

**Compendium of Hearings & Mediation Department Circulars
Amendment No. 1 of 2022
25 May 2022**

IMPORTANT NOTICE

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Effect of HMD Circulars in this Compendium

Unless **otherwise stated** or the Registrar directs otherwise in the context of any particular dispute, the Circulars in this document apply to all trade mark disputes at IPOS before the Hearings & Mediation Department, including those commenced prior to 12 March 2020.

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Abbreviations Used

- Trade Marks Act ~~(Cap. 332)~~ 1998 (“TMA”)
- Trade Marks Rules (Cap. 332, R 1) (“TMR”)
- Notice of Opposition (“NO”)
- Counter-statement (“CS”)
- Statutory Declaration (“SD”)
- Geographical Indications (“GI”)
- GI Rules 2019 (“GIR”)

Glossary of commonly used identifiers

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- **IP²SG IPOS Digital Hub**: IPOS' one-stop electronic portal for conducting Intellectual Property transactions. It is accessible at the URL <https://ip2sg.ipos.gov.sg/> <https://www.ipos.gov.sg>.

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HMD Circular 1.1

1.1 Filing of notice of opposition by joint opponents

A. Introduction

Under the provisions relating to oppositions in the TMA and TMR, there is no prohibition against joint opponents opposing a trade mark application.

B. Filing procedure where there are joint opponents

Do I need to file more than one Form TM11?

No. Where there are joint opponents opposing the trade mark application, it is sufficient to file one Form TM11 because there is still only one opposition proceeding.

What should be indicated in Form TM11?

The particulars of the joint opponents opposing the registration of a particular trade mark must be indicated at **Part 4 “1.3 Initiator’s Details” section** of Form TM11.

What are the fees chargeable for Form TM11?

The applicable fees depend on the number of classes included in Form TM11.

C. How many sets of evidence will be required in an opposition filed by joint opponents?

Only one set of evidence needs to be filed because there is only one opposition proceeding. However, it must be clear from each SD that the deponent has been duly authorised by all the joint opponents to give such evidence on their behalf.

[End of HMD Circular 1.1]

HMD Circular 1.2

1.2 Amendments to Form TM11, Form TM28 and Form HC6

A. Introduction

The guidance in this Circular relates to amendments that may be made to Form TM11 (~~NO~~), Form TM28 (Application for Revocation or Declaration of Invalidity of Registration of Trade Mark) and Form HC6 (CS) in the course of opposition/ revocation/ invalidation proceedings before the Registrar.

Amendments may be allowed if it is fair and reasonable to do so. Depending on when the request to amend is made, different considerations apply.

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HMD Circular 1.3

1.3 Compliance with Rule 30(3) TMR: well known trade marks

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C. Non-compliance with Rule 30(3) TMR

If Rule 30(3) is not complied with, the Opponent will be directed to amend its **NO grounds of opposition** to comply with the requirement.

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HM Circular 1.4

1.4 Opposition to amendment of trade mark application after publication

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C. Opposition to a published amendment is not a re-opening of substantive opposition

An opposition under Rule 23 is confined to objections to the proposed amendment of an application. It is not meant to re-open the application ~~for~~ to the possibility of opposition.

The publication of the amendment is not intended to extend the time for a prospective opponent to oppose the registration of a mark nor give it two bites of the cherry. Hence, if a prospective opponent had missed the deadline for opposition when the application was first published, and there is subsequently an amendment to the application which is then published, it cannot file an opposition within 2 months of the publication of the amendment.

What if the ground of opposition is directly attributable to the published amendment?

Only under this circumstance may a prospective opponent file an opposition. If, however, its grounds of opposition are levelled against the registration of the application mark, the prospective opponent should instead apply to invalidate the registration after the application mark has been registered.

D. Notice of Opposition (NO) against a published amendment

The NO must contain a statement of the grounds upon which the person opposes the amendment. Such grounds include:

- (a) The amendment is contrary to Section 14(3) TMA because it does not correct the name or address of the Applicant or errors of wording or of copying or obvious mistakes
- (b) The amendment is contrary to Section 14(3) TMA because it substantially affects the identity of the trade mark
- (c) The amendment is contrary to Section 14(3) TMA because it extends the goods or services covered by the application
- (d) The amendment to the trade mark will render it contrary to specific absolute or relative grounds under Sections 7 and 8 TMA, to be specified in the statement of grounds.

E. Application of the principle of res judicata

Where the substantive opposition to an application for registration has already been dealt with and results in an amendment which is published, it is not possible to revisit

the issues raised in the substantive opposition by filing an opposition under Rule 23 TMR. The principle of *res judicata* applies. This means that a judicial decision is conclusive as between the parties.

The principle of *res judicata* was applied by the Registrar in *Campomar S.L. v Nike International Ltd and Another* [2004] SGIPOS 3. On appeal, the High Court in *Nike International Ltd and Another v Campomar S.L.* [2005] 4 SLR(R) 76 affirmed the application of this principle.

What recourse does an Opponent have if he disagrees with the Registrar's decision?

As The Opponent ~~is not entitled to a second opposition on the same issues, it has the right to~~ may appeal to the High Court ~~within the deadline to appeal~~. It is not for the Registrar to sit on appeal or review a decision that has been made by the Registrar on the same issues and between the same parties.

[End of HMD Circular 1.4]

HMD Circular 1.6

1.6 Pleadings issues

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E. Approach III: Errors in pleadings raised for parties' information, with a caution on cost implications

Where the Opponent / Applicant for invalidation has pleaded certain grounds erroneously, the Registrar will raise the issue for the parties' information with a general caution on cost implications should a successful Initiator fail on that particular ground, having been alerted to the issue at this early stage.

Amendments to pleadings not required

The Initiator is not required to amend the pleadings. However, the Initiator may on its own accord apply to amend the pleadings by removing or rectifying the pleading.

Examples include but are not limited to the following scenarios:

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Example 3: Kitchen Sink Pleading

Rule 30(1) and Rule 57(2) TMR require the ~~NO~~ **Notice of Opposition** and Application for Invalidation respectively to contain a statement of the grounds on which the action is proceeding.

A kitchen sink pleading purports to reserve the right to plead all or any other grounds not expressly pleaded. If the statement of grounds contains a kitchen sink pleading, the Registrar will inform parties that such pleading will not be given effect.

[End of HMD Circular 1.6]

HMD Circular 1.7

1.7 Particulars to be specified in bad faith, fraud and misrepresentation allegations

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D. How should the statement of grounds be particularised?

The Registrar will expect an allegation of bad faith, fraud or misrepresentation to be particularised in the statement of grounds. The particularisation must be sufficient for the Respondent to know the case it has to answer so that ~~the CS~~ its response to such allegations can be meaningful. Bare allegations or assertions of bad faith, fraud or misrepresentation are not sufficient.

It is not necessary for evidence of bad faith, fraud or misrepresentation to be set out in the grounds of opposition or invalidation. However, indication of the factual basis for the claim should be given beyond merely pleading the fact.

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G. Consequences of insufficient particularisation

There may be additional time and costs involved in curing the deficiency. Hence, Opponents and Applicants for Invalidation should ensure that such claims are particularised at the outset, in the statement of grounds, when bad faith, fraud or misrepresentation are alleged.

This deficiency will typically be raised at the pleadings stage, before Form TM11 or Form TM28 is accepted. To cure the deficiency, the Opponent or Applicant for Invalidation will need to amend its statement of grounds to particularise the allegation of bad faith, fraud or misrepresentation. The Respondent (Applicant for Registration or Registered Proprietor) may make consequential amendments to the ~~CS~~ counter-statement, the costs of which will typically be borne by the Opponent or Applicant for Invalidation.

If the Opponent or Applicant for Invalidation does not act to amend its statement of grounds to particularise the allegation of bad faith, fraud or misrepresentation, Rule 30(1) TMR or Rule 57(2) TMR would not have been complied with; and the Opponent or Applicant for Invalidation cannot rely on Section 7(6) TMA or Section 23(4) TMA in the proceedings.

[End of HMD Circular 1.7]

HMD Circular 2.1

2.1 Filing of documents

A. Introduction

This Circular provides guidance ~~for on the~~ use of the electronic online system (~~IP²SG~~ IPOS Digital Hub) to file documents in IPOS proceedings.

B. References

The rules referred to in this Circular are rules from the TMR.

The principles apply to equivalent provisions and concepts in the Patent Rules (Cap 221, 2007 Rev Ed), Plant Varieties Protection Rules (Cap 232A, 2006 Rev Ed) and Registered Designs Rules (Cap 266, 2002 Rev Ed).

Rule 7(1) TMR states:

(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar or the Registry, the giving, sending, filing or service must be effected on the Registrar or the Registry (as the case may be) by sending an electronic communication of the document using the electronic online system.

Rule 78A(2) TMR states:

(2) Unless the Registrar permits otherwise in a particular case, the electronic online system must be used by any person for giving or sending to, filing with or serving on the Registrar or the Registry any document (other than a notice or document to be served in proceedings in court).

C. ~~How to e-file using IP²SG?~~ Default Filing Modes

~~If a form or document is not filed under the correct link in IP²SG, the filing date cannot be automatically confirmed.~~ In general, a form or document should be filed via IPOS Digital Hub. However, where this option is not yet available on IPOS Digital Hub, ~~FormSG may be used.~~ The following table sets out the correct links for e-filing:

S/No.	Item to be E-filed	Description of Form in IP ² SG	E-File Via
1.	Notice of Attendance at Hearing and Decision	Form HC1	E-file by way of "Online Filing" → "Forms" FormSG
2.	Request to Extract the Registrar's Certificate of Taxation	Form HC2	E-file by way of "Online Filing" → "Forms"

	(for award of costs made before 1 October 2021)		
3.	Request for Extension of Time to File Documents in Hearings and Mediation Proceedings	Form HC3	E-file by way of "Online Filing" → "Forms" Trade Marks - IPOS Digital Hub → Forms Other IP - FormSG
4.	Request for Ex Parte Hearing at which only the Party Making the Request is Present	Form HC4	E-file by way of "Online Filing" → "Forms" FormSG
5.	Request for Grounds of Decision for Ex Parte Hearing	Form HC5	E-file by way of "Online Filing" → "Forms" FormSG
6.	CS	Form HC6	E-file by way of "Online Filing" → "Forms" Trade Marks - IPOS Digital Hub → Forms Other IP - FormSG
7.	NO	Form TM11	E-file by way of "Online Filing" → "Forms" IPOS Digital Hub → Forms
8.	Application for Revocation/ Invalidation/ Rectification	Form TM28	E-file by way of "Online Filing" → "Forms" IPOS Digital Hub → Forms
9.	Reference to the Registrar on the Determination about Entitlement to a Patent before or after Grant	Form PF2	E-file by way of "Online Filing" → "Forms"
10.	Application for Revocation of a Patent	Form PF35	E-file by way of "Online Filing" → "Forms" FormSG
11.	NO (Patents)	Form PF58	E-file by way of "Online Filing" → "Forms" FormSG

12.	Application for Revocation of the Registration of a Design	Form D13	E-file by way of "Online Filing" → "Forms" FormSG
13.	Notice of Objection or Opposition	Form GI13	FormSG
14.	Amended Forms	[None]	E-file by way of attachment under the label "Amended Forms" in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: Amended Form
15.	Amended Statement of Grounds	[None]	E-file by way of attachment under the label "Amended Statement of Grounds" in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: Amended Statement of Grounds
16.	Amended CS	[None]	E-file by way of attachment under the label "Amended Counter Statement" in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: Amended Counter Statement
17.	Consent of other party	[None]	E-file by way of attachment under the label "Consent or Request for Consent" in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: Consent or Request for Consent
18.	Notification to Registrar	[None]	E-file by way of attachment under the label "Notification to Registrar by Initiator" or "Notification to Registrar by Respondent" in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: <ul style="list-style-type: none"> • Notification to Registrar by Initiator

			<ul style="list-style-type: none"> • Notification to Registrar by Respondent
19.	SD	Evidence by Initiator	E-file by way of "Online Filing" → "Forms"
		Evidence by Respondent	Trade Marks - IPOS Digital Hub → Forms
		Evidence-In-Reply by Initiator	Other IP - FormSG
20.	Further SDs (i.e. "Further evidence" with leave under Rule 35 TMR, including re-filed SDs following PHR directions)	[None]	E-file by way of attachment, under the label "Supplementary Evidence by Initiator", "Supplementary Evidence by Respondent" or "Supplementary Evidence-In-Reply by Initiator", in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type: <ul style="list-style-type: none"> • Supplementary Evidence by Initiator • Supplementary Evidence by Respondent • Supplementary Evidence-In-Reply by Initiator
21.	Re-executed SDs, including re-filed SDs following Registrar's directions	[None]	IPOS Digital Hub → Correspondence → Attachment File Type: <ul style="list-style-type: none"> • Evidence by Initiator re-executed • Evidence by Respondent re-executed • Evidence of Use or Reason for Non-Use by Proprietor re-executed • Evidence-In-Reply by Initiator re-executed • Supplementary Evidence by Initiator re-executed • Supplementary Evidence by Respondent re-executed • Supplementary Evidence-In-Reply by Initiator re-executed
22.	Response to Registrar for Pre-hearing Review	[None]	E-file by way of attachment under the label "Response to Registrar for PHR" in an ad hoc correspondence

			<p>IPOS Digital Hub → Correspondence → Attachment File Type: Response to Registrar for PHR</p>
23.	Written Submissions and Bundle(s) of Authorities	<p>Written Submissions & Bundle of Authorities Note: Documents should match the attachment type description e.g. Written submissions and their annexes should be filed under the label "Written Submissions by Initiator" or "Written Submissions by Respondent". [None]</p>	<p>E-file by way of "Online Filing" → "Forms" IPOS Digital Hub → Correspondence → Attachment File Type:</p> <ul style="list-style-type: none"> • Bundle of Authorities by Initiator • Bundle of Authorities by Respondent • Written Submissions by Initiator • Written Submissions by Respondent
24.	Additional or Supplementary Written Submissions and Bundle(s) of Authorities	[None]	<p>E-file by way of attachment, under the label "Supplementary Written Submissions by Initiator" or "Supplementary Written Submissions by Respondent", in an ad hoc correspondence IPOS Digital Hub → Correspondence → Attachment File Type:</p> <ul style="list-style-type: none"> • Additional/Supplementary Bundle of Authorities by Initiator • Additional/Supplementary Bundle of Authorities by Respondent • Additional/Supplementary Written Submissions by Initiator • Additional/Supplementary Written Submissions by Respondent
25.	Rebuttal or Reply Written Submissions and Bundle(s) of Authorities	[None]	<p>IPOS Digital Hub → Correspondence → Attachment File Type:</p> <ul style="list-style-type: none"> • Rebuttal/Reply Bundle of Authorities by Initiator

			<ul style="list-style-type: none"> • Rebuttal/Reply Bundle of Authorities by Respondent • Rebuttal/Reply Written Submissions by Initiator • Rebuttal/Reply Written Submissions by Respondent
26.	Bill of Costs	Bill of Costs	E-file by way of "Online Filing"
27.	Marked Bill of Costs	Marked Bill of Costs	→ "Forms FormSG"

D. ~~How to e-file submissions~~ E-filing documents which exceed 100 MB?

~~The size of a single submission (that includes, for example, the main body of an SD together with the exhibits, or a party's written submission together with the bundle of authorities) that can be transmitted via IP²SG cannot exceed 100 MB. In practice, the Registrar has observed that certain submissions exceed 100 MB because the resolution of the exhibits is unnecessarily high. In such instances, parties are encouraged to reduce the resolution while maintaining the readability of the exhibits, so that their submissions may be filed in a single transmission via IP²SG.~~

~~Where any submission exceeds 100 MB, parties are required to split the submission into parts not exceeding 100 MB and file each part by ad-hoc correspondence via IP²SG. Part II Section 4 of the IPOS Digital Hub Practice Direction No. 1 of 2022 applies.~~

In the event where the evidence comprises more than 1 item (for example, the evidence comprises the main SD as well as physical exhibits), the filing date **which will to** be accorded for the evidence will be **that of** the filing date of the last item filed. Parties are therefore encouraged to file their evidence on a single day instead, before the deadline expires.

E. Submission of hard copies for the purposes of hearing

The Registrar may direct parties to submit hard copies of SDs, Written Submissions and Bundles of Authorities for the purposes of a hearing. If so, the parties would electronically file their Written Submissions and Bundles of Authorities via **IP²SG IPOS Digital Hub** and also submit hard copies of the relevant documents to the Registrar by hand or by post.

For hard copies, the following should be observed:

- (a) Documents should be firmly secured together with plastic ring binding or plastic spine thermal binding. The rings or spines should be red for Initiators (i.e. Opponents or Applicants for revocation/invalidation) and blue for Respondents (i.e. Applicants for registration or Registered Proprietors). Exceptions are allowed on a case by case basis e.g. where the SD is notarised in a foreign jurisdiction and sealed in such a way that it is not possible to ring bind it.

- (b) Documents should be paginated consecutively. Pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle. Pagination may not be necessary if it is still possible to conveniently make a reference to a particular page. For example, in the case of published law reports, as long as there are flags, and the published law reports are paginated in the original, there should not be a need to re-paginate.

In particular, the Bundle of Authorities must fulfil the following:

- (a) Contain all the authorities, cases² and any other materials relied on (e.g. academic articles)
- (b) Have flags to mark out each authority referred to. Such flags shall bear the appropriate indicium by which the authority is referred to
- (c) Contain an index of the authorities in that bundle
- (d) Be legible.

The Registrar may disregard ~~or ask the party to re-submit and/or re-serve~~ any document not in compliance with the above ~~or ask the party to re-submit and/or re-serve a compliant document.~~

[End of HMD Circular 2.1]

² However, see **HMD Circular 5.2 at D**. Case authorities which are on the Registrar's published list on the IPOS website do not need to be included in parties' Bundles of Authorities where such parties have legal representation.

HMD Circular 2.2

2.2 Service requirements

A. Introduction

This Circular addresses the Registrar's practice in relation to service of documents, in particular the following:

- (a) Address for Service
- (b) Duty to Serve on Counter-Party
- (c) Sufficiency of Service
- (d) When Service is Effected
- (e) Proof of Service
- (f) Service of Documents Where There is Invalid or Unoccupied AFS
- (g) Refusal to Accept Service
- (h) Service of Form **TM48 HC3** Where There is no AFS (for International Registration Designating Singapore and Protected International Trade Mark (Singapore)).

B. References

The sections referred to in this Circular are sections from the TMA. The rules referred to in this Circular are rules from the TMR or the Trade Marks (International Registration) Rules (Cap 332, 2002 Rev Ed) ("IR Rules").

The principles apply to equivalent provisions and concepts in the Patents Rules (Cap 221, 2007 Rev Ed), Plant Varieties Protection Rules (Cap 232A, 2006 Rev Ed) and Registered Designs Rules (Cap 266, 2002 Rev Ed).

C. Address for Service

Rule 9(1) provides that for the purposes of any proceedings before the Registrar, an Address for Service ("AFS") in Singapore shall be filed accordingly. In particular, an AFS shall be filed by or on behalf of:

- (a) every applicant for the registration of a trade mark
- (b) every opponent³
- (c) every person applying to the Registrar under Section 22 for the revocation of the registration of a trade mark, under Section 23 for a declaration of invalidity of the registration of a trade mark, or under Section 67 for the rectification of the register
- (d) every person granted leave to intervene under Rule 60

³ There are opposition actions available for many types of proceedings. Please refer to Rule 9(1)(b) TMR for more details.

- (e) every proprietor of a registered trade mark which is the subject of an application to the Registrar for the revocation of the registration of the trade mark, for a declaration of invalidity of the registration, or for a rectification of the register
- (f) every other party to any proceedings before the Registrar.

Can a person's trade or business address in Singapore be treated as an AFS?

Unless a different address for service has been provided under Rule 9(1) or (7) or Rule 44, the Registrar may, under Rule 9~~(4)(e)~~(6) treat the trade or business address in Singapore of a person as his address for service.

What are the consequences of a failure to provide an AFS?

Where an AFS is not filed as required, the Registrar may send to the person concerned notice to file an AFS within 2 months after the date of the notice, and if that person fails to do so, the consequences provided in Rule 9(6B) will apply.

Where an AFS is not filed as required of:

- (a) an applicant for registration or for the revocation of the registration of the trade mark, the declaration of invalidity of the registration, or the rectification of the register (Rule 9(1)(a) and (c)), the application shall be treated as withdrawn
- (b) an opponent (Rule 9(1)(b)) and every person granted leave to intervene under Rule 60, the person shall be treated as having withdrawn the opposition or intervention (as the case may be)
- (c) a proprietor referred to in Rule 9(1)(e), the proprietor shall not be permitted to take part in any proceedings relating to the application for the revocation of the registration of the trade mark, the declaration of invalidity of the registration, or the rectification of the register, as the case may be
- (d) every other party to any proceedings before the Registrar referred to in Rule 9(1)(k), the party shall not be permitted to take part in the proceedings in question.

D. Duty to serve on Counter-Party

Where the Rules and IR Rules require filing and serving at the same time, the party who is seeking to file and serve the relevant document (Filing Party) is to indicate clearly, on the cover letter enclosing the relevant document to the Registrar, that a copy of the relevant document has been served on the opposite party (Counter-Party). Relevant documents may include forms, SDs and other documents.

If e-filing, in the e-form, the Filing Party will have to check against the statement that a copy of the document will be served on the other party at the same time. The Registrar will treat the failure to do so as no proper service of the relevant document

and consequences of non-service will follow, unless the Filing Party proves otherwise.

If the service is by any electronic means (e.g. email and file-sharing platforms) **other than IPOS Digital Hub**, the Filing Party must have the consent of the Counter-Party to service by such a mode.

Consequences of non-service

The consequence will depend on the type of document in question. In the example of non-service of Form TM 11, the NO shall be treated as not having been filed (Rule 29(2A)). The Filing Party will have to re-file the relevant form and re-serve the same on the Counter-Party if it is still possible to do so within the statutory deadline.

Ensuring proper service

Parties are reminded to check the Register to confirm the name of the Counter-Party, the name of the Counter-Party's agent (as appropriate) and the Counter-Party's latest address for service before filing and serving any documents. This is because the Register may have been updated due to records being filed in the interim e.g. assignments, changes in name, changes in AFS, changes in agents etc.

E. Sufficiency of service

For avoidance of doubt, the Registrar clarifies that the phrase "at the same time" will *not* be construed literally to mean that the document reaches the Registrar and the Counter-Party at the same moment in time.

The Filing Party would have served the relevant document "at the same time" if he has taken the necessary action (for example, addressing, prepaying and posting a copy of the document to the Counter-Party's AFS) as soon as practicably possible.

In terms of what is practicably possible, the Registrar envisages that service should take place (i.e. a copy of the filed document should be despatched) within the same day as filing, though if a document is e-filed after office hours, a copy of that document would be expected to be despatched to the Counter-Party the next working day.

F. When service is effected

The time at which service is effected or deemed to have been effected (i.e. the date the Counter-Party receives the document), is important as it has a bearing on the calculation of the deadline to file the document which is due thereafter.

Generally, the Registrar will take the date that he receives the document as the default date from which to calculate the deadline to file the document which is due thereafter. For example, the deadline to file a CS will be calculated from the date the Registrar receives the NO.

However, this default position is rebuttable and can be subject to proof. Thus, if the Counter-Party can show that, for example, it received the NO at a date later than the date indicated on the cover letter, this later date will be taken as the date for the calculation of the deadline for the CS. In such a case, the Counter-Party should promptly inform the Registrar and the Filing Party in writing of the actual date of receipt of the relevant document so that the deadline for the CS due can be correctly calculated.

Where the modality of service is by post

Specifically in relation to service via post, Rule 7(4) provides as follows:

(4) Where any notice or other document is sent by post under paragraph (2) or (3), the giving, sending or service, as the case may be, of the notice or other document shall, until the contrary is proved, be treated as having been effected at the time at which the notice or document would have been delivered in the ordinary course of post.

Guidance on calculation of the next deadline

If the modality of service is ordinary post and the Counter-Party cannot pinpoint a specific date of receipt, to calculate the deadline for the next document, the Registrar can be guided by SingPost's service standards at <http://www.singpost.com/send-receive/send-withinsingapore> (where there is an AFS or trade address or business address in Singapore) and at <http://www.singpost.com/send-receive/send-overseas> (for overseas addresses e.g. International Registration holder with no AFS being served Form **TM48 HC3**) as updated from time to time.

G. Proof of service

If the Counter-Party claims that it did not receive the relevant document, the Filing Party is required to show proof of service. The non-exhaustive list of modalities is:

- (a) a courier receipt or invoice
- (b) if by normal post, an SD that the relevant document has been posted, with relevant details
- (c) if the attempted service is in person, an SD with relevant details
- (d) **for service of HMD forms and accompanying attachments by IPOS Digital Hub, a record of transmission issued through IPOS Digital Hub**
- (e) if by any **other** electronic means (for example, by email),
 - (i) a copy of the document that shows the Counter-Party's consent to be served by that electronic means; and

- (ii) a copy of the sent electronic communication attaching or linking to the relevant document. Alternatively, a copy of an acknowledgement email or an automated delivery receipt could demonstrate service.

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J. Service of Form ~~TM48~~ HC3 or Form TM 28 where there is no AFS (for international registration designating Singapore and protected international trade mark (Singapore))

The Filing Party should, when filing the relevant form with the Registrar, send a copy of the form to the Counter-Party's overseas address indicated on the Register, where there is no AFS on record. If the Counter-Party alleges that it did not receive the form from the Filing Party, the latter is required to show proof of service (see heading G above).

There is no obligation to check whether the Counter-Party may have a trade or business address in Singapore to be treated as the AFS in accordance with Rule 9(4)(e)(6) TMR. However, it would be a good practice because this will save costs as there is no need to send the document overseas.

[End of HMD Circular 2.2]

HMD Circular 2.3 (Removed)

~~2.3 Filing of Geographical Indications documents~~

~~A. Introduction~~

~~This Circular gives guidance on the filing of documents for disputes relating to GIs.~~

~~B. References~~

~~Rule 9 GIR.~~

~~C. How may GI documents be filed with the Registrar?~~

~~Rule 9 GIR lists the modes to file documents with the Registrar. They are:~~

- ~~(a) By post~~
- ~~(b) By hand.~~

~~The Registrar has also permitted the filing of documents via FormSG (see Registries Practice Direction No. 1 of 2021).~~

~~The electronic online system is **not** available for filing GI documents.~~

~~D. Submission of soft copies for the Registrar's electronic records~~

~~If filing hard copies, then in addition to compliance with Rule 9⁴, parties are strongly encouraged to submit, via IP²SG⁵, soft copies of documents filed with the Registrar. If soft copies are not submitted, the Registrar will typically follow up with the parties to submit soft copies of their GI documents which have been filed under Rule 9 GIR.~~

~~*How is the submission of soft copies via IP²SG done?*~~

~~Parties could submit the soft copies by way of attachment under Document Type "Others" in an ad-hoc correspondence for the relevant HMD Case Number where available, or the relevant Application Number.~~

~~*Is there a fee for the submission of soft copies?*~~

~~There is no fee for doing so.~~

~~*When should the soft copies be submitted?*~~

~~Ideally, the soft copies should be submitted via IP²SG at the same time the hard copies are filed with the Registrar.~~

⁴ Compliant filing is important to move the process forward with a filing date within the applicable deadline.

⁵ IP²SG is IPOS' one-stop electronic portal for conducting Intellectual Property transactions. It is accessible at the URL <https://ip2sg.ipos.gov.sg/>.

[End of HMD Circular 2.3]

HMD Circular 3.3

3.3 Page limits on evidence in trade mark opposition, invalidation and revocation proceedings

A. Introduction

This Circular gives guidance on the general page limits the Registrar would expect of parties' evidence in trade mark proceedings such as oppositions, invalidations and revocations. Since IPOS is a low cost tribunal, parties should be mindful of what and how much evidence they file so as to avoid unnecessary costs to proceedings.

This practice takes effect from 2 June 2022.

B. Page limits for parties' evidence

Parties' evidence should fall within the following limits, regardless of the number of deponents at each stage:

Evidence by Initiator: 300 pages

Evidence by Respondent: 300 pages

Evidence in Reply by Initiator: 100 pages

C. How did we decide on 300 pages as the page limit?

Having had the benefit of reviewing parties' evidence filed in many trade mark proceedings, we observed that relevant and useful evidence was generally filed in the range of 150 to 300 pages. After careful consideration, we decided on 300 pages as the page limit for the pilot.

During the pilot over 2 years, we observed that almost all parties were able to file their concise evidence within the page limits. The feedback from parties was also overwhelmingly in favour of page limits.

D. What are the consequences if a party's evidence exceeds the page limit?

The consequences could pertain to costs.

The Registrar will apply a test based on the relevance and proportionality of the evidence. If the evidence exceeds the page limit and if the Registrar concludes that a significant portion of the evidence is irrelevant or unnecessary, then there could be cost implications. For example, the party may not be awarded costs if the irrelevant or unnecessary evidence is excessive; or even if the party is awarded costs, the quantum could be based on the degree of relevance or necessity of the evidence.

[End of HMD Circular 3.3]

HMD Circular 5.2

5.2 Full hearings: cross-examination, attendance and tendering of additional submissions

A. Introduction

This Circular explains what a full hearing entails and gives guidance on matters relating to a full hearing.

B. Cross-Examination

...

Video-conferencing

If the request is allowed, the Registrar is prepared to consider the use of appropriate video-conferencing options **such as platforms on Zoom, Microsoft Teams etc.** This should be discussed with the Registrar at the PHR. The non-exhaustive, non-cumulative factors which the Registrar will consider in deciding whether cross-examination should take place via video-conferencing are:

- (a) Whether the witness to be cross-examined is based outside Singapore
- (b) Whether there are sufficient administrative and technical facilities agreed upon by both parties e.g. at a law office or rented business space
- (c) Whether any party to the proceedings would be unfairly prejudiced if video-conferencing was allowed / not allowed.

~~Costs of videoconferencing may eventually be reimbursed at taxation stage, subject to the usual principles.~~

...

H. Additional or Supplementary Written Submissions and Bundle of Authorities

A party who wishes to tender additional or supplementary written submissions and bundle of authorities should, at least **2 weeks** before the date of the full hearing, file and serve the same on the other party. This is to prevent the other party from being taken by surprise.

If the above is not complied with, the Registrar will exercise discretion whether to disregard these submissions, or whether to accept them and give the other party time to file reply submissions (e.g. if voluminous case authorities are cited in the additional or supplementary submissions). There are only limited exceptions to the general rule in the preceding paragraph e.g. the Court of Appeal has changed the law in a decision too recent to have been included when the written submissions and bundle of authorities were due.

All additional or supplementary written submissions and bundle of authorities will have to be filed via ~~IP²SG~~ **IPOS Digital Hub** in addition to any hard copies as directed by the Registrar.

For avoidance of doubt, the 2-week requirement does not apply to basic rebuttal submissions. However, the Registrar still has the discretion to give the other party time beyond the hearing to file reply submissions if appropriate. Further, rebuttal submissions are to be similarly filed via ~~IP²SG~~ **IPOS Digital Hub**, in addition to any hard copies provided to the Registrar at the hearing, as soon as possible after the hearing.

[End of HMD Circular 5.2]

HMD Circular 6.1

6.1 Award and assessment of costs and taxation

A. Introduction

This Circular guides users on matters relating to the award and assessment of costs and taxation. The Fourth Schedule below reflects the quantum which came into effect on 31 January 2017 ("New Quantum"). The Fourth Schedule to the principal Rules as in force immediately before 31 January 2017 ("Old Quantum") continues to apply to any initiation action filed before 31 January 2017.³⁰

The indicative costs set out in heading F below should therefore be adjusted accordingly for proceedings arising from any initiation action filed before 31 January 2017. Apart from this, for the avoidance of doubt, the same considerations below apply regardless are relevant, whether the New Quantum or Old Quantum applies.

B. References

Unless otherwise specified, the sections referred to are sections from the TMA and the rules referred to are rules from the TMR.

Section 69 TMA Costs awarded by Registrar

Rule 40 TMR Costs in uncontested oppositions

Rule 75 Scale of Costs

Rule 75(2) TMR provides that costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

C. Liability for costs

The Registrar has the discretion to award costs against any party to proceedings brought before him in relation to any matter and in the amounts provided for by the Rules. In general, the successful party in contested proceedings (whether substantive or interlocutory) is usually entitled to an award of costs. The parties have the opportunity to be heard in relation to an award on costs. This is useful, especially if it is claimed that costs should not follow the event³¹.

Will costs be awarded if the proceedings end before a determination on its merits?

It is possible to seek a cost award where proceedings end before a determination on its merits. For example, where a trade mark applicant withdraws its application upon receipt of the ~~NO~~ Form TM11, the Opponent may seek, and the Registrar may

³⁰ Rule 17(16) of the Trade Marks (Amendment) Rules 2017

³¹ In *Ferrero S.P.A. v Dochirnie Pidpriemstvo "Kondyterska Korporatsiia "ROSHEN"* [2015] SGIPOS 14, there was no order as to costs (see [103]) even though the opposition failed on all grounds as the Registrar found that the Applicants' actions have caused unnecessary complications in the proceedings.

allow, an award of costs against the Applicant. In such a scenario, Rule 40 applies and the Registrar will consider whether proceedings might have been avoided if reasonable notice had been given by the Opponent to the Applicant before the **NO Form TM11** was filed. The Registrar's consideration will be two-fold, whether costs should be awarded to the Opponent at all and if so, the quantum of the award.

How will costs be awarded where there are joint initiating parties to a successful action?

Where there are joint initiating parties to a successful action, any costs awarded to them are calculated as being for one party only. If the action is not successful, the default position is that the joint initiating parties are jointly and severally liable for costs.

D. Order for costs

Award of costs after full hearings

~~The usual order for costs in a full *inter partes* hearing is for~~ After a full hearing relating to proceedings with notice, the Registrar may order party and party costs to be ~~taxed~~ assessed if not agreed, or the Registrar may award costs summarily after giving parties the opportunity to make representations.

~~Generally,~~ Even if costs are ordered to be assessed if not agreed, many parties are able to agree on the quantum of costs without the need for ~~taxation before the Registrar assessment~~. This saves them time and further costs incurred in the ~~taxation assessment~~, which will not be fully recovered by the party awarded costs.

Award of costs in interlocutory proceedings

In interlocutory proceedings, the Registrar may, ~~as a matter of practice in most cases,~~ hear the parties on the award of costs as well as on the quantum thereof at the same time. This is generally more time- and cost-effective ~~and parties can avail themselves of this modality, if they mutually agree not to adopt the formal procedure in Rule 73.~~

E. Quantum of costs

Party and party costs refers to such costs as are necessary or proper for the attainment of justice or for enforcing or defending the rights of the party whose costs are being ~~taxed~~ assessed. The party and party costs awarded under ~~a taxation an assessment~~ are all that are necessary or proper to enable the party to conduct the proceedings, and no more.

Further, Rule 75(2) provides that costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

The Fourth Schedule in the Rules contains the Scale of Costs. Under Section 69, the Registrar retains the ultimate discretion in terms of the quantum to be awarded,

subject to the Fourth Schedule. ~~The Registrar does not have the discretion to depart from the Scale of Costs in the Fourth Schedule.~~

F. Drafting a Bill of Costs

The following table is intended to be an aid to parties in drafting a Bill of Costs (“BOC”) and understanding the Registrar’s decision-making process on the quantum of costs.

The table includes some of the factors which the Registrar takes into account in deciding the quantum of costs to be awarded for items provided in the Scale of Costs.³²

In exceptional cases, for example, where a party’s behaviour is unreasonable³³, the Registrar may decide not to award costs or award costs that are higher than what would ordinarily have been awarded where the party had acted reasonably.

Where parties have agreed on specific items in the BOC

Where parties have agreed on a particular cost item in the BOC, the Registrar will not intervene in relation to that item and will award the quantum as agreed (within the maximum amount under the Scale of Costs). In the event that parties disagree in relation to a particular item, the Registrar will award an amount for the item having regard to the Fourth Schedule as well as to the _ circumstances of the case.

Fourth Schedule

Item	Matter	Amount
...		
<i>INTERLOCUTORY PROCEEDINGS, ETC.</i>		
5	Preparing for all interlocutory proceedings ³⁴ , pre-hearing reviews and case management conferences <i>Factors to be considered are complexity of issues in fact and law, length of written submissions and amount of authorities cited if any.</i> <ul style="list-style-type: none"> • <i>Simple procedural matters: \$65 to \$200</i> • <i>Written submissions with no authorities cited (interlocutory proceedings): \$200 to \$400</i> • <i>Written submissions & authorities (interlocutory proceedings): \$400 to \$650</i> 	\$65-\$650 per proceeding, review or conference
6	Attending all interlocutory proceedings, pre-hearing reviews and case management conferences	\$65-\$650

³² The text in standard font is reproduced from the *Fourth Schedule*, while the text in *italics* sets out the Registrar’s usual approach when deciding on the quantum of costs to be awarded.

³³ In *Guccio Gucci S.p.A. v Guccitech Industries (Private Ltd)* [2018] SGIPOS 1, the IP Adjudicator departed from the usual order in opposition proceedings under which costs are awarded to the successful opponent, and ordered that the parties bear their own costs in the proceedings. This was a result of the IP Adjudicator’s finding that the Opponent’s exhibits contained “swathes of material that has no relevance to these proceedings or is needlessly excessive and duplicative...”

³⁴ See **HMD Circular 6.1 at D**

	<p><i>Factors to be considered are complexity of issues in fact and law and time taken for hearing.</i></p> <ul style="list-style-type: none"> • 1 hour or less: \$65 to \$200 • Half day hearing: \$200 to \$500 • Full day hearing: \$500 to \$650 	per proceeding, review or conference
FULL HEARINGS		
7	<p>Preparing for hearing</p> <p><i>Factors to be considered are complexity of issues in fact and law, length of written submissions and amount of authorities cited if any.</i></p> <ul style="list-style-type: none"> • 1 or 2 grounds raised: \$650 to \$1300 • 3 or more grounds raised: \$1000 to \$2000 • Many complex issues of fact and law: \$2000 to \$2600 	\$650-\$2,600
8	<p>Attendance at hearing</p> <p><i>Factors to be considered are complexity of issues in fact and law, time taken for hearing.</i></p> <ul style="list-style-type: none"> • Half day hearing: \$260 to \$700 • Full day hearing: \$700 to \$1040 	\$260-\$1,040
TAXATION ASSESSMENT		
9	<p>Drawing bill of costs</p> <p><i>Amount allowed according to the number of folios in bill of costs³⁶</i></p>	\$6.50 per folio ³⁵
10	<p>Attending taxation assessment</p> <p><i>The factor to be considered for attending taxation assessment is the time taken for the taxation assessment proceeding.</i></p> <ul style="list-style-type: none"> • 1 hour or less: \$130 to \$200 • More than 1 hour: \$200 to \$390 	\$130-\$390
...		

³⁵ Defined as 100 words, each figure being counted as one word, in Rule 2(1)

³⁶ Where a party has filed the form and has also included an attachment, the number of pages for the attachment will only be taken into account where the content is not repetitious and further elaborates on the BOC.

HMD Circular 6.2

6.2 Security for costs

...

E. The Registrar's discretion

The word "may" in Section 70 makes it clear that security cannot be ordered as a matter of course, but only if the Registrar thinks it is just to do so in the circumstances of the case. The Registrar will exercise this discretionary power judiciously and by considering all the circumstances of the case.

Although the wording of Section 70 differs from that of Order ~~23~~ 9 Rule 12 of the Rules of Court ~~on Security for Costs 2021~~, the primary purpose ~~behind Section 70 is similar to that of Order 23 is similar~~. The purpose is to ensure that the Respondent³⁸ in any action has some security that, in the event that he wins, the Initiator ~~or the party taking out the action~~ will pay his costs.

Thus, the factors that will be taken into consideration by the Registrar in deciding whether to grant security for costs in an opposition or revocation or declaration of invalidity proceedings are similar to the factors that the courts will take into account in deciding whether to grant security for costs in a civil suit.

F. Factors taken into consideration in deciding whether to grant security for costs

The factors that will be taken into consideration by the Registrar are similar to the factors that the courts will take into account in deciding whether to grant security for costs in a civil suit. Based on a consideration of the factors, the Registrar may then decide whether the application for security for costs should be granted. However, where the circumstances are evenly balanced it would ordinarily be just to order security against a foreign Initiator

The non-exhaustive list of factors includes, amongst others:

- (a) Whether granting the security would stifle a genuine claim

Impecuniosity of the Initiator is inextricably linked to this factor. Where the granting of the security would stifle a genuine claim, the application for security may be denied. One of the ways to moderate the concern of stifling a genuine claim is to reduce the quantum of the security allowed.

- (b) The ease with which a Singapore decision can be enforced overseas

Generally, if the foreign jurisdiction is covered under either the Reciprocal Enforcement of Commonwealth Judgments Act (~~Cap 264~~) 1921 or the Reciprocal

³⁸ In this context, "Respondent" refers to the party defending himself in any action e.g. in an Opposition, Revocation or Invalidation action.

Enforcement of Foreign Judgments Act (~~Cap 265~~) 1959, then there is a tendency that the application for security may be refused.

(c) The likelihood of the Initiator succeeding

~~It is important to note that~~ In coming to ~~his a~~ view ~~as to~~ of the probability of success of an action, the Registrar is not required to make a detailed examination ~~as to~~ of the merits of the case. Indeed, the Registrar would not be in ~~a~~ position to do so, in particular, where the action is still at an early stage. If both parties have an arguable case on the face of it, then this will be a neutral factor.

(d) The stage at which the application for security for costs is made

In general, the case is stronger where the application is made at an early stage of the action. This because where an application is made at a late stage, the Respondent would have already expended much costs. This casts doubt ~~as to~~ on whether the Respondent is genuinely concerned about recovering costs from the Initiator.

(e) Whether the ~~impecunious~~ Initiator is an individual or a corporate entity

This is relevant as the attitude in relation to impecuniosity differs with regard to companies versus individuals. Where the Initiator is a natural person, public policy leans towards encouraging access to the ~~Registrar proceedings and hence, leans away from an order for security for costs.~~

(f) Where the Initiator is a limited company, whether there is evidence that it is unable to pay costs

There are 2 potential ways this factor may apply:

- (i) Where the Initiator is impecunious. When one is dealing with a company rather than a natural person, public policy is in favour of limiting, rather than encouraging, uninhibited access to the ~~Registrar proceedings and hence, leans towards an order for security for costs.~~
- (ii) Where the Initiator claims that it is fully able to pay the Respondent 's costs if the latter wins. For example, the Initiator may be a public listed company with many assets. Since the Respondent is not able to show that the Initiator is unable to pay costs, this factor will work against the Respondent ~~seeking security for costs.~~

...

HMD Circular 7.1

7.1 Preliminary View

A. Introduction

This Circular issues guidance to users on a preliminary view (“PV”) issued by the Registrar. It also crystallises the observations made in the case of *Tan Jee Liang Trading as Yong Yew Trading Company v FMTM Distribution Ltd* [2016] SGIPOS 9 (“*Tan Jee Liang*”) at [26].

B. What is a PV?

A PV refers to the Registrar’s provisional view (as opposed to final decision) in relation to an interlocutory request by an Applicant (e.g. for leave to file further evidence), to resolve procedural issues leading up to the final hearing.

C. Purpose of a PV

What are the main reasons for issuing a PV?

The main reason for a PV is to give parties a sense of the Registrar’s inclination whether or not to allow the request for resolution of the procedural issues raised.

The issuance of a PV will save parties from incurring the additional costs of commencing an interlocutory hearing to resolve the procedural issue. Any interlocutory hearing ~~commenced in the course of a hearing~~ will inevitably add to the total costs ~~of the proceedings.~~ ~~and~~ As IPOS is a low cost tribunal, costs awarded are not intended to ~~and, hence, will not~~ compensate the parties for the expense to which they may have been put³⁹.

Further, there are no appeals against interlocutory decisions of the Registrar under the TMA except where the decision terminates any matter concerning a trade mark or an application for a trade mark.⁴⁰ As such, a PV will allow parties to assess whether it is in their best interest to maintain their positions ~~or accept the Registrar’s provisional view and move on.~~

Basis of a PV

The Registrar’s inclination at this point is preliminary and made on the basis of the ~~reasons representations~~ given by the Applicant and the response, if any, by the Respondent.

³⁹ *Tan Jee Liang* at [27](a) and Rule 75(2) TMR

⁴⁰ *Tan Jee Liang* at [27](b) and Section 75(3) TMA

D. Issuance of a PV

What can PVs be issued for?

A PV can be issued for various procedural requests and this paragraph is non-exhaustive.

Two of the more common requests are:

- (a) A request for the filing of further evidence
- (b) A request for an amendment of pleadings.

When are PVs usually not issued?

For the avoidance of doubt, PVs are usually not issued in applications for extensions of time made in time. These are time-sensitive applications⁴¹ where the Registrar may directly issue a final written decision **after giving parties an opportunity to make representations.**

...

⁴¹ *Tan Jee Liang* at [26(a)]

HMD Circular 7.2

7.2 Stay of proceedings

A. Introduction

This Circular provides guidance regarding applications for a stay of proceedings.

B. What is a stay of proceedings?

A stay of proceedings is a temporary suspension, or keeping in abeyance, of legal proceedings. For as long as proceedings are stayed, all of the procedural **timelines deadlines** are frozen and there is also no need to file for extensions of time. When the stay is lifted, unless the Registrar orders otherwise, the default position is that any **timelines deadlines** will be extended accordingly.

Illustration: Party X has 7 days to meet a certain deadline to file evidence. On that day, X applies for and is granted a stay of proceedings. The stay is lifted 2 months later. Because timelines are extended accordingly, on the day the stay is lifted, X has 7 days to meet the extended deadline.

C. Where does the Registrar's power to **award a stay of** proceedings come from?

The Registrar has broad case management powers, which include making appropriate orders or directions for the "*just, expeditious and economical disposal of the matter*": see Rules 36A and 81A TMR. These powers include the power to stay proceedings in the appropriate case. **Rule 81C(1) TMR also specifically empowers the Registrar to stay one set of proceedings until another set of proceedings has been determined.**

D. How does one apply for a stay of proceedings?

Applications for a stay of proceedings should be made by way of **letter correspondence in IPOS Digital Hub**. The **letter to the Registrar** requesting party should **set out the reasons explain** why a stay of proceedings is sought, as well as whether consent from the other side has been obtained.

E. In what situations might a stay be allowed?

Where the parties agree to submit their dispute to mediation, it is likely that the Registrar will grant a stay of proceedings for a 30-, 60- or 90-day period (which may be extended).

Apart from cases where the dispute is submitted to mediation, there are two established categories of cases where a stay of proceedings may be granted. They are:

- (a) Concurrent Proceedings: Where there are concurrent proceedings and the outcome of the other proceedings is likely to have a material impact on the proceedings sought to be stayed
- (b) Security for Costs: Where the Registrar has made an order for security for costs but such security has not been provided.

That said, the categories of cases where a stay may be granted are not set in stone. Even if a case does not fall into the above categories, the Registrar has the discretion to allow the dispute to be stayed if the circumstances justify it.

F. What if the parties are engaged in negotiations? Will the Registrar grant a stay?

As a general rule, the Registrar will not grant a stay of proceedings if the parties are seeking time to negotiate a resolution to the dispute. ~~Nevertheless, if negotiations are at an advanced stage and there are other reasons why a stay should be granted, the position may be different. Everything depends on the facts and circumstances of each case.~~

An alternative to seeking a stay of proceedings—where parties are negotiating—is to file for an extension of time coupled with a request for longer ~~timelines deadlines~~.

G. Stays in concurrent proceedings

The Registrar may allow a stay of proceedings where there are concurrent proceedings the outcome of which is likely to have a material impact on the proceedings sought to be stayed.

Generally speaking, if the concurrent proceedings in question are before any court in Singapore, or at IPOS, and there are good reasons for waiting for the outcome of those other proceedings, a strong argument can be made for a stay of proceedings. However, if the concurrent proceedings are in some other forum e.g. a foreign court, then the Registrar may be slow to allow a stay in the absence of some other facts.

In deciding whether to grant a stay in cases involving concurrent proceedings, the Registrar may take the following non-exhaustive (and often interconnected) factors into account:

- (a) ~~Whether there is some common question of law or fact in the proceedings: Rule 81C(1)(a) TMR~~
- (b) ~~Whether the rights to relief claimed are in respect of or arise out of the same factual situation: Rule 81C(1)(b) TMR~~
- (c) The stage at which the present proceedings and/or other proceedings sought to be stayed at IPOS are at
- (d) Whether the Registrar should allow longer ~~timelines deadlines or consolidate the proceedings~~ instead of ~~awarding imposing~~ a stay

- (e) Whether the outcome of the other proceedings ~~have~~ **has** a material bearing on the dispute before the Registrar at IPOS. When an outcome is expected, whether there is the possibility of an appeal or some other challenge
- (f) Whether it is likely that the outcome of the other proceedings would trigger a settlement of the present proceedings
- (g) Whether the other party is in support of a stay of proceedings.

[End of HMD Circular 7.2]