IPOS
INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE



TRADE MARKS

INFOPACK



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1. INTRODUCTION AND FUNDAMENTALS

Intellectual Property (IP) refers to products of the mind or intellect. IP can be an invention or innovation, special names and images used in trade, original designs or an expression of an idea. In Singapore, laws exist to protect such IP. An IP may be registered via processes such as patent grant for inventions, trade mark registration for signs indicating trade origin, geographical indication registration for signs that identify goods with particular characteristics linked to the geographical origin, industrial design registration for designs applied to articles and grant of protection for plant varieties. Other forms of IP, such as copyright, confidential information, trade secrets and layout-designs of integrated circuits, may be protected even though there is no registration process for these IP.

1.1 Introduction to Trade Marks

A trade mark is a sign used by a person in the course of business or trade to distinguish his goods or services from those of other traders. The sign can be any letter, word, numeral, device (drawing or design), name, brand, label, aspect of packaging, shape, colour, sound, or a combination of these elements.

Some examples of the different types of trade marks are shown below.



1.2 Other Marks

Other than “ordinary” trade marks, there are other kinds of marks which may be registered or are protected by laws in Singapore.

Certification Mark

A certification mark is a sign used to distinguish goods or services certified by the mark owner from other non-certified goods or services. The certification may relate to a characteristic of the certified goods or services, such as an indication of the origin, material, quality, mode of manufacture of the goods, or performance of the services.

Unlike an ordinary trade mark which is used by the proprietor of the trade mark, a certification mark is not used by its proprietor but by authorised users. The proprietor will authorise the use of the certification mark to a party who demonstrates that the goods or services possess a particular characteristic. The proprietor of a certification mark should not be supplying or trading in the goods or services identical to those for which he is certifying.

Collective Mark

A collective mark is a sign used to distinguish the goods or services offered by members of an association or group of traders from goods or services of those who are non-members of the association. An association can file for the registration of a collective mark. Once registered, members of the association are allowed to use the collective mark. A collective mark represents membership of the provider of the goods or services to a particular association.

Marks used by Government Agencies (Rule 13)

IPOS maintains a separate database for logos of government bodies, statutory boards or institutions that may not qualify as trade marks, either because they are not used or proposed to be used in the course of trade or no goods or services are provided. When a logo in this database is identical or similar to a trade mark sought to be registered, IPOS will request that the applicant seeks the consent of the relevant government body, statutory board or institution that has an interest in the logo.

1.3 Legislation Governing Trade Marks

Registered trade marks in Singapore are protected by the Trade Marks Act 1998 (2020 Rev. Ed.) together with its subsidiary legislation which consists of the Trade Marks Rules and Trade Marks (International Registration) Rules.

>>The legislation can be viewed online at https://sso.agc.gov.sg.

1.4 Rights Conferred by a Registered Trade Mark

A trade mark registration grants the owner a statutory monopoly of the trade mark in Singapore. The protection granted to a trade mark registration is for an initial period of 10 years, and it can last indefinitely if the registration is renewed every 10 years.

1.5 Benefits of Trade Mark Registration

Although it is not compulsory to register a trade mark in order to use it, a trade mark registration adds great value to a business. By obtaining a trade mark registration, the trade mark owner possesses rights to enable him to control the use of a trade mark. This includes the right to:

- restrict other parties from using the registered trade mark in Singapore without the owner's consent; or

- prevent a later trade mark, which is similar or identical to an earlier registered trade mark, from being registered in Singapore

in relation to the same or similar goods or services.

The owner of the registered trade mark can also exploit his mark in many ways. He may use it to better protect his market share (i.e., his profits) by barring others from copying it; he may license it to third parties for commercial returns (e.g. through a franchise); he may sell the mark outright for a specified value (e.g. in a company acquisition); or he may use the mark to raise equity for his business undertakings.

1.6 Not Registering a Trade Mark

It is not compulsory to register a trade mark in Singapore. An individual, firm or company, who owns a trade mark and uses it in connection with his goods or services, acquires common law rights in that mark by virtue of the use and reputation of the mark.

>> Common law generally refers to the law based on past decisions and general principles, serving as precedent or is applied to situations not covered by statutes.

For a mark that is not registered, the owner can only rely on the common law action of "passing off" to protect his mark against imitation or unauthorised use by other parties. This remedy, however, requires the owner of the mark to prove his reputation and goodwill. The requirement of proving reputation and goodwill may pose some problems where the business, or the use of the trade mark, has not been established for a substantial period of time.

A registered trade mark, on the other hand, grants the owner of the trade mark a statutory

monopoly. If someone else uses the same or a similar mark on the same or similar goods or services in respect of which the mark is registered, the registered trade mark owner can rely on his trade mark registration as proof of his right to the mark and sue the other party for trade mark infringement.

1.7 Entitlement to File for Registration

An individual, firm or company claiming to be the owner of a trade mark can file for a trade mark registration as long as they are using, or have the intention to use, the mark in the course of their business. There is no restriction or discrimination as to nationality or residency. However, an applicant must provide the Registry of Trade Marks with an address for service in Singapore.

1.8 When to File

Unlike patents or registered designs, trade marks that are already in use may still be registered. There is no time limit as to when the owner may apply for a trade mark registration.

Although there is no time limit for filing, it should be noted that a suit for an infringement of a registered trade mark is only possible if the trade mark is registered. The rights conferred to a trade mark registration takes effect from the date of filing of the application for registration.

1.9 Classification of Goods and Services

The scope of protection of a trade mark registration is determined by the goods or services in relation to which the trade mark is registered. For the purpose of trade mark registration, Singapore uses the International Classification of Goods and Services as prescribed by the Nice Agreement to classify goods and services. The Nice Agreement is an international agreement on classification of goods and services to which Singapore is a party. Under the Nice Classification, goods and services are grouped into classes in which these goods and services belong. Currently, there are a total of 34 classes of goods and 11 classes of services.

>> The Nice Classification is a tool for the classification of goods and services for the purpose of trade mark registration. It is used in more than 140 countries worldwide and in international applications for the registration of marks under the Madrid Protocol.

1.10 Registrable Marks

For a trade mark to be registered, it has to be capable of being represented graphically. It must also be distinctive and capable of distinguishing the goods and/or services of the owner from similar goods and/or services of other traders.

Here are some examples:

Based on invented words -

IPOS

Based on a combination of word(s) or alphabet(s) with stylized picture -



1.11 Unregistrable Marks

The following are some common examples of marks that cannot be registered under the trade mark laws in Singapore:

Descriptive marks

Marks that describe the goods and services of the business. For instance, marks that describe the quality ("Super" or "Best"), quantity ("One dozen"), value ("Cheap"), intended purpose ("Cleaner"), or geographical origin.

Marks 'common to the trade'

Marks that are signs or indications which are or have become customary in the trade. Some marks have become so well accepted that the term is used to describe the type of the goods or services and no longer serves to distinguish the products offered. An example of a trade mark that has become customary in the industry is "escalator".

Marks contrary to public policy or morality

Marks that are generally against public policy or morality. For example, a mark that could promote immoral behaviour cannot be registered.

Deceptive marks

Marks that attempt to deceive the public. For example, marks that misrepresent the nature, quality or geographical origin of the goods or services.

Marks that are identical to earlier marks

Marks that are identical to an earlier mark and the goods or services for which the trade mark is sought to be registered are identical to the goods or services for which the earlier mark is protected.

Marks that could cause confusion

A trade mark may not be registered if it is likely to cause the public to be confused under these circumstances:

- it is identical with an earlier mark and is to be registered for goods or services similar to those for which the earlier mark is protected;
- it is similar to an earlier trade mark and is to be registered for goods or services identical with those for which the earlier mark is protected; or
- it is similar to an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected.

Marks that are identical/similar to well known marks

A trade mark may not be registered if it is identical or similar to an earlier mark that is well known in Singapore. Please refer to page 11 on Well Known Marks.

In general, trade marks that do not have a distinctive character cannot be registered. However, there may be exceptions where the company has built up its branding to such an extent that consumers associate the mark with the company, even though the mark in itself was not distinctive. For such cases, the mark may still be registered on the basis of substantial prior use resulting in the mark acquiring a distinctive character. “Sharp” (for televisions) and “Digital” (for computers) are examples of such marks.

1.12 Well Known Marks

Well known marks are offered a greater scope of protection. Even if they are not registered in Singapore, the owner of a well known trade mark may take action against the use of a trade mark or business identifier under the following circumstances:

1. The use of the trade mark/business identifier would indicate a connection between those goods or services and the owner of the well known trade mark, and is likely to damage the interests of the owner of the well known trade mark.

2. If the trade mark is well known to the public at large in Singapore, where the use of the trade mark/business identifier would:

    - cause dilution in an unfair manner of the distinctive character of the well known trade mark; or
    - take unfair advantage of the distinctive character of the well known trade mark.

    >> Business identifier means any sign capable of being represented graphically which is used to identify any business.

    >> Dilution means the lessening of the capacity of the trade mark to identify and distinguish goods or services, regardless of whether (i) there is any competition between the owner of the trade mark and any other party; or (ii) there is any likelihood of confusion on the part of the public.

A number of factors that may be considered in determining whether a mark is well known in Singapore, such as:

- the degree of knowledge or recognition by the relevant sector of the public in Singapore;
- the duration, extent and geographical area of the use or promotion of the mark;
- any registration or application for registration of the mark in any country;
- any successful enforcement of the mark in any country;
- any value associated with the mark.

Generally, if a mark is well known to a relevant sector of the public in Singapore, it can be considered well known in Singapore. This "relevant sector" may include actual or potential customers of the goods or services, those involved in the distribution or businesses dealing with the goods or services.

1.13 Identifying a Trade Mark

® and ™ are common symbols associated with trade marks. ® indicates that the mark is a registered trade mark and hence protected under trade mark laws. ™ is just a symbol used to indicate that the mark is used by a business or organisation as a trade mark. It does not denote that the mark is registered nor protected under trade mark laws.

1.14 Making False Representation – A Criminal Offence

It is a criminal offence to falsely represent a trade mark as registered when it is not registered or if it is pending registration (e.g. using ® on an unregistered mark), or make a false representation as to the goods or services for which a trade mark is registered.

1.15 Proper and Continuous Use of Trade Marks

The owner of a trade mark should use his mark properly and continuously. Whenever and wherever possible, a trade mark should be actively applied to reinforce the trade mark identity with its associated type(s) of goods or services. He should display the trade mark in every medium in which he uses to protect his brand or corporate logo (e.g. in packaging, labels, websites, advertisements, marketing materials, press releases, trade shows and/or business documents). Furthermore, the trade mark owner should be vigilant to ensure that the trade mark is used in its proper context. For example, he should not use a trade mark to describe the product itself. For example, he should use "a XYZ copier" instead of "a XYZ" and "make two copies on the XYZ copier" instead of "XYZ two copies".

Such good practices may prevent a successful claim by an infringing party that the registered mark has become a "generic" word and thus rendered its rights unenforceable under the law. There are numerous examples of valuable trade mark names that have become common in the trade in this way (e.g. “escalator”). 'Genericide' occurs when a trade mark, previously used by an individual manufacturer for his products, becomes a description of the product itself.

However, if a trade mark has not been put to genuine continuous use in Singapore within an uninterrupted period of 5 years after it is registered, there is a risk of the trade mark being revoked on the basis of non-use. Any interested party can apply to the Registrar of Trade Marks to have an inactive registered trade mark revoked by showing proof of non-use (see “Revocation” on page 20).



2.1 E-services Portal - IPOS Digital Hub

IPOS Digital Hub is an integrated e-services portal for filing IP applications and related transactions in Singapore. Services available on IPOS Digital Hub include:

1. Searching for similar trade marks
2. Accessing IPOS' classification database of goods and services
3. Searching for information regarding trade mark applications filed in Singapore, such as the image of the trade mark, owner details and the goods and/or services claimed
4. View list of online forms and their corresponding fees
5. Online filing of trade mark forms, including the application form for registering a trade mark
6. Respond to IPOS' exam reports, notices or any other correspondence
7. Serve documents on the counter-party in a proceeding using the portal

2.2 Search and Enquiry

Before applying to register a trade mark, it is advisable to conduct a search of the existing trade marks in the database maintained by the Registry of Trade Marks. This is to ensure that there is no prior trade mark that is identical or similar to the one you intend to file for registration, particularly in the area of your business.

2.3 Filing the Application

The applicant needs to furnish the following information in the Form TM4 to obtain a filing date: (i) the name and address of the applicant, (ii) a clear graphical representation of the mark, (iii) a list of goods and/or services sought for registration, classified according to the International Classification of Goods and Services, (iv) a declaration of use or intent to use of the trade mark, and (v) pay the prescribed fee of Form TM4.

Note that trade mark application details (including addresses) are published on our website for public viewing.

Particulars of Applicant

If you are a ministry/department/organ of state filing on behalf of the Singapore Government, please reflect the Applicant's name as "Government of Singapore" (or "Minister of Finance" if that is intended) and insert your agency's UEN under "UEN/Company Code" field. Add your agency's name under the "C/O Name" field under "Contact Details" of the application form.

Example

UEN/Company Code: T08GA0018G

Applicant Name: Government of Singapore

C/O Name: Ministry of Law

For a statutory board, the application should be filed in the name of that statutory board if the enabling statute provides (as it generally does) for that statutory board to have the legal capacity to own property in its own name.

Example

Applicant Name: Intellectual Property Office of Singapore

Address for Service/Contact Details

An address for service in Singapore must be provided in all trade mark applications and it will be published online on our website. Other contact details (i.e., name of contact person, email address and contact number) will not be published and will only be used by IPOS for contact purposes.

If you are submitting Form TM4 via your IPOS Digital Hub account, all correspondence from the Registry related to this application will be sent to your IPOS Digital Hub account and you will not receive any paper correspondence from us. Your account address will also be auto-populated as the address for service in the form.

- IPOS Digital Hub account holders are advised to regularly login to your IPOS Digital Hub account and check its inbox for new correspondence from us. This will help you avoid missing out correspondence with deadlines.

- Once your IPOS Digital Hub account receives a correspondence from us, you should also receive an alert to the email address you have indicated when you registered for this account. The email alert may be classified as a junk/spam mail, depending on the email provider you

have subscribed to. Please note that the email alert is only sent for notification purposes and does not constitute an official correspondence by IPOS.

Additional Information

Additional information may be required for certain marks:

- For marks comprising of a three-dimensional shape of the goods or packaging, the representation may be represented by line drawings. If a single-view line drawing is insufficient, multiple aspect views should be provided.

- For collective marks and certification marks, the applications must be accompanied by a set of regulations governing the use of the collective and certification marks within nine months from the date of filing the application. Please refer to the requirements in the First and Second Schedules of the Trade Marks Act for the requirements for the registration of collective marks and certification marks.

GST Information

With effect from 1 April 2017, IPOS' goods and services are considered taxable supplies under the GST Act. Hence, the fee to register for a trade mark application will be subjected to GST. Applicants/Requestors who are residents in Singapore or are incorporated in Singapore will be charged the prevailing standard rate for GST whereas applicants/requestors who reside or are incorporated outside Singapore will not be charged GST. If there is more than one applicant/requestor, the standard rate will be charged as long as there is one applicant/requestor who resides in Singapore or is incorporated in Singapore.

The fees paid by the agents on behalf of their client to IPOS are considered as disbursement which is not subjected to GST. Therefore, IPOS' tax invoice has to be issued to the applicants and not to the agents/representatives. Accordingly, GST-registered applicant(s) can then claim the input tax incurred from IRAS, subject to meeting the requirements under the GST Act.

In addition, please note that once a form is filed and processed by IPOS, the fees paid are generally not refundable. For example, in the event that a trade mark application faces an objection issued by IPOS and the applicant does not wish to continue with the application, the fees paid in connection to the application will not be refunded.

Estimated Processing Time

For applications that did not face any objection, the total processing time from the filing date to registration of the mark is about twelve months. For applications that faced objection(s), the total processing time is likely to be longer.

Payment and Application Submission Methods

For more information on payment and application submission methods, please refer to the "Forms & Fees" section under the IPOS Website at **https://www.ipos.gov.sg/about-ip/trade-marks/managing-trade-marks/forms-fees**.

2.4 Process After Submission

Formalities Check

The Registry of Trade Marks will conduct a formalities check upon receipt of the application and applicable fees. This entails checking that the application meets minimum filing requirements, such as ensuring that the goods or services claimed are indicated in the application form.

When the minimum filing requirements are met, a filing date will be allocated to the application. Otherwise, a deficiency letter will be issued to request for the applicant to remedy the deficiencies. The application will be deemed never to have been made if the applicant does not remedy the deficiencies within the deadline given.

Search

After the application has passed the formalities check stage, Trade Mark Examiners in the Registry of Trade Marks will conduct a search to check if the mark applied for is identical or similar to any trade mark which is already registered or has already been applied for by someone else for the same or similar goods or services. The examiners will also check if the mark consists of or contains a geographical indication. If the application is filed in relation to pharmaceutical products, the examiner will also need to check whether the mark consists of a protected International Non-Proprietary Name (INN).

The INNs, furnished by the World Health Organization, are generic names for specific pharmaceutical substances. All of the above may result in objections raised against the trade mark application.

In addition, the specification of goods or services will be checked to ensure that it conforms to the International Classification of Goods and Services. A wrong classification will result in an objection to the application.

Examination

After the searches have been conducted, the application will be examined to determine whether the mark is registrable in accordance with the law. The examiner will check to ensure that the mark does not fall into the areas not allowed by law (e.g. marks that are devoid of any distinctive character).

>> Please refer to "Unregistrable Marks" at page 9 for more information.

If the examiner has any objection to the mark, he will inform the applicant of the objection(s) and grant the applicant a specified period of time to respond to the objection. The applicant may also request for an "extension of time" to extend the deadline.

Publication

If there is no objection to the application or if all of the objections have been overcome, the applicant will be informed of the acceptance of the application. The application will be published in the Trade Marks Journal for a period of two months. During the two-month period, any interested party may oppose the registration of a trade mark.

>> The latest Trade Marks Journal may be downloaded from IPOS Digital Hub https://digitalhub.ipos.gov.sg/.

Opposition

Opposition is the process whereby an interested third party objects to the grant of a trade mark registration. A notice of opposition should be accompanied by valid grounds under the trade mark laws in Singapore, such as the opposed mark being similar to an earlier registered or pending mark. A Registrar of the Hearings and Mediation Department will hear the case based on the information and evidence presented by both parties and present the grounds of decision.

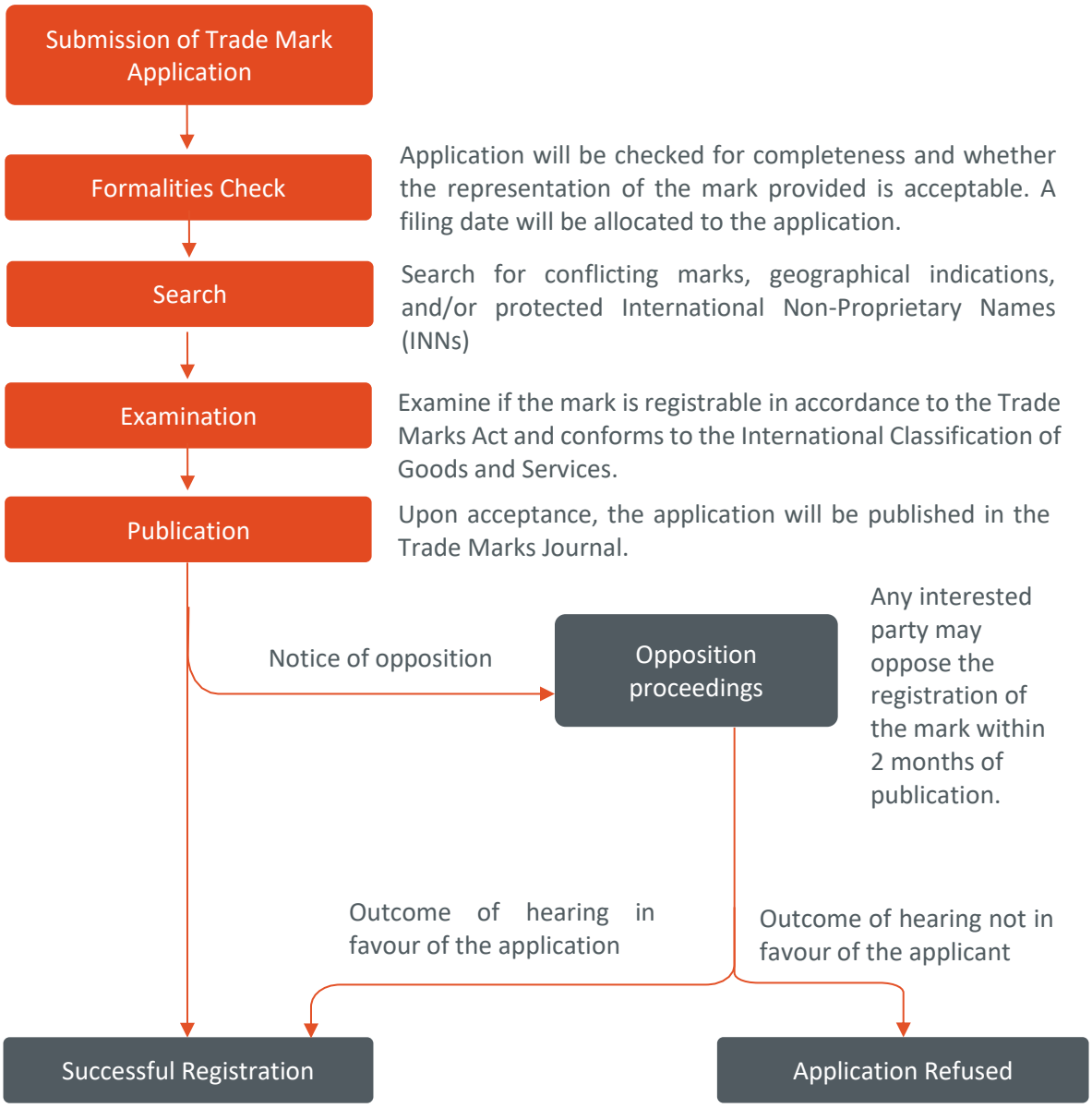
>> More information on trade mark opposition proceedings are available at https://www.ipos.gov.sg/about-ip/trade-marks/managing-trade-marks/resolve-disputes.

>> Summaries of the recent hearing decisions are available at https://www.ipos.gov.sg/manage-ip/resolve-ip-disputes/legal-decisions.

Registration

If there is no opposition to the registration of a trade mark, or if the opposition is resolved in favour of the applicant, the trade mark will be registered and a registration certificate will be issued.

Flowchart of a Trade Mark Application



2.5 After Registration

Term and Renewals

The registration of a trade mark is valid for 10 years from the filing date of the application. Protection can last indefinitely subject to the payment of renewal fees every 10 years, and with proper use of the mark.

Infringement

Infringement occurs when a registered trade mark is used in the course of trade without the consent of the trade mark owner.

An infringement may come about through the use of

- an identical mark on identical goods or services; or
- an identical mark on similar goods or services, or a similar mark on identical/similar goods or services resulting in confusion on the part of the public.

The use of a sign similar to a trade mark which is well known in Singapore on goods or services that are dissimilar to the well known mark may also constitute an infringement if there exists a likelihood of confusion, an indication of connection to the well known mark, or possible damage to the interests of the owner of the well known mark.

Responsibility lies on the trade mark owner in preventing misuse or infringement of a registered trade mark. When the owner detects another party infringing his registered mark, he should act promptly against the infringing party. If the infringing party uses a registered mark continuously for five years without being stopped by the trade mark owner, it may be deemed that the owner has consented to such use. Therefore, if an infringement proceeding commences after five years of infringing use of the mark, the infringing party may defend himself on the basis of lack of action or protest by the trade mark owner.

Enforcement of Registered Trade Mark Rights

Once an infringement of a registered trade mark is established, the owner can enforce his rights as conferred by the Trade Marks Act. He can take legal action against the infringing party by seeking relief in the form of an injunction and either demanding for the profits gained by the infringing party at his expense or seeking damages for the loss suffered.

When awarding damages, the Court may also award on account of profits attributable to the infringement that have not been taken into account in computing the damages.

In an infringement action involving the use of a counterfeit trade mark in relation to goods or services, the owner of the registered trade mark has an additional alternative remedy of statutory damages.

>> A counterfeit trade mark is any sign that is identical with or so similar to the registered trade mark as to be calculated to deceive and is applied to goods or services without the consent of the owner to falsely represent the goods or services to be the genuine goods or services of the owner of the registered trade mark.

Revocation

The registration of a trade mark may be revoked on any of the following grounds:

- Without valid reasons, the owner of the registered mark has not commenced use of the mark within a period of five years after the completion of the registration procedure;
- Without valid reasons, the use of the mark was suspended for an uninterrupted period of five years;
- Due to the owner's act or inactivity, the mark has become a common name in the trade for the goods or services which it is registered; and/or
- The manner in which the mark was used would mislead the public, particularly as to the nature, quality or geographical origin of the goods or services applied for.

Invalidation

The registration of a trade mark may be declared invalid on the following grounds:

- The registration is in breach of the basic requirements of a trade mark registration as specified in the Trade Marks Act (e.g. it is a non-distinctive mark);
- The trade mark is in conflict with an earlier mark;
- There is fraud in the registration; and/or
- There is a misrepresentation in the course of the trade mark application.

Alteration of Registered Trade Marks

Registered trade marks may only be altered in respect of an alteration of the proprietor's name or address included in the mark, and provided that the alteration of that name or address does not substantially affect the identity of the mark. An alteration of the mark in any other respect will not be allowed.

Cancellation

The trade mark owner may submit to the Registry of Trade Marks an application to cancel some or all of the goods or services for which the mark is registered.



3. APPLYING FOR A TRADE MARK OUTSIDE SINGAPORE

3.1 Introduction

Trade mark protection is territorial in nature. A separate registration will have to be made in each of the countries where trade mark protection is desired. To obtain protection outside Singapore, it is necessary to file applications in the countries concerned either individually to the trade marks offices of those countries, or via the Madrid Protocol.

3.2 The Madrid Protocol

The Madrid Protocol provides for a system of international registration of trade marks. This process produces the same effect as if an application for the registration of the trade mark has been made in each country designated by the applicant. The Madrid Protocol allows a trade mark owner to seek protection for his trade mark in several countries simultaneously by filing one application with a single office, in one language, and with one set of fees in one currency (Swiss francs).

The Madrid Protocol is administered by the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland.

Country of Origin

Under the Madrid Protocol, a trade mark must first be registered or applied for in the country of origin before filing for an international application. A country of origin is a country that is a party to the Madrid Protocol where the applicant is a resident or national of, or has a real and effective industrial or commercial establishment.

The Madrid Protocol is open to its members only. An international application must be initiated in a member country seeking trade mark protection in other member country/countries. To apply, an applicant submits an application to the trade mark office of a contracting party to the Madrid Protocol, who will then forward the application to the International Bureau of WIPO in Geneva. In his application, he can designate the country or countries in which he wishes to seek protection for his trade mark.

An international registration lasts 10 years. It may be renewed for further periods of 10 years by paying the prescribed fees to WIPO.

For the first five years, the international registration remains dependent on the validity of the mark registered or applied for in the country of origin.

>> Singapore is a contracting party under the Madrid Protocol. An international application may be filed with IPOS in Singapore. Singapore may also be designated as a country for trade mark protection in an international application filed under the Madrid Protocol from a member country. Refer to http://www.wipo.int/madrid/en/forms/.

>> For the list of members of the Madrid Protocol, please refer to WIPO's website at https://www.wipo.int/.

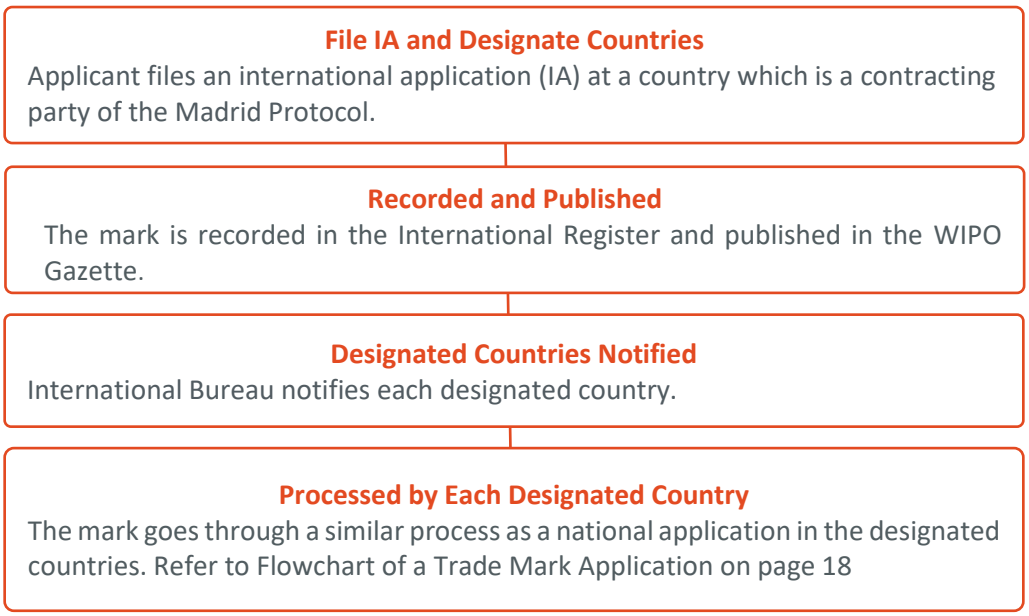
Advantages of filing an International Application under the Madrid Protocol

1. The applicant enjoys the convenience of filing only one application, in one language, and paying one fee to one office, instead of filing separate applications in the trade mark offices of the various contracting parties in different languages, and paying a separate fee to each trade mark office.

2. The applicant does not have to wait for a positive response from the office of each contracting party in which protection is sought. If no refusal is notified by the trade mark office in a designated country within the applicable time limit, the mark is protected in the contracting party concerned.

3. Should the applicant need to make subsequent changes to his registration, such as a change in the name or address of the owner, a change in ownership or a limitation of the list of goods and services, he can easily effect the change through a simple single step of filing the application with the International Bureau and the payment of a single fee.

Flowchart of an International Application under the Madrid Protocol



Filing an International Application in Singapore

As Singapore is a contracting country under the Madrid Protocol, an international application may be filed with IPOS in Singapore for registration in a Madrid Protocol member country.
Before making an international application, the applicant should ensure that:

- he has an application or a registration in Singapore on which to base his international application ("Singapore mark");
- the goods or services claimed in his international application must be covered by his Singapore mark; and
- he is a resident or national of, or has a real and effective industrial or commercial establishment, in Singapore.

To file an international application, the applicant has to pay the following fees to IPOS and WIPO.

- IPOS charges an administrative fee of S$250 for handling an international application.
- WIPO charges (in Swiss francs) based on (i) whether the mark is produced in black and white or in colours, (ii) the contracting parties designated, and (iii) the number of classes of goods and services.

>> To calculate the fee payable to WIPO, please use the electronic calculator at https://madrid.wipo.int/feecalcapp.

Designating Singapore in an International Application

An applicant from overseas wishing to seek protection for his trade mark in Singapore may file for an international application under the Madrid Protocol from foreign member countries and designate Singapore in the application. Such applications are called international registrations (IR) or subsequent designations (SD) designating Singapore. The examination process of IR/SD is the same as Singapore national applications. You may refer to the Flowchart of a Trade Mark Application on page 18 for more information.



4. FREQUENTLY USED TERMS IN TRADE MARKS

Class(es)	Goods and Services are divided into different classes according to the Nice Classification system. There are presently 34 classes of goods and 11 classes of services.
Descriptive Mark	A mark that consists only of elements that describe the characteristics of the goods or services claimed. Such a mark is not registrable.
Distinctive Mark	A mark that is unique and is easily differentiated from other marks.
Distinguishing	Differentiating
Examination	The process by which the trade mark examiner decides if a mark is registrable in accordance to the law.
Opposition	The process by which an interested third party object to the registration of a trade mark.
Representation	This refers to the drawing, image or photograph depicting the trade mark to be registered.

IPOS
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

IPOS is the national authority that registers and is responsible for the administration of IP rights in Singapore. IPOS helps businesses use intangible assets (IA) and IP to grow and is committed to building Singapore into an international IA/IP hub.

Find out more at ipos.gov.sg.