

RENEWAL

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1. INTRODUCTION

This chapter is concerned with the renewal of a registered trade mark.

2. RELEVANT LEGISLATION

Trade Marks Act 1998 (2020 Rev. Ed.)

Relative grounds for refusal of registration

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...

(11) An earlier trade mark that is a registered trade mark whose registration has expired must continue to be taken into account in determining the registrability of the trade mark in question until the date mentioned in subsection (12), unless the Registrar is satisfied that there was no bona fide use of the firstmentioned trade mark during the 2 years immediately preceding that date.

[Act 7 of 2022 wef 26/05/2022]

(12) The date mentioned in subsection (11) is the last date specified in this Act or rules made under this Act on which the registration of the earlier trade mark may be restored or renewed.

[Act 7 of 2022 wef 26/05/2022]

(13) An earlier trade mark that is an international trade mark (Singapore), whose registration in the register of trade marks maintained by the International Bureau for the purposes of the Madrid Protocol is not renewed, must continue to be taken into account in determining the registrability of the trade mark in question until the date mentioned in subsection (14), unless the Registrar is satisfied that there was no bona fide use of the firstmentioned trade mark during the 2 years immediately preceding that date.

[Act 7 of 2022 wef 26/05/2022]

(14) The date mentioned in subsection (13) is the date the Registrar receives the prescribed notice of non-renewal from the International Bureau.

[Act 7 of 2022 wef 26/05/2022]

Registration

15.—(1) Where an application has been accepted and —

(a) no notice of opposition is given within the period referred to in section 13(2); or
(b) all opposition proceedings are withdrawn or decided in favour of the applicant,
the Registrar must register the trade mark in relation to the goods or services for which the application has been accepted.

[Act 7 of 2022 wef 26/05/2022]

(2) A trade mark when registered is registered as of the date of the application for registration, and that date is deemed for the purposes of this Act to be the date of registration.

(3) On the registration of a trade mark, the Registrar must issue to the applicant a certificate of registration.

Duration of registration

18.—(1) A trade mark is registered for a period of 10 years from the date of registration.

(2) Registration may be renewed in accordance with section 19 for further periods of 10 years.

Renewal of registration

19.—(1) The registration of a trade mark may be renewed at the request of the proprietor, subject to payment of the fee mentioned in subsection (4) or the fees mentioned in subsection (5), as the case may be.

(2) The Minister may make rules for the Registrar to inform the proprietor of a registered trade mark, before the expiry of the registration, of the date of expiry and the manner in which the registration may be renewed.

(3) A request for renewal must be made not earlier than the prescribed period before the date of expiry of the registration, and not later than another prescribed period after that date.

[Act 7 of 2022 wef 26/05/2022]

(4) Where the request for renewal is made on or before the date of expiry of the registration, the fee payable is the prescribed renewal fee.

(5) Where the request for renewal is made within the second-mentioned prescribed period in subsection (3) after the date of expiry of the registration, the fees payable are the prescribed renewal fee and the prescribed late renewal fee.

[Act 7 of 2022 wef 26/05/2022]

(6) Renewal takes effect from the expiry of the previous registration.

(7) If the registration is not renewed in accordance with this section and the rules mentioned in subsection (2), the Registrar must remove the trade mark from the register.

(8) The Minister may make rules to provide for the restoration of the registration of a trade mark which has been removed from the register, subject to such conditions (if any) as may be prescribed.

Trade Marks Rules

Address for service

9.—(1) For the purposes of any proceedings before the Registrar, an address for service in Singapore shall be filed in accordance with paragraph (2) or (5) by or on behalf of —

...

(f) every applicant for the renewal of the registration of a trade mark or for the restoration of a trade mark to the register;

...

(2) Where the application for a matter requires an address for service in Singapore to be furnished, the address for service in Singapore shall be furnished on the form filed for the matter.

(3) The filing of an address for service in accordance with paragraph (2) shall be effective only for the matter for which the form is filed.

(4) Notwithstanding paragraph (3) —

...

(b) subject to sub-paragraph (f), the address for service of a proprietor of a registered trade mark shall be effective for the purposes of all proceedings in respect of the registered trade mark, except for any application for the second or any subsequent renewal of the registered trade mark;

...

(g) where an applicant for the renewal of the registration of a trade mark, or the restoration of a trade mark to the register, furnishes an address for service in Form TM 19, the address for service shall be effective for the purposes of all renewal applications or proceedings, and all restoration applications or proceedings, in respect of the trade mark in relation to which that form is filed;

...

(5) In a case where paragraphs (2) and (4) do not apply, the address for service shall be furnished in writing.

[S 149/2017 wef 01/04/2017]

Renewal of registration

49.—(1) Subject to paragraph (2), an application for the renewal of registration of a trade mark shall be made not earlier than 6 months before, and not later than 6 months after, the date of expiry of the registration.

[S 743/2014 wef 13/11/2014]

(2) Where a trade mark is registered after the date on which it becomes due for renewal by reference to the date of the application for its registration, an application for the renewal of its registration shall be made not later than 6 months after the actual date of its registration.

- (3) An application for the renewal of registration of a trade mark shall —
- (a) be in Form TM 19, if made on or before the date of expiry of the registration; or
 - (b) be in Form TM 19 and be accompanied by the additional late payment fee, if made within 6 months after the date of expiry of the registration.

[S 743/2014 wef 13/11/2014]

- (4) Notwithstanding paragraph (3)(b), where —

- (a) a trade mark is registered —

- (i) within 6 months before; or

- (ii) after,

the date on which it becomes due for renewal by reference to the date of the application for its registration; and

- (b) an application for the renewal of its registration is made not later than 6 months after the actual date of its registration,

the application for the renewal of its registration shall be in Form TM 19.

- (5) To avoid doubt, the application for the renewal of the registration of the trade mark under paragraph (4) need not be accompanied by any additional late payment fee.

[S 743/2014 wef 13/11/2014]

Notice of renewal

50.—(1) Subject to paragraphs (2) and (3), the Registrar shall, not less than one month nor more than 6 months before the date of expiry of the registration of a trade mark, send a notice in writing to the proprietor, at the proprietor's address for service, notifying him of the date of expiry of the registration.

- (2) Subject to paragraph (3), where a trade mark is registered —

- (a) within 6 months before; or

- (b) after,

the date on which it becomes due for renewal by reference to the date of the application for its registration, the Registrar shall, within one month after the actual date of its registration, send a notice in writing to the proprietor —

- (i) where an application for the renewal of registration of the trade mark has previously been made in accordance with rule 49, at the address for service as indicated in the application; or

- (ii) in any other case, at the proprietor's address for service, notifying him of the date of expiry of its registration.

- (3) The Registrar need not send any notice referred to in paragraph (1) or (2) if an application for the renewal of registration of the trade mark has been made in accordance with rule 49.

Notice of non-compliance

50A.—(1) If, in the course of an examination of an application for renewal of registration, it appears to the Registrar that the application is not in order, the Registrar shall give written notice of this to the applicant.

(2) If the applicant fails to —

(a) respond in writing to the Registrar on the notice; or

(b) comply with any requisition of the Registrar set out in the notice, within the time specified in the notice, the Registrar may treat the application as having been withdrawn.

Removal of trade mark from register

51. The Registrar may remove a trade mark from the register if —

(a) no application for the renewal of registration of the trade mark is filed in accordance with rule 49; or

(b) where an application for the renewal of registration of the trade mark is filed in accordance with rule 49, the applicant for the renewal of registration —

(i) fails to comply with any direction of the Registrar relating to the renewal; or

(ii) notifies the Registrar that he wishes to withdraw or abandon the application.

Restoration of registration

53.—(1) An application for restoration of a trade mark which has been removed from the register under rule 51 shall be filed with the Registrar in Form TM 19 within 6 months after the date of the removal of the trade mark from the register.

[S 743/2014 wef 13/11/2014]

...

(3) The Registrar may, in any case, require the applicant for restoration to furnish such additional evidence or information, by statutory declaration or otherwise, as he thinks fit, within such time as the Registrar may specify.

...

(4) The Registrar may restore the trade mark to the register and renew its registration if he is satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

Reinstatement of right or thing

77B

...

(5) Paragraphs (1) to (4) do not allow the reinstatement of —

...

(b) any right which has been abrogated or any thing which has ceased to be in force or to exist by reason of —

...

- (iii) a failure to pay the fee for the renewal or restoration of the registration of a trade mark under rule 49(3) or (4) or 53, as the case may be.

[S 743/2014 wef 13/11/2014]

[S 403/2022 wef 26/05/2022]

(6) To avoid doubt, this rule does not apply to an application that is treated as withdrawn or that is otherwise rejected.

[S 403/2022 wef 26/05/2022]

Trade Marks (International Registration) Rules

Notice of non-renewal

17A. For the purposes of section 8(14) of the Act, the prescribed notice of non-renewal in respect of an international trade mark (Singapore) is the notification given by the International Bureau under Rule 31(4) of the Common Regulations in a case where the international registration of the international trade mark (Singapore) is not renewed.

[S 404/2022 wef 26/05/2022]

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Adopted at Madrid on June 27, 1989, as amended on October 3, 2006, and on November 12, 2007)

Article 6

Period of Validity of International Registration; Dependence and Independence of International Registration

(1) Registration of a mark at the International Bureau is effected for ten years, with the possibility of renewal under the conditions specified in Article 7.

(2) Upon expiry of a period of five years from the date of the international registration, such registration shall become independent of the basic application or the registration resulting therefrom, or of the basic registration, as the case may be, subject to the following provisions.

(3) The protection resulting from the international registration, whether or not it has been the subject of a transfer, may no longer be invoked if, before the expiry of five years from the date of the international registration, the basic application or the registration resulting therefrom, or the basic registration, as the case may be, has been withdrawn, has lapsed, has been renounced or has been the subject of a final decision of rejection, revocation, cancellation or invalidation, in respect of all or some of the goods and services listed in the international registration. The same applies if

- (i) an appeal against a decision refusing the effects of the basic application,
- (ii) an action requesting the withdrawal of the basic application or the revocation, cancellation or invalidation of the registration resulting from the basic application or of the basic registration, or
- (iii) an opposition to the basic application

results, after the expiry of the five-year period, in a final decision of rejection, revocation, cancellation or invalidation, or ordering the withdrawal, of the basic application, or the registration resulting therefrom, or the basic registration, as the case may be, provided that such appeal, action or opposition had begun before the expiry of the said period. The same also applies if the basic application is withdrawn, or the registration resulting from the basic application or the basic registration is renounced, after the expiry of the five-year period, provided that, at the time of the withdrawal or renunciation, the said application or registration was the subject of a proceeding referred to in (i), (ii) or (iii) and that such proceeding had begun before the expiry of the said period.

(4) The Office of origin shall, as prescribed in the Regulations, notify the International Bureau of the facts and decisions relevant under paragraph (3), and the International Bureau shall, as prescribed in the Regulations, notify the interested parties and effect any publication accordingly. The Office of origin shall, where applicable, request the International Bureau to cancel, to the extent applicable, the international registration, and the International Bureau shall proceed accordingly.

Article 7

Renewal of International Registration

(1) Any international registration may be renewed for a period of ten years from the expiry of the preceding period, by the mere payment of the basic fee and, subject to Article 8(7), of the supplementary and complementary fees provided for in Article 8(2).

(2) Renewal may not bring about any change in the international registration in its latest form.

(3) Six months before the expiry of the term of protection, the International Bureau shall, by sending an unofficial notice, remind the holder of the international registration and his representative, if any, of the exact date of expiry.

(4) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be allowed for renewal of the international registration.

Article 8

Fees for International Application and Registration

(7) (a) Any Contracting Party may declare that, in connection with each international registration in which it is mentioned under Article 3^{ter}, and in connection with the renewal of any such international registration, it wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, a fee (hereinafter referred to as “the individual fee”) whose amount shall be indicated in the declaration, and can be changed in further declarations, but may not be higher than the equivalent of the amount which the said Contracting Party’s Office would be entitled to receive from an applicant for a ten-year registration, or from the holder of a registration for a ten-year renewal of that registration, of the mark in the register of the said Office, the said amount being diminished by the savings resulting from the international procedure. Where such an individual fee is payable,

- (i) no supplementary fees referred to in paragraph (2)(ii) shall be payable if only Contracting Parties which have made a declaration under this subparagraph are mentioned under Article 3^{ter}, and
- (ii) no complementary fee referred to in paragraph (2)(iii) shall be payable in respect of any Contracting Party which has made a declaration under this subparagraph.

(b) Any declaration under subparagraph (a) may be made in the instruments referred to in Article 14(2), and the effective date of the declaration shall be the same as the date of entry into force of this Protocol with respect to the State or intergovernmental organization having made the declaration. Any such declaration may also be made later, in which case the declaration shall have effect three months after its receipt by the Director General, or at any later date indicated in the declaration, in respect of any international registration whose date is the same as or is later than the effective date of the declaration.

Regulations under the Protocol relating to the Madrid Agreement concerning the International Registration of Marks (as in force on November 1, 2024)

Rule 29
Unofficial Notice of Expiry

The fact that the unofficial notice referred to in Article 7(3) of the Protocol is not received shall not constitute an excuse for failure to comply with any time limit under Rule 30.

Rule 30
Details Concerning Renewal

(1) [Fees]

- (a) The international registration shall be renewed upon payment, at the latest on the date on which the renewal of the international registration is due, of
 - (i) the basic fee,
 - (ii) where applicable, the supplementary fee, and,
 - (iii) the complementary fee or individual fee, as the case may be, for each designated Contracting Party for which no statement of refusal under Rule 18^{ter} or invalidation, in respect of all the goods and services concerned, is recorded in the International Register, as specified or referred to in item 6 of the Schedule of Fees.

However, such payment may be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in item 6.5 of the Schedule of Fees is paid at the same time.

- (b) If any payment made for the purposes of renewal is received by the International Bureau earlier than six months before the date on which the renewal of the international registration is due, it shall be considered as having been received six months before the date on which renewal is due.
- (c) Without prejudice to paragraph (2), where a statement under Rule 18^{ter}(2) or (4) has been recorded in the International Register for a Contracting Party in respect of which payment of individual fee is due under subparagraph (a)(iii), the amount of that individual fee shall be established taking into account the goods and services included in the said statement only.

(2) [Further Details]

- (a) Where the holder does not wish to renew the international registration in respect of a designated Contracting Party for which no statement of refusal under Rule 18^{ter}, in respect of all the goods and services concerned, is recorded in the International Register, payment of the required fees shall be accompanied by a statement by the

holder that the renewal of the international registration is not to be recorded in the International Register in respect of that Contracting Party.

- (b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a statement of refusal under Rule 18~~ter~~ is recorded in the International Register for that Contracting Party in respect of all the goods and services concerned, payment of the required fees, including the complementary fee or individual fee, as the case may be, for that Contracting Party, shall be accompanied by a statement by the holder that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party for all the goods and services concerned.
- (c) The international registration shall not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all goods and services under Rule 19(2) or in respect of which a renunciation has been recorded under Rule 27(1)(a). The international registration shall not be renewed in respect of any designated Contracting Party for those goods and services in respect of which an invalidation of the effects of the international registration in that Contracting Party has been recorded under Rule 19(2) or in respect of which a limitation has been recorded under Rule 27(1)(a).
- (d) [Deleted]
- (e) The fact that the international registration is not renewed in respect of all of the designated Contracting Parties shall not be considered to constitute a change for the purposes of Article 7(2) of the Protocol.

(3) *[Insufficient Fees]*

- (a) If the amount of the fees received is less than the amount of the fees required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.
- (b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(a), less than the amount required under paragraph (1), the International Bureau shall not, subject to subparagraph (c), record the renewal, and shall reimburse the amount received to the party having paid it and notify accordingly the holder and the representative, if any.
- (c) If the notification referred to in subparagraph (a) was sent during the three months preceding the expiry of the period of six months referred to in paragraph (1)(a) and if the amount of the fees received is, on the expiry of that period, less than the amount required under paragraph (1) but is at least 70% of that amount, the International Bureau shall proceed as provided in Rule 31(1) and (3). If the amount required is not fully paid within three months from the said notification, the International Bureau shall cancel the renewal, notify accordingly the holder, the representative, if any, and the Offices which had been notified of the renewal, and reimburse the amount received to the party having paid it.

- (4) *[Period for Which Renewal Fees Are Paid]* The fees required for each renewal shall be paid for ten years.

Rule 31

Recording of the Renewal; Notification and Certificate

- (1) *[Recording and Effective Date of the Renewal]* Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Article 7(4) of the Protocol.
- (2) *[Renewal Date in the Case of Subsequent Designations]* The effective date of the renewal shall be the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register.
- (3) *[Notification and Certificate]* The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the renewal and shall send a certificate to the holder.
- (4) *[Notification in Case of Non-Renewal]*
- (a) Where an international registration is not renewed, the International Bureau shall notify accordingly the holder, the representative, if any, and the Offices of all of the Contracting Parties designated in that international registration.
 - (b) Where an international registration is not renewed in respect of a designated Contracting Party, the International Bureau shall notify the holder, the representative, if any, and the Office of that Contracting Party accordingly.

Rule 34

Amounts and Payment of Fees

- (1) *[Amounts of Fees]* The amounts of fees due under the Protocol or these Regulations, other than individual fees, are specified in the Schedule of Fees that is annexed to these Regulations and forms an integral part thereof.
- (2) *[Payments]*
- (a) The fees indicated in the Schedule of Fees may be paid to the International Bureau by the applicant or the holder, or, where the Office of the Contracting Party of the holder accepts to collect and forward such fees, and the applicant or the holder so wishes, by that Office.
 - (b) Any Contracting Party whose Office accepts to collect and forward fees shall notify that fact to the Director General.

(3) *[Individual Fee Payable in Two Parts]*

- (a) A Contracting Party that makes or has made a declaration under Article 8(7) of the Protocol may notify the Director General that the individual fee to be paid in respect of a designation of that Contracting Party comprises two parts, the first part to be paid at the time of filing the international application or the subsequent designation of that Contracting Party and the second part to be paid at a later date which is determined in accordance with the law of that Contracting Party.
- (b) Where subparagraph (a) applies, the references in items 2 and 5 of the Schedule of Fees to an individual fee shall be construed as references to the first part of the individual fee.
- (c) Where subparagraph (a) applies, the Office of the designated Contracting Party concerned shall notify the International Bureau when the payment of the second part of the individual fee becomes due. The notification shall indicate
 - (i) the number of the international registration concerned,
 - (ii) the name of the holder,
 - (iii) the date by which the second part of the individual fee must be paid,
 - (iv) where the amount of the second part of the individual fee is dependent on the number of classes of goods and services for which the mark is protected in the designated Contracting Party concerned, the number of such classes.
- (d) The International Bureau shall transmit the notification to the holder. Where the second part of the individual fee is paid within the applicable period, the International Bureau shall record the payment in the International Register and notify the Office of the Contracting Party concerned accordingly. Where the second part of the individual fee is not paid within the applicable period, the International Bureau shall notify the Office of the Contracting Party concerned, cancel the international registration in the International Register with respect to the Contracting Party concerned and notify the holder accordingly.

(4) *[Modes of Payment of Fees to the International Bureau]* Fees shall be paid to the International Bureau as specified in the Administrative Instructions.

(5) *[Indications Accompanying the Payment]* At the time of the payment of any fee to the International Bureau, an indication must be given,

- (i) before international registration, of the name of the applicant, the mark concerned and the purpose of the payment;
- (ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(6) [Date of Payment]

- (a) Subject to Rule 30(1)(b) and to subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.
- (b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a subsequent designation, an instruction to debit the second part of an individual fee, a request for the recording of a change or an instruction to renew an international registration.

(7) [Change in the Amount of the Fees]

- (a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date on which the request to present the international application to the International Bureau is received by the Office of origin and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.
- (b) Where a designation under Rule 24 is presented by the Office of the Contracting Party of the holder and the amount of the fees payable in respect of that designation is changed between, on the one hand, the date of receipt, by the Office, of the request by the holder to present the said designation and, on the other hand, the date on which the designation is received by the International Bureau, the fee that was valid on the first date shall be applicable.
- (c) Where paragraph (3)(a) applies, the amount of the second part of the individual fee which is valid on the later date referred to in that paragraph shall be applicable.
- (d) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 30(1)(b), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.
- (e) Where the amount of any fee other than the fees referred to in subparagraphs (a), (b), (c) and (d) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

Rule 38

Crediting of Individual Fees to the Accounts of the Contracting Parties Concerned

Any individual fee paid to the International Bureau in respect of a Contracting Party having made a declaration under Article 8(7)(a) of the Protocol shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration, subsequent designation or renewal for which that fee has been paid was effected or the payment of the second part of the individual fee was recorded.

3. BACKGROUND

3.1. Duration of Registration

Under the Trade Marks Act, the duration of validity of a registered mark is for an initial period of 10 years from the date of registration (*see Section 18(1) of the Trade Marks Act*).

A trade mark when registered is registered as of the date of application for registration, and this date is deemed for the purposes of the Trade Marks Act to be the **date of registration** (*see Section 15(2) of the Trade Marks Act*).

3.2. Renewal Term

A registered mark may be renewed in accordance with Section 19 of the Act for further periods of 10 years (*see also Section 18(2) of the Trade Marks Act*).

Renewal takes effect from the expiry of the previous registration (*see Section 19(6) of the Trade Marks Act*).

Under the statutory provisions for renewal, the validity of a registered mark may therefore last indefinitely, subject to (a) the request for renewal having been filed under the prescribed form within the prescribed time frame, and (b) the payment of the relevant renewal fees.

4. APPLICATION TO RENEW A NATIONAL TRADE MARK

4.1. Renewal Notice

Prior to the expiry of a registered mark, the Registry will issue to the registered proprietor a letter to notify the proprietor of the date of expiry of the registration. This letter, referred to as the “First and Only Notice” (**FON**), will be sent 1 to 6 months before the date of expiry of the registered mark (*see Rule 50(1) of the Trade Marks Rules*).

The FON will be sent to the registered proprietor at his address for service for matters relating to the application, registration/grant, or his address for service for renewal (as the case may be) (*see Rule 50(2) of the Trade Marks Rules*).

The Registrar need not send the FON if a renewal application has already been made (*see Rule 50(3) of the Trade Marks Rules*).

4.2. Renewal Application

The registered proprietor may request for the mark to be renewed by lodging Form TM 19 with the prescribed renewal fees (*see Rule 49 and 53 of the Trade Marks Rules*).

This application is to be filed online at <https://digitalhub.ipos.gov.sg>.

If there has been a change in the details of the registered proprietor or his address for service, the appropriate forms must be filed with the Registrar to update the Register before filing Form TM 19.

The appropriate forms to file online at <https://digitalhub.ipos.gov.sg> are as follows:

Form CM1	Request to appoint or change agent or notice of intention to cease to act as agent
Form CM2	Request to change name or other particular of any person
Form CM4	Request for correction of error
Form CM8	Application to register a transfer of ownership

4.3. Types of Renewal

In most cases, a mark is registered more than 6 months before the date on which it becomes due for renewal (“date of expiry”). Form TM 19 with the prescribed renewal fees can be lodged on or within 6 months before date of expiry (*see Rule 49(3)(a) of the Trade Marks Rules*).

In rare cases, a mark is registered within 6 months before the date of expiry or registered after the date of expiry. Form TM 19 with the prescribed renewal fees remain applicable. (*see Rule 49(2), 49(4) and 49(5) of the Trade Marks Rules*).

4.3.1. Late Renewal Application

If the proprietor fails to renew a mark by its date of expiry, the mark status will be changed to “Expired (Renewal Possible)” in the Register. A request for renewal may still be filed within 6 months after the date of expiry of the registration with additional fees (*see Section 19(3) of the Trade Marks Act, Rule 49(3)(b) of the Trade Marks Rules*). This is known as a “late renewal”.

4.3.2. Restoration Application

If the proprietor fails to request for a late renewal within 6 months after its date of expiry, the mark will be removed from the Register and mark status will be changed to “Removed (Restoration Possible)” in the Register.

The registered proprietor may request for restoration with additional fees within 6 months after the date of the removal of the trade mark from the Register (*see Rule 51 and 53 of the Trade Marks Rules*).

4.4. Removed Marks

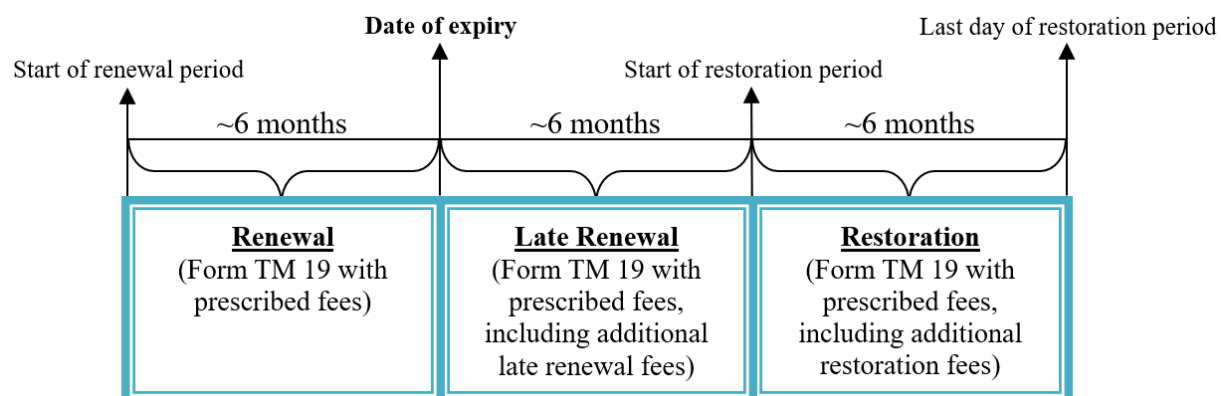
If no request for restoration is made within 6 months after the date of the removal of trade mark from the Register (*see Rule 53(1) of the Trade Marks Rules*), the mark status will be changed to “Removed” in the Register.

A removed mark can no longer be restored. It is also impossible to process any other action on the removed mark, for example, transactions such as assignment, licence, grant of security interest, amendment of registered mark or removal for non-use applications etc.

4.5. Processing of Renewal Requests

The request for renewal will generally be processed automatically and the registered mark will be renewed for a further period of 10 years upon the completion of the renewal request. The date of expiry of the registered mark will be updated in the Register. Please note that the Registrar will not issue any written confirmation of renewal. You may print a copy of the payment receipt for your own record.

4.6. Renewal Timeline – An Illustration



4.7. Citation of Expired and Removed Marks

For the purpose of relative grounds of refusal of registration, marks with “Registered”, “Expired (Renewal Possible)” and “Removed (Restoration Possible)” statuses will be valid for citation.

However, marks with “Expired” and “Removed” statuses will not be cited against other marks with later filing date (*see Section 8(11) of the Trade Marks Act*).

Mark Status in IPOS’ Register	Cited Against Later Marks?
Registered	Yes
Expired (Renewal Possible)	
Removed (Restoration Possible)	
Removed	No
Expired*	

* The “Expired” status is only applicable to once protected international trade marks (Singapore). Please refer to Section 5: *Application to Renew an International Trade Mark* below for more information.

5. APPLICATION TO RENEW AN INTERNATIONAL TRADE MARK

Renewals of protected international trade marks (Singapore), being “international registrations” (**IR**) or “subsequent designations” (**SD**), must be done with the International Bureau of the “World Intellectual Property Organization” (**WIPO**).

The procedures and mark statuses as mentioned above under Section 4: *Application to Renew a National Trade Mark* do not apply to IRs and SDs.

5.1. Duration of Registration

An IR is valid for an initial period of 10 years with the possibility of renewal under Article 7 of the Madrid Protocol (*see Article 6(1) of the “Madrid Protocol” (MP)*).

5.2. Renewal of International Registration

Any IR may be renewed for a period of 10 years from the expiry of the preceding period subject to the payment of the prescribed fees (*see Article 7(1) of the MP*).

6 months before the expiry of the IR, the International Bureau will send an unofficial reminder to the holder of the IR and his representative (if any) stating the exact date of expiry of the IR (*see Article 7(3) of the MP*).

The holder must renew his IR within the prescribed time limit, regardless of whether he receives the unofficial reminder (*see Rule 29 of the “Regulations under the Protocol relating to the Madrid Agreement concerning the International Registration of Marks” (MP Regulations)*).

A holder may renew his IR either by submitting a completed Form MM11 to the International Bureau electronically, or submitting a request via their online renewal platform. The requisite fees will also have to be paid to the International Bureau.

5.3. Renewal of Subsequent Designations

A SD under an IR is an extension of protection to additional Contracting Parties (also known as “designations”) made subsequent to the IR, after the IR has been recorded in the International Register by the International Bureau.

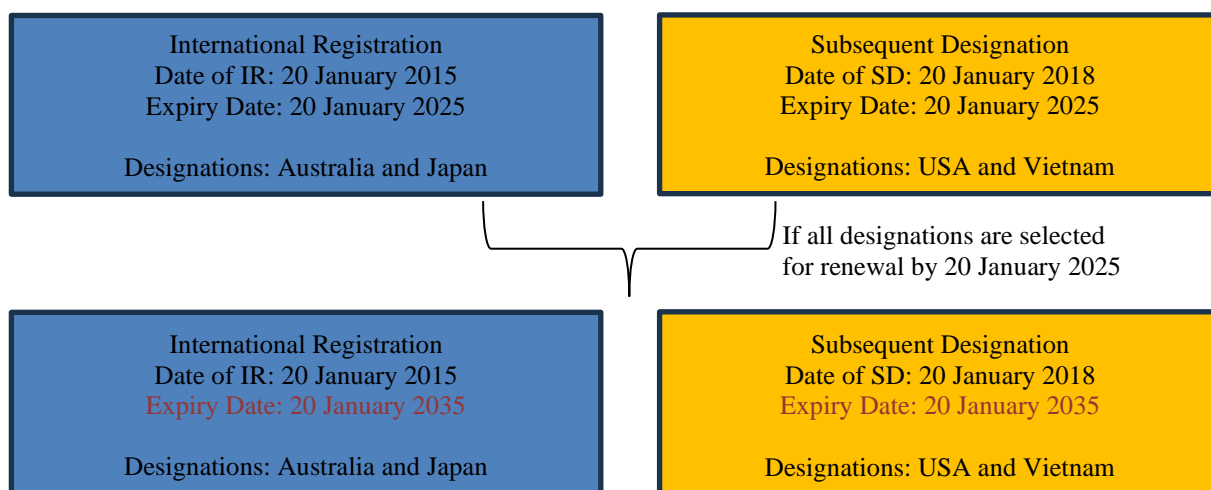
The effective date of the renewal is the same for all designations contained within the IR, irrespective of the date on which such designations were recorded in the International Register (*see Rule 31(2) of the MP Regulations*). The period of protection of an SD is hence also based on the date of expiry of an IR.

For example, a holder has an IR (with date of IR being 20 January 2015) designating Australia and Japan, with a date of expiry of 20 January 2025. He applies for an SD under this IR to extend protection to United States of America (USA) and Vietnam on 20 January 2018.

In order to maintain the validity of the designations within the IR and SD beyond the date of expiry of 20 January 2025, the holder must:

- Renew the IR with the International Bureau and pay the requisite fees by 20 January 2025; and
- Select all the individual designations under the IR and SD intended to be renewed (e.g. Australia, Japan, USA and Vietnam)

The period of validity of an SD will be extended for another 10 years from the date of expiry of the IR once the SD is renewed.



5.4. Renewal of IR beyond Date of Expiry

It is possible to renew an IR within a grace period of 6 months after the date of expiry of the IR, subject to the payment of a surcharge (*see Article 7(4) of the MP*).

5.5. Non-Renewal of an IR

Where an IR is not renewed, the International Bureau will notify the holder, the representative, if any, and the Offices of all of the Contracting Parties designated. Where an IR is not renewed in respect of Singapore as a designated Contracting Party, the International Bureau will send a notification under Rule 31(4) of the MP Regulations (also known as a “notice of non-renewal”) to IPOS (*see Rule 17A of the Trade Marks (IR) Rules*).

When such notice of non-renewal is received by IPOS and has been processed, IPOS will update the mark status of the IR or SD accordingly. The updated mark status will depend on the status of the IR or SD at the point when IPOS was processing the notice of non-renewal:

- If the IR or SD was live and deemed protected by IPOS (i.e., the mark status of the IR or SD was reflected as “Registered” in IPOS’ register): The mark status will be updated as “Expired”
- If the IR or SD was live but yet to be protected by IPOS (e.g., the mark status of the IR or SD was reflected as “Pending (Under Examination)” in IPOS’ register): The mark status will be updated as “Treated as Withdrawn”
- If the mark status of the IR or SD was reflected as “Withdrawn” or “Treated as Withdrawn” in IPOS’ register: No further changes will be made to the mark status.

5.6. Impact of Non-Renewal of Basic Mark on IR

An IR is dependent on the national basic mark for a period of five years following the recordal date of the IR (*see Article 6 of the MP*). Within this five-year period, if the basic mark lapses as a result of its non-renewal, the protection resulting from the IR may no longer be invoked.

After the five-year period, the IR becomes independent of the basic mark (*see Article 6(2) of the MP*). The protection of the IR will not be affected by the basic mark after the said five-year period even if the basic mark lapses as a result of its non-renewal.

For more details on the regime under the Madrid Protocol, please refer to the WIPO website .
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