



Dear Associates, Clients and Friends

**AMICA LAW UPDATE: SINGAPORE  
SUMMARY OF AMENDMENTS TO TRADE MARKS, PATENT AND DESIGNS RULES**

We wish to update you on some amendments to the trade marks, patents and designs rules, which were just passed on 24 October 2011.

Highlights of the amendments are set out below:

**Increase in Official Fees for trade marks, patents and designs**

The amendments provide for an increase in the official fees for trade marks, patents and designs, which will take effect with effect from **1 December 2011**. If you or your clients are considering a filing program in Singapore, you may wish to proceed as soon as possible before the increase in fees take effect. Some of the new fees are as follows:

<b>Matter</b>	<b>New Fee</b>	<b>Old Fee</b>
<b>Trade Marks</b>		
For an application to register a trade mark, collective mark or certification mark	S\$341 per class	S\$310 per class
Filing Notice of Opposition	S\$374 per class	S\$340 per class
Filing Counter-Statement	S\$357 per class	S\$325 per class
For transforming an International Registration to a national application	S\$374 per class	S\$306 per class
<b>Patents</b>		
Filing national phase entry of PCT application	S\$200	S\$160
Filing request for search report or supplementary search report	S\$1925	S\$1750
Filing request for examination	S\$1350	S\$1100
<b>Designs - Fees for extension of period of registered design</b>		
1 <sup>st</sup> period of 5 years	S\$220	S\$200
2 <sup>nd</sup> period of 5 years	S\$330	S\$300
3 <sup>rd</sup> period of 5 years	S\$440	S\$400
4 <sup>th</sup> period of 5 years	S\$550	S\$500

The complete list of new fees may be found in the [website](#) of the Intellectual Property Office of Singapore (“IPOS”).

As for our professional fees, we are happy to inform you that there are no increases. Our new schedule of fees incorporating these new official fees is available on request.

### **Tenth Edition of the NICE Classification**

IPOS will subscribe to the Tenth Edition of the Nice Classification of Goods and Services which will come into effect **1 January 2012**.

However, for trade mark applications filed before 1 January 2012, the Ninth Edition of the Nice Classification shall continue to apply. Trade Mark applications filed on or after 1 January 2012 shall be filed in accordance with the Tenth Edition of the NICE Classification.

The Registry has clarified that there will be no reclassification of goods and services for existing applications filed prior to 1 January 2012. Cross class searches will be conducted by the Registry to ensure that all relevant citations are considered.

### **Change in practice for patent hearings**

The amendments also introduce new procedure with regard to certain inter partes patent hearings before the Registrar, including revocation, amendment and infringement hearings. In particular, the amendments seek to provide more certainty in cases where one or both parties do not appear.

Upon completion of the evidence phase of proceedings, the Registrar will issue a date where parties will be heard. Submissions and bundle of authorities must be filed and exchanged between parties at least one month beforehand. Patents Form 40A must be filed by the parties if they intend to appear. If no form is filed, or the party simply does not appear on the appointed day, the Registrar has the discretion to proceed without that party, or dispense with the Hearing altogether and give his decision.

If none of the parties appear, the proceedings may be struck out by the Registrar but can be restored upon application by any party. Similarly, a party does not appear at a Hearing may apply for the Registrar’s decision to be set aside. Note that the latter does not apply to the party who was in attendance at the Hearing. However, in both cases there is a time limit to restore or set aside, which is within 7 days of the date when the proceedings were struck out, or the date of the decision.

## **Other News**

### **Mediation of Intellectual Property Disputes**

IPOS recently announced the signing of a Memorandum of Understanding (“**MOU**”) with the World Intellectual Property Organisation (“**WIPO**”) for the establishment of a framework for the use of mediation to resolve intellectual property disputes filed with IPOS. The press release on the signing of the MOU can be found [here](#).

WIPO had established its first presence in the region with the establishment of the [WIPO Arbitration and Mediation Centre](#) here in Singapore in January 2010. Recognising that many IP disputes that are filed with IPOS may involve similar disputes in multiple jurisdictions, the collaboration between IPOS and WIPO would likely provide more options to parties seeking an effective and efficient resolution of disputes. As mediation is often confidential and need not be bound by the territorial laws governing civil proceedings in Court or registry proceedings at the Registry, it is anticipated that this collaboration between IPOS and WIPO will provide parties

with the opportunity to use mediation for a global settlement of disputes across multiple jurisdictions in a manner which could provide a win-win business solution to parties.

The current amendments to the trade mark, patent and design rules do not involve the introduction of a mediation procedure for proceedings filed with IPOS and it is anticipated that a new medication procedure will only become available in the first quarter of 2012. However, it is already possible to refer ongoing disputes to the WIPO Arbitration and Mediation Centre under its current framework. The WIPO Mediation Rules can be found [here](#).

### **Singapore is amongst the first signatories to ACTA**

The Ministry of Law recently issued a [press release](#) announcing that Singapore was amongst the first signatories to Anti-Counterfeiting Trade Agreement (“**ACTA**”), together with Australia, Canada, Japan, the Republic of Korea, Morocco, New Zealand and the United States. While ACTA is not without its critics, Singapore’s participation in the earlier rounds of negotiations and its eventual signing of the agreement emphasises Singapore’s continued commitment towards greater co-operation in global anti-counterfeiting efforts and increased standards of intellectual property rights enforcement. The Agreement will come into effect when the 6<sup>th</sup> instrument of ratification is lodged. The final text of the Agreement can be found [here](#).

This update is intended for your information only and does not constitute legal advice. We hope you have found this update useful and should you have any queries, please contact us.

Kind regards

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