

UPCOMING PROPOSED CHANGES TO SINGAPORE'S REGISTERED DESIGNS REGIME

The Registered Designs (Amendment) Bill was introduced by the Ministry of Law for the first reading in Parliament on 3 April 2017. The proposed changes aim to update Singapore's registered designs regime to align it with recent developments in design and technology.

The Bill is based on recommendations from the review of Singapore's registered designs regime conducted by the Ministry of Law and the Intellectual Property Office of Singapore (IPOS).

Broadened scope of registrable designs

The new scope of registrable designs will include:

- Colour as a design feature. For example, a new shape of a hair dryer together with the purple and silver colours of its body will be registrable.
- Virtual designs that can be projected onto a surface and have intrinsically useful functions. One example provided by the Ministry of Law is a light-projected keyboard which works like a physical keyboard.
- Designs of artisanal and handcrafted items. The Bill will remove the need for such designs to be applied by an industrial process to be registrable.

Default ownership of a commissioned design

Under the current legislation, the commissioning party is regarded as the owner of the design instead of the designer. The Bill will amend the Act such that the designer is the owner by default. The purpose of this change is to emphasize the valuable contribution of designers.

Notwithstanding this change, parties are still free to contract otherwise.

Broader and longer grace period

Presently, designers cannot register their design if it has been disclosed to the public prior to the application. There are some limited exceptions to this rule e.g. the disclosure was in breach of confidence and the application is made no later than 6 months after the disclosure.

The Bill seeks to broaden the types of disclosures to all disclosures made by the designer. The Bill will also lengthen the grace period from 6 months to 12 months.

DESIGNS UPDATE

JUNE '17
PG 1 OF 2

Jo-Ann See
Director
+65 6303 6211
joann.see@amicalaw.com

Winnie Tham
Director
+65 6303 6217
winnie.tham@amicalaw.com

ADDRESS
30 Raffles Place
#14-01 Chevron House
Singapore 048622
Tel: +65 6303 6210
Fax: +65 6303 6222
+65 6536 9332

www.amicalaw.com



Easier correction of non-compliance

The Bill introduces a more forgiving registration process. Applicants whose earlier application has been rejected for non-compliance may rectify the defect by filing one or more new applications. These new applications will have a filing date of the original application, subject to certain criteria being met.

Multiple designs in one application

Under the current regime, each individual design requires its own application. The Bill seeks to change this by allowing, in some cases, a single application to encompass multiple designs. The Registry will then assign individual application numbers to each of these designs. We expect this new system to result in cost savings for applicant.

Nicholas Ong
Legal Associate

