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GEOGRAPHICAL INDICATIONS ACT 2014

GEOGRAPHICAL INDICATIONS (BORDER ENFORCEMENT MEASURES) RULES 2022

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In exercise of the powers conferred by sections 56(5), 67A(4) and 84 of the Geographical Indications Act 2014, the Minister for Law makes the following Rules:

PART 1

PRELIMINARY

Citation and commencement

1. These Rules are the Geographical Indications (Border Enforcement Measures) Rules 2022 and come into operation on 21 November 2022.

PART 2

SEIZURE OF GOODS ON REQUEST

Notice under section 56(1) of Act

2.—(1) A notice to the Director-General under section 56(1) of the Act must be supported by the following documents and information:

- (a) a statutory declaration that the particulars in the notice are true;
- (b) a copy of the certificate of registration issued by the Registrar under section 48(3) of the Act in relation to the registered geographical indication specified in the notice;
- (c) evidence that the registration of the registered geographical indication was duly renewed at all times;

(d) where the notice is given by a person as agent for an interested party of goods identified by the registered geographical indication, evidence of the authority of the person giving the notice.

(2) The notice must be accompanied by the fee prescribed in the Geographical Indications (Border Enforcement Measures — Fees) Rules 2022 (G.N. No. S 817/2022).

(3) An interested party of goods identified by the registered geographical indication may appoint another person to act as the interested party's agent for the purpose of giving the notice.

Time and manner of giving notice under section 56(1) of Act

3. A notice to the Director-General under section 56(1) of the Act must be delivered to the Singapore Customs —

- (a) at any time that the office of the Singapore Customs is open for business; and
- (b) at any time that is reasonably possible for an authorised officer to take any action under the Act in relation to the notice.

Further information and evidence for notice under section 56(1) of Act

4. A person who has given a notice under section 56(1) of the Act to the Director-General must, as and when required by the Director-General, give to the Director-General any information and evidence within the time and in the form that the Director-General may reasonably require.

Change in particulars of notice under section 56(1) of Act

5. A person who has given a notice to the Director-General under section 56(1) of the Act must notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change, and provide any documents and information in relation to the change that the Director-General may reasonably require.

Refusal to seize goods pursuant to notice under section 56(1) of Act

6. An authorised officer may refuse to seize any goods to which a notice under section 56(1) of the Act relates if the person who has given the notice fails to comply with —

- (a) any direction of the Director-General; or
- (b) any provision of these Rules.

Period under section 59(2)(a) of Act for instituting infringement action

7. For the purposes of section 59(2)(a) of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 59(1) of the Act.

Period under section 59(6) of Act for extension of initial period

8. For the purposes of section 59(6) of the Act, the prescribed period is 10 working days after the end of the initial period mentioned in that provision.

PART 3**EX-OFFICIO SEIZURE OF GOODS****Period under section 67A(1) of Act**

9. For the purposes of section 67A(1) of the Act, the prescribed period is 48 hours after the date of the written notice mentioned in section 67(2) of the Act.

Notice under section 67A(1) of Act

10.—(1) A notice to the Director-General under section 67A(1) of the Act must be supported by the following documents and information:

- (a) a statutory declaration that the particulars in the notice are true;

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- (b) a copy of the certificate of registration issued by the Registrar under section 48(3) of the Act in relation to the registered geographical indication specified in the notice;
 - (c) evidence that the registration of the registered geographical indication was duly renewed at all times;
 - (d) where the notice is given by a person as agent for an interested party of goods identified by the registered geographical indication, evidence of the authority of the person giving the notice.

(2) The notice must be accompanied by the fee prescribed in the Geographical Indications (Border Enforcement Measures — Fees) Rules 2022.

(3) An interested party of goods identified by the registered geographical indication may appoint another person to act as the interested party's agent for the purpose of giving the notice.

Time and manner of giving notice under section 67A(1) of Act

11. A notice to the Director-General under section 67A(1) of the Act must be delivered to the Singapore Customs at any time that the office of the Singapore Customs is open for business.

Further information and evidence for notice under section 67A(1) of Act

12. A person who has given a notice under section 67A(1) of the Act to the Director-General must, as and when required by the Director-General, give to the Director-General any information and evidence within the time and in the form that the Director-General may reasonably require.

Change in particulars of notice under section 67A(1) of Act

13. A person who has given a notice to the Director-General under section 67A(1) of the Act must notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change, and provide any documents and information in relation to the change that the Director-General may reasonably require.

Release of seized goods to dealer under section 67A of Act

14.—(1) The Director-General may release the seized goods in relation to which a notice has been given under section 67A(1) of the Act to the dealer concerned, if the person who gave the notice fails to comply with —

(a) any direction of the Director-General; or

(b) any provision of these Rules.

(2) In this rule, “dealer” means the importer or exporter of goods that are seized under section 67(1) of the Act.

Period under section 67B(1)(a) of Act for instituting infringement action

15. For the purposes of section 67B(1)(a) of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 67B(1) of the Act.

Period for extension of initial period under section 59(6) of Act as applied by section 67B(2) of Act

16. For the purposes of section 59(6) of the Act as applied by section 67B(2) of the Act, the prescribed period is 10 working days after the end of the initial period mentioned in section 59(6) of the Act.

Made on 18 October 2022.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Law,
Singapore.*