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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
INTERNATIONAL REGISTRATIONS DEPARTMENT  
34, CHEMIN DES COLOMBETTES, 1211 GENEVA 20  
SWITZERLAND

Dear Sir/Madam

**NOTIFICATION OF PROVISIONAL REFUSAL OF PROTECTION TO THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION ACCORDING TO ARTICLE 5 OF THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

**1. Office making the notification:**

Intellectual Property Office of Singapore (IPOS)

**2. International Registration Number:**

1513287

**3. Trade Mark Number(s) issued by the IPOS for this International Registration:**

Trade Mark Number : 40202002728W

Class Number(s) : 30

**4. Name of holder of the International Registration:**

HANYUAN COUNTY SICHUAN PEPPER ASSOCIATION

**5. Ground(s) of the Provisional Refusal:**

**Provisions of Singapore Law:** The relevant provisions of Singapore law are attached.

**5.1 Type of Mark and possibility of further objection**

Please let us know if you are applying for a Collective Mark or a Certification Mark. In this regard, please note that we do not have a guarantee mark regime in Singapore.

You may wish to note that your mark may face further objections. Sections 60, 61 and Paragraph 2 of both the First and Second Schedule of the Trade Marks Act provides that:

- a) If your mark is a Collective Mark, it has to distinguish the goods or services dealt with or provided in the course of trade by members of an association which is the proprietor of the mark from those dealt with or provided by persons who are not members of the association.

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- b) If your mark is a Certification Mark, it has to distinguish the goods or services dealt with or provided in the course of trade and which are certified in the manner referred to in section 61(1)(b) from those which are not so certified.

## 5.2 **No Form TM10 (Regulations) filed**

We note that you have not filed the Regulations governing the use of the Collective/Certification Mark. Please do so within 9 months from the application date of your mark (**ie. by 26 September 2020**) to prevent it from being treated as withdrawn. The Regulations may be filed online by attaching the Regulations to Form TM10 and paying a fee of \$340. If you require more time to file the Regulations, you may file Form CM5 requesting for an extension of time to do so.

## 5.3 Please refer to Paragraph 5 of the First Schedule for Collective Marks or Paragraph 6 of the Second Schedule for Certification Marks, of the Trade Marks Act for the requisite contents of the Regulations.

- a) If you are applying for a Collective Mark, the Regulations governing the Collective Mark should cover the following:

- i. Conditions of membership of the association;
- ii. Persons authorised to use the mark;
- iii. Conditions of use of the mark (if any);
- iv. Penalties against misuse of the mark (if any).

- b) If you are applying for a Certification Mark, the Regulations governing the Certification Mark should cover the following:

- i. Persons authorised to use the mark;
- ii. Characteristics to be certified by the mark;
- iii. Testing of characteristics to be certified by the mark;
- iv. Supervision of the use of the mark;
- v. Fees to be paid for the use of the mark (if any);
- vi. Dispute resolution procedures.

To help you in drafting the Regulations, please refer to the Collective Mark chapter or Certification Mark chapter in our Work Manual at <http://goo.gl/a1CjVx>, in particular Annex A on "Guidelines on the structure and content of the Regulations".

## 5.4 Please also note that the Regulations governing the use of a registered Certification or Collective Mark are open to public inspection in the same way as the register of trade marks, and any amendment of the Regulations is not effective unless and until the amended Regulations are filed with the Registrar and the Registrar has consented to the proposed amendment.

## 5.5 Once the amendments to the Regulations have been approved, you may lodge another Form TM10 with fee ("amendments of Regulation: SGD70.00 per form or in respect of each trade mark number") to formally amend the Regulations.

## 6. **Goods and/or services affected by the refusal:**

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This refusal applies to all the goods in Class 30 of the international registration.

**7. Request for review:**

The holder of the international registration may file a request for a review of this refusal with IPOS.

The request for review must comply with the following:

- (a) quote the International Registration number, relevant trade mark number(s), corresponding class number(s) and Singapore reference number(s).
- (b) furnish an address for service in Singapore. The holder may appoint an agent by filing Form CM1.

Please note that any form(s) filed with the International Bureau of the World Intellectual Property Organization in response to this refusal, will not be treated as a request for a review of this refusal unless the above has been complied with.

**8. Extension of time:**

The holder may seek an extension of time to request for a review of this refusal by filing Form CM5.

**9. Deadline to observe:**

If the holder does not file a request for review or apply for an extension of time to do so by **12 June 2020**, the application for the refused goods and/or services indicated in paragraph 6 of this refusal will be treated as withdrawn (reinstatable). Please refer to paragraph 10 on reinstatement of an application that is treated as withdrawn (reinstatable).

**10. Reinstatement of an application that is treated as withdrawn (reinstatable):**

If the application for the refused goods and/or services indicated in paragraph 6 of this refusal becomes treated as withdrawn (reinstatable), the holder may request to reinstate the application by filing Form CM13 together with the request for review within six months from the deadline in paragraph 9.

Please note that reinstatement is not automatic. Reinstatement will be allowed only after we have conducted a new conflicting mark search and are satisfied that the mark to be reinstated does not conflict with any trade mark applications filed with IPOS prior to the filing of the required documents.

If the holder also does not request to reinstate the application in time, the application for goods and/or services that are not refused will proceed to publication.

**11. Forms and fees:**

The forms referred to in this provisional refusal and the relevant fees may be found at <https://www.ip2.sg/>.

**12. Further refusal of protection:**

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Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration. This applies to all goods and/or services claimed in the international registration.

This refusal is issued by:

Ms Yam Lai Wah Cecilia  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore

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## PROVISIONS OF SINGAPORE LAW

### PROVISIONS OF SINGAPORE LAW TRADE MARKS ACT (CHAPTER 332)

#### Section 60 Collective marks

(1) A collective mark is a sign used, or intended to be used, in relation to goods or services dealt with or provided in the course of trade by members of an association to distinguish those goods or services from goods or services so dealt with or provided by persons who are not members of the association.

(2) The provisions of this Act shall apply to collective marks subject to the provisions of the First Schedule.

#### Section 61 Certification marks

(1) A certification mark is a sign used, or intended to be used, in relation to goods or services –

(a) dealt with or provided in the course of trade; and

(b) certified by the proprietor of the certification mark in relation to origin, material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics, from other goods or services dealt with or provided in the course of trade but not so certified.

(2) The provisions of this Act shall apply to collective marks subject to the provisions of the First Schedule.

## TRADE MARKS RULES

#### Rule 63 Filing of regulations

Within 9 months from the date of the application for the registration of a collective mark or a certification mark, the applicant shall file with the Registrar in duplicate –

(a) Form TM10; and

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

#### Rule 64 Filing of amended regulations

(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.

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

## TRADE MARKS ACT (CHAPTER 332) FIRST SCHEDULE COLLECTIVE MARKS

#### Signs of which a collective mark may consist

2. In relation to a collective mark, the reference in the definition of “trade mark” in section 2(1) to distinguishing goods or services dealt with or provided in the course of trade by a person from those so dealt with or provided by any other person shall be construed as a reference to distinguishing goods or services dealt with or provided in the course of trade by members of

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an association which is the proprietor of the mark from those dealt with or provided by persons who are not members of the association.

**Regulations governing use of collective mark**

5. (1) An applicant for registration of a collective mark must file with the Registrar regulations governing the use of the mark.

(2) The regulations must specify the persons authorised to use the mark, the conditions of membership of the association and, where they exist, the conditions of use of the mark, including any sanctions against misuse.

(3) Further requirements with which the regulations have to comply may be imposed by rules made under this Act.

**TRADE MARKS ACT (CHAPTER 332) SECOND SCHEDULE CERTIFICATION MARKS**

**Signs of which a collective mark may consist**

2. In relation to a certification mark, the reference in the definition of "trade mark" in section 2(1) to distinguishing goods or services dealt with or provided in the course of trade by a person from those so dealt with or provided by any other person shall be construed as a reference to distinguishing goods or services dealt with or provided in the course of trade and which are certified in the manner referred to in section 61(1)(b) from those which are not so certified.

**Regulations governing use of certification mark**

6. (1) An applicant for registration of a certification mark must file with the Registrar regulations governing the use of the mark.

(2) The regulations must indicate who is authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, the fees (if any) to be paid in connection with the operation of the mark and the procedures for resolving disputes.

(3) Further requirements with which the regulations have to comply may be imposed by rules made under this Act.

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