

## Intellectual Property & Technology Review

Dear Clients & Friends

### Designs

#### Changes to designs renewal practice with effect from 1 January 2009

For all applications for extension of period of design registration lodged on or after 1 January 2009, the Singapore Registrar of Designs will not be issuing renewal certificates confirming that the period of registration of a design has been extended.

Where an application for extension is made online, the application is processed instantaneously and a notification of the extension will be displayed for printing. These notifications will remain available for printing for one month from the application date. In very limited circumstances, such as where there are pending applications affecting the validity of the design, an application for extension will not be processed instantaneously.

Where the application is posted or submitted over the counter, the applicant will not receive any notification. The onus will then be on the applicant to check the status of the extension on the online database of the Registry of Designs within two weeks of the application.

Please [click here](#) for further information about the changes to the designs renewal practice, which is also available on the website of the Intellectual Property Office of Singapore [www.ipos.gov.sg](http://www.ipos.gov.sg)

### Patents

#### IPOS and USPTO launch Patent Prosecution Highway, a pilot cooperation initiative

On 2 February 2009, the Intellectual Property Office of Singapore (the "IPOS") and the United States Patent and Trademark Office (the "USPTO") launched a cooperative initiative called the Patent Prosecution Highway (the "PPH") which will have a pilot period of one year ending on 2 February 2010. With this initiative, the IPOS joins other patent offices of jurisdictions such as Japan, Australia and the United Kingdom in establishing a patent prosecution highway with the USPTO.

This initiative is intended to facilitate faster prosecution of patent applications because references to earlier work done could reduce or even eliminate the need for subsequent search and examination work. It is also expected to achieve better search and examination as one patent office may check with and rely on the other office for previously unavailable databases.

The initiative allows the IPOS and the USPTO to share their search and examination results with each other. Applicants seeking patent protection for an invention in both countries may choose to go through this route. For instance, where IPOS is the Office of First Filing and the Singapore application contains claims that are determined to be allowable/patentable, the applicant may request accelerated examination at the USPTO for the corresponding application filed with the USPTO as the Office of Second Filing.

The initiative will have a pilot period, followed by full implementation. The IPOS and USPTO will assess the results of the pilot programme to decide whether and how the initiative may be fully implemented after the pilot period. The pilot period may be extended for up to another year. The patent offices may even decide to terminate the initiative earlier depending on, among other things, the volume of participation and corresponding manageable level, in which case a notice will be published. A notice will be published by both offices if there is any adjustment to the pilot programme.

The following information is posted on the IPOS website [www.ipos.gov.sg](http://www.ipos.gov.sg):

- [Notice on filing PPH requests to the IPOS](#)
- [Notice on filing PPH requests to the USPTO](#)

Please [click here](#) for more information about the initiative, which is also available on the IPOS website.

For information on the other PPH initiatives which are available on the USPTO website [www.uspto.gov](http://www.uspto.gov), please [click here](#).

## **Trade Marks**

### **Launch of IPOS e-Communications Portal on 1 December 2008**

On 1 December 2008, the Intellectual Property Office of Singapore (the “**IPOS**”) launched the e-Communications Portal, an electronic online system developed by the IPOS to facilitate the exchange of correspondence relating to trade mark applications and prosecutions between the IPOS and registered account holders.

Allen & Gledhill LLP is one of the few law firms that have been selected to participate in the pilot scheme scheduled for the initial period of six months.

To give effect to this new mode of correspondence, amendments were made to the Trade Mark Rules to achieve the following:

- (a) To provide for the service of documents by the Registrar of Trade Marks as well as by the applicant via the e-Communications Portal;
- (b) To provide for the sending of a true and complete image of the original paper document via the e-Communications Portal for documents which require signature or attestation, or which are made on oath or affirmed;
- (c) To continue to provide for the extension of deadlines that fall on excluded days in spite of the availability of the e-Communications Portal;
- (d) To treat as the date of receipt of documents by the IPOS the day on which the documents are received by the IPOS if it occurs before midnight of the day.

Although the service of documents by electronic communication through the eCommunications Portal is intended to be valid service, the applicant must still provide an address for service in Singapore for all relevant purposes. The electronic address used to send correspondence via the e-Communications Portal is not intended to be the applicant’s address for service.

Please [click here](#) for further information about the e-Communications Portal, which is also available on the IPOS website ([www.ipos.gov.sg](http://www.ipos.gov.sg)).

### **Changes to trade marks renewal practice with effect from 1 January 2009**

For all applications for renewal of a trade mark registration lodged on or after 1 January 2009, the Singapore Registrar of Trade Marks will not be issuing renewal certificates confirming that the trade mark has been renewed.

Where an application for renewal is made online, the application is processed instantaneously and an acknowledgement of the renewal will be displayed for printing. These acknowledgements will remain available for printing for one month from the application date. In very limited circumstances, such as where there are pending applications affecting the validity of the mark, an application for renewal will not be processed instantaneously and the acknowledgement will be posted in due course.

Where the application is posted or submitted over the counter, the applicant will not receive any acknowledgement. The onus will then be on the applicant to check the status of the renewal on the registry's online database within two weeks of the application.

This change in practice does not apply to late application for renewal of registration and application for restoration and renewal of a registration removed from the Register of Trade Marks.

Please [click here](#) for further information about the changes to the trade marks renewal practice, which is also available on the website of the Intellectual Property Office of Singapore [www.ipos.gov.sg](http://www.ipos.gov.sg)

### **Singapore High Court holds flower device on watches infringes well-known trade mark**

*Louis Vuitton Malletier v City Chain Stores (S) Pte Ltd and Another Matter [2009] SGHC 24*

On 29 January 2009, the Singapore High Court decided that a range of watches bearing a flower device sold by City Chain under the "Solvi" brand, infringed the registered trade mark rights of Louis Vuitton in their Flower Quatrefoil trade mark. Apart from infringement, the court also found the claims of passing off and dilution of a well-known trade mark made out and granted Louis Vuitton the injunction sought.

Interestingly, the court held that the fact that the flower device was used by City Chain as mere decoration or embellishment on the watches was not a valid defence to a claim of infringement recognised by the Trade Marks Act. Please [click here](#) to read on.

### **Singapore Registry of Trade Marks disallows registration of "HYSTERIC GLAMOUR"**

In recent opposition proceedings before the Singapore Registry of Trade Marks, Advance Magazine Publishers Inc. ("**Advance Magazine**") successfully opposed the registration of the word mark, "**HYSTERIC GLAMOUR**" applied for in Class 16 by Ozone Community Corporation ("**Ozone**") on the basis that there was a likelihood of confusion by virtue of the similarity of the marks and goods in respect of which registration was sought. Advance Magazine Publishers Inc. was represented by Allen & Gledhill LLP. Please [click here](#) to read on.

Should you have any queries as to how these developments may affect your business, please do not hesitate to get in touch with your usual contact at Allen & Gledhill LLP or any of the following:

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