

**HAGUE AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

**– NOTIFICATION OF REFUSAL –**

**Rule 18(2) of the Common Regulations**

<b>1.</b>	<b>Office sending the notification:</b> Intellectual Property Office of Singapore (IPOS)
<b>2.</b>	<b>Number of the international registration:</b> DM/103623
<b>3.</b>	<b>Date of publication (Int. Design bulletin):</b> 29/03/2019
<b>4.</b>	<b>Holder of the international registration:</b> JAPAN TOBACCO, INC
<b>5.</b>	<b>Scope of refusal:</b> <input checked="" type="checkbox"/> Refusal for all the industrial designs <input type="checkbox"/> Refusal for the following industrial designs
<b>6.</b>	<b>Grounds for refusal:</b>  The international registration designating Singapore is not entitled to protection under Rule 4(1) of the Registered Designs (International Registration) Rules. The requirements for registration of a design under the Registered Designs Act (Cap. 266) and the Registered Designs Rules (R 1) have not been satisfied, for the following reason(s):  (i) Section 2(1) of the Registered Designs Act requires a design to be applied to an article or non-physical product. The design for which protection is sought does not appear to be applied to any article or non-physical product; the indication of product (“article name”) as currently stated in the international registration designating Singapore may not be regarded as an article or non-physical product.

**7. Date on which the refusal was pronounced:**

13/09/2019

**8. Information relating to subsequent procedures:**

Pursuant to Rules 9 and 10 of the Registered Designs (International Registration) Rules 2005, the holder of the international registration designating Singapore may make representations against the refusal within the time limit indicated below and may, as part of such representations, notify the Registrar of amendments to the below-mentioned particulars of the international registration designating Singapore.

(i) The grounds for refusal stated in item 6 above may be overcome by amending the following particulars of the international registration designating Singapore:

- (a) Indication of product ("article name"), which should indicate the article or non-physical product to which the design is applied;
- (b) Classification of the article or non-physical product indicated, which should be in accordance with the practice directions issued by the Registrar under Rule 26 of the Registered Designs Rules; and
- (c) Representations of the design, which should show the design being applied to the article or non-physical product indicated. The parts for which protection is not claimed may be indicated by means of broken or stippled lines, or shaded portions. Broken or stippled lines and/or shaded portions are for illustrative purposes only.

(ii) Time limit for making representations against the refusal:

**13/12/2019**

The time stated here may be extended pursuant to Rule 9(4) of the Registered Designs (International Registration) Rules 2005.

(iii) Authority to which such representations should be made:

The Registrar, Intellectual Property Office of Singapore

(iv) Indications concerning the appointment of a representative:

The submission should be made through a representative whose address is in Singapore.

Upon a final decision being made in relation to the refusal, the Registrar shall notify the International Bureau of that decision. Pursuant to Rule 11(2) of the Registered Designs (International Registration) Rules 2005, where the decision is to withdraw the refusal of protection following the amendment of any particulars of the international registration designating Singapore, the design that is the subject of that registration shall be protected from the date of the Registrar's notification to the International Bureau.

**9. Signature or official seal of the Office making the notification:**

Neeta Devi Sathasivam  
for Registrar of Designs  
Singapore

**CORRESPONDING ESSENTIAL PROVISIONS OF THE APPLICABLE LAW IN SINGAPORE:**

**REGISTERED DESIGNS (INTERNATIONAL REGISTRATION) RULES 2005**

**Entitlement to protection**

4.—(1) Subject to rule 9, an international registration designating Singapore shall be entitled to become protected in Singapore if, had the particulars of the international registration been comprised in an application for registration of a design under the Act, that application would have satisfied the requirements for registration of a design under the Act and the Registered Designs Rules (R 1).

(2) For the purpose of paragraph (1), section 11 of the Act and rules 7, 13 to 25, 27 and 28 of the Registered Designs Rules shall be disregarded.

**Examination**

9.—(1) Upon receiving a notification of an international registration designating Singapore from the International Bureau, the Registrar shall examine whether the international registration satisfies the requirements for protection in Singapore set out in rule 4.

(2) If it appears to the Registrar that the requirements for protection in Singapore set out in rule 4 are not met, he shall give notification of refusal of protection to the International Bureau.

(3) The Registrar must specify in the notification of refusal in respect of an international registration designating Singapore —

(a) the period within which the holder of the international registration designating Singapore may make representations against the refusal; and

(b) where rule 10(2A) applies, that the holder of the international registration designating Singapore may notify the Registrar of any particulars of the international registration designating Singapore that are to be amended as part of the holder's representations.

(4) If the holder requires an extension of time to make representations, he shall file with the Registrar his request for an extension of time in Form CM5 before the expiry of —

(a) the period specified in the notification of refusal; or

(b) any extended period previously granted by the Registrar.

(5) A holder of an international registration making representations shall file with the Registrar an address for service in Singapore in writing.

**Notification of refusal**

10.—(1) A notification of refusal under rule 9(3) shall not be given after the expiry of 6 months after the date of the publication of the international registration in accordance with Rule 26(3) of the Common Regulations.

(2) A notification of refusal under rule 9(3) shall set out the matters required under Article 12 of the Geneva Act of the Hague Agreement and Rule 18 of the Common Regulations.

(2A) If the Registrar is of the view that a refusal may be addressed by an amendment to any particulars of an international registration designating Singapore, the Registrar may —

- (a) state so in the notification of refusal; and
- (b) state the particulars that may be amended in order to address the refusal.

(3) Where, after a notification of refusal has been given under rule 9(2), the holder makes representations within the period specified in rule 9(3) or any extended period granted by the Registrar, the Registrar shall, upon a final decision being made in relation to the refusal, notify the International Bureau of that decision.

(4) For the purposes of paragraph (3), a final decision shall be regarded as being made where —

- (a) the Registrar or the Court on appeal from the Registrar decides whether the refusal shall be upheld or withdrawn, and any right of appeal against that decision expires or is exhausted; or
- (b) the proceedings relating to the refusal are discontinued or abandoned.

### **Protection**

11.—(1) A design which is the subject of an international registration designating Singapore shall be protected as a protected international design (Singapore) —

- (a) in a case where no notification of refusal has been given to the International Bureau within the period of 6 months referred to in rule 10(1), upon the expiry of that period; or
- (b) in any other case, upon the Registrar notifying the International Bureau under rule 10(3) that a final decision has been made to withdraw the refusal of protection.

(2) For the purposes of the application by these Rules of the provisions of the Act, a design that is the subject of an international registration designating Singapore is treated as if it was registered under the Act, and is protected as a protected international design (Singapore), from —

- (a) in a case where the Registrar notifies the International Bureau under rule 10(3) that a final decision has been made to withdraw the refusal of protection following the amendment of any particular of the international registration as part of the holder's representations — the date of the notification; or
- (b) in any other case — the filing date of the corresponding international application.

## REGISTERED DESIGNS ACT

### Interpretation

2.—(1) “article” means any thing that is manufactured (whether by an industrial process, by hand or otherwise), and includes —

- (a) any part of an article, if that part is made and sold separately; and
- (b) any set of articles;

“Design” means features of shape, configuration, colours, pattern or ornament applied to any article or non-physical product that give that article or non-physical product its appearance, but does not include —

- (a) a method or principle of construction;
- (b) features of shape, configuration or colours of an article or a non-physical product that —
  - (i) are dictated solely by the function that the article or non-physical product has to perform;
  - (ii) are dependent upon the appearance of another article or non-physical product of which the article or non-physical product is intended by the designer to form an integral part; or
  - (iii) enable the article or non-physical product to be connected to, or placed in, around or against, another article or non-physical product, so that either article or non-physical product may perform its function; or
- (c) features consisting only of one or more colours that —
  - (i) are not used with any feature of shape or configuration; and
  - (ii) do not give rise to any feature of pattern or ornament;

## REGISTERED DESIGNS RULES

### Classification

26. For the purposes of the registration of a design, each article, non-physical product or set of articles and non-physical products to which the design is intended to be applied is to be classified in accordance with any practice directions that the Registrar may issue under this rule.

(Refer to [Practice Direction on Classification](#))