



PUBLIC CONSULTATION

PROPOSED CHANGES TO INTELLECTUAL PROPERTY REGIME

**INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
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INTRODUCTION

The Intellectual Property Office of Singapore (IPOS) is conducting a public consultation on the proposed changes to certain areas of our intellectual property (“IP”) regime. The consultation period is from **15 October to 11 November 2025**.

As part of IPOS’ ongoing commitment to maintain a world-class IP regime in Singapore, IPOS has identified areas where changes can be considered for patents, trade marks, registered designs, plant varieties and geographical indications regimes.

Consequential amendments may be made to the Patents, Trade Marks, Registered Designs, Plant Varieties Protection and Geographical Indications Acts and their respective Rules arising from the proposals.

The consultation paper is organised into 4 sections:

- A: Patents (2 sets of questions)
- B: Trade Marks (1 set of question)
- C: Hearings and Mediation (3 sets of questions)
- D: Other Cross-IP Areas (2 sets of questions)

CALL FOR SUBMISSIONS

We seek your feedback on the proposed changes, which will assist IPOS to refine our policies and shape our IP regime. Please provide your feedback via FormSG [here](#). In your submission, please indicate your name, email address, the name of your organisation (if applicable) and your designation in the organisation (if applicable) so that we may contact you for any clarifications or follow-up questions if necessary.

You are welcome to provide your comments on any or all of the questions that are relevant to you. We encourage clear and concise submissions.

Should you have any queries on the public consult, please contact us at IPOS_Consultation@ipos.gov.sg.

We reserve the right to make public all or parts of any submission and disclose the identity of the source. You may request confidentiality for any part of the submission that is believed to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked. If we grant confidential treatment, we will consider, but will not publicly disclose, the information. If we reject the request for confidential treatment, the information will be returned to the party that submitted it and will not be considered as part of this review. As far as possible, parties should limit any request for confidential treatment of information submitted. We will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.

CLOSING DATE FOR SUBMISSIONS

The consultation period will end on 11 November 2025. Please provide your feedback by this date. IPOS reserves the right not to consider any submissions received after 11 November 2025.

A: PATENTS

1. Requirement for basis for amendments

Current situation

- 1.1 An applicant or proprietor (as applicable) may amend the specification of a patent or application for a patent at the following stages: before filing a request for search and/or examination report,¹ in response to an invitation to amend or written opinion,² at the time of filing a request for review of an examination report,³ and after grant.⁴
- 1.2 If it is an application for a patent, no amendment is allowed if it results in the application disclosing any matter extending beyond that disclosed in the application as filed (“added matter”).⁵ If it is a patent, no amendment of the specification is allowed if it results in the specification disclosing any added matter or extends the protection conferred by the patent.⁶
- 1.3 To assist Examiners in assessing amendments, applicants and proprietors are encouraged to indicate specific parts of the application as filed that support their amendments (“basis for amendments”).
- 1.4 Examiners may also request for the basis for amendments during examination. This provides applicants with the opportunity to clarify the basis for amendments to facilitate the assessment of added matter, which would allow Examiners to conclude the examination expeditiously.

Proposed changes

- 1.5 To facilitate Examiners’ assessment of the amendments and improve the speed of examination, it is proposed to formalise the requirement for an applicant for amendments to submit basis for those amendments.
- 1.6 At first instance, if an applicant does not provide any basis for amendments, the Registrar will issue a letter requiring its submission within 1 month (non-extendable) from the Registrar’s letter. If the basis submitted at first instance is incomplete or incorrect, the Registrar may require the applicant to resubmit the

¹ Section 31 of the Patents Act 1994 read with Rules 49(2) and 49(3) of the Patents Rules.

² Section 29(7C) and (9) of the Patents Act 1994.

³ Section 29B(2) of the Patents Act 1994.

⁴ Section 38 of the Patents Act 1994.

⁵ Section 84(3) of the Patents Act 1994.

⁶ Section 84(4) of the Patents Act 1994.

basis for amendments, also within 1 month (non-extendable) from the Registrar's letter. The 1-month period is to ensure that amendments can be reviewed and processed within a reasonable amount of time.

1.7 If the applicant submits or resubmits (as the case may be) the basis for amendments within the 1-month period but it remains incorrect or incomplete, the Examiner will proceed to determine whether the amendments disclose added matter on a best effort basis.

1.8 The Registrar will refuse the amendments in the following scenarios:

1.8.1 Where no basis for amendments was provided at first instance, and the applicant continues not to submit any basis for amendments within the 1-month period; or

1.8.2 Where an incomplete or incorrect basis for amendments was provided at first instance, and the applicant does not resubmit any basis within the 1-month period.

1.9 In relation to pre-grant voluntary amendments, the matters in paragraph 1.8 mean that:

1.9.1 If search and/or examination has started, the amendments will be refused, i.e., the search and/or examination will proceed without the amendments.

1.9.2 If the amendments are contained in a response to a written opinion or an invitation to amend, or in a request for review of an examination report, the further written opinion, the invitation to amend, the examination report, the search and examination report or the examination review report (as applicable) will be prepared without the amendments. To avoid doubt, any written submissions not relating to the amendments will still be considered in establishing the further written opinion, the invitation to amend, the examination report, the search and examination report or the examination review report (as applicable).

Question A1

a) Are you supportive of this proposed process? Please elaborate with reason(s). If you are not supportive, please also explain with reason(s) and provide suggestion(s) for improvement.

b) If supportive, is 1 month a reasonable period for an applicant to submit a response to the Registrar's letter requiring the basis for amendments? If not, please propose an alternative period and provide your rationale.

2. Reversal of burden of proof in patent infringement proceedings

Current situation

- 2.1 Singapore implemented Article 34 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the “TRIPS Agreement”), titled “Process Patents: Burden of Proof”, in the form of Section 68 of the Patents Act 1994.
- 2.2 Article 34 of the TRIPS Agreement provides that in patent infringement proceedings, if the subject matter of a patent is a process for obtaining a product and the defendant’s product is identical with the product obtained by the patented process, WTO members are under an obligation to create a rebuttable presumption that the defendant’s product has been obtained by the patented process in at least one of the following circumstances:
- a) The product obtained by the patented process is new (the “**New Product Scenario**”);
 - b) There is a substantial likelihood that the defendant’s identical product was made by the process and the patentee has been unable through reasonable efforts to determine the process actually used to obtain the defendant’s product (the “**Substantial Likelihood Scenario**”).
- 2.3 Both the New Product Scenario and Substantial Likelihood Scenario are mentioned in Section 68(1) of the Patents Act 1994, preceded by the language in emphasis below:
- “In any proceedings for the infringement of a patent, **where the subject matter of the patent is a process for obtaining a new product**, the burden of proving that a product is not made by the process is on the alleged infringer if the product is new [i.e., the New Product Scenario] or a substantial likelihood exists that the product is made by the process and the proprietor of the patent has been unable through reasonable efforts to determine the process actually used [i.e., the Substantial Likelihood Scenario].”*
- 2.4 The language in emphasis may have the effect of limiting the application of the rebuttable presumption to the New Product Scenario.

Proposed change

- 2.5 It is proposed that Section 68(1) of the Patents Act 1994 be amended, for instance, by removing the word “*new*” from the language in emphasis. This would make clear that the rebuttable presumption could apply to both the New Product Scenario as well as the Substantial Likelihood Scenario.

Question A2

Are you supportive of the proposed change? Please elaborate with reason(s).

B: TRADE MARKS

1. Issuance of “Final Examination Report” for trade mark applications that have reached an impasse at substantive examination stage

Current situation

- 1.1. A trade mark application (either filed directly with IPOS (national route) or Singapore-designated via the Madrid Protocol (international route)) will be examined. If, in the course of examination, the trade mark application is found to be objectionable, an examination report will be issued to the applicant. The applicant will have 4 months to respond to the examination report by doing any of the following:⁷
- a) Make representations in writing;
 - b) Apply to the Registrar in Form HC4 for a hearing;
 - c) Apply to amend the application; or
 - d) Furnish additional information or evidence (e.g., evidence of prior use to overcome distinctiveness and descriptiveness objections; evidence showing honest concurrent use to overcome relative grounds objections).
- 1.2. Majority of the applicants will respond to the examination report by making representations in writing or furnishing additional information or evidence at the first instance (“written submissions”). If such written submissions do not overcome the objections, a further examination report will be issued. Under current law, this process can continue indefinitely unless the written submissions overcome the objections, the applicant amends the application and renders it registrable, or applies for a hearing. In some instances, applicants may continue submitting written responses in pursuit of a favourable outcome even when substantive objections persist. This results in protracted examination without a clear path to resolution.

Proposed change

- 1.3. IPOS intends to review the available options to respond to an examination report. This way, applicants would have more clarity on how to effectively progress an application through the examination process. This is especially so in cases where it has been assessed that the past rounds of submissions from the applicant have not been able to overcome the objections, resulting in an impasse between the applicant and the Registrar.

⁷ In accordance with Rules 24(1) and 24(2) of the Trade Marks Rules.

- 1.4. Specifically, IPOS is considering implementing the issuance of a Final Examination Report (“**FER**”) for cases where (i) the applicant’s further submissions repeat arguments which have been canvassed before and which have already been dealt with by the Registrar, or (ii) an application is obviously non-registrable (e.g., a mark “SOAP” for soaps, is incapable of distinguishing the goods (soaps) provided in the course of trade by a person from those provided by another, and is hence objectionable under Section 7(1)(a) of the Trade Marks Act) and the applicant’s response to the first examination report is unable to persuade the Registrar on the merits of the application.
- 1.5. The FER will notify the applicant of the Registrar’s overall assessment of the written submissions from the applicant, and specify the following allowable options for the applicant’s response, which must be provided within a period of 4 months, failing which the application in respect of the objectionable goods/services will be treated as withdrawn:
- a) Remove the objectionable goods/services that are the subject of the FER by:
 - i. Withdrawing the application in respect of all objectionable classes of goods/services (either in writing or via Form CM9); or
 - ii. Amending the application to delete all objectionable items from the specification within the applicable class(es) by filing Form TM27 (or in writing, for the case of IRs designating Singapore); or
 - b) apply for *ex parte* hearing by filing Form HC4.
- 1.6. An illustrative example of how an FER would be issued is as follows:

The Registrar has objected against a trade mark application in its entirety under Section 7(1)(b) and (c)⁸ of the Trade Marks Act 1998.

The applicant had submitted at least two rounds of written submissions⁹ which presented repetitive arguments of no persuasive value that the Registrar had addressed in the earlier examination reports. Although the

⁸ Section 7(1) of the Trade Marks Act 1998 provides:

“7.—(1) *The following must not be registered: ...*

(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; ...”

⁹ Note that the number of rounds of submission stated here is only for illustration. In principle, an FER would be considered after IPOS’ careful assessment and where it is clear that continued correspondence is unlikely to resolve the impasse.

applicant claimed that the trade mark had been used in respect of the claimed goods/services for more than 5 years prior to the date of application, the applicant has not submitted any evidence in this respect, despite earlier examination reports inviting the applicant to do so (to demonstrate that the mark had acquired a distinctive character as a result of prior use before the date of application¹⁰).

After thoroughly reviewing the application (including the objections raised earlier), the Registrar proceeds to issue an FER. The FER would inform the applicant of the Registrar's assessment and provide the applicant with a period of 4 months to respond to the FER by doing either of the following:

- a) Remove the objectionable goods/services that are the subject of the FER; or
- b) Apply for *ex parte* hearing via Form HC4.

1.7. IPOS is also proposing relief measures for responses to FERs that are similar to those that currently apply to responses to examination reports,¹¹ to facilitate applicants' compliance with FERs' response deadlines.

- a) [Before the expiry of an FER's response deadline] The applicant may request a *one-time* extension of three months via Form CM5 before the expiry of the deadline stated in the FER.
- b) [After the expiry of an FER's response deadline] Failure to respond to an FER or request an extension of time by the deadline will result in the application in respect of the objectionable goods/services becoming treated as withdrawn. In such case, the applicant may still request the continued processing of the application via Form CM13 within an additional 2 months (non-extendable). The request must be accompanied by any of the response options specified in the FER.

¹⁰ In accordance with Section 7(2) of the Trade Marks Act 1998.

¹¹ Existing relief measures in an ordinary case are: (a) [before the expiry of an examination report's deadline] Possibility of applying for multiple extension of time requests to respond to an examination report via Form CM5, in accordance with Rule 77(1A)(a) of the Trade Marks Rules; (b) [after the expiry of an examination report's deadline] A one-time request for continued processing of an application in respect of the objectionable goods/services which has become treated as withdrawn via Form CM13 along with the required response to the examination report, in accordance with Rule 77AA of the Trade Marks Rules.

Question B1

Are you supportive of the proposed change? Please elaborate with reason(s).

C: HEARINGS AND MEDIATION

1. Align the deadlines in objections to amendment of geographical indications and oppositions to registration of geographical indications with oppositions to registration of trade marks

Current situation

- 1.1 The Geographical Indications Act 2014 and Geographical Indications Rules 2019 were enacted to facilitate the conclusion of the European Union-Singapore Free Trade Agreement (EUSFTA).¹² In this regard, although the overall architecture of the geographical indications registration procedure is largely modelled on the trade marks registration procedure, the proceedings for oppositions to registration of geographical indications are greatly truncated compared to trade marks. Among other things, the opponent is given a much shorter initial period of 6 weeks to file its notice of opposition with supporting evidence. Similarly, the applicant is given a period of 6 weeks to file its counter-statement with supporting evidence. The opponent is given a much shorter period of 1 month to file its evidence in reply.
- 1.2 For geographical indications, the short deadlines in the proceedings for oppositions to registration are also found in objections to amendment.¹³
- 1.3 Further, there is a right of appeal against the Registrar's decision in any interlocutory proceedings between two or more parties if the decision terminates any matter concerning a trade mark or an application for a trade mark, but none for geographical indications interlocutory proceedings.¹⁴ For example, there is no appeal against a refusal to grant an extension of time in geographical indications proceedings, whereas for trade marks proceedings, an appeal to the General Division of the High Court is available if the refusal to grant an extension of time would bring proceedings to an end.

Proposed changes

- 1.4 It is proposed to amend the deadlines in geographical indications proceedings (in particular, for oppositions to registration and objections to amendment) to be consistent with trade marks, for ease of use for parties and practitioners. We plan to align the deadlines as follows.

¹² The EUSFTA came into force on 21 November 2019.

¹³ Rules 20-23 and 27-31 of the Geographical Indications Rules 2019.

¹⁴ Section 75(3) of the Trade Marks Act 1998 and Section 32 of the Geographical Indications Act 2014.

Document to be filed	Deadline in proceedings		
	For geographical indications: Objection to amendment	For geographical indications: Opposition to registration	For trade marks: Opposition to registration
Notice of objection or opposition	2 months after date of publication		
Extension of time allowed to file notice of objection or opposition	Not exceeding 4 months after date of publication		
Counter-statement	2 months after date of receipt of notice of objection or opposition		
Extension of time allowed to file counter-statement	Not exceeding 4 months after date of receipt of notice of objection or opposition		
Initiator's evidence	[No change] ¹⁵	Filed after close of pleadings, following the deadlines given by the Registrar	
Respondent's evidence			
Initiator's evidence in reply			

- 1.5 It is also proposed to provide a right of appeal to the General Division of the High Court against the Registrar's decision in any interlocutory proceedings between two or more parties if the decision terminates any matter concerning a geographical indication or an application for a geographical indication.

Question C1

Are you supportive of these proposed changes? Please elaborate with reason(s).

¹⁵ Rule 22 of the Geographical Indications Rules 2019 continues to apply.

2. Requests for extension of time to file notice of opposition or objection, counter-statement and evidence

Current situation

- 2.1 Requests for extension of time to file notice of opposition or objection, counter-statement and evidence which are made within the relevant deadlines in trade marks and geographical indications proceedings must comply with specific extension of time provisions. The Registrar may refuse to grant an extension of time if the requestor fails to show a good and sufficient reason for the extension.¹⁶
- 2.2 Over many years, the Courts and the Registrar have interpreted failures to meet deadlines as procedural irregularities which may be corrected if not detrimental to the interests of any person or party.¹⁷

Proposed changes

- 2.3 It is proposed to amend the law for trade marks and geographical indications, as outlined below, to provide greater certainty to parties, but maintain status quo for patents, designs, and plant varieties in view of the historically low volume of cases.

For irregularities¹⁸

- a) Clarify that “irregularity in procedure” includes irregularities in respect of time;
- b) Exclude irregularities pertaining to time limits for filing of notice of opposition or objection, counter-statement and evidence from the ambit of the provision; and
- c) Expressly recognise the Registrar's power to award costs to the innocent party, without the pre-requisite of an interlocutory hearing.

The reason for excluding irregularities pertaining to time limits for filing of notice of opposition or objection, counter-statement and evidence from the ambit of the irregularities provision is so that extensions of time relating to these matters are dealt with under the specific extension of time provisions.

¹⁶ Rules 29(5)(a), 31(6)(a), 32(5)(a), 33(5)(a) and 34(5)(a) of the Trade Marks Rules and Rules 23(5)(a), 30(5)(a), 31(8)(a), 43(3)(a), 45(5)(a), 52(3)(a), 54(5)(a), 68(3)(a) and 70(5)(a) of the Geographical Indications Rules 2019.

¹⁷ Rule 83(1) of the Trade Marks Rules and Rule 92(1) of the Geographical Indications Rules 2019.

¹⁸ Rule 83 of the Trade Marks Rules and Rule 92 of the Geographical Indications Rules 2019.

For extension of time to file notice of opposition or objection¹⁹

- a) Provide that the deadlines are not extendable once missed.

This proposal gives certainty to trade mark and geographical indication applicants, where a vast majority of the relevant applications are not opposed or objected to.

For extension of time to file counter-statement²⁰

- a) Allow requests for extension of time to be filed after expiry of deadline, before the status of the application has been updated to “treated as withdrawn”;
- b) Provide that the Registrar has no discretion to extend time in these situations: (i) the status of the application has been updated to “treated as withdrawn”, or (ii) the extension would go beyond the maximum period of 4 months; and
- c) Expressly recognise the Registrar's power to award costs to the innocent party, without the pre-requisite of an interlocutory hearing.

To ensure that the register remains a reliable source of information, once the status of the application is updated to “treated as withdrawn”, extensions of time should not be allowed.

For extension of time to file evidence²¹

- a) Allow requests for extension of time to be filed after expiry of deadline, before the status of the opposition/application has been updated to “treated as withdrawn”;
- b) Require the requestor for extension of time to give a reason for the request only being made after expiry of deadline – the Registrar may refuse to grant extension of time if such reason is not good and sufficient; and
- c) Expressly recognise the Registrar's power to award costs to the innocent party, without the pre-requisite of an interlocutory hearing.

¹⁹ Rule 29 of the Trade Marks Rules, and Rules 23 and 30 of the Geographical Indications Rules 2019. For Geographical Indications, the proposed amendments under this item C2 should be considered alongside and subject to the proposed changes to deadlines under item C1 (“Align the deadlines in objections to amendment of geographical indications and oppositions to registration of geographical indications with oppositions to registration of trade marks”) (“**Proposed Change C1**”).

²⁰ Rule 31 of the Trade Marks Rules, and Rules 23 and 30 of the Geographical Indications Rules 2019 subject to amendments to incorporate Proposed Change C1 above.

²¹ Rules 32, 33 and 34 of the Trade Marks Rules, and Rules 30 and 31 of the Geographical Indications Rules 2019 subject to amendments to incorporate Proposed Change C1 above.

To ensure that the register remains a reliable source of information, once the status of the opposition/application is updated to “treated as withdrawn”, extensions of time should not be allowed.

Question C2

Are you supportive of these proposed changes? Please elaborate with reason(s).

3. Scale of costs

Current situation

- 3.1 At the end of a case, the Registrar may award costs to the winning party. Costs may take into account agents' fees, and fees for forms filed with IPOS. The Registrar applies the scale of costs to determine the amount of costs. The amount of costs awarded is not meant for the winning party to fully recover its actual expenses incurred.²² The losing party pays the costs directly to the winning party.
- 3.2 The amounts in the scale of costs for trade marks and geographical indications are slightly higher than for patents, designs and plant varieties.²³ The amounts were last amended in 2017 for trade marks, 2014 for patents and designs, and 2004 for plant varieties. The amounts for geographical indications have yet to be amended since they were introduced in 2019.

Proposed changes

- 3.3 It is proposed to update the scale of costs for trade marks, as indicated in the table below. The amounts will be rounded up for ease of use. There will be a slightly larger increase in the amounts for two matters, drawing and filing an initiating action as well as attendance at hearing, to recognise that more costs are incurred in practice.

Matter	Current amount	Proposed amount
1. Drawing and filing notice of opposition, application for revocation of registration of a trade mark, application for declaration of invalidity of registration of a trade mark, or application for rectification of an entry in the register, all including a statement of grounds	\$390	\$500
2. Drawing and filing counter-statement	\$390	\$400

²² Rule 75 of the Trade Marks Rules, Rule 81 of the Geographical Indications Rules 2019, Rule 7 of the Patents Rules, Rule 56D of the Registered Designs Rules and Rule 64 of the Plant Varieties Protection Rules.

²³ Fourth Schedule to the Trade Marks Rules, Third Schedule to the Geographical Indications Rules 2019, Third Schedule to the Patents Rules, Fourth Schedule to the Registered Designs Rules and Fifth Schedule to the Plant Varieties Protection Rules.

Matter	Current amount	Proposed amount
3. Preparing and filing evidence for opposition and revocation, invalidation or rectification proceedings	\$390 - \$2,080 per statutory declaration	\$400 - \$2,100 per statutory declaration
4. Reviewing any document referred to in items 1, 2 and 3	\$195 - \$1,040 per document	\$200 - \$1,100 per document
5. Preparing for all interlocutory proceedings, pre-hearing reviews and case management conferences	\$65 - \$650 per proceeding, review or conference	\$80 - \$700 per proceeding, review or conference
6. Attending all interlocutory proceedings, pre-hearing reviews and case management conferences	\$65 - \$650 per proceeding, review or conference	\$80 - \$700 per proceeding, review or conference
7. Preparing for hearing	\$650 - \$2,600	\$700 - \$2,600
8. Attendance at hearing	\$260 - \$1,040	\$300 - \$1,200
9. [Deleted by S 743/2014 wef 13/11/2014]		
10. Drawing bill of costs	\$6.50 per folio	\$7 per folio
11. Attending assessment	\$130 - \$390	\$150 - \$400

3.4 Accordingly, it is proposed to also update the scale of costs for patents, designs, plant varieties and geographical indications to equal the proposed amounts for the corresponding matters for trade marks above.

3.5 For all IP, the Registrar will have a new power to award off-scale costs, i.e., outside of the amounts and items in the scale of costs. Before awarding off-scale costs, the Registrar will give each party an opportunity to be heard. Such a power has been available in other jurisdictions and may be exercised in certain circumstances, including unreasonable or undesirable behaviour.²⁴

Question C3

- a) Are you supportive of this proposed increase in the scale of costs? Please elaborate with reason(s).**
- b) Are you supportive of this proposed new power for the Registrar to award off-scale costs? Please elaborate with reason(s).**

²⁴ Examples of IP offices in other jurisdictions with such a power include the [United Kingdom Intellectual Property Office](#), [New Zealand Intellectual Property Office](#) and [IP Australia](#).

c) If such a power were to be introduced, how should it be scoped, e.g., in what circumstances may the Registrar award off-scale costs, and what safeguard(s) should be introduced?

D: OTHER CROSS-IP AREAS

1. According dates of filing on Sundays and public holidays

Current situation

- 1.1 Currently, an IP application²⁵ will be accorded a date of filing of that day when the application is filed with IPOS insofar as the applicable requirements are met under the respective IP Acts and Rules.²⁶ An exception is where the application is filed on a Sunday or public holiday, as the earliest date of filing accorded will be the next following day that is not a Sunday or public holiday. For example, for an IP application that was filed on 1 January 2025 (the day being a public holiday), the earliest date of filing accorded will be 2 January 2025 (Thursday). This practice is also elaborated in [Registries Practice Direction No. 1 of 2023](#) (see paragraphs B5 and B6).
- 1.2 We have observed that this practice in Singapore is unlike the practices of other major IP offices, where IP applications are accorded a date of filing of that day when they are submitted to that office, even if they are submitted on a Sunday or public holiday. Examples include international patent applications filed with receiving offices under the Patents Cooperation Treaty (PCT), and patent and trade mark applications filed electronically with IP offices in the United States of America, Europe, China, Japan, Republic of Korea, United Kingdom and Australia.
- 1.3 An IP application may be rendered non-registrable as a result of an earlier disclosure, or identical or similar IP with an earlier date of filing or date of priority.²⁷
 - a) For patents or designs, a disclosure or sale made on a Sunday or public holiday may destroy the novelty of a patent or design application filed that same day but accorded a later filing date.

²⁵ The reference to “IP application” includes applications for patents, trade marks, designs, plant varieties and geographical indications.

²⁶ Section 26 of the Patents Act 1994, Section 5 of the Trade Marks Act 1998, Section 11 of the Registered Designs Act 2000, Section 13 of the Plant Varieties Protection Act 2004 and Section 39 of the Geographical Indications Act 2014 read with Rule 13 of the Geographical Indications Rules 2019.

²⁷ The “date of priority” or “priority date” is the date of filing of the earlier-filed IP application in a country that is party to the Paris Convention for the Protection of Industrial Property, that is claimed as right of priority in the later-filed application.

- b) For trade marks, a mark that was filed later in time will be considered to be an earlier trade mark (taking into account a claim of priority),²⁸ relative to a mark that was filed on the same day as the later-filed mark's priority date, which falls on a Sunday or a public holiday.²⁹ Where the marks are identical or similar and registration is sought for identical or similar goods or services, this could form the basis for a relative grounds objection. The affected applicant would have to expend efforts to prepare additional information or evidence to submit to the Registrar to overcome the objection.³⁰

Proposed change

- 1.4 It is proposed that an IP application filed on a Sunday or public holiday will be accorded a date of filing of the same day insofar as the applicable requirements are met under the respective IP Acts and Rules. Using the example in paragraph 1.1, the earliest date of filing to be accorded to the IP application will be 1 January 2025.

²⁸ "Earlier trade mark" is defined in Section 2(1) of the Trade Marks Act 1998 to include "(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 ... 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".

²⁹ A hypothetical example concerning two trade mark applications (identical mark, identical goods) filed by two different applicants is shown in the table below. Application 2 will be considered as an earlier trade mark when compared to Application 1, as Application 2's date of priority is earlier than Application 1's date of filing. In such a scenario, Application 1 may be objected to under Section 8(1) of the Trade Marks Act 1998.

	Application 1	Application 2
Applicant	ABC Company	XYZ Company
Mark (Specification)	ABC (Class 25: Clothing)	ABC (Class 25: Clothing)
Date that application is filed with IPOS	9 August 2025 (public holiday in Singapore)	1 September 2025 (neither a Sunday nor public holiday)
Date of filing accorded by IPOS	11 August 2025 (accorded date of filing as next following day that is neither a Sunday nor public holiday)	1 September 2025
Right of priority claimed?	No	<u>Yes</u> Office of priority application: Australia Date of priority: 9 August 2025

³⁰ Ways to overcome the objection would include providing a letter from the applicant/proprietor of the earlier mark consenting to the registration of the affected applicant's trade mark, and submitting evidence demonstrating honest concurrent use of the affected applicant's trade mark (vis-à-vis the earlier trade mark) in the course of trade in Singapore.

1.5 This proposed change would align Singapore's practice with the practices of other major IP offices as stated in paragraph 1.2. It would also allow applicants to:

a) Secure an earlier date of filing. This is important as IP registration operates on a first-to-file basis, i.e., the first person to file the IP application owns the rights to it.

b) Enjoy greater flexibility in managing IP disclosures and filings. For example, a patent applicant with an urgent need to disclose his invention would be able to secure a filing date on a Sunday or public holiday.

1.6 To avoid doubt, the proposed change will not affect time periods or limits expiring on Sundays and public holidays. That is, if the last day of a time period or limit as prescribed in the IP Acts and Rules falls on a Sunday or public holiday, it will continue to be extended to the next following day that is not an excluded day declared by the Registrar in the prevailing practice direction. For example, for an IP that is due for renewal on 1 January 2025 (the day being a public holiday), the last day for renewal will be extended to 2 January 2025.

Question D1

Are you supportive of this proposed change? Please elaborate with reason(s).

2. Extension of time in special circumstances

Current situation

- 2.1. In response to the COVID-19 situation, IPOS introduced various relief measures to better support businesses,³¹ including a provision across all IP subsidiary legislation providing the Registrar with the power to extend time limits or deadlines in special circumstances.³²
- 2.2. This power allows the Registrar to extend deadlines that have not yet expired and where the Registrar is of the opinion that there are “circumstances beyond the control of a party concerned” or “other special circumstances”. The term “special circumstances” is not statutorily defined.

Proposed change

- 2.3. It is proposed to allow the Registrar to extend deadlines only where the Registrar is of the opinion that there are “circumstances beyond the control of a party concerned”. We plan to remove “other special circumstances” from the provision as the scope of “circumstances beyond the control of a party concerned” is sufficiently broad.

Question D2

- a) Are you supportive of the proposed change? Please elaborate with reason(s).**
- b) Are there “other special circumstances” which may justify an extension of time but are not covered by “circumstances beyond the control of a party concerned”? Please elaborate with reason(s).**

END

³¹ See circulars issued by IPOS on 2 June 2020 (“Introduction of Amendments to Subsidiary Legislation in Response to COVID-19”) – Patents [Circular No. 3/2020](#), Trade Marks [Circular No. 6/2020](#), Registered Designs [Circular No. 2/2020](#), Plant Varieties Protection [Circular No. 2/2020](#) and Geographical Indications [Circular No. 2/2020](#).

³² Rule 108B of the Patents Rules, Rule 77C of the Trade Marks Rules, Rule 57A of the Registered Designs Rules, Rule 66A of the Plant Varieties Protection Rules, and Rule 83A of the Geographical Indications Rules 2019.