



DESIGNS FILING REQUIREMENTS

SINGAPORE



JULY 2015



RECEIPT OF THE APPLICATION

The application for registration of designs should be filed using the prescribed form (Form D3) and payment of the prescribed fee. The official language for filing is English. The Intellectual Property Office of Singapore (IPOS) accepts applications online.

For submission by mail, the application form must be completed, duly signed and submitted with all the required documents, including payment by cheque, money order, bank draft or request for GIRO payment. Payment via electronic means for online transactions is effected by GIRO, eNETS Debit Card, Mastercard or VISA Credit Card.

There is no requirement for agent representation in Singapore, but applicants are required to provide an address for service in Singapore.

FILING REQUIREMENTS

REPRESENTATION OF THE DESIGN

The representation of the design must be visually clear, of good quality and be suitable for reproduction. Each application shall, as far as possible, contain up to 10 different views of the design. Each representation must be at least 3cm by 3cm and no larger than 13cm by 15cm when printed out.

PRIORITY

There is a priority application procedure in place for applicants who have filed an earlier application for the same design in another Paris Convention country or a World Trade Organisation member country (other than Singapore). The Singapore application must be filed within six months from the date of the first filing. The declaration of priority has to be made at the point of filing the application in Singapore.

CLASSIFICATION

For the purposes of the registration of designs, the design owner is required to classify the article or articles in accordance with the Third Schedule of the Registered Designs Rules. The Third Schedule lists the headings of the classes and subclasses as presented in the Locarno Classification for Industrial Designs.

STATEMENT OF NOVELTY

A statement describing the features of the design which the applicant considers to be new shall appear on the application form.



WHAT IS A REGISTRABLE DESIGN

A design refers to the features of shape, configuration, pattern or ornament applied to an article by any industrial process. To qualify for an application, a design must satisfy the following criteria:

The design must be new:

A design for which an application for registration is made shall not be regarded as new if it is the same as a design —

- (a) registered in respect of the same or any other article in pursuance of a prior application; or
- (b) published in Singapore or elsewhere in respect of the same or any other article before the date of the first-mentioned application,

or if it differs from such a design only in immaterial details or in features which are variants commonly used in the trade.

The Registrar may, in such cases as may be prescribed, direct that, for the purpose of deciding whether a design is new, an application for registration of the design shall be treated as filed on a date earlier or later than that on which it was in fact filed.

The design must be industrially applied onto an article:

A design is applied industrially if —

- (a) more than 50 reproductions in 3 dimensions are made of it for the purposes of sale or hire;
- (b) it is reproduced in 3 dimensions in one or more articles manufactured in lengths for the purposes of sale or hire; or
- (c) it is reproduced as a plate which has been used to produce —
 - (i) more than 50 reproductions of an object in 3 dimensions for the purposes of sale or hire; or
 - (ii) in 3 dimensions one or more articles manufactured in lengths for the purposes of sale or hire.

WHAT IS NOT REGISTRABLE

A design is not registrable if the publication or use of it would be contrary to public order or morality.

- Computer program or layout-design.
- A design does not include —
 - (a) a methods or principle of construction
 - (b) features of shape or configuration of an article which are dictated solely by the function which the article has to perform.



- (c) features of shape or configuration of an article which are dependent upon the appearance of another article, of which it is intended by the designer to form an integral part.
- (d) features of shape or configuration of an article which enable the article to be connected to, or placed in, around or against, another article so that either article may perform its function.
- The Registrar shall refuse to register a design intended to be applied to any of the following articles:
 - (a) works of sculpture (other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process);
 - (b) wall plaques, medals and medallions;
 - (c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greeting cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles.
- Registration of design consisting of arms, etc.
 - (a) 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 design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, 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.
 - (b) The Registrar shall refuse to register the design if no such consent is furnished within the time specified by the Registrar.
- Persons living or recently dead.
 - (a) Where the name or representation of any person appears on a design which is the subject of an application for registration, the Registrar may, before proceeding to register the design, 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.
 - (b) Where such consent is not furnished with 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 design.



EXAMINATION AND REGISTRATION

If, in the course of an **examination** of an application for registration, it appears to the Registrar that the formal requirements for registration are not met, the Registrar shall give a written notice of this to the applicant.

If, within 3 months after the date of the written notice of the Registrar, the applicant fails to —

- (a) make representations in writing;
- (b) apply to the Registrar for a hearing; or
- (c) apply to correct the non-compliance,

The application shall be treated as withdrawn.

The notice of registration of a design shall be published in the Designs Journal with the following information:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority and the name of the country or territory concerned;
- (c) the name, address and address for service of the registered owner;
- (d) the article in respect of which the design is registered, including its classification number;
- (e) the registration number;
- (f) a representation of the design; and
- (g) the statement of novelty relating to the design.

TERM OF PROTECTION

The initial period of registration of a design is 5 years from the date of registration of the design.

The period of registration of a design may be extended for a second and third period of 5 years, by applying to the Registrar for an extension, and paying the prescribed extension fee, before the expiry of the current period of registration.

CONTACT

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