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The following Act was passed by Parliament on 19th October 2004 and assented to by the President on 4th November 2004:—

**REPUBLIC OF SINGAPORE**

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**No. 44 of 2004.**

I assent.

(LS)

**S R NATHAN,**  
*President.*  
*4th November 2004.*

An Act to amend the Registered Designs Act (Chapter 266 of the 2001 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Registered Designs (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Repeal and re-enactment of section 12**

2. Section 12 of the Registered Designs Act (referred to in this Act as the principal Act) is repealed and the following section substituted therefor:

**“Claim to priority of Convention application**

**12.—**(1) Subject to subsection (7), where —

- (a) a person has filed an application for the registration of a design in a Convention country in respect of certain articles;
- (b) that application is the first application for the registration of the design to be filed in any Convention country in respect of those articles (referred to in this section as the first Convention application); and
- (c) within 6 months after the date on which the first Convention application is filed, that person or his successor in title applies under this Act for the registration of the design in respect of all or any of those articles,

that person or his successor in title may, when filing the application under this Act, claim a right of priority for the registration of the design in respect of all or any of the articles for which registration was sought in the first Convention application.

(2) Where any person claims a right of priority in accordance with subsection (1) in respect of an application for the registration of a design —

- (a) the person shall have priority from (and including) the date on which the first Convention application was filed; and
- (b) the application shall be treated, for the purposes of determining whether that or any other design is new, as filed on the date on which the first Convention application was filed.

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(3) Subsection (2) shall not be construed as excluding the power to give directions under section 5(3) in relation to the application for the registration of a design.

(4) Notwithstanding any of the provisions of this Act, where a right of priority is claimed in respect of an application for the registration of a design, the application shall not be refused, and the registration of the design under this Act shall not be revoked, by reason only of the fact that the first Convention application has been published during the period between —

- (a) the date the first Convention application was filed; and
- (b) the date the application under this Act was filed.

(5) Any filing of an application for the registration of a design which in a Convention country is equivalent to a regular national filing, under its domestic legislation or an international agreement, shall be treated as giving rise to the right of priority.

(6) In subsection (5), “regular national filing” means a filing which is adequate to establish the date on which the application was filed in the Convention country, whatever may be the outcome of the application.

(7) Where a subsequent application for registration of a design concerning the same subject as an earlier application is filed, whether in the same or a different Convention country, and these are the first 2 applications concerning that subject to be filed in any Convention country, the subsequent application shall be considered the first Convention application if, at the date the subsequent application is filed —

- (a) the earlier application has been withdrawn, abandoned or refused, without having been laid open to public inspection and without leaving any rights outstanding; and
- (b) the earlier application has not yet served as a basis for claiming a right of priority.

(8) For the avoidance of doubt, where subsection (7) applies —

- (a) the date on which the subsequent application was filed, rather than that of the earlier application, shall be considered the starting date of the period of priority under subsection (2); and

(b) the earlier application may not thereafter serve as a basis for claiming a right of priority.

(9) The Minister may make rules as to the manner of claiming priority under this section.

(10) A right to priority arising under this section may be assigned or otherwise transmitted, either with the application or independently, and the reference in subsection (1) to the applicant's "successor in title" shall be construed accordingly."

### **Amendment of section 20**

3. Section 20 of the principal Act is amended —

(a) by deleting the words "Subject to this section, a" in subsection (1) and substituting the word "A"; and

(b) by deleting subsections (2) and (3).

### **Repeal and re-enactment of section 64**

4. Section 64 of the principal Act is repealed and the following section substituted therefor:

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

**64.—**(1) The Registrar may issue practice directions to specify —

(a) the hours of business of the Registry; and

(b) the days which are to be treated as excluded days.

(2) The Minister may prescribe the effect of doing any business under this Act —

(a) on any day after the hours of business of the Registry; or

(b) on any day which is an excluded day.

(3) For the purposes of subsections (1) and (2) —

(a) different hours of business may be specified for different classes of business;

(b) different excluded days may be specified for different classes of business; and

- (c) different effects of doing business —
  - (i) outside the hours of business of the Registry; or
  - (ii) on an excluded day,may be prescribed for different classes of business.”.

### **New Part VA**

5. The principal Act is amended by inserting, immediately after section 64, the following Part:

#### **“PART VA**

##### **THE GENEVA ACT OF THE HAGUE AGREEMENT, ETC.**

#### **Power to make provision giving effect to the Geneva Act of the Hague Agreement, etc.**

**64A.**—(1) The Minister may make rules to give effect in Singapore to the provisions of the Geneva Act of the Hague Agreement or of any other treaty, convention, arrangement or engagement relating to designs to which Singapore is a party.

(2) Without prejudice to the generality of subsection (1), rules may, in particular, be made to provide for —

- (a) the procedures to be followed for the filing of applications for international registrations through the Registry;
- (b) the procedures to be followed where an application for international registration or the international registration fails or ceases to be in force;
- (c) the effects of a successful application for international registration designating Singapore as a country in which the design is to be registered;
- (d) the communication of information to the International Bureau; and
- (e) the payment of fees (including transmittal fees) and amounts prescribed in respect of applications for international registrations, corrections and renewals.

(3) Provision may also be made in the rules to apply, in relation to an international design (Singapore), the provisions of section 44 and Parts IV and VI.

(4) In this section —

“Geneva Act of the Hague Agreement” means the Act, signed at Geneva on 2nd July 1999, of the Hague Agreement Concerning the International Registration of Industrial Designs;

“International Bureau” means the International Bureau of the World Intellectual Property Organisation;

“international design (Singapore)” means —

(a) a design which is entitled to protection in Singapore under the Geneva Act of the Hague Agreement; or

(b) a design prescribed by the Minister as an international design (Singapore);

“international registration” means the international registration of an industrial design effected according to the Geneva Act of the Hague Agreement.”.

### **Amendment of section 74**

6. Section 74(2) of the principal Act is amended by deleting the word “and” at the end of paragraph (k), and by inserting immediately thereafter the following paragraphs:

“(ka) providing for the publication of the practice directions issued by the Registrar;

(kb) providing for the publication of the forms to be used for any purpose relating to the registration of a design or any other proceedings or matters before the Registrar; and”.

### **Transitional provision**

7. Section 3 shall only apply to a design with a date of application for registration that is on or after the date of commencement of this Act, and section 20 of the principal Act in force immediately before that date shall continue to apply to any design with a date of application for registration that is before that date.