

Intellectual Property & Technology Review

Dear Clients & Friends

Domain Names

SGNIC to launch Chinese domain names in Singapore

On 3 November 2009, the Info-communications Development Authority of Singapore's (the "IDA") issued a media release announcing that the Singapore Network Information Centre ("SGNIC"), the national registry for domain names, will be accepting initial registrations for Chinese Domain Names from 23 November 2009.

Domain names such as 开心.sg will be now possible. Registration can be made in all the domain name categories, namely .sg, .com.sg, .org.sg, .net.sg, .edu.sg, .gov.sg, .per.sg. The SGNIC will offer these Chinese domain names at both second and third levels in all categories. For instance, a second level domain name would be 开心.sg, while a third level domain name would read as 开心.com.sg.

Registration of Chinese domain names will be carried out in the phases set out below, with single-character Chinese domain names, such as 开.sg and numeric domain names in Chinese such as 一二三.sg to be available for a premium during the first three phases of registration:

- **Phase 1:** Government agencies (23 November 2009 - 31 December 2009)
- **Phase 2:** For trade mark holders (7 January 2010 - 18 February 2010)
 - Multiple applications will be subject to bidding.
 - Trade mark holders need to be registered with the Intellectual Property of Singapore. Service marks will not be eligible.
- **Phase 3:** For all (25 March 2010 - 6 May 2010)
 - Multiple applications will be subject to bidding.
 - All entities may apply but will be subject to a priority fee.
- **General launch:** 10 June 2010 onwards
 - All entities may apply.

Registrations are subject to the SGNIC Chinese Domain Names (CDNs) Launch Guidelines which prescribe policies and procedures concerning applications during the various phases, priority claims, biddings and other general implementation details.

Please [click here](#) to view the IDA media release about this development on its website www.ida.gov.sg

Please click on the following provided links to access the required information which is available

from the SGNIC website www.sgnic.sg:

- [Frequently Asked Questions](#)
- [SGNIC Chinese Domain Names \(CDNs\) Launch Guidelines](#)
- [Domain Name Registration Agreement](#)
- [Registration Policies, Procedures and Guidelines](#)
- [Singapore Domain Name Dispute Resolution Policy](#)

Patents

New Code of Conduct for Singapore registered patent agents

With effect from 15 December 2009, the Patents (Patent Agents) Rules 2001 (the “**Rules**”) have been amended to introduce, among other changes, a new Code of Conduct for Singapore registered patent agents.

The following is a summary of some of the amendments to the Rules :

- (a) The fee paid for lodging a complaint against a registered patent agent is non-refundable if the complaint is subsequently withdrawn;
- (b) A registered patent agent now has the option of having the professional indemnity insurance taken out by himself or someone else, for example, his firm;
- (c) A practising certificate issued under the Rules will cease to be in force when the registered patent agent ceases to practise or be employed, or becomes disqualified for a practising certificate or when the Registrar of Patents subsequently issues another practising certificate to him;
- (d) A new Code of Conduct is introduced in new Fifth Schedule of the Rules;
- (e) A complainant is now allowed to withdraw his complaint against a registered patent agent before the conclusion of a Disciplinary Committee inquiry. The Registrar nevertheless may direct the Disciplinary Committee to continue the inquiry; and
- (f) The Disciplinary Committee is required to serve to the Registrar of Patents, the affected person, and the complainant (if he is not the Registrar) a report of its decision, including a record of the proceedings before it, and the grounds of its decision.

Please [click here](#) for more information about this development on the website of the Intellectual Property Office of Singapore www.ipos.gov.sg.

Appointment of the Hungarian Patent Office as a Patent Examiner

With effect from 22 October 2009, the Hungarian Patent Office has been added to the list of Examiners who carry out search and examination of patents filed in Singapore. Previously, the Singapore Registrar of Patents referred questions relating to patents, including search and

examination of applications for patents, to the Australian Patent Office, the Austrian Patent Office and the Danish Patent and Trademark Office only. Apart from this, revisions have also been made to the fees for search and examination after grant. Please [click here](#) for more information about this development on the website of the Intellectual Property Office of Singapore www.ipos.gov.sg

Trade Marks

Singapore Court of Appeal considers the requirement of “use as a trade mark” for the purpose of trade mark infringement

City Chain Stores (S) Pte Ltd v Louis Vuitton Malletier [2009] SGCA 53

In *City Chain Stores (S) Pte Ltd v Louis Vuitton Malletier*, the Singapore Court of Appeal had the opportunity to consider the question that has perplexed trade mark practitioners in Singapore and in England alike, namely, whether or not, in order to establish a trade mark infringement under section 27 of the Singapore Trade Marks Act (the “**Act**”), the alleged infringing use by the defendant must also constitute “use as a trade mark”.

Although the Court of Appeal left open the issue of whether trade mark use is required for the purpose of establishing infringement, this decision is still valuable in that it has clarified and reinstated several important fundamental concepts of trade mark law. It is now trite law that the concept of identical marks under section 27(1) of the Act entails a strict interpretation, and that in a passing off action, goodwill must be proved specifically in relation to the mark in question, at the relevant time. Please [click here](#) to read on.

News

New addition to Allen & Gledhill Patents Team

We are pleased to announce the recent addition of Dr Tan Hiang Teik to the Allen & Gledhill Patents Team. Hiang Teik’s expertise is in the areas of active and passive microwave frequency circuits, semiconductor devices (particularly III/IV devices) and surface acoustic wave (SAW) filters. His previous work experience includes being a monolithic microwave integrated circuit (MMIC) designer and a SAW duplexer filter designer. Hiang Teik graduated from the University of Leeds with a Bachelor’s Degree (First Class Honours) in Electronic and Electrical Engineering, majoring in Microelectronics and RF Circuit Design. He then went on to earn a PhD from the University of Leeds for research in Modulation Doped AlGaAs/InGaAs Charge Coupled Device Transversal Filters for Monolithic Microwave Integrated Circuit Applications.

Allen & Gledhill is one of the few firms in Singapore capable of providing a full range of patent services including patent drafting, patent filing and prosecution, patent portfolio management, patentability and infringement advice, as well as patent enforcement. The team of professionals includes experienced lawyers, registered patent agents and technical specialists in most major technical areas.

Further information

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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