

Working Group on the Review of Rule 3(4) to (6) of the Regulations under the Singapore Treaty on the Law of Trademarks

First Session

Geneva, June 28 and 29, 2010

Summary by the Chair

adopted by the Working Group

Agenda Item 1: Opening of the Session

1. Ms. Binying Wang, Deputy Director General, opened the first session of the Working Group on the Review of Rule 3(4) to (6) of the Regulations under the Singapore Treaty on the Law of Trademarks (Working Group) and welcomed the participants on behalf of the Director General.
2. Mr. Marcus Höpperger (WIPO) acted as Secretary to the Working Group.

Agenda Item 2: Election of a Chair and two Vice-Chairs

3. Mr. Mikael Francke Ravn (Denmark) was elected Chair of the first session of the Working Group and Mrs. Liubov Kiriya (Russian Federation) and Ms. Mei Lin Tan (Singapore) were elected Vice-Chairs of the first session of the Working Group.

Agenda Item 3: Adoption of the Agenda

4. The Working Group adopted the Draft Agenda (document STLT/WG/1/2 Prov.) without modifications.

Agenda Item 4: Review of Rule 3(4) to (6) of the Regulations under the Singapore Treaty on the Law of Trademarks

5. Discussion was based on document STLT/WG/1/2. The Working Group agreed on the text for a revised Rule 3(4) to (10) as reproduced in the Annex to this document. The Working Group further agreed to recommend to the Singapore Treaty Assembly the adoption of the text for a revised Rule 3(4) to (10) as reproduced in the Annex to this document, with November 1, 2011, as the date for its entry into force. Following the adoption of the recommended Rule change by the Assembly, the Secretariat was requested to introduce all consequential amendments to the model international forms.

Agenda Item 5: Summary by the Chair

6. The Working Group approved the Summary by the Chair as contained in the present document.

Agenda Item 6: Closing of the Session

7. The Chair closed the session on June 29, 2010.

[Annex follows]

REGULATIONS UNDER THE SINGAPORE TREATY ON THE LAW OF TRADEMARKS

[...]

Rule 3
Details Concerning the Application

[...]

(4) [Three-dimensional Mark]

- (a) Where the application contains a statement to the effect that the mark is a three-dimensional mark, the reproduction of the mark shall consist of a two-dimensional graphic or photographic reproduction.
- (b) The reproduction furnished under subparagraph (a) may, at the option of the applicant, consist of one single view of the mark or of several different views of the mark.
- (c) Where the Office considers that the reproduction of the mark furnished by the applicant under subparagraph (a) does not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, up to six different views of the mark and/or a description by words of that mark.
- (d) Where the Office considers that the different views and/or the description of the mark referred to in subparagraph (c) still do not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, a specimen of the mark.
- (e) Notwithstanding subparagraphs (a) to (d), a sufficiently clear reproduction showing the three-dimensional character of the mark in one view shall be sufficient for the granting of a filing date.
- (f) Paragraph (3)(a)(i) and (b) shall apply *mutatis mutandis*.

~~(5) [Hologram Mark, Motion Mark, Color Mark, Position Mark] Where the application contains a statement to the effect that the mark is a hologram mark, a motion mark, a color mark or a position mark, a Contracting Party may require one or more reproductions of the mark and details concerning the mark, as prescribed by the law of that Contracting Party.~~

(5) [Hologram Mark] Where the application contains a statement to the effect that the mark is a hologram mark, the representation of the mark shall consist of one or several views of the mark capturing the holographic effect in its entirety. Where the Office considers that the view or views submitted do not capture the holographic effect in its entirety, it may require the furnishing of additional views. The Office may also require the applicant to furnish a description of the hologram mark.

(6) [Motion Mark] Where the application contains a statement to the effect that the mark is a motion mark, the representation of the mark shall, at the option of the Office, consist of one image or a series of still or moving images depicting movement. Where the Office considers that the image or images submitted do not depict movement, it may require the furnishing of additional images. The Office may also require that the applicant furnish a description explaining the movement.

(7) [Color Mark] Where the application contains a statement to the effect that the mark is a color *per se* mark or a combination of colors without delineated contours, the reproduction of the mark shall consist of a sample of the color or colors. The Office may require a designation of the color or colors by using their common names. The Office may also require a description on how the color is or the colors are applied to the goods or used in relation to the services. The Office may further require an indication of the color or colors by a recognized color code chosen by the applicant and accepted by the Office.

(8) [Position Mark] Where the application contains a statement to the effect that the mark is a position mark, the reproduction of the mark shall consist of a single view of the mark showing its position on the product. The Office may require that matter for which protection is not claimed shall be indicated. The Office may also require a description explaining the position of the mark in relation to the product.

(9) [Sound Mark] Where the application contains a statement to the effect that the mark is a sound mark, the representation of the mark shall, at the option of the Office, consist of a musical notation on a stave, or a description of the sound constituting the mark, or an analog or digital recording of that sound, or any combination thereof.

~~(6)~~(10) [Mark Consisting of a Non-Visible Sign other than a Sound Mark] Where the application contains a statement to the effect that the mark consists of a non-visible sign other than a sound mark, a Contracting Party may require one or more representations of the mark, an indication of the type of mark and details concerning the mark, as prescribed by the law of that Contracting Party.

~~(7)~~(11) [Transliteration of the Mark] [...]

~~(8)~~(12) [Translation of the Mark] [...]

~~(9)~~(13) [Time Limit for Furnishing Evidence of Actual Use of the Mark] [...]

[...]

[End of Annex and of document]