

Intellectual Property Office of Singapore
Registry of Designs

Circular No. 1/2014: Entering of particulars of express trusts and beneficiaries in the Register of Designs

Entering of particulars of express trusts and beneficiaries in the Register of Designs
[Circular No. 1/2014, with effect from 30 April 2014]

As part of the Registries' efforts to be more business-friendly and promote a more transparent Register, the option of entering a notice of an express trust and its beneficiary (or beneficiaries) will be available as of 30 April 2014¹.

For fresh applications, this can be done by entering the particulars "X in trust for Y" (where X is the trustee and Y is the beneficiary) in the "Name" field in form D3.

For existing applications, this can be done by entering the particulars "X in trust for Y" (where X is the trustee and Y is the beneficiary) in the "Name" field in form D1.

For those using form D1, it should be highlighted that entering a notice of an express trust will apply to *all* designs filed in the name of the proprietor. If an applicant wishes to enter a notice of an express trust only for *specific* designs, this has to be indicated in a separate cover letter submitted with form D1, along with details of the specific designs to which entry of notice should apply.

Lastly, it should be clarified that the entering of a notice of an express trust is not equivalent to registering a transaction under the Registered Designs Act and hence would not have the same statutory effects (e.g. entitlement to certain damages in respect of infringement). As such, any omission to enter notice would not void any underlying trusts.

¹To give effect to this practice, the relevant amendments to the Registered Designs Act to remove the prohibition against the taking notice of express trusts will be brought into force on 30 April 2014.