



# Singapore Treaty on the Law of Trademarks (STLT) Background

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# Singapore Treaty



- **Adopted** on March 27, 2006
- In Singapore
- DC: *117 Member State* delegations
- 3 intergovernmental organizations  
(*ARIPO, EC and OAPI*)
- several *observer* organizations

# Status of the Treaty



Most recent Member

STLT entered into force on March 16, 2009

- Upon entry into force of the 10<sup>th</sup> instrument of accession by **Australia**
- **51 States** are parties to the STLT status on January 1, 2021
- See: <http://www.wipo.int/treaties/en/ip/singapore/>

# Singapore Treaty on the Law of Trademarks

- Singapore Treaty, 2006 (STLT)
- =
- Revised Trademark Law Treaty, 1994 (TLT)

## Preparatory work

- 7 sessions of the *WIPO Standing Committee* on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) between May 2002 and April 2005

# Objective of STLT

- Harmonization
- Simplification
- Formalities applied by national offices
- Trademark registration procedures



- *Not a separate system* of registration
- Different from Madrid System

# Harmonization of Procedures



- Define the **maximum list** of requirements to file
  - application
  - requests for recording
    - \* change in names or addresses
    - \* change in ownership of a registration
    - \* correction of a mistake
    - \* renewal of registration
- **Duration** of registration (10 years)
- Compliance with Paris Convention (service marks)

# Simplification of Procedures



- Filing date requirements
- Multi-class application and registration
- Use of the Nice Classification
- No legalization, notarization or certification of signatures, except in a limited number of cases
- No need to file an extract from a Register of Commerce

# Filing Date Requirements

- Indication that the *registration* of a mark is *sought*
- Indications allowing *applicant* to be *identified*
- *Contact* details of applicant or representative
- Sufficiently clear *representation* of the mark
- List of *goods* and/or *services*

If applicable:

- Declaration of *intent to use*  
or *actual use* of mark
- *Fees*





# Multi-class Application and Registration

- One application relates to several goods/services
- They *belong to one or several classes* of Nice Classification
- Multi-class application results in a *multi-class registration*
- *Fee* structure maintained “*per class*”
- Possibility to make a *reservation*
  - separate multi-class lists
  - i.e., one for goods, another one for services

**1179579 - LATITUDE HOMES**

Status: Under Examination (2021-05-25)

**(210) Serial number of the application**

1179579

**(220) Date of filing of the application**

2021-05-25

**(541) Reproduction of the mark where the mark is represented in standard characters**

LATITUDE HOMES

**(550) Indication relating to the nature or kind of mark**

Individual - Word

**(731) Name and address of the applicant**

LATITUDE HOMES LIMITED  
Physical Address: P.O. BOX 1113  
2340 Pukekohe, Auckland (NZ)

**(740) Name and address of the representative**

THELOFT.LEGAL LIMITED  
Physical Address: 30B Oceanbeach Road  
3116 Mount Maunganui (NZ)

**(750) Address for correspondence**

PO Box 4323  
3149 Mount Maunganui (NZ)

**(511) The International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and the list of goods and services classified according thereto**

- |    |  |
|----|--|
| 6  | Building and construction materials (metallic); buildings in this class, including residential, retail and commercial buildings; metallic kitset, prefabricated, modular and transportable buildings and houses; parts thereof.  |
| 19 | Building and construction materials (non-metallic); buildings in this class, including residential, retail and commercial buildings; kitset, prefabricated, modular and transportable buildings and houses; parts thereof.   |
| 35 | Wholesale and retail services, including online, for buildings and houses and parts, fittings, appliances and accessories for the aforesaid; arranging for the provision of goods and services from external architects and draftsmen to prepare architectural drawings and models for others, appointment and management of contractors and consultants to construct buildings and homes for others, and provision and negotiation of contracts for others; business opportunity analysis and project identification services; market research; advertising, promotion and marketing services; collection, processing, management services relating to the aforesaid; information, consultancy and advisory services relating to the aforesaid, including online. |
| 37 | Property and real estate developments; land development, including land clearing, drainage, excavating, reclamation and irrigating; construction; demolition and site clearance; building construction; super land development and building construction; housing development; building and construction of real estate subdivisions and developments; building, construction, renovation, installation, fitting, removal and accessories for buildings; landscaping (construction); cleaning services; lease, hire and rental services for building and construction; information, consultancy and advisory services relating to the aforesaid.   |
| 42 | Architectural services; design services; design services for architecture; design of buildings and houses, including kitset, prefabricated, modular and transportable buildings and houses; design engineering architecture; research relating to architecture and design; designing and planning of real estate developments; architecture services related to land development; landscape architectural services; land survey construction drafting; architectural project management; off-site building project management; project management (design); graphic art design; interior design services; visual design; urban design; assessment consultancy services in relation to the aforesaid, including online.   |

- ❑ As long as document is signed
- ❑ Minimize costly formalities
- ❑ *Not providing additional legal security*



# Exceptions

## ■ Surrender of Registration

## ■ Change of Ownership (Transfer, Assignment)

### □ Change results from Contract

- Copy of contract may be certified
- Extract of contract may be certified

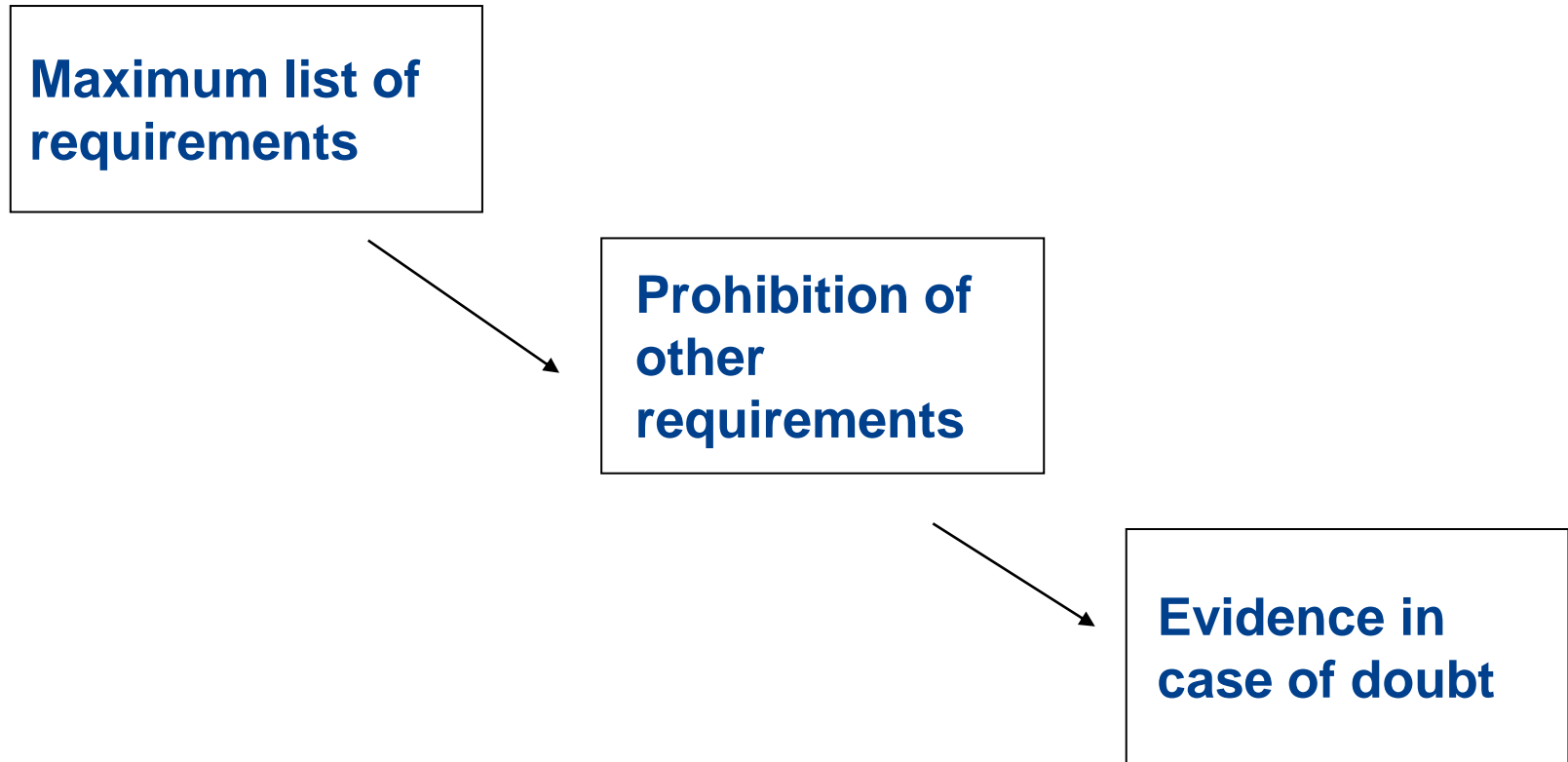
### □ Change results from Merger

- Copy of merger document may be certified

# Exceptions

- ❑ Change results from Court decision or Operation of the Law (e.g., bankruptcy or inheritance)
  - Corresponding document may be certified
  
- Membership of Country in “Apostille Convention” prior to date of STLT accession/ratification
  - The Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, October 5, 1961

# STLT: General **Structure** of Provisions



**Articles:** 3 to 5, 10 to 13, 17 and 18

# Provisions with Similar Structure

- *Application* (Art. 3)
- *Representation* (Art. 4)
- *Filing Date* (Art. 5)
- Request for *Changes* in Names or Addresses (Art. 10)
- Request for *Change in Ownership* (Art. 11)  
assignment, transfer (merger, acquisition, operation of  
Law or court decision)
- *Correction* of a Mistake (Art. 12)
- Request for *Renewal* of Registration (Art. 13)
- Request for Recording of a *License* (Art. 17)
- Request for *Amendment* or Cancellation of Recording of  
a License (Art. 18)

# Final and Administrative Clauses

- *Non trademark-related*
- Deal with *Treaty Law*
- **Articles 23 to 32**
  - Assembly of the Treaty
  - International Bureau
  - Revision or Amendment
  - Becoming Party to the Treaty
  - Entry into force
  - Reservations
  - Languages
  - Depositary





# Final and Administrative Clauses

## ■ *Permitted Reservations* (Art. 29):

- in a declaration accompanying the instrument of *accession* or *ratification*
- \* special kinds of marks:
  - *associated* marks
  - *defensive* marks
  - *derivative* marks
- \* *multiple-class* registration (Re: OAPI)
- \* substantive examination on the occasion of *renewal* (Re: Japan – service marks)
- \* certain rights of the *licensee*

# Special Kinds of Marks

- Usually *not statutory* categories
- **Associated** and **Derivative** marks  
are identical, similar or share the same dominant distinctive element  
*cannot be transferred separately*
- They are called differently in different systems
- Series of marks, family of marks, etc.

FLORINA

mango chutney

FLORINA

tomato relish

FLORINA

piccalilli

# Special Kinds of Marks

## ■ Defensive Mark

Same mark for goods/services in other classes

■ Purpose: protection of a well-known mark

■ It is not intended to use the mark in those other goods and services

■ *STLT provisions* on application, filing date, division of application and registration, use of MIF, change of ownership, duration and renewal of registration *do not apply to those marks*

# Reservations made to STLT

- Reservation on certain rights of the licensee  
OAPI, Bulgaria, Spain and Uruguay
- Reservation on possibility to have a multi-class list of goods separate from a multi-class list of services  
OAPI
- Reservation on special kinds of marks  
JAPAN
- *Reservations can only be made* when depositing the instrument of accession/ratification

# STLT in Latin America and Caribbean

## *Trademark Law Treaty*

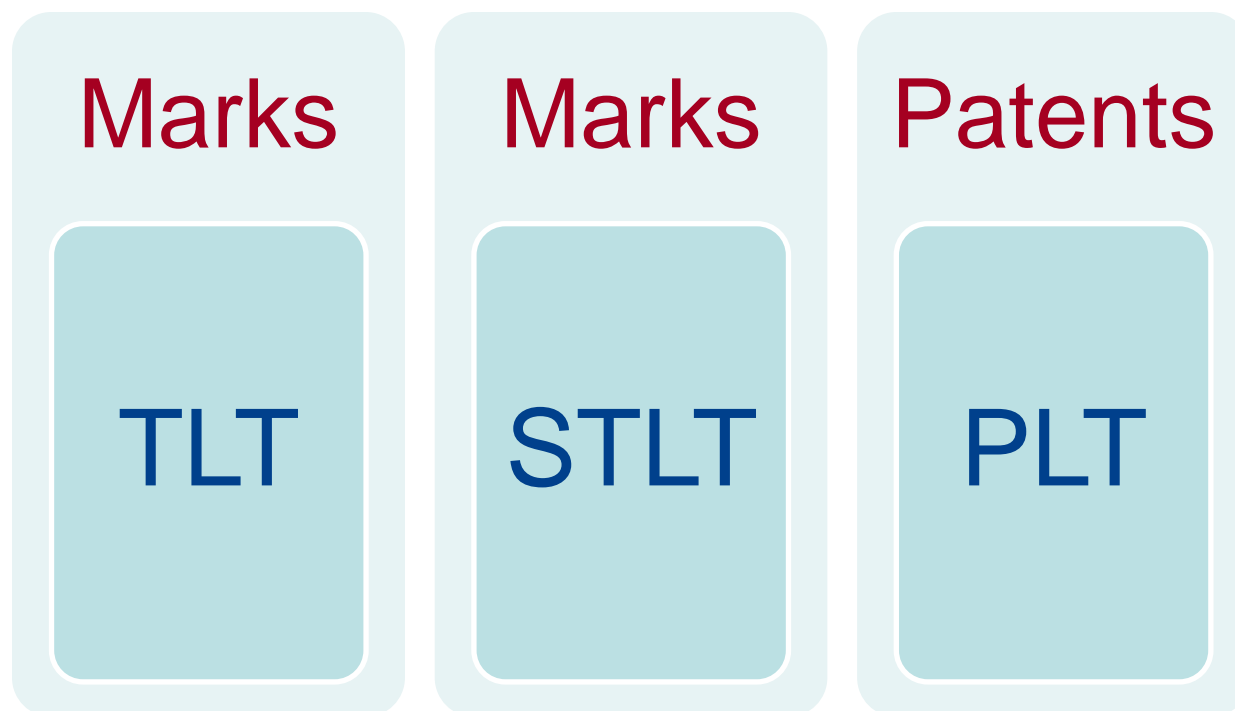
- Chile
- Colombia
- Costa Rica
- Dominican Republic
- El Salvador
- Guatemala
- Honduras
- Nicaragua
- Panama
- Peru
- Trinidad and Tobago

## *Singapore Treaty*

- Peru
- Trinidad and Tobago
- Uruguay

# Benefits of accession

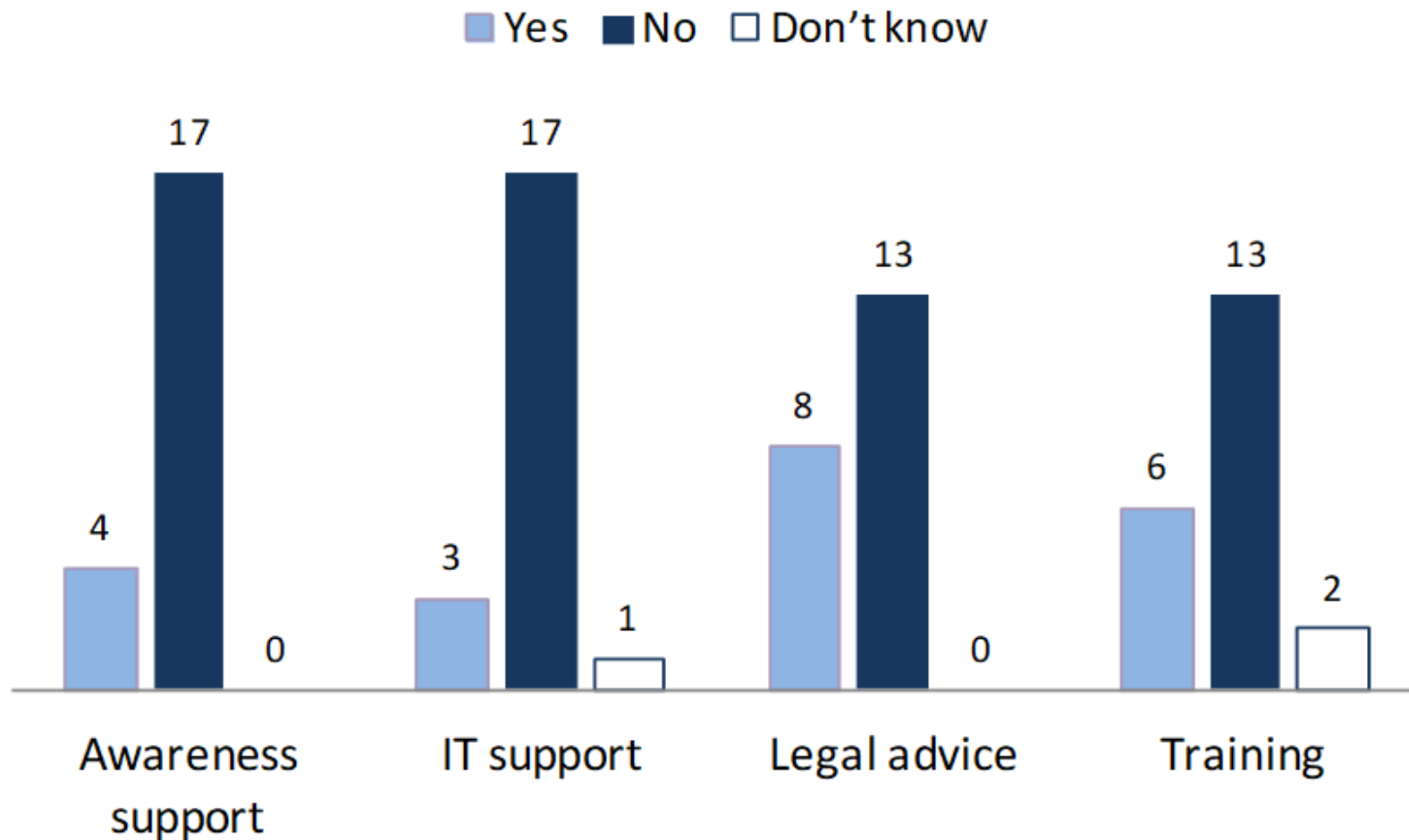
- Study by the *WIPO Chief Economist in 2012*
- Document SCT/27/4
- Views on the implementation of TLT, STLT and PLT



# Results of Study

- Replies received from *52 offices*  
25 high-income countries  
and *28 middle and low-income countries*
- *TLT* is most widely adopted treaty  
~50% of responding high and low-income  
countries
- Little overall consensus on implementation  
*time lines*: 0-12 months to >4 years
- Full treaty implementation may require *primary  
legislation* to be in place

# Support needed to implement





# Summary of Views from IP Offices

- TLT, STLT and PLT implementation has resulted in *benefits for users*
- Most significant impact on *simplifying procedures*
- Offices used *different mechanisms* to implement, but primary legislation was needed in most cases
- Middle and low-income countries took *less time* to implement these treaties >2 years
- Most likely area of impact was on *information technology*
- Middle and low-income countries needed support in *legal advice*

# STLT built-in flexibility

- *Regulations may be adapted* by decisions of the Assembly (Article 23(2)(ii))
- **November 2011** changes were introduced in Rule 3
- Methods of Representation of *Non-traditional marks*;
  - Three-dimensional
  - Hologram
  - Motion mark
  - Single color or color combination without delineated contours
  - Position mark
  - Sound mark

Thank you!

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