in Form TM 11.

*[S 743/2014 wef 13/11/2014]*

(4A) *[Deleted by S 370/2004]*

(5) The notice of opposition shall contain a statement of the grounds upon which the person opposes the alteration, including, where relevant, how the alteration would be contrary to section 20(2) of the Act.

(6) Rules 29(2) to (7) and 31 to 40 shall apply, with the necessary modifications, to any proceedings arising from the notice of opposition.

*[S 22/2017 wef 31/01/2017]*

(6A) For the purposes of the application of the rules referred to in paragraph (6) —

- (a) any reference to the applicant shall be read as a reference to the proprietor;
- (b) any reference to the application for registration shall be read as a reference to the application for alteration referred to in paragraph (1);
- (c) any reference to the date of publication of the application for registration shall be read as a reference to the date of publication of the alteration;
- (d) any reference to the notice of opposition shall be read as a reference to the notice of opposition referred to in paragraph (4); and
- (e) any reference to the opponent shall be read as a reference to the person referred to in paragraph (4).

(7) *[Deleted by S 491/2000]*

## PART VII

REVOCATION, INVALIDATION, RECTIFICATION AND  
CANCELLATION**Application for revocation, declaration of invalidity and  
rectification**

**57.—**(1) An application to the Registrar for —

- (a) the revocation of the registration of a trade mark under section 22 of the Act; or
- (b) a declaration of invalidity of the registration of a trade mark under section 23 of the Act,

shall be made in Form TM 28.

*[S 743/2014 wef 13/11/2014]*

(1A) An application to the Registrar for the rectification of an error or omission in the register under section 67 of the Act shall be made —

- (a) in the case of an application by the proprietor of a registered trade mark to amend any information in the register relating to that trade mark —
  - (i) in Form CM2, if the amendment pertains to the name or other particulars of the proprietor; or
  - (ii) in Form TM 27, if sub-paragraph (i) does not apply; or

*[S 743/2014 wef 13/11/2014]*

- (b) in the case of an application by any other person to amend any information in the register relating to that trade mark, on Form TM 28.

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

(2A) If an application for a declaration of invalidity is based on the ground that the registered trade mark is identical or similar to an earlier trade mark, the following shall be included in the statement for the purpose of determining whether the registered trade mark is identical or similar to the earlier trade mark:

- (a) a representation of the earlier trade mark;
- (b) such of the following as may be applicable:
  - (i) where the earlier trade mark is registered —
    - (A) its registration number; and
    - (B) the class number and specification of the goods or services in respect of which the earlier trade mark is registered;
  - (ii) where the application to register the earlier trade mark is pending —
    - (A) the number accorded by the Registrar to the application; and
    - (B) the class number and specification of the goods or services in respect of which the earlier trade mark is sought to be registered; or
  - (iii) where the earlier trade mark is not registered and no application has been made to register it, the specification of the goods or services in respect of which the earlier trade mark is used.

*[S 743/2014 wef 13/11/2014]*

(2B) If an application for a declaration of invalidity is based on the ground that the registered trade mark is identical or similar to an earlier trade mark which is well known in Singapore, the statement shall, in addition to the matters referred to in paragraph (2A), include the following information for the purpose of determining whether the earlier trade mark is well known in Singapore:

- (a) information on the use of the earlier trade mark;
- (b) information on any promotion undertaken for the earlier trade mark.

*[S 743/2014 wef 13/11/2014]*

(3) The applicant shall, if he is not the proprietor of the registered trade mark, serve a copy of the application and statement on the proprietor at the same time as he files these documents with the Registrar.

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

*[S 743/2014 wef 13/11/2014]*

### **Counter-statement**

**58.**—(1) Within 2 months after the date of receipt of the copies of the application and statement from the applicant, the proprietor may file with the Registrar a counter-statement in Form HC6 setting out —

- (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 743/2014 wef 13/11/2014]*

(2) The proprietor shall serve on the applicant a copy of the counter-statement at the same time as he files the counter-statement with the Registrar.

(3) In the case of an application for revocation of the registration of a trade mark on the ground referred to in section 22(1)(a) or (b) of the Act, the proprietor shall —

- (a) file, together with the counter-statement, a statutory declaration setting out —
  - (i) evidence of the use by the proprietor of the trade mark in relation to the goods or services for which it is registered during the period of non-use alleged by the applicant in Form TM 28;
  - (ii) evidence supporting proper reasons for non-use during the period of non-use alleged by the applicant in Form TM 28;
  - (iii) evidence of commencement or resumption of use of the trade mark in relation to the goods or services for which it is registered on a date which falls after the period of non-use alleged by the applicant in Form TM 28, and before the 3-month period immediately preceding the date of the application; or

(iv) evidence of —

(A) commencement or resumption of use of the trade mark in relation to the goods or services for which it is registered on a date which falls after the period of non-use alleged by the applicant in Form TM 28, and within the 3-month period immediately preceding the date of the application; and

(B) the fact that the proprietor was unaware that the application might be made when the preparations for the commencement or resumption of use of the trade mark began; and

(b) serve a copy of the statutory declaration on the applicant at the same time.

*[S 743/2014 wef 13/11/2014]*

(4) A request for an extension of time to file the counter-statement —

(a) must be made by the proprietor to the Registrar in Form HC3 within 2 months after the date of receipt of the copies of the application and statement from the applicant; and

(b) must state —

(i) the reason for the extension; and

(ii) the name and address of every person likely to be affected by the extension.

*[S 22/2017 wef 31/01/2017]*

(4A) The proprietor must, at the time the request mentioned in paragraph (4) is made to the Registrar, serve on the applicant, and on each person likely to be affected by an extension of time to file the counter-statement, a copy of that request.

*[S 22/2017 wef 31/01/2017]*

(5) The total extension of time which the Registrar may allow to file the counter-statement shall not exceed 4 months after the date of

receipt by the proprietor of the copies of the application and statement.

[S 743/2014 wef 13/11/2014]

(6) The Registrar may refuse to grant an extension of time to file the counter-statement if the proprietor —

(a) fails to show a good and sufficient reason for the extension;  
or

(b) fails to show to the Registrar's satisfaction that the request mentioned in paragraph (4) has been served on the applicant and on each person likely to be affected by the extension.

[S 22/2017 wef 31/01/2017]

(7) Upon granting an extension of time to file the counter-statement, the Registrar must send a notification of the extension to the applicant and each person mentioned in paragraph (4)(b)(ii).

[S 22/2017 wef 31/01/2017]

(8) The applicant or any person likely to be affected by the extension of time to file the counter-statement may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (4) had not been served on the applicant or on that person (as the case may be).

[S 22/2017 wef 31/01/2017]

(9) [*Deleted by S 22/2017 wef 31/01/2017*]

(10) In the case of an application for revocation on the ground referred to in section 22(1)(a) or (b) of the Act, the application shall be granted where no counter-statement or statutory declaration referred to in paragraph (3) has been filed or served on the applicant within the time allowed.

[S 743/2014 wef 13/11/2014]

(11) In the case of an application for revocation on the ground referred to in section 22(1)(c) or (d) of the Act, the application shall

be granted where no counter-statement has been filed or served on the applicant within the time allowed.

[S 743/2014 wef 13/11/2014]

(12) In the case of an application for a declaration of invalidity, the application shall be granted where no counter-statement has been filed or served on the applicant within the time allowed.

[S 743/2014 wef 13/11/2014]

(13) In the case of an application for the rectification of an error or omission in the register by a person, other than the proprietor of a registered trade mark, the application shall be granted where no counter-statement has been filed or served on the applicant within the time allowed.

[S 743/2014 wef 13/11/2014]

### Further procedure

**59.**—(1) Upon an application being made —

- (a) under rule 57(1) on the ground mentioned in section 22(1)(c) or (d) or 23 of the Act; or
- (b) under rule 57(1A)(b),

and a counter-statement being filed under rule 58, rules 31A to 40 apply, with the necessary modifications mentioned in paragraph (2)(a) to (d), to further proceedings on the application.

[S 22/2017 wef 31/01/2017]

(1A) Upon an application being made under rule 57(1) on the ground mentioned in section 22(1)(a) or (b) of the Act and a counter-statement being filed under rule 58 —

- (a) the Registrar must, after hearing the parties on the appropriate timelines, specify the periods within which the following evidence may be filed by the parties:
  - (i) statutory declaration setting out the evidence the applicant wishes to adduce in support of the application;
  - (ii) statutory declaration setting out the evidence the proprietor wishes to adduce in support of the

proprietor's case that is additional to the evidence already provided in the statutory declaration filed with the counter-statement;

(iii) statutory declaration setting out the applicant's evidence in reply;

(aa) subject to sub-paragraphs (b) and (c), the Registrar may, in any case after specifying the periods within which the evidence mentioned in sub-paragraph (a) may be filed by the parties, shorten any of those periods;

*[S 692/2021 wef 01/10/2021]*

(ab) the Registrar may only exercise the Registrar's power under sub-paragraph (aa) after giving the parties an opportunity to be heard;

*[S 692/2021 wef 01/10/2021]*

(b) each period specified by the Registrar under sub-paragraph (a), or as shortened by the Registrar under sub-paragraph (aa) (if applicable), must not be shorter than 2 months;

*[S 692/2021 wef 01/10/2021]*

(c) the applicant may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(i) within the period specified by the Registrar under sub-paragraph (a), or as shortened by the Registrar under sub-paragraph (aa) (if applicable), for that statutory declaration, or any extension of that period by the Registrar;

*[S 692/2021 wef 01/10/2021]*

(d) where the applicant files a statutory declaration under sub-paragraph (c), the applicant must, at the time the statutory declaration is filed, send to the proprietor a copy of the statutory declaration;

(e) if the applicant does not file any statutory declaration under sub-paragraph (c), the Registrar must notify the proprietor of this;

(f) the proprietor may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(ii) within the

period specified by the Registrar under sub-paragraph (a), or as shortened by the Registrar under sub-paragraph (aa) (if applicable), for that statutory declaration, or any extension of that period by the Registrar;

[S 692/2021 wef 01/10/2021]

(g) where the proprietor files a statutory declaration under sub-paragraph (f) —

(i) the proprietor must, at the time the statutory declaration is filed, send to the applicant a copy of the statutory declaration; and

(ii) the applicant may file with the Registrar the statutory declaration mentioned in sub-paragraph (a)(iii) within the period specified by the Registrar under sub-paragraph (a), or as shortened by the Registrar under sub-paragraph (aa) (if applicable), for that statutory declaration, or any extension of that period by the Registrar;

[S 692/2021 wef 01/10/2021]

(h) the applicant's statutory declaration mentioned in sub-paragraph (a)(iii) must be confined to matters strictly in reply to the proprietor's statutory declaration mentioned in sub-paragraph (a)(ii); and

(i) rules 32 to 40 apply, with the necessary modifications mentioned in paragraph (2)(a), (b), (c), (ca), (e) and (f), to any proceedings on the application.

[S 22/2017 wef 31/01/2017]

(2) For the purposes of the application of rules 31A to 40 —

(a) references in those rules to the applicant shall be treated as references to the proprietor;

(b) references in those rules to the application shall be treated as references to the proprietor's registration;

- (c) references in those rules to the opponent shall be treated as references to the applicant for rectification, revocation or a declaration of invalidity of the registration;

*[S 22/2017 wef 31/01/2017]*

- (ca) references in those rules to the opposition or the notice of opposition are to be treated as references to the application for rectification, revocation or a declaration of invalidity of the registration (as the case may be);

*[S 22/2017 wef 31/01/2017]*

- (d) the reference in rule 31A(9) to the withdrawal of the application shall be treated as a reference to the admission by the proprietor to the facts alleged by the applicant in his application for rectification, revocation or a declaration of invalidity of the registration;

*[S 22/2017 wef 31/01/2017]*

- (e) references in those rules to the statutory declaration mentioned in rule 31A(1)(a), (b) or (c) are to be treated as references to the statutory declaration mentioned in paragraph (1A)(a)(i), (ii) or (iii) respectively; and

*[S 22/2017 wef 31/01/2017]*

- (f) references in those rules to the period specified by the Registrar under rule 31A(1) are to be treated as references to the period specified by the Registrar under paragraph (1A)(a).

*[S 22/2017 wef 31/01/2017]*

*[S 22/2017 wef 31/01/2017]*

### **Intervention by third parties**

**60.**—(1) Any person, other than the registered proprietor, claiming to have an interest in a registered trade mark which is the subject of an application under rule 57 may apply to the Registrar in writing for permission to intervene.

*[S 743/2014 wef 13/11/2014]*

*[S 263/2022 wef 01/04/2022]*

(2) The Registrar may, after hearing the parties concerned if he so required, refuse permission to intervene, or grant leave to intervene upon such terms (including any undertaking as to costs) as he thinks fit.

*[S 263/2022 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 263/2022 wef 01/04/2022]*

### **Application to cancel registered trade mark or registration in relation to certain goods or services**

**61.—**(1) The proprietor may, by filing with the Registrar a notice in Form CM3 —

- (a) cancel the proprietor's registered trade mark, if the cancellation relates to all of the goods or services in respect of which the trade mark is registered; or
- (b) cancel the registration of the proprietor's registered trade mark in relation to at least one of the goods or services in respect of which the trade mark is registered.

*[S 743/2014 wef 13/11/2014]*

(2) A notice under paragraph (1) shall have no effect unless the proprietor in that notice certifies that every other person (if any) having a right in the mark —

- (a) has been given not less than 3 months' notice of the proprietor's intention to cancel the mark; and
- (b) is not affected by the cancellation or if affected has no objection to the cancellation.

*[S 743/2014 wef 13/11/2014]*

(3) The Registrar, if satisfied that the notice complies with paragraph (2) and is otherwise regular, shall make the appropriate entry in the register.

## PART VIII

## COLLECTIVE MARKS AND CERTIFICATION MARKS

**Application of Rules to collective marks and certification marks**

**62.**—(1) Except as provided in this Part, the provisions of these Rules shall apply in relation to collective marks and certification marks as they apply in relation to ordinary trade marks.

(2) In case of doubt in applying the provisions of these Rules, any party may apply to the Registrar for directions.

(3) The address of the applicant for the registration of a collective mark or certification mark shall be deemed to be the trade or business address of the applicant for the purposes of rule 9(4)(o).

*[S 743/2014 wef 13/11/2014]*

(4) *[Deleted by S 852/2005]*

**Filing of regulations**

**63.** Within 9 months after the date of the application for the registration of a collective mark or certification mark, the applicant must file with the Registrar —

(a) Form TM 10; and

(b) a copy of the regulations governing the use of the mark.

*[S 743/2014 wef 13/11/2014]*

**Filing of amended regulations**

**64.**—(1) The filing of amended regulations pursuant to paragraph 7(2) of the First Schedule to the Act in relation to a collective mark or paragraph 8(2) of the Second Schedule to the Act in relation to a certification mark shall be made in Form TM 10.

*[S 743/2014 wef 13/11/2014]*

(2) Form TM 10 shall be accompanied by a copy of the amended regulations with the amendments shown in red.

*[S 743/2014 wef 13/11/2014]*

**Opposition to registration**

**65.**—(1) Any person may, within 2 months after the date of the publication of an application for registration of a collective mark or certification mark, give written notice to the Registrar in Form TM 11 opposing the registration; and rules 29 to 40 shall apply, with the necessary modifications, to the proceedings thereon.

*[S 743/2014 wef 13/11/2014]*

(2) *[Deleted by S 852/2005]*

(3) In case of doubt, any party may apply to the Registrar for directions.

**Amendment of regulations**

**66.**—(1) An application for the amendment of the regulations governing the use of a registered collective mark or certification mark shall be filed with the Registrar in Form TM 10.

*[S 743/2014 wef 13/11/2014]*

(2) The application shall be accompanied by a copy of the amended regulations with the amendments shown in red.

*[S 743/2014 wef 13/11/2014]*

(3) Where it appears expedient to the Registrar that the amended regulations should be made available to the public, the Registrar may publish a notice indicating where copies of the amended regulations may be inspected.

(4) *[Deleted by S 491/2000]*

(5) *[Deleted by S 491/2000]*

(6) *[Deleted by S 491/2000]*

(7) *[Deleted by S 491/2000]*

(8) *[Deleted by S 491/2000]*

**Opposition to amendment of regulations**

**66A.**—(1) Any person may, within 2 months after the date of the publication of the notice referred to in rule 66(3), file with the Registrar —

- (a) a notice of opposition to the amendment to the regulations in Form TM 11; and
- (b) a statement indicating why the amended regulations do not comply with the requirements of paragraph 6(1) of the First Schedule to the Act, or paragraph 7(1) of the Second Schedule to the Act, as the case may be.

*[S 743/2014 wef 13/11/2014]*

(2) The person filing the notice and statement under paragraph (1) shall, at the same time, serve copies of the notice and statement on the proprietor.

(3) Rules 29(3) to (7) and 31 to 40 shall, with the necessary modifications, apply to the proceedings thereon as they apply to an opposition to an application for registration of a trade mark.

*[S 22/2017 wef 31/01/2017]*

(4) For the purposes of the application of the rules referred to in paragraph (3) —

- (a) references in those rules to the applicant shall be treated as references to the applicant for the amendment of the regulations;
- (b) references in those rules to the application shall be treated as references to the application for the amendment of the regulations;
- (c) references in those rules to the date of the publication of the application for registration shall be treated as references to the date of the publication of the notice referred to in rule 66(3);
- (d) references in those rules to the notice of opposition shall be treated as references to the notice and statement referred to in paragraph (1); and
- (e) references in those rules to the opponent shall be treated as references to the person who filed the notice and statement referred to in paragraph (1).

## PART IX

## EVIDENCE AND PROCEDURE

**Registrar's discretionary powers**

**67.** 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 743/2014 wef 13/11/2014]*

**Request for hearing**

**67A.—(1)** A request for the exercise of the discretionary power of the Registrar under rule 67 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 263/2022 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 67 in interlocutory proceedings with notice shall be made to the Registrar in writing.

*[S 263/2022 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 67.

(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 his decision in relation to the exercise of the discretionary power.

(7A) For the purpose of paragraph (7), the Registrar may, on the Registrar's own accord, send to every party the Registrar's grounds of decision for the decision in respect of any request under this rule.

*[S 692/2021 wef 01/10/2021]*

(8) Where the Registrar's grounds of decision are not sent to every party under paragraph (7), and any party wishes to have the Registrar's grounds of decision in respect of a request under this rule —

(a) the party must, within one month after the date of the Registrar's decision, request the Registrar in the following manner to state the Registrar's grounds of decision:

(i) in the case of grounds of decision in respect of a request under paragraph (1) — by filing Form HC5 with the Registrar;

(ii) in the case of grounds of decision in respect of a request under paragraph (3) — by sending a written request to the Registrar; and

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

*[S 692/2021 wef 01/10/2021]*

(9) The date on which the Registrar's grounds of decision are sent to every party under paragraph (7A) or 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.

*[S 692/2021 wef 01/10/2021]*

(10) For the purposes of paragraph (9), the Registrar's decision must be one which is subject to appeal to the Court under section 75(2) of the Act.

*[S 743/2014 wef 13/11/2014]*

### **Hearing before Registrar to be public**

**68.**—(1) The hearing before the Registrar of any proceedings relating to any matter under the Act or these Rules must be in public unless the Registrar, after consultation with the party or parties, otherwise directs.

(2) Paragraph (1) does not apply to —

(a) any pre-hearing review under rule 36A;

(b) any assessment proceedings under rule 74; or

*[S 263/2022 wef 01/04/2022]*

(c) any case management conference under rule 81A.

*[S 692/2021 wef 01/10/2021]*

### **Evidence in proceedings before Registrar**

**69.**—(1) In any proceedings before the Registrar under the Act or these Rules, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Act or these Rules 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 263/2022 wef 01/04/2022]*

(1B) Despite paragraph (1A), any statutory declaration used in any proceedings before the Registrar may contain statements of information or belief with the sources and grounds thereof.

[S 22/2017 wef 31/01/2017]

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

(4) [*Deleted by S 370/2004*]

### **Statutory declarations**

**70.** Any statutory declaration filed under the Act or these Rules, or used in any proceedings under the Act or these Rules, 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 there 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**

**71.** Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by rule 70 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 X

### COSTS

#### **Application for costs**

**72.**—(1) For the purposes of section 69 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,

*[S 743/2014 wef 13/11/2014]*

as the case may be.

(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.

#### **Assessment of costs**

**73.**—(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 743/2014 wef 13/11/2014]*

*[S 263/2022 wef 01/04/2022]*

*[S 692/2021 wef 01/10/2021]*

*[S 263/2022 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 743/2014 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 263/2022 wef 01/04/2022]*

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

*[S 263/2022 wef 01/04/2022]*

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

*[S 743/2014 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 743/2014 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 743/2014 wef 13/11/2014]*

*[S 263/2022 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 743/2014 wef 13/11/2014]*

*[S 263/2022 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 cost claimed for that item, or the word “Disagree” if the party concerned disagrees with the cost 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 263/2022 wef 01/04/2022]*

*[S 263/2022 wef 01/04/2022]*

### **Assessment proceedings**

**74.—**(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 263/2022 wef 01/04/2022]*

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

*[S 263/2022 wef 01/04/2022]*

### **Scale of costs**

**75.—**(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 263/2022 wef 01/04/2022]*

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

*[S 743/2014 wef 13/11/2014]*

*[S 263/2022 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.

(3) In applying the provisions in the Fourth Schedule, the Registrar may take into account any direction given by the Registrar under rule 81C in relation to the conduct of 2 or more matters or proceedings.

*[S 692/2021 wef 01/10/2021]*

(4) Paragraphs (1) and (2) do not apply to any assessment of costs of a proprietor of a registered trade mark who is entitled under section 102(2) of the Act to the proprietor's costs as between solicitor and client.

*[S 692/2021 wef 01/10/2021]*

*[S 263/2022 wef 01/04/2022]*

### **Certificate of assessment**

**76.** Where a bill of costs has been assessed, the Registrar must make the Registrar's certificate for the amount of the assessed costs.

*[S 692/2021 wef 01/10/2021]*

*[S 263/2022 wef 01/04/2022]*

## **PART XI**

### **EXTENSION OF TIME AND REINSTATEMENT OF APPLICATIONS, RIGHTS AND THINGS**

#### **Request for extension of time**

**77.—**(1) Subject to paragraph (6), 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 22/2017 wef 31/01/2017]*

(1A) A request for an extension of time under paragraph (1) —

- (a) in a case where the request relates to any proceedings not mentioned in sub-paragraph (b) at which only the applicant is present, must be made by filing with the Registrar Form CM5 before the expiry of the period of time in question;

*[S 263/2022 wef 01/04/2022]*

- (b) in a case where the request relates to an extension of the period of time specified in rule 24(4), must be made by filing with the Registrar Form HC3 before the expiry of that period of time; or
- (c) in a case where the request relates to any proceedings with notice, must be made by filing with the Registrar Form HC3 before the expiry of the period of time in question.

*[S 22/2017 wef 31/01/2017]*

*[S 263/2022 wef 01/04/2022]*

(1B) A request for an extension of time mentioned in paragraph (1A)(c) must state —

- (a) the period of extension requested;
- (b) the reason for the extension; and
- (c) the name and address of every person likely to be affected by the extension.

*[S 22/2017 wef 31/01/2017]*

(1C) A person making a request mentioned in paragraph (1A)(c) must serve a copy of the request on each party, and on each person

likely to be affected by the extension of time, at the time the request is filed with the Registrar.

*[S 22/2017 wef 31/01/2017]*

(1D) Any party or any person likely to be affected by the extension of time may submit an objection to the request for extension of time not later than 2 weeks after the receipt of a copy of the request mentioned in paragraph (1A)(c).

*[S 22/2017 wef 31/01/2017]*

(2) The Registrar may refuse to grant an extension of time if the person requesting the extension —

- (a) fails to show a good and sufficient reason for the extension; or
- (b) in the case of a request mentioned in paragraph (1A)(c), fails to show to the Registrar's satisfaction that the request for extension has been served on each party and on each person likely to be affected by the extension.

*[S 22/2017 wef 31/01/2017]*

(3) The Registrar may grant or refuse an extension of time mentioned in paragraph (1A)(a), (b) or (c) without having to conduct a hearing in accordance with rule 67A.

*[S 22/2017 wef 31/01/2017]*

(4) Upon granting an extension of time mentioned in paragraph (1A)(c), the Registrar must send a notification of the extension to each party and each person mentioned in paragraph (1B)(c).

*[S 22/2017 wef 31/01/2017]*

(5) Any party or any person likely to be affected by the extension of time mentioned in paragraph (1A)(c) may, not later than 2 weeks after receiving the Registrar's notification of the extension, apply in writing to the Registrar to revoke the extension on the ground that the request mentioned in paragraph (1A)(c) had not been served on that party or that person (as the case may be).

*[S 22/2017 wef 31/01/2017]*

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

- (a) the remedying of a deficiency under rule 21;
- (aa) the filing of a notice of opposition to an amendment of an application which has been published under rule 23(2);
- (ab) the filing of a counter-statement in response to a notice of opposition to an amendment of an application for registration which has been published, under rule 31 read with rule 23(4);

*[S 743/2014 wef 13/11/2014]*

- (ac) the filing of a request for the Registrar's grounds of decision under rule 24(6)(a) or 67A(8)(a);

*[S 743/2014 wef 13/11/2014]*

- (b) the filing of a notice of opposition under rule 29;
- (c) the filing of a counter-statement under rule 31;
- (ca) the filing of any statutory declaration under rule 31A, 32, 33 or 34;

*[S 22/2017 wef 31/01/2017]*

- (d) the filing of a notice of opposition to the removal of any matter from the register under rule 46(2);
- (e) the doing of any act referred to in rule 49;

*[S 743/2014 wef 13/11/2014]*

- (f) the filing of an application for the restoration of a registration under rule 53(1);
- (g) *[Deleted by S 743/2014 wef 13/11/2014]*
- (h) *[Deleted by S 743/2014 wef 13/11/2014]*
- (i) the filing of a notice opposing the alteration of a registered trade mark under rule 56(4);
- (j) the filing of a counter-statement to a notice referred to in sub-paragraph (i);
- (k) the filing of a counter-statement to an application for revocation or declaration of invalidity of the registration of a trade mark, or rectification of the register under rule 58;

- (l) the filing of a notice opposing the registration of a collective mark or certification mark under rule 65;
- (m) the filing of a counter-statement to a notice referred to in sub-paragraph (l);
- (n) the filing of a notice of opposition to an amendment to regulations governing the use of a registered collective or certification mark under rule 66A(1);
- (o) the filing of a counter-statement to a notice referred to in sub-paragraph (n);
- (oa) the filing of an application under rule 77B(2) for the reinstatement of an application treated as withdrawn;
- (p) the filing of a notice of opposition in respect of a pending application for registration referred to in rule 87; and
- (q) the filing of a counter-statement to a notice referred to in sub-paragraph (p).

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

*[S 743/2014 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 743/2014 wef 13/11/2014]*

### **Where non-compliance with time caused by act of person employed in Registry**

**77A.**—(1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to an application for the registration of a trade mark 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 step by such period as the Registrar considers fit.

(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.

### **Reinstatement of application, right or thing**

**77B.**—(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;

*[S 743/2014 wef 13/11/2014]*

- (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

*[S 743/2014 wef 13/11/2014]*

- (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 claim to a right of priority under section 10 of the Act or rule 18(1); 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) any acquiescence by a proprietor of an earlier trade mark or other earlier right under section 24 of the Act, or under section 24 of the Act read with rule 19 of the Trade Marks (International Registration) Rules (R 3);

(ii) a failure to comply with the time limit for —

(A) any act under section 13 of the Act or Division 6 of Part II of these Rules, or under rule 13 or 14 of the Trade Marks (International Registration) Rules or rules 31A to 40 of these Rules read with rule 15 of the Trade Marks (International Registration) Rules, in any opposition proceedings;

*[S 22/2017 wef 31/01/2017]*

(B) any act under section 22 of the Act or Part VII of these Rules, or under section 22 of the Act and rules 57 to 60 of these Rules read with

rule 18 of the Trade Marks (International Registration) Rules, in any proceedings for the revocation of the registration of a trade mark;

- (C) any act under section 23 of the Act or Part VII of these Rules, or under section 23 of the Act and rules 57 to 60 of these Rules read with rule 18 of the Trade Marks (International Registration) Rules, in any proceedings for a declaration of invalidity of the registration of a trade mark;
- (D) any act under section 67 of the Act or Part VII of these Rules in any proceedings for the rectification of an error or omission in the register, being proceedings commenced by any person other than the proprietor of a registered trade mark in respect of any information in the register relating to that trade mark;
- (E) the filing of a request under paragraph (2); or
- (F) the filing of Form HC5 under rule 24(6)(a) or 67A(8)(a); or

[S 743/2014 wef 13/11/2014]

- (iii) a failure to pay the fee for the renewal or restoration of the registration of a trade mark under rule 49(3) or (4) or 53, as the case may be.

[S 743/2014 wef 13/11/2014]

### **Extension of time limits in special circumstances**

**77C.**—(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 433/2020 wef 05/06/2020]*

### **Change of commencement date of period for filing evidence**

**78.** Where the period within which any party to any proceedings before the Registrar may file evidence under these Rules is to begin upon the expiry of any period in which any other party may file evidence and that other party notifies the Registrar that he does not wish to file any, or any further, evidence, the Registrar may direct that the period within which the first-mentioned party may file evidence shall begin on such date as may be specified in the direction, and the Registrar shall notify all parties to the dispute of that date.

## **PART XIA**

### **ELECTRONIC ONLINE SYSTEM**

#### **Establishment of electronic online system**

**78A.—**(1) There shall be established an electronic online system for the purposes of these Rules.

(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 433/2020 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 433/2020 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 the Registry under paragraph (2);

*[S 433/2020 wef 05/06/2020]*

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

*[S 433/2020 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 433/2020 wef 05/06/2020]*

*[S 692/2021 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 692/2021 wef 01/10/2021]*

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

*[S 433/2020 wef 05/06/2020]*

**78B.** *[Deleted by S 743/2014 wef 13/11/2014]*

**78C.** *[Deleted by S 743/2014 wef 13/11/2014]*

**78D.** *[Deleted by S 743/2014 wef 13/11/2014]*

**78E.** [*Deleted by S 743/2014 wef 13/11/2014*]

### **Duty of person using electronic online system**

**78F.** A person shall only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.

*[S 598/2008 wef 01/12/2008]*

**78G.** [*Deleted by S 743/2014 wef 13/11/2014*]

### **Documents to be signed, made on oath, etc.**

**78H.**—(1) Where any document to be given, sent, filed or served using the electronic online system —

- (a) 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; or
- (b) is to be attested, it shall be attested in the usual way in which the original paper document is attested.

(2) 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 598/2008 wef 01/12/2008]*

**78I.** [*Deleted by S 692/2021 wef 01/10/2021*]

## **PART XII**

### **HOURS OF BUSINESS AND EXCLUDED DAYS**

#### **Hours of business and excluded days**

**79.**—(1) Subject to paragraph (4), any business done under the Act or these Rules —

- (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 or these Rules 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 —

(a) [*Deleted by S 743/2014 wef 13/11/2014*]

(b) giving, sending to, filing with or serving on the Registrar or Registry any document referred to in rule 78A(2); or

*[S 743/2014 wef 13/11/2014]*

*[S 433/2020 wef 05/06/2020]*

(c) giving, sending to or serving on any person by the Registrar or Registry any notice or other document referred to in rule 78A(2A),

*[S 743/2014 wef 13/11/2014]*

*[S 433/2020 wef 05/06/2020]*

expires on an excluded day, that time shall be extended to the next following day which is not an excluded day, notwithstanding the availability of the electronic online system.

*[S 598/2008 wef 01/12/2008]*

(4) Where 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 598/2008 wef 01/12/2008]*

(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.

(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.

(6A) [*Deleted by S 433/2020 wef 05/06/2020*]

(6B) [*Deleted by S 433/2020 wef 05/06/2020*]

(7) In the Act and these Rules, “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.

### **Excluded days**

**80.** [*Deleted by S 370/2004*]

### **Extension of period where interruption in postal service, etc.**

**80A.**—(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,

the Registrar may issue practice directions to declare that day as one on which there has been an “interruption” and, where any period of time specified in the Act or these Rules 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) [*Deleted by S 852/2005*]

(3) 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 or these Rules was wholly or mainly attributable to a failure of or delay in the postal service of Singapore or the electronic online system, the Registrar may, if he thinks fit and upon such terms as he may direct, extend the period so that it ends on the day of the receipt by the addressee of the notice, application or other document or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day.

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

### PART XIII

#### MISCELLANEOUS

**81.** [*Deleted by S 743/2014 wef 13/11/2014*]

#### **Case management conference**

**81A.**—(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.

(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.

(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.

(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.

(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.

(6) If any party does not attend 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 692/2021 wef 01/10/2021]*

(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.

(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 743/2014 wef 13/11/2014]*

(9) Despite paragraphs (1) and (2) but subject to paragraphs (10), (11) and (12), the Registrar may direct that a case management conference be held in an asynchronous manner by exchange of written correspondence with the parties, and the Registrar may exercise any power conferred on the Registrar under this rule for the purpose of securing the just, expeditious and economical disposal of the matter.

*[S 692/2021 wef 01/10/2021]*

(10) Where a case management conference is held under paragraph (9), the Registrar must —

- (a) before giving any direction or making any order on any matter, give each party an opportunity to address the Registrar on the intended direction or order; and
- (b) before giving any direction or making any order that affects a party's rights or interests, give that party an opportunity to address the Registrar and respond to any submission made by the other party on the intended direction or order.

*[S 692/2021 wef 01/10/2021]*

(11) For the purpose of exercising the Registrar's powers under paragraph (6) or (7) in a case management conference held under paragraph (9), the references to the non-attendance of a party in paragraph (6) and the absence of a party in paragraph (7) are each to be read as a reference to the failure of a party to respond to the Registrar's written correspondence relating to the case management conference within the time specified in the written correspondence.

*[S 692/2021 wef 01/10/2021]*

(12) The Registrar must not hold a case management conference in an asynchronous manner under paragraph (9) if any party requests that the case management conference be held in accordance with paragraph (1) instead.

*[S 692/2021 wef 01/10/2021]*

### **Production of documents, information or evidence**

**81B.**—(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 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 692/2021 wef 01/10/2021]*

(2) Without limiting paragraph (1), the Registrar may control the evidence by giving directions as to —

- (a) the issues on which any evidence is required; and

(b) the way in which the evidence is to be adduced.

*[S 692/2021 wef 01/10/2021]*

### **Consolidation of matters or proceedings**

**81C.**—(1) The Registrar may order 2 or more matters or proceedings to be consolidated on terms that the Registrar thinks just, or order them to be heard at the same time, or one immediately after another, or order any of them to be stayed until after the determination of any other of them, if the Registrar is of the opinion that —

- (a) there is some common question of law or fact in the matters or proceedings;
- (b) the rights to relief claimed in the matters or proceedings are in respect of or arise out of the same factual situation; or
- (c) for any other reason it is desirable to make an order under this rule.

(2) The Registrar may only exercise the Registrar’s power under paragraph (1) after giving the parties an opportunity to be heard.

*[S 692/2021 wef 01/10/2021]*

### **Appeal**

**82.** The following decisions of the Registrar are subject to appeal to the Court:

- (a) a decision referred to in rule 38; and
- (b) a decision in opposition proceedings under rule 46, 56, 65 or 66A.

### **Irregularities**

**83.** 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.

### **Correction of errors**

**84.**—(1) A request for the correction of an error or a mistake must —

- (a) in the case of an error or a mistake referred to in section 14(3)(b) or (c) of the Act, be made in Form TM 27; or
- (b) in the case of an error or a mistake referred to in section 25(a) of the Act, 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 a 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) rule 23;
  - (ii) any of rules 29(2) to (7) and 31 to 37, as applied by rule 23(4);  
*[S 22/2017 wef 31/01/2017]*
  - (iii) any of rules 29 to 37;
  - (iv) rule 56(4);
  - (v) any of rules 29(2) to (7) and 31 to 37, as applied by rule 56(6);  
*[S 22/2017 wef 31/01/2017]*
  - (vi) rule 57 or 58;
  - (vii) any of rules 31A to 37, as applied by rule 59;  
*[S 22/2017 wef 31/01/2017]*
  - (viii) rule 60;
  - (ix) rule 65 or 66A;
  - (x) any of rules 29 to 37, as applied by rule 65(1);

(xi) any of rules 29(3) to (7) and 31 to 37, as applied by rule 66A(3); or

[S 22/2017 wef 31/01/2017]

(xii) rule 67A(3) or (4), 72, 73, 76 or 77(1);

[S 263/2022 wef 01/04/2022]

(b) any form filed under rule 67A(1) or (8); or

(c) any form filed for an application under rule 24(2)(b) or for a request under rule 24(6)(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 743/2014 wef 13/11/2014]

### **Application to Court**

**85.** 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.

### **Order of Court**

**86.—**(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 a copy of the order with the Registrar.

[S 743/2014 wef 13/11/2014]

(2) [*Deleted by S 743/2014 wef 13/11/2014*]

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

[S 743/2014 wef 13/11/2014]

### **Trade Marks Journal**

**86A.—**(1) The Registrar shall publish a journal, to be called the Trade Marks Journal, which shall contain —

- (a) all matters that are required to be published in that Journal under rules 23(1), 26(1) and 56(3); and

*[S 743/2014 wef 13/11/2014]*

- (b) *[Deleted by S 743/2014 wef 13/11/2014]*

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

(2) The Trade Marks Journal shall be published weekly, unless the Registrar otherwise directs.

## PART XIV

### TRANSITIONAL PROVISIONS

#### **Pending applications for registration**

**87.**—(1) Where an application for registration of a trade mark made under the repealed Trade Marks Act (Cap. 332, 1992 Ed.) is advertised on or after 15th January 1999, the period within which a notice of opposition to the registration may be filed shall not exceed 4 months after the date of advertisement, and such period shall not be extended.

*[S 743/2014 wef 13/11/2014]*

(2) The period within which a counter-statement to the notice of opposition referred to in paragraph (1) may be filed shall not exceed 4 months after the date of the Registrar's letter forwarding the copy of the notice of opposition, and such period shall not be extended.

*[S 743/2014 wef 13/11/2014]*

#### **Notice under paragraph 11 of Third Schedule to Act**

**88.** *[Deleted by S 370/2004]*

#### **Savings**

**89.** Except as provided by rule 87, where —

- (a) immediately before 15th January 1999, any time or period prescribed by the revoked Trade Marks Rules (R 1, 1990 Ed.) has effect in relation to any act or proceeding and has not expired; and

(b) the corresponding time or period prescribed by these Rules would have expired or would expire earlier,

the time or period prescribed by the revoked Rules, and not by these Rules, shall apply to that act or proceeding, and such time or period may be extended by the Registrar by such period and upon such terms as the Registrar considers fit.

## FIRST SCHEDULE

Rule 3

### 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 to register a trade mark, collective mark or certification mark, where the specification is not adopted entirely from the approved list of goods or services mentioned in rule 19(2A) —	15, 62		Form TM 4
(a) if the specification consists of goods or services included in one class in the Nice Classification as in force on the date of that application		\$341	
(b) if the specification consists of goods or services included in 2 or more classes in the Nice Classification as in force on the date of that application		\$341 × number of classes	
1A. Application to register a trade mark, collective mark or certification mark, where the specification is adopted entirely from the approved list of goods or services mentioned in rule 19(2A) —	15, 62		Form TM 4
(a) if the specification consists of goods or services included in one class in the Nice Classification as in force on the date of that application		\$240	
(b) if the specification consists of goods or services included in 2 or more classes in the Nice		\$240 × number of classes	

FIRST SCHEDULE — *continued*

<i>First column</i> <i>Matter</i>	<i>Second column</i> <i>Corresponding</i> <i>Rule(s)</i>	<i>Third column</i> <i>Fee</i>	<i>Fourth column</i> <i>Corresponding</i> <i>Form(s)</i>
Classification as in force on the date of that application			
2. [ <i>Deleted by S 692/2021 wef</i> <i>01/10/2021</i> ]			
3. Request to divide an application for registration of a trade mark made in respect of 2 or more goods or services (referred to in this item as the original application) into 2 or more separate applications, each in respect of one or more of those goods or services	17(2)	\$280 for each additional application that the original application is divided into	Form TM 8
4. Filing of regulations relating to a collective mark or certification mark	63	\$340 in respect of each trade mark number	Form TM 10
5. Filing of amended regulations, or amendment of regulations, relating to a collective mark or certification mark	64, 66	\$70 in respect of each trade mark number	Form TM 10
6. Application for renewal of registration of a trade mark	49(3)(a) or (4)	\$380 × number of classes	Form TM 19
7. Late application for renewal of registration of a trade mark	49(3)(b)	\$560 × number of classes	Form TM 19
8. Application to restore a trade mark to the register	53	\$610 × number of classes	Form TM 19
9. [ <i>Deleted by S 692/2021 wef</i> <i>01/10/2021</i> ]			
10. Application to amend an application for registration of a trade mark, or by a proprietor of a registered trade mark to rectify an error or omission in the register relating to that trade mark —			
(a) where the application is made in relation only to the alteration of a registered trade mark as is permitted under section 20 of the Act, or any matter other than the name or other particulars of the applicant or proprietor,	22(1)(c), 56(1), 57(1A)(a)(ii)	\$40 in respect of each trade mark number	Form TM 27

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>
the class number or specification of any goods or services, or the particulars of any claim to a right of priority			
(b) where the application is made —	22(1)(c), 56(1), 57(1A)(a)(ii)		
(i) in relation only to the class number or specification of any goods or services, or the particulars of any claim to a right of priority; or		\$40 × number of classes	Form TM 27
(ii) in relation to the class number or specification of any goods or services, or the particulars of any claim to a right of priority, and in relation to any matter other than the name or other particulars of the applicant or proprietor		\$40 × number of classes	Form TM 27
11. Request to enter a disclaimer or limitation in the register	43	\$35 in respect of each trade mark number	Form TM 27
12. [ <i>Deleted by S 149/2017 wef 01/04/2017</i> ]			
13. [ <i>Deleted by S 149/2017 wef 01/04/2017</i> ]			
14. [ <i>Deleted by S 149/2017 wef 01/04/2017</i> ]			
15. [ <i>Deleted by S 149/2017 wef 01/04/2017</i> ]			
16. Request for correction of error or mistake referred to in section 25(a) of the Act	84(1)(b)	\$50	Form CM4
17. Request for extension of time regarding a particular period prescribed by the Rules (other than	77(1A)(a)		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>
rule 24(4)) or specified by the Registrar for doing any act or taking any proceedings in relation to proceedings at which only the applicant is present —			
(a) for first or second extension of that period		—	
(b) for third or any subsequent extension of that period		\$50	
17A. Request for extension of period of time specified in rule 24(4)	77(1A)(b)	\$100	Form HC3
18. 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 proceedings with notice	77(1A)(c)	\$100	Form HC3
19. Application to register the grant, amendment or termination of a licence	55(1)(b)	\$60 in respect of each trade mark number	Form CM6
20. Application to register the grant, amendment or termination of any security interest	55(1)(c)	\$50 in respect of each trade mark number	Form CM7
21. Application to register —			
(a) any assignment or transaction other than the grant, amendment or termination of a licence or any security interest	55(1)(a)	\$70 in respect of each trade mark number	Form CM8
(b) the making of an assent by personal representatives in relation to a registered trade mark, an application for registration of a trade mark, or any right in or under a registered trade mark or an application for registration of a trade mark	55(1)(d)	—	—
(c) an order of the Court or any other competent authority	55(1)(e)	—	—

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>
transferring a registered trade mark, an application for registration of a trade mark, or any right in or under a registered trade mark or an application for registration of a trade mark			
22. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
23. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
24. Request for certified copy of entry in register, certified extract from register or certified copy of form pertaining to application for registration —	48		
(a) where the certified copy or extract or document is in hard copy		\$35 in respect of each certified copy or extract or document	Form CM12
(b) where the certified copy or extract or document is in soft copy		\$28	Form CM12
25. Request for reinstatement of application, right or thing	77B(2)	\$100	Form CM13
26. Filing of notice of opposition to —			
(a) an amendment of an application for registration of a trade mark which has been published	23(2)	\$374 × number of classes	Form TM 11
(b) the registration of a trade mark, collective mark or certification mark	29(1), or 29(1) read with 65(1)	\$374 × number of classes	Form TM 11
(c) the removal of any matter from the register	46(2) or (3)	\$374 × number of classes	Form TM 11
(d) the alteration of a registered trade mark	56(4)	\$374 × number of classes	Form TM 11

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>
(e) an application to amend the regulations governing the use of a registered collective mark or certification mark	66A(1)	\$374 × number of classes	Form TM 11
27. Application for the revocation, or a declaration of invalidity, of the registration of a trade mark, or by any person other than the proprietor of a registered trade mark for the rectification of an error or omission in the register relating to that trade mark	57(1) or (1A)(b)	\$357 × number of classes	Form TM 28
28. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
29. Filing of notice of attendance at hearing	37(3), 37(3) read with 23(4), 56(6), 59, 65(1) or 66A(3)	\$715 × number of classes	Form HC1
30. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
31. Request for an extension of time	32(1), 33(1) or 34(1)	\$100 × number of classes	Form HC3
32. Request for hearing at which only the party making the request is present	24(3), 67A(1)	\$100 in respect of each trade mark number	Form HC4
33. Request for grounds of decision for hearing at which only the party who requested the hearing was present	24(6)(a), 67A(8)(a)	\$700 in respect of each trade mark number	Form HC5
34. Filing of a counter-statement to —			
(a) a notice of opposition to the registration of a trade mark, collective mark or certification mark	31(1), 31(1) read with 65(1)	\$360 × number of classes	Form HC6
(b) an application to alter a registered trade mark	31(1) read with 56(6)	\$360 × number of classes	Form HC6
(c) an application for revocation, or a declaration of invalidity of a registration, or for rectification of register	58(1)	\$360 × number of classes	Form HC6

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>
(d) an application to amend the regulations governing the use of a registered collective mark or certification mark	31(1) read with 66A(3)	\$360 × number of classes	Form HC6
(e) a notice of opposition to the amendment of an application for registration of a trade mark which has been published	31(1) read with 23(4)	\$360 × number of classes	Form HC6
35. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
36. [ <i>Deleted by S 692/2021 wef 01/10/2021</i> ]			
37. For certifying office copies, manuscripts or printed matter	—	\$12	—
38. Purchase of a copy of the Trade Marks Journal	86A	\$12	—
			[ <i>S 263/2022 wef 01/04/2022</i> ]
			[ <i>S 692/2021 wef 01/10/2021</i> ]
			[ <i>S 149/2017 wef 01/04/2017</i> ]
			[ <i>S 22/2017 wef 31/01/2017</i> ]
			[ <i>S 739/2015 wef 01/01/2016</i> ]
			[ <i>S 743/2014 wef 13/11/2014</i> ]
			[ <i>S 692/2021 wef 01/10/2021</i> ]

## SECOND SCHEDULE

Rule 4(4)

## DESCRIPTION OF FORMS

<i>First column Form</i>	<i>Second column Description of Form</i>
1. Form TM 4	Application to register a trade mark, collective mark or certification mark
2. Form TM 8	Request to divide an application for registration

SECOND SCHEDULE — *continued*

3. Form TM 10 Filing or amendment of regulations governing the use of a collective mark or certification mark
4. Form TM 11 Notice of opposition
5. Form TM 19 Application for renewal or restoration of registration
6. [*Deleted by S 149/2017 wef 01/04/2017*]
7. [*Deleted by S 692/2021 wef 01/10/2021*]
8. Form TM 27 Application to amend a trade mark application or registration (excluding the change of name, address or address for service)
9. Form TM 28 Application for revocation, invalidation or rectification
10. Form TM 48 Request for extension of time to file notice of opposition
11. Form CM1 Request to appoint, change or remove agent
12. Form CM2 Request to change name, address and Singapore address for service of agent, applicant, proprietor or other interested person
13. Form CM3 Request to cancel a registered trade mark, or to cancel registration of trade mark in relation to specified goods or services
14. Form CM4 Request for correction of error
15. Form CM5 Request for extension of time
16. Form CM6 Application to register, amend or terminate licence
17. Form CM7 Application to register, amend or terminate security interest
18. Form CM8 Application to register transfer of ownership
19. Form CM9 Request for withdrawal of application
20. Form CM12 Request for certified copy of entry in register, certified extract from register or certified copy of form pertaining to application for registration
21. Form CM13 Request for reinstatement of rights

SECOND SCHEDULE — *continued*

- |     |   |   |
|-----|---|---|
| 22. | Form HC1                                      | Notice of attendance at hearing   |
| 23. | <i>[Deleted by S 692/2021 wef 01/10/2021]</i> |   |
| 24. | Form HC3                                      | Request for extension of time   |
| 25. | Form HC4                                      | Request for hearing at which only the party making the request is present                                 |
| 26. | Form HC5                                      | Request for grounds of decision for hearing at which only the party who requested the hearing was present |
| 27. | Form HC6                                      | Counter-statement   |
- [S 263/2022 wef 01/04/2022]*  
*[S 692/2021 wef 01/10/2021]*  
*[S 149/2017 wef 01/04/2017]*  
*[S 743/2014 wef 13/11/2014]*

## THIRD SCHEDULE

*[Deleted by S 739/2015 wef 01/01/2016]*

## FOURTH SCHEDULE

Rule 75

## SCALE OF COSTS

<i>Item</i>	<i>Matter</i>	<i>Amount</i>
INSTITUTION OF PROCEEDINGS		
1.	Drawing and filing notice of opposition, application for revocation of registration of a trade mark, application for declaration of invalidity of registration of a trade mark, or application for rectification of an entry in the register, all including a statement of grounds	\$390
2.	Drawing and filing counter-statement	\$390
3.	Preparing and filing evidence for opposition and revocation, invalidation or rectification proceedings	\$390–\$2,080 per statutory declaration

FOURTH SCHEDULE — *continued*

- |    |  |                               |
|----|--|-------------------------------|
| 4. | Reviewing any document referred to in items 1, 2 and 3 | \$195–\$1,040<br>per document |
|----|--|-------------------------------|

## INTERLOCUTORY PROCEEDINGS, ETC.

- |    |  |  |
|----|--|--|
| 5. | Preparing for all interlocutory proceedings, pre-hearing reviews and case management conferences | \$65–\$650 per<br>proceeding,<br>review or<br>conference |
| 6. | Attending all interlocutory proceedings, pre-hearing reviews and case management conferences     | \$65–\$650 per<br>proceeding,<br>review or<br>conference |

## FULL HEARINGS

- |    |   |               |
|----|---|---------------|
| 7. | Preparing for hearing                         | \$650–\$2,600 |
| 8. | Attendance at hearing                         | \$260–\$1,040 |
| 9. | <i>[Deleted by S 743/2014 wef 13/11/2014]</i> |               |

## ASSESSMENT

- |     |                       |                  |
|-----|-----------------------|------------------|
| 10. | Drawing bill of costs | \$6.50 per folio |
| 11. | Attending assessment  | \$130–\$390      |

*[S 263/2022 wef 01/04/2022]**[S 692/2021 wef 01/10/2021]**[S 22/2017 wef 31/01/2017]**[S 743/2014 wef 13/11/2014]*

*[G.N. Nos. S 635/98; S 228/99; S 491/2000; S 507/2000;  
S 661/2001; S 474/2003; S 370/2004; S 852/2005;  
S 642/2006; S 161/2007]*

LEGISLATIVE HISTORY  
TRADE MARKS RULES  
(CHAPTER 332, R 1)

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

**1. G. N. No. S 635/1998 — Trade Marks Rules 1998**

Date of commencement : 15 January 1999

**2. G. N. No. S 228/1999 — Trade Marks (Amendment) Rules 1999**

Date of commencement : 4 June 1999

**3. 2000 Revised Edition — Trade Marks Rules**

Date of operation : 31 January 2000

**4. G. N. No. S 491/2000 — Trade Marks (Amendment) Rules 2000**

Date of commencement : 31 October 2000

**5. G. N. No. S 507/2000 — Trade Marks (Amendment) Rules 2000**

Date of commencement : 6 November 2000

**6. G. N. No. S 661/2001 — Trade Marks (Amendment) Rules 2001**

Date of commencement : 1 January 2002

**7. G. N. No. S 661/2001 — Trade Marks (Amendment) Rules 2001**

Date of commencement : 15 January 2002

**8. G. N. No. S 474/2003 — Trade Marks (Amendment) Rules 2003**

Date of commencement : 15 October 2003

**9. G. N. No. S 370/2004 — Trade Marks (Amendment) Rules 2004**

Date of commencement : 1 July 2004

**10. G. N. No. S 852/2005 — Trade Marks (Amendment) Rules 2005**

Date of commencement : 1 January 2006

**11. G. N. No. S 642/2006 — Trade Marks (Amendment) Rules 2006**

Date of commencement : 1 January 2007

**12. G. N. No. S 161/2007 — Trade Marks (Amendment) Rules 2007**

Date of commencement : 2 July 2007

**13. 2008 Revised Edition — Trade Marks Rules**

Date of operation : 31 January 2008

**14. G. N. No. S 598/2008 — Trade Marks (Amendment) Rules 2008**

Date of commencement : 1 December 2008

**15. G.N. No. S 588/2011 — Trade Marks (Amendment) Rules 2011**

Date of commencement : 1 November 2011

**16. G.N. No. S 588/2011 — Trade Marks (Amendment) Rules 2011**

Date of commencement : 1 December 2011

**17. G.N. No. S 588/2011 — Trade Marks (Amendment) Rules 2011**

Date of commencement : 1 January 2012

**18. G.N. No. S 761/2013 — Trade Marks (Amendment) Rules 2013**

Date of commencement : 1 January 2014

**19. G.N. No. S 743/2014 — Trade Marks (Amendment) Rules 2014**

Date of commencement : 13 November 2014

**20. G.N. No. S 739/2015 — Trade Marks (Amendment) Rules 2015**

Date of commencement : 1 January 2016

**21. G.N. No. S 22/2017 — Trade Marks (Amendment) Rules 2017**

Date of commencement : 31 January 2017

**22. G.N. No. S 149/2017 — Trade Marks (Amendment No. 2) Rules 2017**

Date of commencement : 1 April 2017

**23. G.N. No. S 433/2020 — Trade Marks (Amendment) Rules 2020**

Date of commencement : 5 June 2020

**24. G.N. No. S 692/2021 — Trade Marks (Amendment) Rules 2021**

Date of commencement : 1 October 2021

**25. G.N. No. S 263/2022 — Trade Marks (Amendment) Rules 2022**

Date of commencement : 1 April 2022