

UPCOMING CHANGES TO SINGAPORE'S REGISTERED DESIGNS REGIME

Introduction

1. The Ministry of Law and the Intellectual Property Office of Singapore recently announced that they had completed a review of Singapore's Registered Designs regime, and will be reforming the Registered Designs regime by amending the Registered Designs Act ("**RDA**").
2. The review is intended to complement the government's Design 2025 Masterplan, which seeks to promote Singapore as a "*thriving innovation-driven economy*" and a "*loveable city by design*".
3. In this update, we summarise the upcoming changes to the Registered Designs regime, and analyse their significance to your business.

What are the upcoming changes?

Scope of registered designs protection

4. The definition of "design" in the RDA will be amended to provide for a broader scope of design protection, and to stay relevant in light of technological advances.
5. Under the amended RDA, designs produced by 3D printing, and designs of handmade or artisanal products, will fall under the definition of "design" and may be protected if they fulfil the other requirements set out in the RDA.

Emerging Design Trends

6. The review identified four emerging design trends, namely,
 - (a) virtual or projected designs;
 - (b) experiential designs;
 - (c) dynamic designs; and
 - (d) 3D printing,

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About us

Lee & Lee's Intellectual Property Practice provides an integrated service advising on both contentious and non-contentious intellectual property matters. Our well-established team of IP experts has extensive experience in advising on the full range of intellectual property matters and can help you manage and protect your IP rights globally.

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and considered whether the RDA should be amended to protect these emerging design trends.

7. The conclusion reached was that virtual or projected designs, which are designs that can be projected onto various surfaces or into space, should be protected under the RDA. This is subject to the requirement that the virtual or projected design should be capable of being represented clearly and without subjectivity, and retain the same design features irrespective of the surface or medium on which it is projected.
8. As regards experiential designs (i.e. designs which focus on user experience, such as the “look and feel” of a store) and dynamic designs (i.e. designs that are applied onto a dynamic or fluid medium such as water), it was decided that they should not receive protection under the RDA.
9. As mentioned above, designs produced by 3D printing will fall under the expanded definition of “design” in the amended RDA. However, it was decided that the RDA would not be amended specifically to address 3D printing.

Grace period for registration of designs

10. Under the current RDA, a designer is allowed a grace period of 6 months to disclose his design to the public without destroying the novelty of the design, which is a prerequisite for registration. The disclosure may only be made at selected international exhibitions.
11. The grace period under the amended RDA will be extended to 12 months, and the requirement that disclosures may only be made at international exhibitions will be removed. The intent is to protect designers from inadvertently losing their right to acquire design protection due to unintentional prior disclosure.

Ownership of design rights

12. Under the current statutory regime, the rights of a design are usually owned by its creator. However, where a design is commissioned, the person commissioning the design is treated

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as the owner of the design.

13. The RDA will be amended so that the rights in a commissioned design vest automatically in its creator, unless assigned to the commissioner by written agreement. This will prevent designers who are unfamiliar with the RDA from inadvertently losing the rights to their designs.

Suggestions that were not implemented

14. Several other suggested amendments to the RDA were considered, but not implemented. The more significant among these include
 - (a) Introducing a new unregistered design right in Singapore;
 - (b) Introducing substantive examination for design applications before they can be registered; and
 - (c) Introducing protection for so-called “utility models”, which do not qualify for either patent or design protection.

Commentary

15. We welcome the upcoming changes to the RDA, as they will enable Singapore’s registered design regime to keep abreast of the latest technological changes and design trends.
16. In our view, the extended grace period to register a design, and the amendment to allow the rights in a commissioned design to vest automatically in its creator, are positive developments. Based on our experience, many designers are in fact unaware of their legal rights, and may inadvertently find themselves in a position where they are unable to seek protection over the fruits of their labour.
17. While the upcoming amendments help to safeguard the rights of designers, we are also happy to note that the government and IPOS are continuing their efforts to educate and inform designers on their legal rights.
18. Please do not hesitate to contact us if you have any queries

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relating to this legal update, or require any advice on registering and/or enforcing registered designs in Singapore.