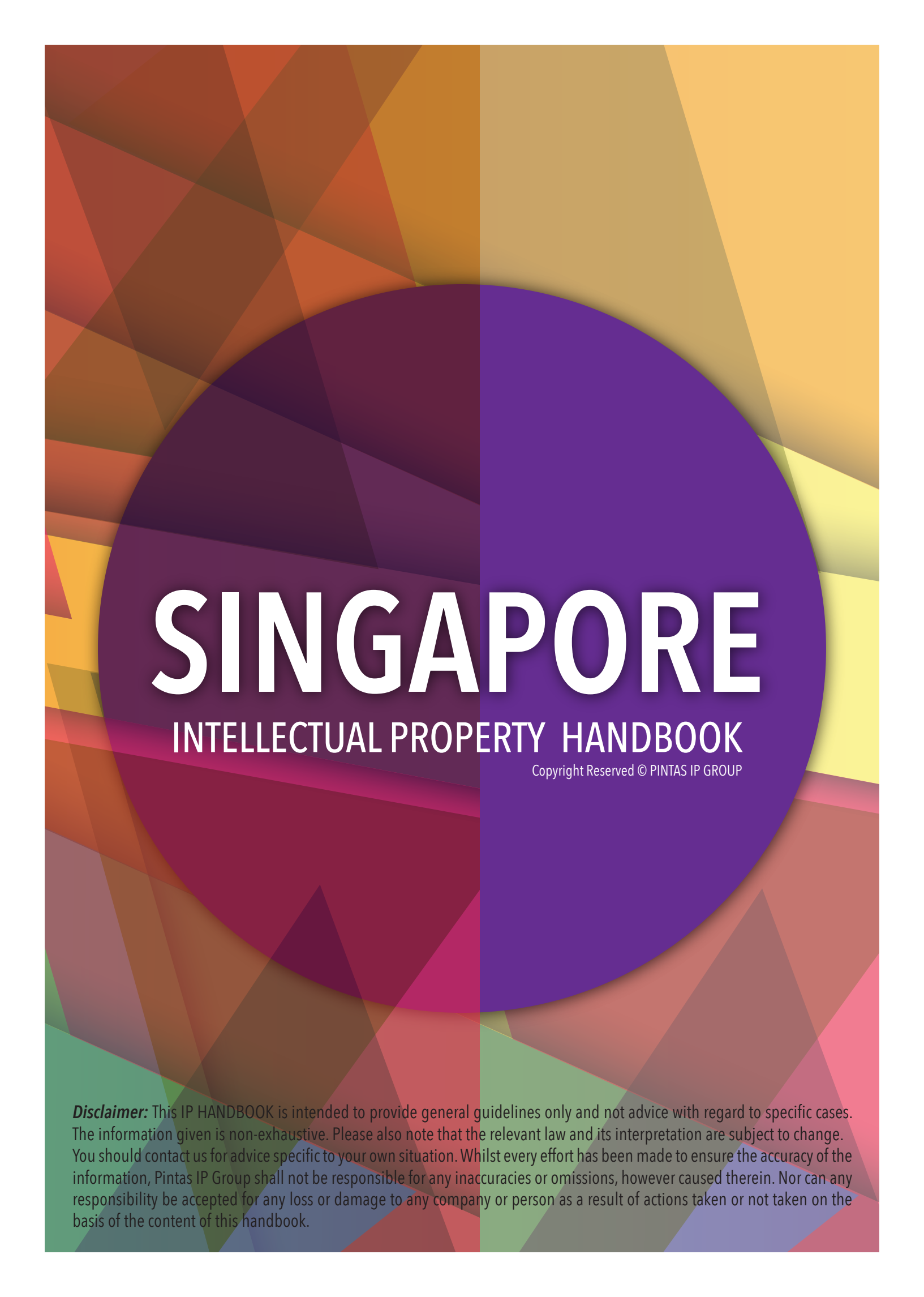




SINGAPORE

INTELLECTUAL PROPERTY HANDBOOK

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Legislation

The Trade Marks Act (2005 Revised Ed) (Cap. 332), Trade Marks (International Registration) Rules, Trade Marks (Amendment) Rules 2013, Trade Marks (Border Enforcement Measures) Rules, Trade Marks (Application of Section 75 to Foreign States) Notification.

Definition

A Trade Mark is a sign used by a person in the course of business or trade to distinguish his goods or services from those of other traders. It has to be capable of being represented graphically. It can include any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, colour, aspect of packaging or a combination of these. It need not be visually perceptible.

Criteria

To register your trade mark, it must:

- be capable of being represented graphically
- be capable of distinguishing your goods or services from others
- be distinctive
- not be descriptive of the goods or services, or customary in current language or established practices of the trade
- not be confusingly similar to an existing trade mark on the register

Membership

✓ - Paris Convention

✓ - Madrid Protocol

Singapore is a member of the Paris Convention from 1995, whereby applications from convention countries will be subject to the same priority date in Singapore. The application for priority has to be made within six months of the first application in a convention country.

Rule of Priority

"First to Use" is the rule followed by Singapore in determining priority of trademarks.

Duration and Renewal

A trademark application once registered is valid for 10 years from the date of application. It may be renewed every 10 years thereafter with payment of a renewal fee.

Procedures

▼ Application

Every applicant is required to submit an application with Intellectual Property Office of Singapore.

▼ Examination

A formalities examination will be conducted by the Registry of Trade Marks following a search for specifications and prior marks. After a favourable search report is given, the application will be examined to determine whether the mark is registrable in accordance to the law.

▼ Publication

The application will be published in the trademarks journal where interested parties may oppose the registration within two months of the publication.

▼ Opposition

Third parties can oppose to an application within two months from the date of publication.

▼ Registration

If the opposition to the registration is resolved in favour of the applicant, or if there are no opposition, the trademark will be registered and a registration certificate will be issued.

Filing Requirements

The following information and/or documents are required to file an application for a trademark application in Singapore:-

- Application form (TM4).
- A clear representation of the trademark.
- The full name, address and nationality of the applicant, company, country/state of incorporation..
- A list of goods or services (which closely follow the Nice International Classification).
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.

Documents To Be Furnished For Filing Trade / Service Mark Application

Basic Requirements		
Documents	Remarks	Time of Filing
Image/Representation of the mark	Mark in the form of foreign characters has to be accompanied with transliteration in English (optional), Certified by translator	2 months from filing
Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic application. Documents in any other language has to be provided with its English translation.	2 months from filing
Documents for Filing a Request of Records of Assignments & Changes		
Documents	Remarks	Time of Filing
Copy of:- • Assignment deed • Document of name change • Document of address change	• Certified • Certified	Anytime after registration
Documents for Filing an Opposition of Counter-Opposition (Deadline for Applying is during 2 Months Publication Period of the Trade Mark Application to be Opposed)		
Documents	Remarks	Time of Filing
Copy of registrations in various countries	no legalization	On filing date
Copy of advertisements / brochures of the products bearing the mark	no legalization; as many and as early as possible	On filing date

In Singapore, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.

Legislation

Patent protection in Singapore is governed by the Patents Act (Cap. 221).

Patentability Criteria

A patent should satisfy the following criteria to claim protection:

- △ new
- △ involves an inventive step
- △ capable of industrial application

Utility Innovations

N/A in Singapore

Membership

- ✓ - Paris Convention
- ✓ - PCT

Singapore is a member of the Paris Convention from 1995, whereby applications from convention countries will be subject to the same priority date in Singapore. The application for priority has to be made within six months of the first application in a convention country.

Singapore is also a member of the PCT since 1995. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Singapore within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

Rule of Priority

"First to File" is the rule followed by Singapore in determining priority of patents.

Duration

The term of a patent is 20 years from the date of filing subject to the payment of renewal fees. Thereafter, the patent is to be maintained yearly, starting from the 5th year.

Procedures

▼ Application

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

▼ Publication

The application will be published after 18 months after the date of filing of the application.

▼ Examination

There are 2 examination routes.

Option 1: Request for local Search and Examination within 36 months from the priority date.

Option 2: Request for Modified Examination within 54 months from the priority date. If option 2 is followed, the applicant shall submit prescribed information on the foreign corresponding application, with a claim correspondence table under a supplementary examination process. The Applicants can respond to negative examination reports and supplementary examination reports within 2 months from the date of receipt of Notice of Intention to Refuse.

Option 3: Examination within 36 months.

Option 4: Search within 13 months & Examination within 36 months, total 49 months.

▼ Registration

Upon receiving Notice of Eligibility to Proceed to Grant from the Patent Registrar, the Applicants can submit a Request for Grant within 2 months. On grant, a certificate of grant would be issued, and this fact and date of grant will be published in the Patents Journal.

Filing Requirements

The following information and/or documents are required to file an application for a patent application in Singapore:-

Direct National Application:-

- Request for the grant of a patent (PF1 (2004)):-
 - △ the name and address of the applicant;
 - △ the name and address of the inventor;
 - △ a specification comprising a description, claims and any necessary drawings; and
 - △ the country and filing particulars of basic application whose priority is claimed.
- Appointment of Patent Agent.
- A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment (PF8).
- There is no requirement for the filing of an assignment from inventor to applicant.

PCT National Phase Application:-

- Form 37;
- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- One copy of the PCT specification as originally filed (in or translated to English);
- One copy of any amendments filed in the international phase (in or translated to English);
- An Appointment of Agent form signed by the applicant; and
- A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment (PF8).

Documents To Be Furnished For Filing A Patent Application in Singapore

Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	No legalization required	On filing date
Drawings	(If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic patent application	Within 2 months after filing
Appointment of Agent (PF41)		Within 2 months after filing

Additional Documents for Entry of PCT National Phase in Singapore	
Documents	Time of Filing
International Preliminary Report on Patentability based on International Preliminary Search Report (Chapter I); or	On filing date
International Preliminary Report on Patentability based on International Preliminary Examination Report (Chapter II)	On filing date

"Today's Asset, Tomorrow's Value"

Legislation

Registered Designs Act (Chapter 266), Registered Designs (Amendment) Rules 2014

Definition

A Design refers to the features of shape, configuration, pattern or ornament applied to an article by an industrial process. It is the appearance of articles we see everyday. An article refers to any object to which the design is applied.

Criteria

Registered Designs are used primarily to protect designs for industrial use. Designs can be two-dimensional or three-dimensional and can be applied to everyday items. To qualify for registration, a design must, in general, satisfy two key criteria: **New:** It has not been registered in Singapore and elsewhere; or published anywhere in the world before the date of application of the first filing. Thus the owner of a design should be careful not to disclose the design to anyone, until a design registration is filed.

Industrial Process: A Registered Design applied to an article must be capable of an industrial process i.e. more than 50 copies of the article have been or are intended to be produced for sale or hire.

Under the Registered Designs law in Singapore, the following cannot be registered:

- Designs that are contrary to the public policy or morality.
- Computer programs or layout-designs of integrated circuits.
- Designs applied to certain articles: Works of sculpture (other than casts used or intended for use as models or patterns to be multiplied by any industrial process); wall plaques, medals and medallions; and printed matter primarily of a literary or artistic character (including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles).
- Any method or principle of construction.
- Designs that are solely functional.
- Designs that are dependent upon the appearance of another article, of which it is intended by the designer to form an integral part; or enable the article to be connected to, or placed in, around or against, another article so that either article may perform its function.

Rule of Priority

The design registration system in Singapore operates on a first-to-file basis. In other words, the first person to file for application will, in general, have priority over others.

Duration and Renewal

A Registered Design can last for an initial period of 5 years. Thereafter, the registration may be renewed every 5 years up to a maximum of 15 years, subject to the payment of renewal fees.

Procedures

▼ Application

Every design application has to be filed with the Intellectual Property of Singapore.

▼ Examination

A formalities examination will be conducted after the issuance of a filing date to ensure formalities as to the:-

- (i) statement of novelty
- (ii) classification and article / non-physical product name
- (iii) Representation or image of the design is suitable for reproduction.

▼ Objections

If there are any amendments or deficiencies spotted in the formalities examination, the examiners will notify the applicant and the applicant would have to correct this non-compliance within 3 months from the date of notification.

▼ Registration

Once an application is in order, a registration certificate will be issued and the application will be published in the Designs Journal. Once published, the published designs are made available for public inspection. It takes about 6 months from the submission of the application to the successful registration of a design.

Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Singapore:-

- Form D5:-

- △ Full name, address and state of incorporation/nationality of the applicant.
- △ Name of article and statement of novelty; and details of any priority claim i.e. at least the country and filing date.
- △ International Design Classification; serial number of the priority application.
- △ Full name and address of the author.
- △ Information on how the applicant has derived the right to the design from the author (normally by way of assignment, employment or other agreement).

- Appointment of Agent Form (Form D2) signed by the applicant.

- Six sets of representations of the design (drawings or photographs).

- Priority documents and certified English translation (if necessary) of the priority document.

Documents To Be Furnished For Filing An Industrial Design Application in Singapore

Basic Requirements		
Documents	Remarks	Time of Filing
Appointment of Agent (Form ID 2)	No legalization/Notarization requirements	On filing date
Description of Design	To be translated to English language	On filing date
Drawings/Photographs	To be translated to English language	On filing date

Additional Documents for Claiming Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	To be translated to English language	2 months from filing



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