



THE STATUTES OF THE REPUBLIC OF SINGAPORE

GEOGRAPHICAL INDICATIONS ACT 2014

2020 REVISED EDITION

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Geographical Indications Act 2014

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An Act to provide for the protection of geographical indications in relation to goods, and for matters connected therewith.

[1 April 2019: Except sections 4(6) to (9), 15, 16 and 55
to 76 ;
21 November 2019: Sections 4(6) to (9), 15, 16, 75 and
76]

PART 1

PRELIMINARY

Short title and commencement

- 1.—(1) This Act is the Geographical Indications Act 2014.
- (2) Part 6 comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “Court” means the General Division of the High Court;
 - “earlier geographical indication”, in relation to an application for registration of a geographical indication made under section 39 (called in this definition the application in question), means a geographical indication —

- (a) which has been registered under section 48; or
- (b) an application for registration of which has been made under section 39,

before the date of the application in question;

“geographical indication” means any indication used in trade to identify goods as originating from a place, provided that —

- (a) the place is a qualifying country or a region or locality in a qualifying country; and
- (b) a given quality, reputation or other characteristic of the goods is essentially attributable to that place;

“goods” means any natural or agricultural product or any product of handicraft or industry;

“homonymous geographical indication” means a geographical indication that, in part or in whole, has the same spelling as, or sounds the same as, a geographical indication for any goods having a different geographical origin;

“interested party”, in relation to goods identified by a geographical indication, means a producer of the goods, a trader of the goods, or an association of such producers or traders or of such producers and traders;

“international trade mark (Singapore)” has the meaning given by the Trade Marks Act 1998;

“Office” means the Intellectual Property Office of Singapore established under the Intellectual Property Office of Singapore Act 2001;

“Paris Convention” means the Convention for the Protection of Industrial Property signed at Paris on 20 March 1883, and any revision or amendment thereto which has come into force and has been accepted by the Government;

“place”, in relation to a geographical indication, means a country or territory and includes a region or locality in a country or territory;

“producer” means —

- (a) in relation to agricultural products, a person who produces those products for sale or other commercial purposes;
- (b) in relation to natural products, a person who exploits those products for sale or other commercial purposes;
or
- (c) in relation to products of handicraft or industry, a person who manufactures those products for sale or other commercial purposes;

“proprietor” means —

- (a) in relation to a registered trade mark, the person in whose name the trade mark is registered;
- (b) in relation to an unregistered trade mark that is a well known trade mark, the person to whom the trade mark belongs; or
- (c) in relation to a trade mark referred to in section 41(5)(b), the person who used the trade mark in accordance with that provision;

“qualifying country” means any country or territory which is —

- (a) a member of the World Trade Organization;
- (b) a party to the Paris Convention; or
- (c) designated by the Minister as a qualifying country under section 83;

“register” means —

- (a) when used as a noun, the register of geographical indications maintained by the Registrar under section 21; and
- (b) when used as a verb, to enter in the register;

“registered geographical indication” means a geographical indication that is registered under section 48;

“registered trade mark” means a trade mark registered under the Trade Marks Act 1998;

“registrant”, in relation to a registered geographical indication, means the person in whose name the geographical indication is registered;

“Registrar” means the Registrar of Geographical Indications appointed under section 17 and includes any Deputy Registrar or Assistant Registrar of Geographical Indications appointed under that section;

“Registry” means the Registry of Geographical Indications established under section 19;

“repealed Act” means the Geographical Indications Act (Cap. 117B, 1999 Revised Edition) repealed by this Act;

“trade mark” has the meaning given by the Trade Marks Act 1998;

“trader”, in relation to goods, means any person —

- (a) who sells the goods in Singapore; or
- (b) who supplies the goods in Singapore for the purpose of their being sold by another person in Singapore;

“use” means use as part of, or in connection with —

- (a) any transaction, including a purchase, a sale or an exchange;
- (b) any importing or exporting;
- (c) any advertisement; or
- (d) any invoice, wine list, catalogue, business letter, business paper, price list or other commercial document;

“variant”, in relation to a geographical indication, means a variant of the indication constituting the geographical indication, and includes any translation, transliteration or other variation of the indication;

“well known trade mark” has the meaning given by the Trade Marks Act 1998.

[40/2019; 5/2020]

(2) There may be 2 or more variants constituting the same geographical indication.

[5/2020]

(3) A geographical indication, and each variant constituting the geographical indication (if any), may contain 2 or more words.

[5/2020]

Application of Act

3.—(1) Unless expressly provided otherwise in subsection (2) or elsewhere in this Act, this Act applies to all geographical indications, whether or not registered under section 48.

(2) Sections 4(6) to (9), 75, 76 and 79, Division 2 of Part 3, Division 2 of Part 5, and Part 6 only apply to registered geographical indications.

PART 2

PROTECTION FOR GEOGRAPHICAL INDICATIONS

Interested party may bring action for certain uses of geographical indication

4.—(1) Subject to the provisions of this Act, an interested party of goods identified by a geographical indication may bring an action against a person for carrying out an act to which this section applies in relation to the geographical indication.

(2) This section applies to the following acts:

- (a) the use of a geographical indication in relation to any goods which did not originate in the place indicated by the geographical indication, in a manner which misleads the public as to the geographical origin of the goods;
- (b) any use of a geographical indication which constitutes an act of unfair competition within the meaning of Article 10 *bis* of the Paris Convention;

- (c) any use of a geographical indication, being a geographical indication which identifies a wine, in relation to a wine which did not originate from the place indicated by the geographical indication, whether or not —
 - (i) the true geographical origin of the second-mentioned wine is used together with the geographical indication;
 - (ii) the geographical indication is used in translation; or
 - (iii) the geographical indication is accompanied by any of the words “kind”, “type”, “style” or “imitation” or any similar word or expression; and
- (d) any use of a geographical indication, being a geographical indication which identifies a spirit, in relation to a spirit which did not originate from the place indicated by the geographical indication, whether or not —
 - (i) the true geographical origin of the second-mentioned spirit is used together with the geographical indication;
 - (ii) the geographical indication is used in translation; or
 - (iii) the geographical indication is accompanied by any of the words “kind”, “type”, “style” or “imitation” or any similar word or expression.

(3) Any use of a geographical indication within the meaning of subsection (2) is deemed to be an act to which this section applies, even if the geographical indication is literally true as to the geographical origin of the goods in question, provided that such use falsely represents to the public that the goods originate in another place.

(4) In subsection (2), “use of a geographical indication” includes the use of a trade mark which contains or consists of the geographical indication in question.

(5) Subsection (2)(c) and (d) does not apply to the use of a geographical indication to identify an ingredient of a wine and an ingredient of a spirit, respectively, if the geographical indication is

literally true as to the geographical origin of the ingredient in question, provided that such use does not falsely represent to the public that the wine or spirit (as the case may be) originates in the place indicated by the geographical indication.

(6) This section applies to any use of a registered geographical indication which identifies any agricultural product or foodstuff (other than a wine or a spirit) belonging to a category of goods listed in the Schedule, in relation to any goods which are of the same category as that agricultural product or foodstuff, but which did not originate in the place indicated by the registered geographical indication, whether or not —

- (a) the true geographical origin of those goods is used together with the registered geographical indication;
- (b) the registered geographical indication is used in translation; or
- (c) the registered geographical indication is accompanied by any of the words “kind”, “type”, “style” or “imitation” or any similar word or expression.

(7) Any use of a registered geographical indication within the meaning of subsection (6) is deemed to be an act to which this section applies, even if the geographical indication is literally true as to the geographical origin of the goods in question, provided that such use falsely represents to the public that the goods originate in another place.

(8) In subsection (6) —

“foodstuff” means any natural or agricultural product that is meant for human consumption;

“use of a registered geographical indication” includes the use of a trade mark which contains or consists of the geographical indication in question.

(9) Subsection (6) does not apply to the use of a registered geographical indication to identify an ingredient of any goods, if the geographical indication is literally true as to the geographical origin of the ingredient in question, provided that such use does not falsely

represent to the public that the goods originate in the place indicated by the geographical indication.

Remedies

5. Subject to the provisions of this Act, if it is established to the satisfaction of the Court that the defendant to an action brought under section 4 has carried out or is carrying out an act to which that section applies, the Court may grant to the claimant one or both of the following:

- (a) an injunction (subject to such terms, if any, as the Court thinks fit) to restrain the further carrying out of the act;
- (b) damages or an account of profits.

[Act 25 of 2021 wef 01/04/2022]

Order for delivery up of goods, material and articles

6.—(1) In any action brought under section 4 in relation to a geographical indication, the Court may, in addition to any relief granted under section 5, order any of the following in the possession of the defendant to the action or before the Court to be delivered up to the claimant:

- (a) goods in respect of which the defendant has been found to be carrying out or to have carried out, in relation to the geographical indication, an act to which section 4 applies;
- (b) material —
 - (i) which bears an indication identical with or similar to the geographical indication;
 - (ii) which is used by the defendant for labelling or packaging goods, or as a business paper, or for advertising goods; and
 - (iii) in respect of which the defendant has been found to be carrying out or to have carried out, in relation to the geographical indication, an act to which section 4 applies;

(c) articles —

- (i) used by the defendant to make upon material referred to in paragraph (b), copies of an indication identical with or similar to the geographical indication; or
- (ii) which the defendant has in the defendant's possession, custody or control, knowing or having reason to believe that they have been, or are to be, used to make upon material referred to in paragraph (b), copies of an indication identical with or similar to the geographical indication.

[Act 25 of 2021 wef 01/04/2022]

(2) An order is not to be made under this section unless the Court also makes, or it appears to the Court that there are grounds for making, an order under section 7.

(3) A person to whom any goods, material or articles are delivered up pursuant to an order under this section must, if an order under section 7 is not made, retain them pending the making of an order under that section, or until the decision not to make such order.

Order as to disposal of goods, material or articles

7.—(1) Where any goods, material or articles have been delivered up pursuant to an order under section 6, an application may be made to the Court —

- (a) for an order that they be destroyed or forfeited to such person as the Court may think fit; or
- (b) for a decision that no such order should be made.

(2) In considering what order (if any) should be made, the Court is to have regard to —

- (a) whether other remedies available in an action under section 4 would be adequate to compensate the claimant and protect his, her or its interest; and

[Act 25 of 2021 wef 01/04/2022]

- (b) the need to ensure that no goods, material or articles are disposed of in a manner that would adversely affect the claimant.

[Act 25 of 2021 wef 01/04/2022]

(3) The Court is to issue directions as to the service of notice on persons having an interest in the goods, material or articles.

(4) Any person having an interest in the goods, material or articles is entitled —

- (a) to appear in proceedings for an order under this section, whether or not that person is served with notice under subsection (3); and

- (b) to appeal against any order made, whether or not that person appears in the proceedings for that order.

(5) An order made under this section does not take effect until the end of the period within which notice of an appeal may be given or, if before the end of that period notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.

(6) Where there is more than one person interested in the goods, material or articles, the Court may direct that the goods, material or articles be sold, or otherwise dealt with, and the proceeds divided, and make any other order as it thinks just.

(7) If the Court decides that no order should be made under this section, the person in whose possession, custody or control the goods, material or articles were before being delivered up, is entitled to their return.

Remedy for groundless threats of proceedings under section 4

8.—(1) Where a person threatens another with proceedings for an action for carrying out an act to which section 4 applies, other than —

- (a) the application of a geographical indication in relation to goods or to material used or intended to be used for labelling or packaging goods; or
- (b) the importation of goods to which, or to the packaging of which, the geographical indication has been used,

any aggrieved person may bring proceedings for relief under this section.

(2) The relief which may be applied for is any of the following:

- (a) a declaration that the threats are unjustifiable;
- (b) an injunction against the continuance of the threats;
- (c) damages in respect of any loss an aggrieved person has sustained by the threats.

(3) A claimant to an action under this section is entitled to the relief referred to in subsection (2) unless the defendant shows that the act in respect of which proceedings were threatened constitutes (or if done would constitute) an act to which section 4 applies.

[Act 25 of 2021 wef 01/04/2022]

(4) If the defendant to an action under this section shows that the act in respect of which proceedings were threatened constitutes (or if done would constitute) an act to which section 4 applies, the claimant is nevertheless entitled to relief if the claimant shows that an exception under this Act applies to the act concerned.

[Act 25 of 2021 wef 01/04/2022]

(5) The mere notification that a geographical indication is registered, or that an application for registration has been made, does not constitute a threat of proceedings for the purposes of this section.

(6) Nothing in this section renders an advocate and solicitor liable to an action under this section in respect of an act done by the advocate and solicitor in his or her professional capacity on behalf of a client.

Declaration by Court

9. Without affecting the jurisdiction of the Court to make a declaration apart from this section, the Court may, in proceedings between a person carrying out or proposing to carry out an act and any interested party of goods identified by a geographical indication, make a declaration that section 4 does not apply to that act or proposed act, even though no assertion to the contrary has been made

by that interested party or any other interested party of goods identified by the geographical indication.

Homonymous geographical indications for prescribed goods

10.—(1) Any interested party of any prescribed goods identified by homonymous geographical indications may take action under section 4 against the carrying out of an act to which that section applies.

(2) Any interested party of any prescribed goods identified by homonymous geographical indications may, where no practical conditions in respect of the homonymous geographical indications have been imposed by the Registrar under section 42(2), apply to the Court for a declaration of the practical conditions under which the homonymous geographical indications are to be differentiated from one another.

(3) The Court in making a declaration under subsection (2), is to take into account —

- (a) the need to ensure equitable treatment of all the interested parties concerned; and
- (b) the need to ensure that consumers are not misled.

PART 3

EXCEPTIONS

*Division 1 — Exceptions applicable to all
geographical indications*

Certain uses of geographical indications excepted

11. Section 4 does not apply to —

- (a) the use of a geographical indication, being a geographical indication which is contrary to public policy or morality;
- (b) the use of a geographical indication, being a geographical indication which is not or has ceased to be protected in its country or territory of origin;

- (c) the use of a geographical indication in relation to any goods or services which is identical with the common name of the goods or services in Singapore;
- (d) the use of a geographical indication, being a geographical indication which is identical with the customary name of a grape variety existing in Singapore as of 1 January 1995, with respect to products of the vine of that or any other grape variety; or
- (e) the use of a geographical indication which is not registered under this Act, and which has fallen into disuse in its country or territory of origin.

Exceptions regarding prior users

12.—(1) Section 4 does not apply to the use by a qualified person of a geographical indication (being a geographical indication identifying a wine or a spirit) in relation to any goods or services if the qualified person has, or the qualified person and the qualified person's predecessor in title have, continuously used in Singapore that geographical indication in relation to those goods or services or related goods or services either —

- (a) for at least 10 years preceding 15 April 1994; or
- (b) in good faith preceding that date.

(2) Section 4 does not apply to the use by a person of a trade mark which is identical or similar to a geographical indication if —

- (a) the application for the registration of the trade mark was made in good faith, or the trade mark was registered in good faith, under the Trade Marks Act 1998 or any previous written law relating to trade marks; or
- (b) the person has, or the person and the person's predecessor in title have, continuously used that trade mark in good faith in Singapore in the course of trade,

either —

- (c) before 15 January 1999; or

- (d) before the geographical indication in question is protected in its country or territory of origin.
- (3) In subsection (1), “qualified person” means —
 - (a) a citizen of Singapore or an individual resident in Singapore;
 - (b) a body corporate incorporated under any written law in Singapore; or
 - (c) any other person who has a real and effective industrial or commercial establishment in Singapore.

Exception for use of personal name

13. Section 4 does not apply to the use in the course of trade by a person of that person’s name or the name of that person’s predecessor in business, except where the name is used in such a manner as to mislead the public.

Exception for failure to take action

14.—(1) No action under section 4 against a person for the use of a trade mark which contains or consists of a geographical indication may be brought after the expiry of 5 years beginning immediately after the earlier of the following dates:

- (a) the date on which such use by that person or that person’s predecessor in title has become generally known in Singapore;
 - (b) the date on which the trade mark was actually registered under the Trade Marks Act 1998 or any previous written law relating to trade marks, if the trade mark has been published by that date.
- (2) Subsection (1) does not apply where the trade mark was used, or registered, in bad faith.

*Division 2 — Exceptions applicable to registered
geographical indications***Certain uses of registered geographical indications excepted****15. Section 4 does not apply to —**

- (a) the use in the course of trade of any name contained in a registered geographical indication in relation to any goods or services, where the name is identical with the term customarily used in common language to describe such goods or services in Singapore; or
- (b) the use in the course of trade of a registered geographical indication, or any term contained in a registered geographical indication, that is the name of a plant variety or an animal breed.

Exceptions for prior users of registered geographical indications and trade marks

16.—(1) Section 4 does not apply to the use by a qualified person of a registered geographical indication (being a geographical indication identifying any goods other than a wine or a spirit) in relation to any goods or services if the qualified person has, or the qualified person and the qualified person's predecessor in title have, continuously used in Singapore that geographical indication in relation to those goods or services or related goods or services either —

- (a) for at least 10 years preceding 1 January 2004; or
- (b) in good faith preceding that date.

(2) Section 4 does not apply to the use by a person of a trade mark which is identical or similar to a registered geographical indication if —

- (a) the trade mark is a registered trade mark or an international trade mark (Singapore), and taking into account (where appropriate) the priorities claimed in respect of the trade mark under the Trade Marks Act 1998 —
 - (i) the application for the registration of the trade mark was made in good faith; or

(ii) the trade mark was registered in good faith, under the Trade Marks Act 1998 or any previous written law relating to trade marks, before the date of the application for registration of the geographical indication in Singapore; or

(b) the person has, or the person and the person's predecessor in title have, continuously used that trade mark in good faith in Singapore in the course of trade, before the date of the application for registration of the geographical indication in Singapore.

(3) Section 4 does not apply to the use by a person of a trade mark which is identical or similar to a registered geographical indication if —

(a) the trade mark is, before the date of the application for registration of the geographical indication in Singapore, a well known trade mark in Singapore; and

(b) the application of section 4 to the use of that trade mark is liable to mislead consumers as to the true identity of the goods identified by that geographical indication.

(4) In subsection (1), “qualified person” means —

(a) a citizen of Singapore or an individual resident in Singapore;

(b) a body corporate incorporated under any written law in Singapore; or

(c) any other person who has a real and effective industrial or commercial establishment in Singapore.

PART 4

REGISTRY OF GEOGRAPHICAL INDICATIONS
AND ADMINISTRATION

Division 1 — The Registrar

Registrar of Geographical Indications and other officers

17.—(1) There is to be a Registrar of Geographical Indications who has the control of the Registry of Geographical Indications.

(2) There are to be one or more Deputy Registrars of Geographical Indications who, subject to the control of the Registrar, have all the powers and functions of the Registrar under this Act, other than the powers of the Registrar under section 18.

(3) There are to be one or more Assistant Registrars of Geographical Indications.

(4) The Registrar and all the other officers under this section must be appointed by the Minister.

Delegation by Registrar

18.—(1) The Registrar may, in relation to a particular matter or class of matters, by writing under the hand of the Registrar, delegate all or any of the Registrar's powers or functions under this Act (except this power of delegation) to an Assistant Registrar of Geographical Indications, any public officer, or any person with the relevant qualifications for or experience in the matter or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

(2) A delegation under this section is revocable at will and no delegation prevents the exercise of a power or function by the Registrar or by a Deputy Registrar of Geographical Indications.

(3) A person with the relevant qualifications or experience mentioned in subsection (1) is, when exercising the delegated powers and functions, deemed to be a public servant for the purposes of the Penal Code 1871.

Registry of Geographical Indications

19. For the purposes of this Act, there is established an office known as the Registry of Geographical Indications.

Seal of Registry

20. There is to be a seal of the Registry and impressions of the seal are to be judicially noticed.

Division 2 — The register

Register of geographical indications

21.—(1) The Registrar must maintain a register of geographical indications.

(2) All of the following are to be entered in the register in accordance with this Act:

- (a) registered geographical indications;
- (b) such other matters relating to registered geographical indications as may be prescribed.

(3) The register may be kept in whole or in part using a computer.

(4) Any record of a particular or other matter made by using a computer for the purpose of keeping the register is taken to be an entry in the register.

Rectification of register, etc.

22.—(1) Any person having a sufficient interest may apply for the rectification of an error or omission in the register.

(2) An application for rectification may not be made in respect of a matter affecting the validity of the registration of a geographical indication.

(3) An application for rectification may be made either to the Registrar or to the Court, except that —

- (a) if proceedings concerning the geographical indication in question are pending in the Court, the application must be made to the Court; and

(b) if in any other case the application is made to the Registrar, the Registrar may at any stage of the proceedings refer the application to the Court.

(3A) An application to the Registrar for rectification is subject to the rules mentioned in section 84(2)(ea).

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

(4) The Registrar or the Court may allow an application for rectification if satisfied that an error or omission exists in the register, and that the rectification should be made.

(5) Except where the Registrar or the Court directs otherwise, the effect of rectification of the register is that the error or omission in question is deemed never to have been made.

(6) The Registrar may, on request made in the prescribed manner by the registrant of a registered geographical indication, enter any change in the registrant's name or address as recorded in the register.

(7) The Registrar may remove from the register any matter appearing to the Registrar to have ceased to have effect.

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

Inspection of and extract from register

23.—(1) The register must be available at the Registry for inspection by any person during the hours when the Registry is open for business.

(2) If the register, or any part of the register, is kept by using a computer, subsection (1) is satisfied if a person who wants to inspect the register or that part of the register is given access to a computer terminal from which the person can read on a screen, or obtain a printed copy of, the particulars or other matters recorded in the register or that part of the register.

(3) Any person who applies for a certified copy of an entry in the register or a certified extract from the register is entitled to obtain such a copy or an extract on payment of the prescribed fee.

(4) In this section, “certified copy” and “certified extract” mean a copy and an extract certified by the Registrar.

Falsification of register, etc.

24. Any person who —

- (a) makes, or causes to be made, a false entry in the register;
- (b) makes, or causes to be made, any thing false purporting to be a copy of an entry in the register; or
- (c) produces or tenders or causes to be produced or tendered in evidence any thing referred to in paragraph (b),

knowing or having reason to believe that the entry or thing (as the case may be) is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

Falsely representing geographical indication as registered

25.—(1) Any person who —

- (a) falsely represents that a geographical indication is a registered geographical indication; or
- (b) makes a false representation as to the goods for which a geographical indication is registered,

knowing or having reason to believe that the representation is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) For the purposes of this section, the use in Singapore, in relation to a geographical indication, of —

- (a) the word “registered”; or
- (b) any other word or symbol importing a reference (express or implied) to registration,

is deemed to be a representation as to registration under this Act unless it is shown that the reference is to registration elsewhere than in Singapore and that the geographical indication is in fact so registered for the goods in question.

Division 3 — Powers and duties of Registrar

Costs awarded by Registrar

26.—(1) The Registrar may award costs in respect of the matters, and in the amounts provided for in rules made under this Act, against any party to proceedings brought before the Registrar.

(2) The rules may provide for the assessment of the costs, or any part of the costs, by the Registrar.

[Act 25 of 2021 wef 01/04/2022]

(3) A party desirous to obtain costs or to have the costs assessed must apply to the Registrar in accordance with the rules.

[Act 25 of 2021 wef 01/04/2022]

(4) If a party is ordered to pay the costs of another party, the costs may be recovered in a court of competent jurisdiction as a debt due by the first party to the other party.

Security for costs

27. If a person who neither resides nor carries on business in Singapore —

- (a) gives notice of opposition under section 45;
- (b) makes a request under section 46 for the entry in the register of a qualification of the rights conferred upon a registered geographical indication; or
- (c) applies to the Registrar under section 52 for the registration of a geographical indication to be cancelled,

the Registrar may require the person to give security for the costs for the proceedings and may, if security is not given, dismiss the proceedings.

Evidence before Registrar

28. The Registrar may, for the purposes of any proceedings before the Registrar under this Act —

- (a) summon witnesses;
- (b) receive evidence on oath, whether orally or otherwise; and

(c) require the production of documents or articles.

Disobedience to summons an offence

29.—(1) A person who has been summoned to appear as a witness before the Registrar must not, without lawful excuse, fail to appear in obedience to the summons.

(2) A person who has been required by the Registrar to produce any document or article must not, without lawful excuse, fail to produce the document or article.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Refusal to give evidence an offence

30.—(1) A person who appears before the Registrar must not, without lawful excuse, refuse to be sworn or to make an affirmation, or to produce documents or articles, or to answer questions, which the person is lawfully required to produce or answer.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

Exclusion of liability in respect of official acts

31.—(1) The Office and the Registrar are not to be taken to warrant the validity of the registration of a geographical indication under this Act or under any treaty, convention, arrangement or engagement to which Singapore is a party.

(2) Neither the Office nor the Registrar is subject to any liability by reason of, or in connection with, any examination required or authorised by this Act, or any such treaty, convention, arrangement or engagement, or any report or other proceedings consequent on such examination.

(3) No proceedings shall lie against an officer of the Office or the Registrar in respect of any matter for which, by virtue of this section, the Office or the Registrar is not liable.

Appeals from Registrar

32.—(1) Except as provided under subsection (2) or by rules made under this Act, there is no appeal from a decision of the Registrar for any matter under this Act or the rules made under this Act.

(2) The following are subject to appeal to the Court:

- (a) a decision of the Registrar under section 22;
- (b) a decision of the Registrar under section 40(2) as to whether any specific goods fall within a category of goods set out in the Schedule;
- (c) a decision of the Registrar as to the registrability of a geographical indication;
- (d) a decision of the Registrar under section 42(2) on the practical conditions differentiating a homonymous geographical indication from an earlier geographical indication;
- (e) a decision of the Registrar under section 46(6) on a request for entry in the register of a qualification of the rights conferred upon a registered geographical indication;
- (f) a decision of the Registrar relating to a request for cancellation under section 52.

(3) An appeal does not lie to the appellate court from a decision of the Court on appeal from a decision of the Registrar for any matter under this Act or the rules made under this Act unless permission to appeal is given by the appellate court.

[23/2019; 40/2019]

[Act 25 of 2021 wef 01/04/2022]

(4) In this section, “appellate court” means the court to which an appeal under subsection (3) is to be made under section 29C of the Supreme Court of Judicature Act 1969.

[40/2019]

Division 4 — Forms, fees, hours of business and publication

Forms and directions of Registrar

33. The Minister may make rules for the publication by the Registrar of —

- (a) the forms to be used for any purpose relating to the registration of a geographical indication or any other proceedings before the Registrar under this Act; and
- (b) the practice directions issued by the Registrar.

Fees

34.—(1) There must be paid in respect of applications and registration and other matters under this Act such fees as may be prescribed.

(2) The Minister may make rules as to the remission of fees in the prescribed circumstances.

(3) All fees collected must be paid into the funds of the Office.

Hours of business and excluded days

35.—(1) The Registrar may issue practice directions to specify —

- (a) the hours of business of the Registry; and
- (b) the days which are to be treated as excluded days.

(2) The Minister may prescribe the effect of doing any business under this Act —

- (a) on any day after the hours of business of the Registry; or
- (b) on any day which is an excluded day.

(3) For the purposes of subsections (1) and (2) —

- (a) different hours of business may be specified for different classes of business;
- (b) different excluded days may be specified for different classes of business; and

- (c) different effects of doing business —
- (i) outside the hours of business of the Registry; or
 - (ii) on an excluded day,
- may be prescribed for different classes of business.

(4) In this section, “excluded day”, in relation to any specific class of business, means any day on which the Registry is taken to be closed for the purposes of the transaction by the public of that class of business.

Publication of geographical indication applications, etc.

36. The Minister may make rules for the publication by the Registrar of the particulars of any application for registration of a geographical indication and such other information relating to geographical indications as the Registrar thinks fit.

Recognition of agents

37. Except as otherwise provided by rules, any act required or authorised by this Act to be done by or to a person in connection with the registration of a geographical indication, or any procedure relating to a registered geographical indication, may be done by or to an agent authorised by that person orally or in writing.

PART 5

REGISTRATION OF GEOGRAPHICAL INDICATIONS

Division 1 — Registration

Persons who may apply for registration

38. Each of the following persons is entitled to file an application for registration of a geographical indication:

- (a) a person who is carrying on an activity as a producer in the geographical area specified in the application with respect to the goods specified in the application;
- (b) an association of persons referred to in paragraph (a);

- (c) a competent authority having responsibility for the geographical indication for which registration is sought.

Application for registration of geographical indications

39.—(1) An application for registration of a geographical indication must be made to the Registrar in the prescribed manner and must specify —

- (a) the name, address and nationality of the applicant;
- (b) the capacity in which the applicant is applying for registration;
- (c) the geographical indication for which registration is sought;
- (d) the geographical area to which the geographical indication applies;
- (e) the goods to which the geographical indication applies;
- (f) the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate;
- (g) where the geographical indication for which registration is sought relates to a qualifying country other than Singapore, evidence that the geographical indication has obtained recognition or registration as a geographical indication in the qualifying country of origin, where applicable; and
- (h) such other particulars as may be prescribed.

(2) If a person desires to register any variant constituting a geographical indication and the geographical indication is the subject of an application for registration, the person may include that variant either in that application, or in a different application for registration.

[5/2020]

(3) The application is subject to the payment of the application fee and such other fees as may be appropriate.

- (4) The Registrar must not accept an application unless —
- (a) all the requirements under subsection (1) are satisfied;
 - (b) all the fees payable under subsection (3) are paid; and
 - (c) the applicant is entitled, under section 38, to file an application for registration of a geographical indication.

Registration only in respect of prescribed categories of goods

40.—(1) An application for registration of a geographical indication may only be sought in respect of goods falling within one or more of the categories of goods set out in the Schedule.

(2) The Registrar is to determine whether or not any specific goods fall within a category of goods set out in the Schedule.

(3) The Minister may, by notification published in the *Gazette*, amend the Schedule.

Grounds for refusal of registration

41.—(1) The following must not be registered:

- (a) an indication which does not fall within the meaning of “geographical indication” as defined in section 2;
- (b) a geographical indication which identifies goods that do not fall within any of the categories of goods set out in the Schedule;
- (c) a geographical indication which is contrary to public policy or morality;
- (d) a geographical indication which is not or has ceased to be protected in its country or territory of origin;
- (e) a geographical indication which is identical to the common name of any goods in Singapore, where registration of the geographical indication is sought in relation to those goods;
- (f) a geographical indication which contains the name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

(2) For the purposes of subsection (1)(e), any marketing material in Singapore which uses a geographical indication is relevant evidence that the geographical indication is not the common name of any goods in Singapore, if the marketing material suggests (for example, by using words or pictures) in a misleading manner that the goods to which the marketing material relate originate in the geographical origin of the geographical indication, when those goods originate elsewhere.

(3) Subject to section 42, a geographical indication must not be registered if there exists a likelihood of confusion on the part of the public because the geographical indication is identical with or similar to, and has the same geographical origin as, an earlier geographical indication.

(4) Subject to subsection (7), a geographical indication must not be registered if there exists a likelihood of confusion on the part of the public because —

- (a) the geographical indication is identical with or similar to a trade mark; and
- (b) the trade mark fulfils either or both of the conditions specified in subsection (5).

(5) The conditions referred to in subsection (4)(b) are as follows:

- (a) the trade mark is a registered trade mark or an international trade mark (Singapore), and taking into account (where appropriate) the priorities claimed in respect of the trade mark under the Trade Marks Act 1998 —

- (i) the application for the registration of the trade mark was made in good faith; or

- (ii) the trade mark was registered in good faith,

under the Trade Marks Act 1998 or any previous written law relating to trade marks, before the date of application for registration of the geographical indication in Singapore;

(b) the trade mark has been used in good faith in Singapore in the course of trade before the date of application for registration of the geographical indication in Singapore.

(6) Subject to subsection (7), a geographical indication that is identical with or similar to a trade mark must not be registered if —

(a) the trade mark is, before the date of application for registration of the geographical indication in Singapore, a well known trade mark in Singapore; and

(b) registration of the geographical indication is liable to mislead consumers as to the true identity of the goods identified by that geographical indication.

(7) The Registrar may, in the Registrar’s discretion, register any geographical indication referred to in subsection (4) or (6), if the proprietor of the trade mark referred to in subsection (4) or (6), as the case may be —

(a) consents to the registration; or

(b) fails to give notice to the Registrar of the proprietor’s opposition to the registration in accordance with section 45(2).

(8) To avoid doubt —

(a) a reference to a geographical indication in this section includes a variant constituting a geographical indication; and

(b) a refusal of registration under this section of any variant constituting a geographical indication does not prevent the registration of any other variant constituting the geographical indication, if that other variant satisfies the requirements of this Act.

[5/2020]

(9) In this section, “marketing material” includes material used for labelling or packaging goods, or for advertising goods.

Registration of homonymous geographical indications

42.—(1) The Registrar may register a geographical indication that is a homonymous geographical indication in relation to an earlier geographical indication.

(2) For the purposes of subsection (1), the Registrar may register the homonymous geographical indication with practical conditions differentiating the homonymous geographical indication from the earlier geographical indication.

(3) In determining the practical conditions to be imposed under subsection (2), the Registrar must take into account —

- (a) the need to ensure equitable treatment of all the interested parties concerned;
- (b) the need to ensure that consumers are not misled; and
- (c) the views and submissions of the applicant for registration of the homonymous geographical indication and of the applicant for registration or registrant (as the case may be) of the earlier geographical indication.

(4) The Minister may make rules to provide for proceedings for the purposes of subsection (3)(c) and for matters relating thereto.

(5) Where the Registrar decides to impose practical conditions under subsection (2), the Registrar must impose practical conditions on all the homonymous geographical indications in question.

Examination

43.—(1) The Registrar must examine whether an application for registration of a geographical indication satisfies the requirements of this Act (including any requirements imposed by rules made under this Act).

(2) For the purpose of subsection (1), the Registrar may carry out a search, to such extent as the Registrar considers necessary, of earlier trade marks and earlier geographical indications.

(3) If it appears to the Registrar that the requirements for registration are not met or that additional information or evidence is required to meet those requirements, the Registrar must inform the

applicant and give the applicant an opportunity, within such period as may be prescribed, to make representations, to amend the application or to furnish the additional or any other information or evidence.

(4) If the applicant responds within the period referred to in subsection (3) but fails to satisfy the Registrar that those requirements are met, or to amend the application or furnish the additional information or evidence so as to meet them, the Registrar may refuse to accept the application.

(5) If the applicant fails to respond within the period referred to in subsection (3), the application is to be treated as abandoned.

(6) If it appears to the Registrar that the requirements for registration are met, the Registrar must accept the application.

(7) In this section, “earlier trade mark” means —

(a) a registered trade mark or an international trade mark (Singapore), the application for registration of which was made earlier than the application for registration of the geographical indication in question, taking into account (where appropriate) the priorities claimed in respect of the trade mark under the Trade Marks Act 1998; or

(b) a trade mark which, at the date of application for registration of the geographical indication in question, was a well known trade mark,

and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered.

Appointment of technical advisor

44.—(1) The Registrar may appoint one or more technical advisors to provide an opinion to the Registrar with regard to any matter before the Registrar, and to the performance of any of the Registrar’s functions under this Act.

(2) The Registrar is not bound to accept any opinion provided by a technical advisor appointed under subsection (1).

Publication and opposition proceedings

45.—(1) When an application for registration of a geographical indication has been accepted, the Registrar must cause the application to be published in the prescribed manner.

(2) Any person may, within the prescribed time after the date of the publication of the application, give notice to the Registrar of the person's opposition to the registration.

(3) The notice must be given in writing in the prescribed manner, and must include a statement of the grounds of opposition and such other matter as may be prescribed.

(4) The Minister may make rules to provide for opposition proceedings and for matters relating thereto.

Requests for qualification to be entered in register

46.—(1) Subject to subsection (4), any person may, at any time after the date of the publication of an application for registration of a geographical indication under section 45 but before the registration of the geographical indication under section 48, request that a qualification, of any of the rights conferred under this Act in respect of a registered geographical indication, be entered in the register —

- (a) in relation to any name contained in the geographical indication; or
- (b) in relation to any term which may be a possible translation of the geographical indication.

[5/2020]

(2) The request under subsection (1) may only be made on either or both of the following grounds:

- (a) that one or more of the exceptions referred to under Part 3 applies;
- (b) that the term referred to in subsection (1)(b) is not a translation of the geographical indication.

(3) The request must be made to the Registrar in writing in the prescribed manner, and must include a statement of the grounds for the request and such other matter as may be prescribed.

(4) A request under subsection (1) may not be made if the request —

(a) is for a qualification of all the rights conferred under this Act in respect of a registered geographical indication to be entered in the register —

(i) in relation to any name contained in the geographical indication that is the subject of the application for registration; or

(ii) in relation to any term which may be a possible translation of the geographical indication that is the subject of the application for registration; and

(b) is made on the ground that one or more of the exceptions mentioned in section 11(a), (b) or (c) or 15 applies to that name or term.

[5/2020]

(5) The Minister may make rules to provide for proceedings for the purposes of this section and for matters relating thereto.

(6) Subject to subsection (7), the Registrar must, if satisfied that either or both of the grounds referred to in subsection (2) is made out, cause to be entered in the register a qualification of the rights conferred under this Act in relation to such of the following as may be applicable:

(a) any name contained in the registered geographical indication;

(b) any term which is not a translation of the registered geographical indication;

(c) any term which is a translation of the registered geographical indication.

(7) Where any proceedings for the purposes of this section are concluded before the registration of the geographical indication under

section 48, a qualification may only be entered in the register upon the registration of the geographical indication in question.

(8) Where a registered geographical indication is subject to a qualification under subsection (6), the rights of an interested party in respect of the geographical indication are restricted accordingly.

(9) The Minister may make rules as to the publication and entry in the register of a qualification under subsection (6).

Withdrawal or amendment of application

47.—(1) The applicant may at any time withdraw the applicant's application for registration of a geographical indication.

(2) An application for registration of a geographical indication may be amended, at the request of the applicant, only by amending —

(a) the name or other particular of the applicant;

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

(b) errors of wording or of copying; or

(c) obvious mistakes,

and then only where the amendment does not substantially affect the identity of the geographical indication.

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

(3) Subsection (2) is subject to the rules mentioned in section 84(2)(*ea*).

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

Registration

48.—(1) Where an application for registration of a geographical indication, or of 2 or more variants constituting the same geographical indication, has been accepted and —

(a) no notice of opposition is given within the period referred to in section 45(2); or

(b) all opposition proceedings in respect of the geographical indication, or in respect of any of those variants, are withdrawn or decided in favour of the applicant,

the Registrar must register the geographical indication, or each variant that is unopposed or in respect of which opposition proceedings are withdrawn or decided in favour of the applicant, as the case may be.

[5/2020]

(2) The date of registration is the date on which the Registrar registers the geographical indication under subsection (1).

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

(4) Where a request for the qualification of the rights conferred in respect of a registered geographical indication was made before the date of registration of the geographical indication, and the request is still pending at the date of such registration, no interested party may, pending the determination of the request, bring an action under section 4 against the person who made the request for carrying out an act, in relation to the geographical indication, that is the subject of the request.

Application for limitation of scope to be entered in register

48A.—(1) Subject to subsection (4), any person may, at any time after the registration of a geographical indication under section 48, apply to the Court for an order that a limitation of the scope of any of the rights conferred under this Act in respect of a registered geographical indication be entered in the register —

- (a) in relation to any name contained in the registered geographical indication; or
- (b) in relation to any term which may be a possible translation of the registered geographical indication.

[5/2020]

(2) The application under subsection (1) may only be made on either or both of the following grounds:

- (a) that one or more of the exceptions mentioned in Part 3 applies;
- (b) that the term mentioned in subsection (1)(b) is not a translation of the registered geographical indication.

[5/2020]

(3) The application must be made to the Court in the prescribed manner, and must include a statement of the grounds for the application and any other matter that may be prescribed.

[5/2020]

(4) An application under subsection (1) may not be made if the application —

(a) is for an order that a limitation of the scope of all the rights conferred under this Act in respect of a registered geographical indication be entered in the register —

(i) in relation to any name contained in the registered geographical indication; or

(ii) in relation to any term which may be a possible translation of the registered geographical indication and which is registered as a variant constituting the registered geographical indication; and

(b) is made on the ground that one or more of the exceptions mentioned in section 11(a), (b) or (c) or 15 applies to that name or term.

[5/2020]

(5) The Court, if satisfied that either or both of the grounds mentioned in subsection (2) is made out, must order the Registrar to cause to be entered in the register a limitation of the scope of the rights conferred under this Act in relation to any of the following that is applicable:

(a) any name contained in the registered geographical indication;

(b) any term which is not a translation of the registered geographical indication;

(c) any term which is a translation of the registered geographical indication.

[5/2020]

(6) Where a registered geographical indication is subject to a limitation of the scope of rights under subsection (5), the rights of an

interested party in respect of the geographical indication are restricted accordingly.

[5/2020]

(7) The Minister may make rules as to the entry in the register of a limitation of the scope of rights under subsection (5).

[5/2020]

Revocation of acceptance

49.—(1) Despite section 48(1), if, before a geographical indication is registered, the Registrar is satisfied —

(a) that the application for registration of the geographical indication was accepted because of an error or omission in the course of the examination; or

(b) that, in the special circumstances of the case, the geographical indication should not be registered,

the Registrar may revoke the acceptance of the application.

(2) If the Registrar revokes the acceptance —

(a) the application is taken to have never been accepted; and

(b) section 43 again applies in relation to the application.

Division 2 — Administration of registered geographical indications

Duration of registration

50.—(1) A geographical indication is to be registered for a period of 10 years from the date of registration.

(2) The registration of a geographical indication may be renewed in accordance with section 51 for further periods of 10 years in respect of each renewal.

Renewal of registration

51.—(1) Any person may apply for a renewal of the registration of a geographical indication in the prescribed manner and by paying the prescribed fee.

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

(3) An application for renewal must be filed 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]

(3A) Where the application 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 post-expiration renewal fee.

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

(4) A renewal of the registration of a geographical indication takes effect from the expiry of the previous registration.

(5) If the registration is not renewed in accordance with this section and the rules referred to in subsection (2), the Registrar must remove the geographical indication from the register.

Cancellation of registration of geographical indication

52.—(1) The registration of a geographical indication may be cancelled —

- (a) by the Registrar upon an application by the registrant; or
- (b) by the Court or the Registrar upon an application by any other person on any of the grounds referred to in subsection (2).

(2) The grounds for the cancellation of the registration of a geographical indication referred to in subsection (1)(b) are as follows:

- (a) that the geographical indication was registered in breach of section 41;
- (b) that the registration was obtained fraudulently or by misrepresentation;

- (c) that the geographical indication has ceased to be protected in its country or territory of origin;
- (d) that there has been a failure to maintain, in Singapore, any commercial activity or interest in relation to the geographical indication, including commercialisation, promotion or market monitoring;
- (e) that, in consequence of a lack of any activity by any interested party of goods identified by a registered geographical indication, the geographical indication has become the common name of those goods in Singapore.

(3) An application for the cancellation of the registration of a geographical indication under subsection (1)(b) may be made either to the Registrar or to the Court, except that —

- (a) if proceedings concerning the geographical indication in question are pending in the Court, the application must be made to the Court; and
- (b) if in any other case the application is made to the Registrar, the Registrar may at any stage of the proceedings refer the application to the Court.

(4) The Minister may make rules —

- (a) to provide for the manner by which a registration of a geographical indication may be cancelled by the Registrar under subsection (1)(a); and
- (b) for protecting the interests of other persons having an interest in the registered geographical indication.

[5/2020]

(5) Where the registration of a geographical indication is cancelled under subsection (1)(a), the rights conferred by the registration on any interested party of goods identified by the geographical indication cease to exist with effect from the date of the cancellation of the registration.

(6) Where the registration of a geographical indication is cancelled on a ground referred to in subsection (2)(a) or (b), the geographical indication is deemed never to have been registered.

(7) Where the registration of a geographical indication is cancelled on a ground referred to in subsection (2)(c), (d) or (e), the rights conferred by the registration on any interested party of goods identified by the geographical indication cease to exist with effect from —

- (a) the date of the application for cancellation; or
- (b) if the Registrar or the Court is satisfied that the ground existed at an earlier date, that earlier date.

(8) A cancellation of the registration of a geographical indication under this section does not affect any rights in respect of the geographical indication that are not conferred by the registration.

(9) To avoid doubt —

- (a) a reference to a geographical indication in this section includes a variant constituting a geographical indication; and
- (b) a cancellation of the registration under this section of any variant constituting a geographical indication does not affect the registration of any other variant constituting the geographical indication.

[5/2020]

Transfer of registration of registered geographical indication

53.—(1) A registrant may apply to the Registrar for the registration of a registered geographical indication to be transferred to another person.

(2) The registration must not be transferred to another person unless that person —

- (a) is entitled to file an application for registration of the geographical indication under section 38; and
- (b) consents to having the registration transferred to him or her.

Division 3 — Miscellaneous

Amendment of other documents

54.—(1) The Registrar may, at the written request of a person who has made an application (other than an application for registration of a geographical indication), or filed a notice or other document for the purposes of this Act, or at the written request of the person’s agent, amend the application, notice or document —

- (a) to correct a clerical error or an obvious mistake; or
- (b) if the Registrar is of the opinion that it is fair and reasonable in all the circumstances of the case to do so.

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

(2) Subsection (1) is subject to the rules mentioned in section 84(2)(*ea*).

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

PART 6

ASSISTANCE BY BORDER AUTHORITIES

Division 1 — Preliminary provisions

[Act 34 of 2018 wef 21/11/2022]

Interpretation of this Part

55. In this Part, unless the context otherwise requires —

“aircraft” has the same meaning as in section 2 of the Regulation of Imports and Exports Act 1995;

“authorised officer” means —

- (a) an officer of customs as defined in section 3(1) of the Customs Act 1960; or
- (b) any officer or class or description of officers appointed by the Minister by notification in the *Gazette* to exercise the powers and perform the duties conferred and imposed on an authorised officer by this Part;

“conveyance” has the same meaning as in section 2 of the Regulation of Imports and Exports Act 1995;

[Deleted by Act 34 of 2018 wef 21/11/2022]

“Director-General” means the Director-General of Customs appointed under section 4(1) of the Customs Act 1960;

“goods in transit” means goods imported, whether or not landed or transhipped within Singapore, which are to be carried to another country either by the same or another conveyance;

“infringement action” means an action under section 4 concerning the importation or exportation of seized goods;

[Act 34 of 2018 wef 21/11/2022]

“requestor” means a person who gives a written notice under section 56(1) to the Director-General;

“retention period”, in relation to seized goods, means —

- (a) the period specified in a notice given under section 59 in respect of the goods; or
- (b) if that period has been extended under section 59, that period as so extended;

[Act 34 of 2018 wef 21/11/2022]

“seized goods” means goods seized under section 56;

[Act 34 of 2018 wef 21/11/2022]

“senior authorised officer” means —

- (a) a senior officer of customs as defined in section 3(1) of the Customs Act 1960; or
- (b) any officer or class or description of officers appointed by the Minister by notification in the *Gazette* to exercise the powers and perform the duties conferred and imposed on a senior authorised officer by this Part;

“suspected infringing goods” means goods which, or the packaging of which, bear a term identical with a registered geographical indication, but which do not originate from the place indicated by that registered geographical indication;

“vehicle” has the same meaning as in section 2 of the Regulation of Imports and Exports Act 1995;

“vessel” has the same meaning as in section 2 of the Regulation of Imports and Exports Act 1995.

Delegation of Director-General’s powers

55A. The Director-General may delegate to a senior officer of customs (within the meaning of section 3(1) of the Customs Act 1960*) any of the powers of the Director-General under this Part (except the power of delegation conferred by this section), subject to such conditions or restrictions as the Director-General may determine.

[Act 34 of 2018 wef 21/11/2022]

*[*Updated to be consistent with the 2020 Revised Edition]*

Fees

55B.—(1) The Minister charged with the responsibility for customs duties may make rules to prescribe the fees payable to the Director-General in connection with the administration of this Part.

(2) Without limiting subsection (1), rules may be made to prescribe fees for the following purposes:

- (a) for the escort of a conveyance conveying goods seized under section 56 or 67;
- (b) for the attendance of an authorised officer or a senior authorised officer in connection with the inspection or destruction of goods seized under section 56 or 67;
- (c) for the attendance of an authorised officer or a senior authorised officer in connection with any other act or service under this Part.

[Act 34 of 2018 wef 21/11/2022]

Division 2 — Seizure of goods on request

[Act 34 of 2018 wef 21/11/2022]

Request for seizure of suspected infringing goods

56.—(1) An interested party of goods identified by a registered geographical indication may give the Director-General a written notice —

- (a) stating that he, she or it is —
 - (i) a producer of goods identified by the registered geographical indication;
 - (ii) a trader of goods identified by the registered geographical indication; or
 - (iii) an association of such producers or traders, or of such producers and traders, of goods identified by the registered geographical indication;
- (b) stating that goods which are suspected infringing goods in relation to the registered geographical indication are expected to be imported or exported;
- (c) providing sufficient information —
 - (i) to identify the goods;
 - (ii) to enable the Director-General to ascertain when and where the goods are expected to be imported or exported, as the case may be; and
 - (iii) to satisfy the Director-General that the goods are suspected infringing goods; and
- (d) requesting the Director-General to seize the goods.

[Act 34 of 2018 wef 21/11/2022]

(2) A notice under subsection (1) must be —

- (a) in the form determined by the Director-General, and supported by such documents and information as the Director-General may require; and
- (b) accompanied by the fee prescribed under section 55B.

[Act 34 of 2018 wef 21/11/2022]

(3) A notice under subsection (1) shall remain in force until the 59th day after the day on which the notice was given, unless it is revoked,

before the end of that period, by a written notice given to the Director-General by the requestor.

[Act 34 of 2018 wef 21/11/2022]

(4) If —

- (a) a notice has been given under subsection (1) in respect of a registered geographical indication;
- (b) the notice has not lapsed or been revoked; and
- (c) a person imports or proposes to export goods, not being goods in transit, that, in the opinion of an authorised officer, are suspected infringing goods in relation to the registered geographical indication in question,

an authorised officer may seize the goods.

[Act 34 of 2018 wef 21/11/2022]

(5) The Minister may make rules that are necessary or convenient to be prescribed for carrying out or giving effect to this Division, and in particular to provide —

- (a) for the times at which, and the manner in which, notices are to be given;
- (b) for the giving of information and evidence to the Director-General; and
- (c) that an authorised officer may refuse to seize any goods because of non-compliance with any direction of the Director-General or any such rule.

[Act 34 of 2018 wef 21/11/2022]

Security for liability or expense of seizure, storage and disposal

57. An authorised officer may refuse to seize goods under section 56 unless the requestor —

- (a) deposits with the Director-General a sum of money that, in the opinion of the Director-General, is sufficient; or
- (b) gives security, to the satisfaction of the Director-General,

for the reimbursement of the Government for any liability or reasonable expense it is likely to incur in relation to the seizure, storage and disposal of the goods, and for the payment of such

compensation as may be ordered by the Court under section 62(2) or 63(6).

[Act 34 of 2018 wef 21/11/2022]

Secured storage of seized goods

58. At the Director-General's direction, seized goods must be taken to a secure place the Director-General directs, either by the person in possession, custody or control of those goods immediately before the seizure or the requestor, whoever the Director-General considers appropriate.

[Act 34 of 2018 wef 21/11/2022]

Notice of seizure

59.—(1) As soon as is practicable after goods are seized under section 56, the Director-General must give to the importer or exporter (as the case may be), and the requestor, personally, by post or (with the prior consent of the addressee) by email, a written notice identifying the goods and stating that they have been seized.

[Act 34 of 2018 wef 21/11/2022]

(2) A notice under subsection (1) must state that the goods will be released to the importer or exporter (as the case may be) unless —

- (a) an infringement action in respect of the goods is instituted by the requestor within a specified period after the day specified in the notice; and
- (b) the requestor gives written notice to the Director-General within that period stating that the infringement action has been instituted.

(3) The period to be specified for the purposes of subsection (2)(a) is the period prescribed for the purposes of that provision.

(4) The day specified for the purposes of subsection (2)(a) may not be earlier than the day on which the notice is given.

(5) The requestor may, by written notice given to the Director-General before the end of the period specified in a notice for the purposes of subsection (2)(a) (the initial period), request that the period be extended.

- (6) Subject to subsection (7), if —
- (a) a request is made in accordance with subsection (5); and
 - (b) the Director-General is satisfied that it is reasonable that the request be granted,

the Director-General may extend the initial period by such period as is prescribed.

(7) A decision on a request made in accordance with subsection (5) must be made within 2 working days after the request is made, but such a decision cannot be made after the end of the initial period to which the request relates.

[Act 34 of 2018 wef 21/11/2022]

Persons bound to give information or produce documents

59A.—(1) At any time after goods have been seized under section 56(4), an authorised officer or a senior authorised officer who has reasonable cause to believe that a person has any information or document that the officer considers is relevant for any of the purposes in subsection (2), may require that person to provide to the officer that information or document at a time and place specified by the officer.

- (2) The purposes mentioned in subsection (1) are —
- (a) to enable the Director-General to satisfy a request under section 59B (whether or not such a request has actually been received);
 - (b) to enable any action to be taken under this Division or Division 3 in relation to future shipments of goods; and
 - (c) for a statistical or research purpose.
- (3) A person who —
- (a) without reasonable excuse, fails to comply with a requirement under subsection (1); or
 - (b) in purported compliance with such requirement, knowingly or recklessly provides any information or document that is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) A person is not excused from providing any information or document in compliance with a requirement under subsection (1) on the ground that it might tend to incriminate the person.

(5) Where the person claims, before providing any information or document pursuant to a requirement under subsection (1), that it might tend to incriminate the person, then the information or document is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence under subsection (3).

(6) No information or document that is provided pursuant to a requirement under subsection (1) may be published, or communicated or disclosed to any person, except where and to the extent it is necessary for a purpose in subsection (2).

(7) A person who contravenes subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 34 of 2018 wef 21/11/2022]

Information on import or export

59B.—(1) After goods have been seized under section 56(4), the Director-General may, upon the request of the requestor, and if the Director-General is satisfied that the information is necessary to enable the requestor to institute an infringement action, give the requestor the name and contact details of any person connected with the import or proposed export (as the case may be) of the seized goods.

(2) Subsection (1) applies despite any duty of confidentiality imposed by the common law on the Director-General or a person to whom the Director-General has delegated the power under that subsection.

[Act 34 of 2018 wef 21/11/2022]

Inspection of seized goods

60.—(1) The Director-General may permit the requestor, or the importer or exporter (as the case may be), to inspect the seized goods.

[Act 34 of 2018 wef 21/11/2022]

(2) If the requestor gives the Director-General the requisite undertakings, the Director-General may permit the requestor to remove a sample of the seized goods from the custody of the Director-General for inspection by the requestor.

[Act 34 of 2018 wef 21/11/2022]

(3) If the importer or exporter (as the case may be) gives the Director-General the requisite undertakings, the Director-General may permit the importer or exporter (as the case may be) to remove a sample of the seized goods from the custody of the Director-General for inspection by the importer or exporter (as the case may be).

[Act 34 of 2018 wef 21/11/2022]

(4) The requisite undertakings are undertakings in writing that the person giving the undertaking will —

(a) return the sample to the Director-General at a specified time that is satisfactory to the Director-General; and

(b) take reasonable care to prevent damage to the sample.

(5) If the Director-General permits inspection of the seized goods, or the removal of a sample, by the requestor in accordance with this section, the Director-General is not liable to the importer or exporter (as the case may be) for any loss or damage suffered by the importer or exporter (as the case may be) arising out of —

(a) damage to any of the seized goods incurred during that inspection; or

[Act 34 of 2018 wef 21/11/2022]

(b) anything done by the requestor or any other person to, or in relation to, a sample removed from the custody of the Director-General or any use made by the requestor of such a sample.

[Act 34 of 2018 wef 21/11/2022]

Compulsory release of seized goods to importer or exporter

61.—(1) The Director-General must release the seized goods to the importer or exporter (as the case may be) as soon as possible after the expiration of the retention period for the goods if the requestor has not, before the expiration of that period —

- (a) instituted an infringement action in relation to the goods; and
- (b) given written notice to the Director-General stating that the infringement action has been instituted.

[Act 34 of 2018 wef 21/11/2022]

(2) If —

- (a) an infringement action has been instituted in relation to the seized goods; and
- (b) on the 22nd day after the day on which the action was instituted, there is not in force an order of the Court in which the action was instituted preventing the release of the goods,

the Director-General must release the goods to the importer or exporter (as the case may be) as soon as possible after the firstmentioned day.

[Act 34 of 2018 wef 21/11/2022]

(3) If the requestor gives written notice to the Director-General stating that the requestor consents to the release of the seized goods, the Director-General must release the goods to the importer or exporter (as the case may be) as soon as possible.

[Act 34 of 2018 wef 21/11/2022]

(4) This section has effect subject to section 64.

[Act 34 of 2018 wef 21/11/2022]

Compensation for failure to take action

62.—(1) Where goods have been seized pursuant to a notice given under section 56(1) and the requestor concerned fails to take infringement action within the retention period for the goods, a person aggrieved by such seizure may apply to the Court for an order of compensation against the requestor.

[Act 34 of 2018 wef 21/11/2022]

(2) Where the Court is satisfied that the plaintiff to an action under this section had suffered loss or damage as a result of the seizure of the goods, the Court may order the requestor to pay compensation in such amount as the Court thinks fit to the plaintiff.

[Act 34 of 2018 wef 21/11/2022]

Infringement actions

63.—(1) The Court in which an infringement action is pending may, on the application of a person having a sufficient interest in the subject matter of the action, allow the person to be joined as a defendant to the action.

(2) An authorised officer is entitled to be heard on the hearing of an infringement action.

(3) In addition to any relief that may be granted apart from this section, the Court may —

(a) at any time, order that the seized goods be released to the importer or exporter (as the case may be) subject to such conditions, if any, as the Court thinks fit; or

[Act 34 of 2018 wef 21/11/2022]

(b) order that the seized goods not be released to the importer or exporter (as the case may be) before the end of a specified period.

[Act 34 of 2018 wef 21/11/2022]

(4) A Court may not make an order under subsection (3)(a) if it is satisfied that the Government or any statutory authority is required or permitted under any other law to retain control of the seized goods.

[Act 34 of 2018 wef 21/11/2022]

(5) The Director-General must comply with an order made under subsection (3).

(6) If —

(a) the infringement action is dismissed or discontinued, or if the Court decides that section 4 does not apply to the import or the export (as the case may be) of the seized goods; and

[Act 34 of 2018 wef 21/11/2022]

- (b) a defendant to the infringement action satisfies the Court that the defendant has suffered loss or damage as a result of the seizure of the goods,

the Court may order the requestor to pay compensation in such amount as the Court thinks fit to that defendant.

[Act 34 of 2018 wef 21/11/2022]

Retention of control of seized goods

64. Notwithstanding section 61, in a case in which no order has been made under section 63(3) in relation to the seized goods, the Director-General is not obliged to release or dispose of the goods if the Government is required or permitted, under any other law, to retain control of the goods.

[Act 34 of 2018 wef 21/11/2022]

Disposal of seized goods

65. If the importer or exporter (as the case may be) does not take custody of the seized goods within the period specified in the notice after the notification by the Director-General of the release of the goods to the importer or exporter (as the case may be), the Director-General may dispose of the goods —

- (a) in the manner prescribed by rules made under this Act; or
(b) if no manner of disposal is so prescribed, as the Director-General directs.

[Act 34 of 2018 wef 21/11/2022]

Insufficient security

66.—(1) If the reasonable expenses incurred by the Director-General in relation to any action taken by the Director-General under this Division, or taken in accordance with an order of the Court under this Division, exceed the amount deposited, or the amount of the security given, under section 57, the amount of the excess is a debt due to the Government.

[Act 34 of 2018 wef 21/11/2022]

(2) The debt created by subsection (1) is due by the requestor, or, if there are 2 or more requestors, by the requestors jointly and severally.

Division 3 — *Ex-officio seizure of goods**[Act 34 of 2018 wef 21/11/2022]***Seizure and inspection of suspected infringing goods**

67.—(1) Despite section 56(4), an authorised officer may seize or examine any goods that are —

- (a) imported into Singapore; or
- (b) to be exported from Singapore,

and that are not goods in transit, which the officer reasonably suspects are suspected infringing goods in relation to a registered geographical indication.

(2) As soon as practicable after the goods are seized under subsection (1), the Director-General must give personally, by post or (with the prior consent of the addressee) by email, a written notice to —

- (a) the importer or exporter of the seized goods (called in this Division the dealer); and
- (b) the registrant of the registered geographical indication.

(3) The written notice in subsection (2) must —

- (a) identify the goods seized; and
- (b) set out the rights of the dealer in section 60 (as applied by subsection (5)), and the requirements in section 67A.

(4) The Director-General may permit an interested party of the registered geographical indication, or the dealer, to inspect the seized goods.

(5) Section 60(2) to (5) applies in relation to the seized goods as it applies in relation to goods seized under section 56(4), with the following modifications:

- (a) replace a reference to the requestor with a reference to an interested party of the registered geographical indication;
- (b) replace a reference to the importer or exporter with a reference to the dealer.

(6) At the Director-General's direction, seized goods must be taken to a secure place the Director-General directs, by such of the following as the Director-General considers appropriate:

- (a) the person in possession, custody or control of those goods immediately before the seizure;
- (b) an interested party of the registered geographical indication who has satisfied section 67A(1)(a) and (b).

[Act 34 of 2018 wef 21/11/2022]

Requirements for continued detention

67A.—(1) If any interested party of the registered geographical indication (called in this Division the relevant interested party) wants the Director-General to continue to detain the seized goods so that the relevant interested party may institute an infringement action in relation to them, the relevant interested party must, within the prescribed period after the date of the notice in section 67(2) —

- (a) give to the Director-General a written notice of this in the form determined by the Director-General, supported by such documents and information as the Director-General may require, and accompanied by the fee prescribed under section 55B; and
- (b) either —
 - (i) deposit with the Director-General a sum of money that, in the Director-General's opinion, is sufficient for the purpose mentioned in subsection (2); or
 - (ii) give security to the Director-General's satisfaction for such purpose,

unless the relevant interested party had earlier given such deposit or security to the Director-General and the deposit had not been forfeited or returned or the security is still effective.

(2) The purpose in subsection (1) is the reimbursement to the Government of —

- (a) any liability or reasonable expense it is likely to incur in relation to the seizure, storage and disposal of the goods; and
- (b) the payment of such compensation as the Court may order under section 67G or section 63(6) (as applied by section 67F).

(3) If subsection (1) is not satisfied, the Director-General must release the seized goods to the dealer.

(4) The Minister may make rules that are necessary or convenient to be prescribed for carrying out or giving effect to this Division, and in particular to provide —

- (a) for the times at which, and the manner in which, notices are to be given;
- (b) for the giving of information and evidence to the Director-General; and
- (c) that the Director-General may release any seized goods to the dealer concerned because of non-compliance with any direction of the Director-General or any such rule.

[Act 34 of 2018 wef 21/11/2022]

Notice to take action

67B.—(1) If section 67A(1)(a) and (b) has been satisfied by the relevant interested party, the Director-General must, as soon as practicable, give to the relevant interested party and the dealer personally, by post or (with the prior consent of the addressee) by email, a written notice stating that the goods will be released to the dealer unless —

- (a) an infringement action in relation to the goods is instituted by the relevant interested party within a prescribed period after the day specified in the notice; and
- (b) the relevant interested party gives written notice to the Director-General within the period in paragraph (a) stating that such action has been instituted.

(2) Section 59(4) to (7) applies in relation to a notice under subsection (1) as it applies in relation to a notice under section 59(1),

as if a reference to the requestor is a reference to the relevant interested party.

[Act 34 of 2018 wef 21/11/2022]

Persons bound to give information or produce documents

67C.—(1) At any time after goods have been seized under section 67, an authorised officer or a senior authorised officer who has reasonable cause to believe that a person has any information or document that the officer considers is relevant for any of the purposes in subsection (2), may require that person to provide to the officer that information or document at a time and place specified by the officer.

(2) The purposes mentioned in subsection (1) are —

- (a) to enable the Director-General to satisfy a request under section 67D (whether or not such a request has actually been received);
- (b) to enable any action to be taken under this Division or Division 2 in relation to future shipments of goods; and
- (c) for a statistical or research purpose.

(3) A person who —

- (a) without reasonable excuse, fails to comply with a requirement under subsection (1); or
- (b) in purported compliance with such requirement, knowingly or recklessly provides any information or document that is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) A person is not excused from providing any information or document in compliance with a requirement under subsection (1) on the ground that it might tend to incriminate the person.

(5) Where the person claims, before providing any information or document pursuant to a requirement under subsection (1), that it might tend to incriminate the person, then the information or

document is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence under subsection (3).

(6) No information or document that is provided pursuant to a requirement under subsection (1) may be published, or communicated or disclosed to any person, except where and to the extent it is necessary for a purpose in subsection (2).

(7) A person who contravenes subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 34 of 2018 wef 21/11/2022]

Information on import or export

67D.—(1) After section 67A(1)(a) and (b) has been satisfied by the relevant interested party, the Director-General may, upon the request of the relevant interested party, and if the Director-General is satisfied that the information is necessary to enable the relevant interested party to institute an infringement action, give the relevant interested party the name and contact details of any person connected with the import or proposed export (as the case may be) of the seized goods.

(2) Subsection (1) applies despite any duty of confidentiality imposed by the common law on the Director-General or a person to whom the Director-General has delegated the power under that subsection.

[Act 34 of 2018 wef 21/11/2022]

Compulsory release of seized goods to dealer

67E.—(1) The Director-General must release the seized goods to the dealer as soon as possible after the date of expiry of the period specified in the notice under section 67B(1) (including any extension of that period under section 59(6) as applied by section 67B(2)), if the relevant interested party has not, before that date —

- (a) instituted an infringement action in respect of the goods;
- and

- (b) given written notice to the Director-General stating that the action has been instituted.

(2) If —

- (a) an infringement action has been instituted in respect of the seized goods; and
- (b) on the 22nd day after the day on which the action was instituted, there is not in force an order of the Court preventing the release of the goods,

the Director-General must release the goods to the dealer as soon as possible after the firstmentioned day.

(3) If the relevant interested party gives a written notice to the Director-General stating that the relevant interested party consents to the release of the seized goods, the Director-General must release the goods to the dealer as soon as possible.

[Act 34 of 2018 wef 21/11/2022]

Provisions relating to infringement action

67F. Section 63 applies in relation to an infringement action concerning goods seized under section 67, as it applies in relation to an infringement action concerning goods seized under section 56(4), with the following modifications:

- (a) replace a reference to the requestor with a reference to the relevant interested party;
- (b) replace a reference to the importer or exporter with a reference to the dealer.

[Act 34 of 2018 wef 21/11/2022]

Compensation for failure to take action

67G.—(1) Where —

- (a) goods have been seized under section 67;
- (b) the goods continue to be detained because section 67A(1)(a) and (b) has been satisfied; and
- (c) the relevant interested party fails to take infringement action within the period specified in the notice under

section 67B(1) (including any extension of that period under section 59(6) as applied by section 67B(2)),

a person aggrieved by the seizure may apply to the Court for an order of compensation against the relevant interested party.

(2) Where the Court is satisfied that the applicant has suffered loss or damage as a result of the seizure of the goods, the Court may order the relevant interested party to pay to the applicant compensation of such amount as the Court thinks fit.

[Act 34 of 2018 wef 21/11/2022]

Retention of control of seized goods

67H. Despite section 67E and any rule made under section 67A(4)(c), in a case in which no order has been made under section 63(3) (as applied by section 67F) in relation to the seized goods, the Director-General is not obliged to release or dispose of the goods if the Government is required or permitted, under any other law, to retain control of the goods.

[Act 34 of 2018 wef 21/11/2022]

Disposal of seized goods

67I. Section 65 applies in relation to goods seized under section 67, as it applies in relation to goods seized under section 56(4), with a reference to the importer or exporter replaced with a reference to the dealer.

[Act 34 of 2018 wef 21/11/2022]

Insufficient security

67J.—(1) If the reasonable expenses incurred by the Director-General in relation to any action taken by the Director-General under this Division, or taken in accordance with an order of the Court under this Division, exceed the amount deposited, or the amount of the security given, under section 67A, the amount of the excess is a debt due to the Government.

(2) The debt created by subsection (1) is due by the relevant interested party or, if there are 2 or more relevant interested parties, by them jointly and severally.

[Act 34 of 2018 wef 21/11/2022]

Division 4 — Powers of inspection

[Act 34 of 2018 wef 21/11/2022]

Powers of inspection in relation to vehicles

68.—(1) A senior authorised officer, or an authorised officer acting in accordance with the general or special directions of a senior authorised officer, may board any vehicle in Singapore and may inspect all parts of the vehicle for goods liable to be seized under section 56 or 67.

[Act 34 of 2018 wef 21/11/2022]

(2) For the more effective exercise of the powers conferred by this section, a senior authorised officer or an authorised officer may require the person in charge of a vehicle —

- (a) to stop and not to proceed until so authorised; or
- (b) to bring the vehicle to any examination station.

(3) It is presumed in any proceedings arising out of any thing done under this section, unless the contrary is proved, that any authorised officer, not being a senior authorised officer, by whom the thing was done was acting in accordance with the general or special direction of a senior authorised officer.

(4) Any person who contravenes this section or who fails to comply with any lawful requisition or direction given or made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

Examination of packages, etc.

69.—(1) Any goods, package, box, chest or other article which is being or has recently been imported, or is being exported, and in regard to which a reasonable suspicion exists that it is or that it contains goods liable to be seized under section 56 or 67 may be —

- (a) examined and inspected by an authorised officer or detained until any person in charge thereof has opened it for examination and inspection;

(b) subjected to such infringement verification, tests or analysis as the authorised officer thinks fit; or

[Act 34 of 2018 wef 21/11/2022]

(c) marked, locked, sealed or otherwise secured by an authorised officer pending examination and inspection.

[Act 34 of 2018 wef 21/11/2022]

(2) An authorised officer may require the person in charge of any package, box, chest or other article referred to in subsection (1) to open the package, box, chest or article (as the case may be) for examination and inspection.

(3) If the person in charge of the package, box, chest or other article referred to in subsection (1) refuses, or fails after being given reasonable time and opportunity, to comply with the requirement under subsection (2), a senior authorised officer, or an authorised officer acting in accordance with an order of a senior authorised officer, may forcibly open the package, box, chest or article (as the case may be) to facilitate the examination and inspection thereof.

(4) Any person, other than an authorised officer, who removes, opens, breaks or tampers with any mark, lock, seal or other means of securing any goods, package, box, chest or other article referred to in subsection (1)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) In this section, “infringement verification” means any process (whether or not involving an interested party of the geographical indication concerned) to determine if any article is or contains goods liable to be seized under section 56(4) or 67.

[Act 34 of 2018 wef 21/11/2022]

Power to remove packages and goods to examination station

70.—(1) For the more convenient exercise of the powers conferred by section 69, an authorised officer may remove any package, box, chest or other article or any goods to an examination station or may require it or them to be so removed by the owner thereof or his agent or any person having the custody, charge or control thereof.

(2) Any person who fails to comply with any such requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000.

(3) Upon the failure by a person to comply with such a requirement, an authorised officer may remove the package, box, chest, article or goods (as the case may be) in the manner provided by subsection (1), and all the expenses of such removal (as certified by a senior authorised officer) shall be recoverable as a fine from that person or from the owner of the package, box, chest, article or goods (as the case may be).

Inspection of baggage and belongings on person

71.—(1) Any person landing or being about to land or having recently landed from any vessel or aircraft, or leaving any vessel or aircraft in Singapore whether for the purpose of landing or otherwise, or entering or having recently entered Singapore by land, sea or air, must —

(a) on demand by an authorised officer, either permit his or her goods and baggage to be inspected by the officer for any goods liable to be seized under section 56 or 67 or, together with the goods and baggage, accompany the officer to an examination station, and there permit his or her goods and baggage to be inspected in the presence and under the supervision of a senior authorised officer for any goods liable to be seized under section 56 or 67;

[Act 34 of 2018 wef 21/11/2022]

(b) on demand by a senior authorised officer, permit his or her goods and baggage to be inspected by the officer, or in the presence and under the supervision of the officer, for any goods liable to be seized under section 56 or 67; or

[Act 34 of 2018 wef 21/11/2022]

(c) on demand by a senior authorised officer, remove belongings kept in or under the clothing of the person, for inspection for any goods liable to be seized under section 56 or 67.

[Act 34 of 2018 wef 21/11/2022]

(2) The goods and baggage of any person who requests to be present when they are inspected must not be inspected except in his or her presence, unless he or she fails to be present after being given reasonable facility for being present.

(3) Any person who refuses or fails, without reasonable excuse, to comply with any lawful demand made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 3 months or to both.

Powers of authorised officers to enter certain premises

72.—(1) For the purpose of exercising the powers conferred by sections 68 to 71, an authorised officer may, without warrant, enter upon —

- (a) any islet, landing place, wharf, dock, railway or quay;
- (b) any premises of a provider of port services or facilities licensed or exempted under the Maritime and Port Authority of Singapore Act 1996; or
- (c) any premises of any airport operated under a licence or exemption under the Civil Aviation Authority of Singapore Act 2009.

(2) In this section, “railway” has the same meaning as in the Railways Act 1905.

Obstruction

73. Any person who —

- (a) refuses any authorised officer or senior authorised officer access to any vehicle or place which the officer is entitled to under this Part; or
- (b) obstructs or hinders any authorised officer or senior authorised officer in the execution of any power conferred upon that officer by this Part,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

Protection from personal liability

74. No liability shall lie personally against the Director-General, an authorised officer, a senior authorised officer, or any person acting under the direction of the Director-General for anything done or omitted to be done with reasonable care and in good faith in the course of or in connection with —

- (a) the exercise or purported exercise of any power under this Part;
- (b) the performance or purported performance of any function or the discharge or purported discharge of any duty under this Part; or
- (c) the compliance or purported compliance with this Part.

[Act 34 of 2018 wef 21/11/2022]

PART 7

MISCELLANEOUS AND GENERAL PROVISIONS

Registration to be prima facie evidence

75. In all legal proceedings relating to a registered geographical indication or any right thereunder (including proceedings for rectification of the register) —

- (a) the register is prima facie evidence of anything contained therein; and
- (b) the registration of a registered geographical indication is prima facie evidence that the grounds referred to in section 41 are absent.

Certificate of validity of contested registration

76.—(1) If in proceedings before the Registrar or the Court the validity of the registration of a geographical indication is contested, and it is found by the Registrar or the Court that the geographical

indication is validly registered, the Registrar or the Court may give a certificate to that effect.

[23/2019]

(2) Where a certificate is given under subsection (1) and in subsequent proceedings before the Registrar or the Court —

- (a) the validity of the registration is again questioned; and
- (b) the registrant obtains a final order or judgment in the registrant's favour relying on the validity of the registration as found in the earlier proceedings,

the registrant is entitled to be indemnified as to the registrant's costs as between solicitor and client in the subsequent proceedings unless the Registrar or the Court directs otherwise.

[23/2019]

(3) Subsection (2) does not extend to the costs of an appeal in the subsequent proceedings.

Certificate of Registrar

77. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing which the Registrar is authorised to make or do under this Act, is prima facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

Costs of proceedings before Court

78. In all proceedings before the Court under this Act, the Court may award to any party (including the Registrar) such costs as it may consider reasonable, but the Registrar is not to be ordered to pay the costs of any of the other parties.

Burden of proving use of registered geographical indication

79. If in any proceedings commenced under section 52(1)(b) a question arises as to the use to which a registered geographical indication has been put, it is for the registrant to show what use has been made of it.

Offences by bodies corporate, etc.

80.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership as defined in section 2(1) of the Limited Liability Partnerships Act 2005;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a country or territory outside Singapore.

Composition of offences

81.—(1) The Registrar or any person authorised in writing by the Registrar may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

[Act 23 of 2019 wef 10/06/2022]

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence.

(3) The Office may, with the approval of the Minister, make regulations to prescribe the offences that may be compounded.

(4) All sums collected under this section must be paid into the Consolidated Fund.

Jurisdiction of courts

82. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

Minister may designate other qualifying countries

83. The Minister may, by notification in the *Gazette*, designate any country or territory as a qualifying country for the purposes of this Act.

General power to make rules

84.—(1) The Minister may make rules —

- (a) for any purpose for which rules are authorised or required to be made under this Act;
- (b) for prescribing matters authorised or required by this Act to be prescribed;
- (c) for prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act; and
- (d) for prescribing matters necessary or convenient to be prescribed for the conduct of any proceedings or other matter before the Registrar.

(2) Without limiting subsection (1), the rules may make provision —

- (a) as to the practice and procedure of any proceedings or other matter before the Registrar;

- (b) as to the manner of filing of applications or other documents;
- (c) requiring persons to make such statutory declarations as may be prescribed in support of any application, notice or request;
- (d) requiring and regulating the translation of documents and the filing and authentication of any translation;
- (e) as to the service of documents;
- (ea) to enable the Registrar to publish —
 - (i) an application to rectify an error or omission in the register; and
 - (ii) a request to amend an application, a notice or other document,and to provide for the making of objections to the rectification or amendment by a person claiming to be affected by it;

[Act 7 of 2022 wef 26/05/2022]
- (f) authorising the rectification of irregularities of procedure;
- (g) prescribing time limits for anything required to be done in connection with any proceedings under this Act;
- (h) for the extension of any time limit which has been prescribed, or which the Registrar has specified, and which has not expired;
- (i) as to the giving of evidence in proceedings before the Registrar under this Act by affidavit or statutory declaration; and
- (j) for the processing of any application which is treated as abandoned under section 43(5).

Rules of Court

85. The Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act 1969 may make rules with respect to —

- (a) proceedings and the practice and procedure of the Court in respect of any matter under this Act; and
- (b) the fees and costs of such proceedings.

Rights under other laws unaffected

86. Nothing in this Act affects the rights of a person under the Trade Marks Act 1998 or the law relating to passing off.

87. [*Omitted as having had effect*]

Saving and transitional provisions

88.—(1) Despite section 87, on and after 1 April 2019, the repealed Act continues to apply to —

- (a) every use of a geographical indication that takes place before that date; and
- (b) every action brought under section 3 of the repealed Act in force immediately before that date.

(2) Sections 4(6) to (9), 15 and 16 do not apply to any use of a registered geographical indication that takes place before 21 November 2019.

(3) Part 6 does not apply to any goods that are imported to or exported from Singapore before the date of commencement of that Part.

(4) Sections 75 and 76 do not apply to any legal proceedings that are commenced before 21 November 2019.

(5) The Minister may, in relation to any provision of this Act, for a period of 2 years after the date of commencement of that provision, prescribe by rules published in the *Gazette* such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister considers necessary or expedient.

THE SCHEDULE

Sections 4(6), 32(2)(b), 40(1), (2)
and (3) and 41(1)(b)

**CATEGORIES OF GOODS UNDER WHICH GEOGRAPHICAL INDICATION
MAY BE REGISTERED**

1. Wines
2. Spirits
3. Beers
4. Cheese
5. Meat and meat products
6. Seafood
7. Edible oils
8. Non-edible oils
9. Fruits
10. Vegetables
11. Spices and condiments
12. Confectionery and baked goods
13. Flowers and parts of flowers
14. Natural gum

LEGISLATIVE HISTORY
GEOGRAPHICAL INDICATIONS
ACT 2014

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 19 of 2014 — Geographical Indications Act 2014

| | | |
|---------------------------|---|---|
| Bill | : | 13/2014 |
| First Reading | : | 5 March 2014 |
| Second and Third Readings | : | 14 April 2014 |
| Commencement | : | 1 April 2019 (except sections 4(6) to (9), 15, 16 and 55 to 76) |

2. Act 5 of 2020 — Geographical Indications (Amendment) Act 2020

| | | |
|---------------------------|---|-----------------|
| Bill | : | 4/2020 |
| First Reading | : | 6 January 2020 |
| Second and Third Readings | : | 3 February 2020 |
| Commencement | : | 15 August 2020 |

3. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 29(7) and section 28(1) read with item 61 of the Schedule to the above Act)

| | | |
|----------------------|---|--|
| Bill | : | 32/2019 |
| First Reading | : | 7 October 2019 |
| Second Reading | : | 5 November 2019 |
| Notice of Amendments | : | 5 November 2019 |
| Third Reading | : | 5 November 2019 |
| Commencement | : | 2 January 2021 (section 29(7) and section 28(1) read with item 61 of the Schedule) |

4. 2020 Revised Edition — Geographical Indications Act 2014

| | | |
|-----------|---|------------------|
| Operation | : | 31 December 2021 |
|-----------|---|------------------|

5. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021
(Amendments made by Part 7 of the above Act)

| | | |
|---------------------------|---|-------------------|
| Bill | : | 18/2021 |
| First Reading | : | 26 July 2021 |
| Second and Third Readings | : | 14 September 2021 |
| Commencement | : | 1 April 2022 |

6. Act 7 of 2022 — Intellectual Property (Amendment) Act 2022
(Amendments made by Part 1 of the above Act)

| | | |
|---------------------------|---|-----------------|
| Bill | : | 39/2021 |
| First Reading | : | 1 November 2021 |
| Second and Third Readings | : | 12 January 2022 |
| Commencement | : | 26 May 2022 |

7. Act 23 of 2019 — Intellectual Property (Dispute Resolution) Act 2019
(Amendments made by Part 3 of the above Act)

| | | |
|---------------------------|---|--|
| Bill | : | 17/2019 |
| First Reading | : | 8 July 2019 |
| Second and Third Readings | : | 5 August 2019 |
| Commencement | : | 21 November 2019 (section 5) 1 October 2021 (section 6) 10 June 2022 |

8. Act 19 of 2014 — Geographical Indications Act 2014

| | | |
|---------------------------|---|--|
| Bill | : | 13/2014 |
| First Reading | : | 5 March 2014 |
| Second and Third Readings | : | 14 April 2014 |
| Commencement | : | 21 November 2019 (sections 4(6) to (9), 15, 16, 75 and 76) 21 November 2022 (Part 6) |

9. Act 34 of 2018 — Intellectual Property (Border Enforcement) Act 2018

| | | |
|---------------------------|---|------------------|
| Bill | : | 24/2018 |
| First Reading | : | 17 May 2018 |
| Second and Third Readings | : | 9 July 2018 |
| Commencement | : | 21 November 2022 |

Abbreviations

(updated on 29 August 2022)

| | |
|--------------|--|
| G.N. | Gazette Notification |
| G.N. Sp. | Gazette Notification (Special Supplement) |
| L.A. | Legislative Assembly |
| L.N. | Legal Notification (Federal/Malaysian) |
| M. | Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia) |
| Parl. | Parliament |
| S | Subsidiary Legislation |
| S.I. | Statutory Instrument (United Kingdom) |
| S (N.S.) | Subsidiary Legislation (New Series) |
| S.S.G.G. | Straits Settlements Government Gazette |
| S.S.G.G. (E) | Straits Settlements Government Gazette (Extraordinary) |

COMPARATIVE TABLE
GEOGRAPHICAL INDICATIONS
ACT 2014

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

| 2020 Ed. | Act 19 of 2014 |
|---|-----------------------|
| 1 —(1) and (2) | 1 |
| 39 —(2) | 39 —(1A) |
| (3) | (2) |
| (4) | (3) |
| 41 —(8) | 41 —(7A) |
| (9) | (8) |
| 46 —(4) | 46 —(3A) |
| (5) | (4) |
| (6) | (5) |
| (7) | (6) |
| (8) | (7) |
| (9) | (8) |
| [<i>Omitted as having had effect</i>] | 89 |
| [<i>Omitted as having had effect</i>] | 90 |