**SINGAPORE TRADE MARKS ACT 1998**

TRADE MARKS RULES

|  |  |
| --- | --- |
| **FORM TM28** | **Application for Revocation/ Invalidation/ Rectification** |
| *Pre-requisites:** *You will need to attach a statement of the grounds for revocation/ invalidity/ rectification.*

*Estimated Time:* * *This form may take approximately 2-7 minutes to complete.*

*General** *Before completing this form, please read*
	+ *for revocation, Section 22 of the Trade Marks Act*
	+ *for declaration of invalidity, Section 23 of the Trade Marks Act*
	+ *for rectification, Section 67 of the Trade Marks Act*

*and Rule 57 of the Trade Marks Rules.** *For rectification of the register by the trade mark proprietor, please use Form CM2 or Form TM27.*
* *\* denotes mandatory field.*
* *The fee is payable on a per class basis.*
 |
| **PART 1 Reference** |
| My Reference |  |
| **PART 2 Application No.\*** |
| Application No.\* |

|  |
| --- |
|  |

 |
| International Registration No. |  |
| Class No. this Application relates to\* |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |  |  |  |

 |
| Total No. of Classes this Application relates to |  |
| **PART 3 Name of Registered Proprietor\*** |
| *Note: If there is insufficient space, please use the continuation sheet in CS 4.* |
| UEN/ Company Code *(if applicable)* |

|  |
| --- |
|  |

 |
| Name |  |
| Sole Proprietor or Partners' Name *(if sole proprietorship or partnership)* |  |

|  |
| --- |
| **PART 4 Details of Applicant for Revocation/ Declaration of Invalidity/ Rectification\*** |
| *Note: If there is insufficient space, please use the continuation sheet in CS 1.* |
| UEN/ Company Code *(if applicable)* |

|  |
| --- |
|  |

 |
| Name |  |
| Address | Singapore Address |
|  |  | This Singapore address is to be used as the address for service for the purposes of this application. *(Note: If this is crossed, it is not necessary to fill up the address for service in Singapore in part 6.)* |
|  | Block/ House No. |

|  |
| --- |
|  |

 |
|  | Street Name |  |
|  | Level - Unit |

|  |
| --- |
|  |

 |
|  | Building Name |  |
|  | Postal Code |

|  |
| --- |
|  |

 |
|  | Foreign Address |
|  | Line 1 |  |
|  | Line 2 |  |
|  | Line 3 |  |
| Nationality or Country of Incorporation\* |  |
| State of Incorporation *(mandatory for USA corporations)* |  |
| Country of Residency*(mandatory for individuals)* |  |
| Sole Proprietor or Partners' Name *(if sole proprietorship or partnership)* |  |

|  |
| --- |
| **PART 5 Purpose of this Application\*** |
| This Application relates to |  | Revocation – Grounds based on Non-Use |
|  | Revocation – Grounds other than Non-Use |
|  | Declaration of invalidity |
|  | Rectification |
| **PART 6A Grounds for Revocation\*** |
| Grounds for Revocation*(Please select if this application relates to Revocation – Grounds based on Non-Use)* |  | S22(1)(a) – non-use within the 5 years following registration completion date |
|  | S22(1)(b) – use suspended for 5 years |
|  | Others *(to input)* |
| **PART 6B Grounds for Revocation\*** |
| Grounds for Revocation*(Please select if this application relates to Revocation – Grounds other than Non-Use)* |  | S22(1)(c) – mark has become common name |
|  | S22(1)(d) – mark is liable to mislead the public |
|  | Others *(to input)* |
| **PART 6C Grounds for Invalidity\*** |
| Grounds for Invalidity*(Please select if this application relates to Declaration of invalidity)* | S23(1) read with |
|  | S7(1)(a) – mark does not satisfy the definition of a trade mark |
|  | S7(1)(b) – mark is not distinctive |
|  | S7(1)(c) – mark denotes the characteristics of goods or services such as quality, purpose, value, origin etc |
|  | S7(1)(d) – mark has become customary in the current language or in the bona fide and established practices of trade |
|  | S7(3)(a) – mark consists of a shape which results from nature of goods |
|  | S7(3)(b) – mark consists of a shape which is necessary to obtain a technical result |
|  | S7(3)(c) – mark consists of a shape which gives substantial value to goods |
|  | S7(4)(a) – mark is contrary to public policy or morality  |
|  | S7(4)(b) – mark is deceptive |
|  | S7(5) – use of the mark is prohibited by written law or rule of law |
|  | S7(6) – application of the mark is made in bad faith |
|  | S7(7) – mark contains or consists of a GI in respect of a wine or spirit |
|  | S7(11) – mark contains or consists of a flag or emblem etc. of a Convention country or an international organisation of which one or more Convention countries are members, protected under the Paris Convention or the TRIPS Agreement and contravenes Section 56 and/or Section 57 |
|  | S7(13) – mark contains or consists of the Singapore Crest, Presidential Coat of Arms, Royal Arms, etc. and contravenes Rule 12 and/or mark consists of a name, initials etc. of body corporate etc. and contravenes Rule 13 |
|  | Others *(to input)* |
| S23(3) read with |
|  | S8(1) – mark is identical to an earlier mark and is for identical goods or services |
|  | S8(2)(a) – mark is identical to an earlier mark and is for similar goods or services |
|  | S8(2)(b) – mark is similar to an earlier mark and is for identical or similar goods or services |
|  | S8(3) – mark, applied before 1 July 2004, is identical with or similar to an earlier mark that is well known and for dissimilar goods or services  |
|  | S8(4)(b)(i) – mark, applied after 1st July 2004, is identical with or similar to an earlier mark that is well known in Singapore  |
|  | S8(4)(b)(ii) – mark, applied after 1st July 2004, is identical with or similar to an earlier mark that is well known to the public at large in Singapore |
|  | S8(7)(a) – mark is prevented from use by virtue of any rule of law protecting an unregistered trade mark, in particular, the law of passing off |
|  | S8(7)(b) – mark is prevented from use by virtue of an earlier right, in particular, by virtue of the law of copyright or law protecting designs |
|  | Others *(to input)* |
|  |  | S23(4) - fraud in the registration or the registration was obtained by misrepresentation |
| **PART 7 Contact Details\*** |
| *Note:* 1. *Where an agent with UEN is appointed, the fields for "Agent UEN/ Company Code", "Agent Name" and "Address for Service in Singapore" should be completed. Where an individual or an agent without UEN is appointed, the sub-field “Representative or C/O Name” and "Address for Service in Singapore" should be completed instead.*
2. *The address for service in Singapore* *need not be filled up if the person's address in Part 4 is to be used as an address for service in Singapore.*
3. *For the purpose of this proceeding, official correspondences will be sent to the address for service in Singapore as indicated in this box.*
 |
| Agent UEN/ Company Code |

|  |
| --- |
|  |

 |
| Agent Name |  |
| Representative or C/O Name |  |
|  | Address for Service in Singapore |
|  | Block/ House No. |

|  |
| --- |
|  |

 |
|  | Street Name |  |
|  | Level - Unit |

|  |
| --- |
|  |

 |
|  | Building Name |  |
|  | Postal Code |

|  |
| --- |
|  |

 |
| Contact Person*(if applicable)* |  |
| Direct Telephone No.*(if applicable)* |

|  |
| --- |
|  |

 |
| Email Address*(if applicable)* |  |
| **PART 8 Attachments** |
| Attach a statement of grounds on which the application for revocation/ declaration of invalidity/ rectification is made. |
| **PART 9 Declaration\*** |
| Declaration | **By Person Filing the Form** |
| I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge. I understand that I may be liable for criminal prosecution for providing any false information in this application. |
|  | **By Agent** |
| I, the undersigned, do hereby declare that:1. I have been duly authorised to act as an agent on behalf of the person(s) filing this form.
2. The information furnished above on behalf of the person(s) filing this form is true to the best of the person(s)' knowledge. I understand that I may be liable for criminal prosecution for providing any false information in this application.
 |
|  |  | A copy of this form and its attachments, if any will be served on the counter-party at the same time. |
|  |  | I declare that there is no action concerning the mark in question pending in the court. |
| Name |  |
| Signature |  |
| Date *(DD/MM/YYYY)* |

|  |
| --- |
|  |

 |

|  |  |
| --- | --- |
| **GST** | **GST INFORMATION** |
|  |
| **Tax Invoice\*** |
| *Note:**Tax invoice will be issued to the entity/individual as indicated. Goods and Services Tax (GST)-registered businesses may claim input tax with Inland Revenue Authority of Singapore (IRAS), subject to meeting the requirements under the GST Act.* |
| Name (Tax invoice to be issued to) | *The name of the Applicant for Revocation/ Declaration of Invalidity/ Rectification (as in Part 4 of this form) should be inserted in this field.* |