

PROVISIONS OF SINGAPORE LAW

TRADE MARKS ACT 1998

Section 2 Interpretation

(1) In this Act, unless the context otherwise requires --

“certification mark” has the meaning given by section 61;

“collective mark” has the meaning given by section 60;

“Convention country” means —

(a) in section 10 and paragraph 13 of the Third Schedule, a country or territory, other than Singapore, which is —

(i) a party to the Paris Convention; or

(ii) a member of the World Trade Organisation; and

(b) in any other provision of this Act, a country or territory which is —

(i) a party to the Paris Convention; or

(ii) a member of the World Trade Organisation;

“earlier trade mark” means —

(a) a registered trade mark or an international trade mark (Singapore), the application for registration of which was made earlier than the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks; or

(b) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was a well known trade mark, and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered;

“geographical indication” has the meaning given by section 2 of the Geographical Indications Act 2014;

“sign” includes any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, colour, aspect of packaging or any combination thereof;

“trade mark” means any sign capable of being represented graphically and which is capable of distinguishing goods or services dealt with or provided in the course of trade by a person from goods or services so dealt with or provided by any other person;

“well known trade mark” means —

(a) any registered trade mark that is well known in Singapore; or

(b) any unregistered trade mark that is well known in Singapore and that belongs to a person who —

(i) is a national of a Convention country; or

(ii) is domiciled in, or has a real and effective industrial or commercial establishment in, a Convention country, whether or not that person carries on business, or has any goodwill, in Singapore.

(7) Subject to subsection (8), in deciding, for the purposes of this Act, whether a trade mark is well known in Singapore, it is relevant to take into account any matter from which it may be inferred that the trade mark is well known, including such of the following matters as may be relevant:

(a) the degree to which the trade mark is known to or recognised by any relevant sector of the public in Singapore;

(b) the duration, extent and geographical area of —

(i) any use of the trade mark; or

(ii) any promotion of the trade mark, including any advertising of, any publicity given to, or any presentation at any fair or exhibition of, the goods or services to which the trade mark is applied;

(c) any registration or application for the registration of the trade mark in any country or territory in which the trade mark is used or recognised, and the duration of such registration or application;

(d) any successful enforcement of any right in the trade mark in any country or territory, and the extent to which the trade mark was recognised as well known by the competent authorities of that country or territory;

(e) any value associated with the trade mark.

(8) Where it is determined that a trade mark is well known to any relevant sector of the public in Singapore, the trade mark is deemed to be well known in Singapore.

Section 7 Absolute grounds for refusal of registration

(1) The following must not be registered:

(a) signs which do not satisfy the definition of a trade mark in section 2(1);

(b) trade marks which are devoid of any distinctive character;

(c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services; and

(d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade.

(2) A trade mark must not be refused registration by virtue of subsection (1)(b), (c) or (d) if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.

(3) A sign must not be registered as a trade mark if it consists exclusively of —

(a) the shape which results from the nature of the goods themselves;

(b) the shape of goods which is necessary to obtain a technical result; or

(c) the shape which gives substantial value to the goods.

(4) A trade mark must not be registered if it is —

(a) contrary to public policy or to morality; or

(b) of such a nature as to deceive the public (for instance as to the nature, quality or geographical origin of the goods or service).

(5) A trade mark must not be registered if or to the extent that its use is prohibited in Singapore by any written law or rule of law.

(6) A trade mark must not be registered if or to the extent that the application is made in bad faith.

(7) Despite subsection (2), a trade mark must not be registered if it contains or consists of a geographical indication in respect of a wine or spirit and the trade mark is used or intended to be used in relation to a wine or spirit not originating from the place indicated in the geographical indication.

(8) Subsection (7) applies whether or not the trade mark has, or is accompanied by, an indication of the true geographical origin of the wine or spirit (as the case may be) or an expression such as “kind”, “type”, “style”, “imitation” or the like, and irrespective of the language the geographical indication is expressed in that trade mark.

(9) A trade mark must not be refused registration by virtue of subsection (7) if the application for its registration had been made in good faith, or if it had been used continuously in good faith in the course of trade by the applicant for its registration or the applicant’s predecessor in title, either —

(a) before 15 January 1999; or

(b) before the geographical indication in question is protected in its country of origin.

(10) A trade mark must not be refused registration by virtue of subsection (7) if the geographical indication in question —

(a) has ceased to be protected; or

(b) has fallen into disuse,

in its country of origin.

(11) Despite subsection (2), a trade mark must not be registered if —

(a) it contains or consists of a geographical indication which is registered, or in respect of which an application for registration has been made, under the Geographical Indications Act 2014 before the date of the application for registration of the trade mark; and

(b) the goods for which the trade mark is sought to be registered —

(i) are identical or similar to the goods for which the geographical indication is registered or for which registration of the geographical indication is sought; and

(ii) do not originate in the place indicated by the geographical indication.

(12) Subsection (11) applies whether or not the trade mark has, or is accompanied by, an indication of the true geographical origin of the goods, or an expression such as “kind”, “type”, “style”, “imitation” or the like, and irrespective of the language the geographical indication is expressed in that trade mark.

(13) A trade mark must not be refused registration by virtue of subsection (11) if the application for its registration had been made in good faith, or if it had been used continuously in good faith in the course of trade by the applicant for its registration or the applicant’s predecessor in title, either —

(a) before the date of the application for registration of the geographical indication in question in Singapore; or

(b) before the geographical indication in question became protected in its country of origin.

(14) A trade mark must not be registered in the cases specified in sections 56 and 57.

(15) The Minister may make rules to provide that a sign specified in the rules must not be registered as a trade mark, or must not be so registered unless such conditions as may be prescribed are met.

(16) A trade mark must not be registered if or to the extent that the registration contravenes any rule made under subsection (15).

Section 8 Relative grounds for refusal of registration

(1) A trade mark must not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is sought to be registered are identical with the goods or services for which the earlier trade mark is protected.

(2) A trade mark must not be registered if, because —

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected; or

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public.

(3) Where an application for registration of a trade mark is made before 1 July 2004, if the trade mark —

(a) is identical with or similar to an earlier trade mark; and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

the later trade mark must not be registered if —

(c) the earlier trade mark is well known in Singapore;

(d) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered would indicate a connection between those goods or services and the proprietor of the earlier trade mark;

(e) there exists a likelihood of confusion on the part of the public because of such use; and

(f) the interests of the proprietor of the earlier trade mark are likely to be damaged by such use.

(4) Subject to subsection (5), where an application for registration of a trade mark is made on or after 1 July 2004, if the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark, the later trade mark must not be registered if —

(a) the earlier trade mark is well known in Singapore; and

(b) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered —

(i) would indicate a connection between those goods or services and the proprietor of the earlier trade mark, and is likely to damage the interests of the proprietor of the earlier trade mark; or

(ii) if the earlier trade mark is well known to the public at large in Singapore —

(A) would cause dilution in an unfair manner of the distinctive character of the earlier trade mark; or

(B) would take unfair advantage of the distinctive character of the earlier trade mark.

(5) A trade mark must not be refused registration by virtue of subsection (4) if the application for the registration of the trade mark was filed before the earlier trade mark became well known in Singapore, unless it is shown that the application was made in bad faith.

(6) In deciding whether any such application was made in bad faith, it is relevant to consider whether the applicant had, at the time the application was made, knowledge of, or reason to know of, the earlier trade mark.

(7) A trade mark must not be registered if, or to the extent that, its use in Singapore is liable to be prevented —

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade; or

(b) by virtue of an earlier right other than those referred to in subsections (1), (2) and (3) or paragraph (a), in particular by virtue of the law of copyright or any law with regard to the protection of designs.

Section 10 Claim to priority of Convention application

10.—(1) Subject to subsection (6), where —

(a) a person has filed an application for the registration of a trade mark in a Convention country in respect of certain goods or services;

(b) that application is the first application for the registration of the trade mark to be filed in any Convention country in respect of those goods or services (called in this section the first Convention application);

(c) within 6 months after the date on which the first Convention application is filed, that person or that person's successor in title applies under this Act for the registration of the trade mark in respect of all or any of those goods or services; and

(d) that person or that person's successor in title provides to the Registrar in the manner specified by the Registrar any prescribed information within a prescribed time, and provides to the Registrar any supporting document requested by the Registrar, within the time specified by the Registrar,

that person or that person's successor in title may, when filing the application under this Act, claim a right of priority for the registration of the trade mark in respect of all or any of the goods or services for which registration was sought in the first Convention application.

(6) Where a subsequent application 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 is to 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.

Section 12 Examination of application

(3) If 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 must inform the applicant and give the applicant an opportunity, within such period as may be prescribed, to make representations, to amend the application or to provide the additional or any other information or evidence.

Section 56 National emblems, etc., of Convention countries: Article 6ter of Paris Convention, etc.

(1) A trade mark which consists of or contains the flag of a Convention country must not be registered without the authorisation of the competent authorities of that country, unless it appears to the Registrar that use of the flag in the manner proposed is permitted without such authorisation.

(2) A trade mark which consists of or contains the armorial bearings or any other state emblem of a Convention country which is protected under the Paris Convention or the TRIPS Agreement must not be registered without the authorisation of the competent authorities of that country.

(3) A trade mark which consists of or contains an official sign or hallmark adopted by a Convention country and indicating control and warranty must not, where the sign or hallmark is protected under the Paris Convention or the TRIPS Agreement, be registered in relation to goods or services of the same, or a similar kind, as those in relation to which it indicates control and warranty, without the authorisation of the competent authorities of the country concerned.

(4) The provisions of this section as to national flags and other state emblems, and official signs or hallmarks, apply equally to anything which from a heraldic point of view imitates any such flag or other emblem, or sign or hallmark.

(5) Nothing in this section prevents the registration of a trade mark on the application of a national of a country who is authorised to make use of a state emblem, or official sign or hallmark, of that country, even though it is similar to that of another country.

(6) Where by virtue of this section the authorisation of the competent authorities of a Convention country is or would be required for the registration of a trade mark, those authorities are entitled to restrain by injunction any use in the course of trade of the trade mark in Singapore without their authorisation.

Section 57 Emblems, etc., of certain international organisations: Article 6ter of Paris Convention, etc.

(1) This section applies to —

- (a) the armorial bearings, flags or other emblems; and
- (b) the abbreviations and names,

of international intergovernmental organisations of which one or more Convention countries are members.

(2) A trade mark which consists of or contains any such emblem, abbreviation or name which is protected under the Paris Convention or the TRIPS Agreement must not be registered without the authorisation of the international organisation concerned, unless it appears to the Registrar that the use of the emblem, abbreviation or name in the manner proposed —

- (a) is not such as to suggest to the public that a connection exists between the organisation and the trade mark; or
- (b) is not likely to mislead the public as to the existence of a connection between the user and the organisation.

(3) The provisions of this section as to emblems of an international organisation apply equally to anything which from a heraldic point of view imitates any such emblem.

(4) Where by virtue of this section the authorisation of an international organisation is or would be required for the registration of a trade mark, that organisation is entitled to restrain by injunction any use in the course of trade of the trade mark in Singapore without its authorisation.

(5) Nothing in this section affects the rights of a person whose bona fide use of the trade mark in question began before 23 February 1995 (when the relevant provisions of the Paris Convention entered into force in relation to Singapore).

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 apply to collective marks subject to the provisions of the First Schedule.

Section 61 Certification marks

A certification mark is a sign used, or intended to be used, to distinguish 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 apply to certification marks subject to the provisions of the Second Schedule.

TRADE MARKS RULES

Rule 11 Representation of president

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

Rule 12 Singapore Crest, Presidential Coat of Arms, Royal Arms, etc.

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 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.

Rule 13 Registration of mark consisting of arms, etc.

(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.

Rule 14 Persons living or recently dead

(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.

Rule 19 Specification

(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

(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

(iii) complies with any other requirement of the Registrar.

(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 (whether for all or some of those goods or services), 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.

Rule 63 Filing of regulations

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.

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 (INTERNATIONAL REGISTRATION) RULES

Rule 11 Examination

(2A) Where the mark to which the international registration relates contains or consists of a word or words in characters other than Roman or in a language other than English, the Registrar may require the holder to —

(a) file with the Registrar a translation in English to the satisfaction of the Registrar and, if the case requires, a transliteration in English to the satisfaction of the Registrar, of the word or words; and

(b) indicate on the translation and the transliteration (if any) the language to which the word or words belong.

TRADE MARKS ACT 1998

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 is to be construed as a reference to distinguishing 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 so dealt with or provided by persons who are not members of the association.

Indication of geographical origin

3.—(1) Despite section 7(1)(c), a collective mark may be registered which consists of signs or indications which may serve, in trade, to designate the geographical origin of the goods or services.

(2) However, the proprietor of such a mark is not entitled to prohibit the use of the signs or indications in accordance with honest practices in industrial or commercial matters (in particular, by a person who is entitled to use a geographical name).

Mark not to be misleading as to character or significance

4.—(1) A collective mark must not be registered if the public is liable to be misled as regards the character or significance of the mark, in particular if it is likely to be taken to be something other than a collective mark.

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.

Approval of regulations by Registrar

6.—(1) A collective mark must not be registered unless the regulations governing the use of the mark —

(a) comply with paragraph 5(2) and any further requirements imposed by rules; and

(b) are not contrary to public policy or to accepted principles of morality.

(2) Before the end of the prescribed period after the date of the application for registration of a collective mark, the applicant must file the regulations with the Registrar and pay the prescribed fee.

(3) If the applicant does not comply with sub-paragraph (2), the application is to be treated as withdrawn.

7.—(1) The Registrar must consider whether the requirements mentioned in paragraph 6(1) are met.

(2) If it appears to the Registrar that those requirements are not met, he or she must inform the applicant and give the applicant an opportunity, within such period as the Registrar may specify, to make representations or to file amended regulations.

(3) If the applicant responds within the specified period but fails to satisfy the Registrar that those requirements are met, or to file regulations that have been amended so as to meet those requirements, the Registrar may refuse the application.

(4) If the applicant fails to respond within the specified period, the application is to be treated as withdrawn.

Regulations to be open to inspection

9. The regulations governing the use of a registered collective mark must be open to public inspection in the same way as the register.

TRADE MARKS ACT 1998

SECOND SCHEDULE - CERTIFICATION MARKS

Signs of which a certification 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 is to 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.

Indication of geographical origin

3.—(1) Despite section 7(1)(c), a certification mark may be registered which consists of signs or indications which may serve, in trade, to designate the geographical origin of the goods or services.

(2) However, the proprietor of such a mark is not entitled to prohibit the use of the signs or indications in accordance with honest practices in industrial or commercial matters (in particular, by a person who is entitled to use a geographical name).

Nature of proprietor's business

4. A certification mark must not be registered if the proprietor carries on a business involving the supply of goods or services of the kind certified.

Mark not to be misleading as to character or significance

5.—(1) A certification mark must not be registered if the public is liable to be misled as regards the character or significance of the mark, in particular if it is likely to be taken to be something other than a certification mark.

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.

Approval of regulations, etc.

7.—(1) A certification mark must not be registered unless —

(a) the regulations governing the use of the mark —

(i) comply with paragraph 6(2) and any further requirements imposed by rules; and

(ii) are not contrary to public policy or to accepted principles of morality; and

(b) the applicant is competent to certify the goods or services for which the mark is to be registered.

8.(1) The Registrar shall consider whether the requirements mentioned in paragraph 7(1) are met.

(2) Before the end of the prescribed period after the date of the application for registration of a certification mark, the applicant must file the regulations with the Registrar and pay the prescribed fee.

(3) If the applicant does not comply with sub-paragraph (2), the application is to be treated as withdrawn.

Regulations to be open to inspection

10. The regulations governing the use of a registered certification mark must be open to public inspection in the same way as the register.

GEOGRAPHICAL INDICATIONS ACT 2014

Section 2 Interpretation

“geographical indication” means any indication used in trade to identify goods as originating from a place, provided that —

(a) the place is a qualifying country or a region or locality in a qualifying country; and

(b) a given quality, reputation or other characteristic of the goods is essentially attributable to that place;

Section 39 Application for registration of geographical indications

39.—(1) An application for registration of a geographical indication must be made to the Registrar in the prescribed manner and must specify —

(a) the name, address and nationality of the applicant;

(b) the capacity in which the applicant is applying for registration;

(c) the geographical indication for which registration is sought;

(d) the geographical area to which the geographical indication applies;

(e) the goods to which the geographical indication applies;

(f) the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate;

(g) where the geographical indication for which registration is sought relates to a qualifying country other than Singapore, evidence that the geographical indication has obtained recognition or registration as a geographical indication in the qualifying country of origin, where applicable; and

(h) such other particulars as may be prescribed.

(2) If a person desires to register any variant constituting a geographical indication and the geographical indication is the subject of an application for registration, the person may include that variant either in that application, or in a different application for registration.

(3) The application is subject to the payment of the application fee and such other fees as may be appropriate.

(4) The Registrar must not accept an application unless —

(a) all the requirements under subsection (1) are satisfied;

(b) all the fees payable under subsection (3) are paid; and

(c) the applicant is entitled, under section 38, to file an application for registration of a geographical indication.

Section 48 Registration

48.—(1) Where an application for registration of a geographical indication, or of 2 or more variants constituting the same geographical indication, has been accepted and —

(a) no notice of opposition is given within the period referred to in section 45(2); or

(b) all opposition proceedings in respect of the geographical indication, or in respect of any of those variants, are withdrawn or decided in favour of the applicant,

the Registrar must register the geographical indication, or each variant that is unopposed or in respect of which opposition proceedings are withdrawn or decided in favour of the applicant, as the case may be.

(2) The date of registration is the date on which the Registrar registers the geographical indication under subsection (1).

(3) On the registration of a geographical indication, the Registrar must issue to the applicant a certificate of registration.

(4) Where a request for the qualification of the rights conferred in respect of a registered geographical indication was made before the date of registration of the geographical indication, and the request is still pending at the date of such registration, no interested party may, pending the determination of the request, bring an action under section 4 against the person who made the request for carrying out an act, in relation to the geographical indication, that is the subject of the request.

(a) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation;

(b) any design being a colourable imitation of the design mentioned in paragraph (a);

(c) any design being a colourable imitation of the red crescent emblem, the red cross emblem, the red crystal emblem or the red lion and sun emblem; or

(d) any words so nearly resembling the words “Red Cross” or “Geneva Cross” as to be capable of being understood as referring to the red cross emblem.

GENEVA CONVENTIONS ACT

Section 2 Interpretation

2. In this Act, unless the context otherwise requires —

“court” does not include a subordinate military court constituted under the Singapore Armed Forces Act 1972;

“protected internee” means a person protected by the Convention set out in the Fourth Schedule and interned in Singapore;

“protected prisoner of war” means a person protected by the Convention set out in the Third Schedule;

“Protecting Power”, in relation to a protected prisoner of war or a protected internee, means the Power or organisation which is carrying out, in the interests of the Power of which he or she is a national, or of whose forces he or she is, or was at any material time, a member, the duties assigned to Protecting Powers under the Convention set out in the Third or (as the case may be) the Fourth Schedule;

“red crescent emblem” means the emblem of a red crescent on a white ground as depicted in Part 1 of the Sixth Schedule;

“red cross emblem” means the emblem of a red cross on a white ground formed by reversing the Federal Colours of Switzerland as depicted in Part 2 of the Sixth Schedule;

“red crystal emblem” means the emblem of a red crystal composed of a red frame in the shape of a square on edge on a white ground as depicted in Part 3 of the Sixth Schedule;

“red lion and sun emblem” means the emblem of a red lion and sun on a white ground as depicted in Part 4 of the Sixth Schedule;

“scheduled Conventions” means the Conventions set out in the Schedules.

Section 9 Prohibition of use of certain words and designs

9. A person must not, without the Minister’s authority, use for any purpose whatsoever —

In reply please quote our reference

Your reference:

Our reference: 2023/00065741IRSDP

Date: 23 March 2023

Writer's direct number: 63398616

WIPO

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:

1672527

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

Trade Mark Number : 40202258165Y

Class Number(s) : 09, 36 and 42

4 Name of holder of the International Registration:

IOTA STIFTUNG

5 Ground(s) of Provisional Refusal:

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

5.1 Specification of goods and services

We note that you have applied for protection of the mark for goods and services in Class(es) 09, 36 and 42. However, we are raising objections under rule 19(2)(b)(ii)(A) of the Trade Marks Rules for the following services in Class 36:

- (a) “currency transfer services, namely, transfer of digital assets” – The underlined description is insufficiently clear. Please amend to “**transfer of digital assets**, namely, **currency transfer services**” if intended.
- (b) “buying, selling non-fungible tokens” in “financial services, namely for buying, selling and trading non-fungible tokens” – The act of selling does not constitute a type of service as it only benefits the seller and not the consumers. The act of buying is not a service unless rendered on behalf of third parties. Please amend to “financial services **for the** buying, selling and trading non-fungible tokens” if intended.

Please note that no form or fee is required for an amendment to the specification of goods and/or services of an international registration designating Singapore.

6 Services affected by the refusal:

This refusal applies to the following services:

Class No.	Scope of Refusal
36	(a) “currency transfer services, namely, transfer of digital assets” (b) “ <u>buying, selling</u> non-fungible tokens” in “financial services, namely for <u>buying, selling</u> and trading non-fungible tokens”

7 Request to 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).

1 Paya Lebar Link #11-03

PLQ 1, Paya Lebar Quarter

Singapore 408533

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www.ipos.gov.sg

- (b) furnish an address for service in Singapore. The holder may appoint an agent by filing Form CM1. All forms have to be filed online via IPOS Digital Hub (<https://digitalhub.ipos.gov.sg>).

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 Deadline to observe:

If the holder does not file a request for review by **23 July 2023**, the application for the refused services indicated in paragraph 6 of this refusal will be treated as withdrawn (continued processing possible).

9 Request continued processing of an application that is treated as withdrawn (continued processing possible):

If the application becomes treated as withdrawn (continued processing possible), the holder may request to continue processing the application by filing Form CM13 together with the request for review within two months from the deadline in paragraph 8. If Form CM13 is also not filed in time, the application for goods and services that are not refused will proceed to publication.

10 Extension of time:

If the holder requires more time to file a request for a review, the holder may request an extension of time by lodging Form CM5 online at <https://digitalhub.ipos.gov.sg> before the deadline in paragraph 8.

11 Forms and fees:

The forms referred to in this provisional refusal and the relevant fees may be found at <https://digitalhub.ipos.gov.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 Jolie Gwee Ching Lee
Assistant Registrar
for Registrar of Trade Marks
Singapore

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