### TRADE MARKS FORM 1 – SEIZURE OF GOODS ON REQUEST

### NOTICE UNDER SECTION 82 (1) OF THE TRADE MARKS ACT 1998

*Please read the notes in italics before completing the notice*

*1. This notice may only be given by:*

*(a) the proprietor or a licensee of a registered trade mark; or*

*(b) an agent for the proprietor or licensee of a registered trade mark.*

*2. Unless otherwise indicated, the notice must provide sufficient particulars of all matters specified therein to enable the Director-General of Customs to act on it. Please follow the instructions when filling up the notice.*

*3. The notice must be supported by the following documents and information:*

1. *a statutory declaration that the particulars in the notice are true;*
2. *a copy of the certificate of registration issued by the Registrar of Trade Marks under section 15(3) of the Trade Marks Act in relation to the registered trade mark specified in the notice;*
3. *evidence that the registration of the registered trade mark was duly renewed at all times; and*
4. *where the notice is given by a person as agent for the proprietor or a licensee of the registered trade mark, evidence of the authority of the person giving the notice.*

*4. The notice must be accompanied by the fee prescribed in the Trade Marks (Border Enforcement Measures Fees) Rules 2019.*

*5. You are required to provide the Director-General of Customs with a deposit of a sum of money or with security (whether by way of an instrument of guarantee or otherwise) that is sufficient to —*

*(a) reimburse 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*

*(b) pay such compensation as may be ordered by the Court under section 89(2) or section 90(6) of the Trade Marks Act.*

*Please note that you will be responsible for any liability or reasonable expense which exceeds the amount of the deposit of money or security.*

*6. The notice remains in force until the 59th day after the day on which the notice was given.*

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### NOTICE

To the Director-General of Customs:

1. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*State the name and address of the person giving the notice.)*

2. I am *(Choose one from (a) to (d) below)*:

1. the proprietor of a trade mark registered in Singapore;
2. an agent for the proprietor of a trade mark registered in Singapore;
3. the licensee of a trade mark registered in Singapore; or
4. an agent for the licensee of a trade mark registered in Singapore.

In this Notice, the “trade mark registered in Singapore” is the mark described in paragraph 4 below.

3. *(To be completed if (b) or (d) is chosen in relation to paragraph 3 above, otherwise indicate “Not Applicable”.)* The name and address of the proprietor or licensee of the trade mark registered in Singapore on whose behalf this notice is given is as follows:

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4. The registration number of the trade mark registered in Singapore is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and a representation of this mark is set out in the box below.

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5. I hereby state that goods which are infringing goods in relation to the trade mark registered in Singapore, are expected to be \*imported / \*exported *(\*Delete whichever is inapplicable).*

6. To the best of my knowledge and belief —

1. I have provided in the box below a description of the goods:

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| --- | --- | --- | --- | --- | --- | --- |
| *Note: Provide sufficient information to describe and identify the goods, including, where available, particulars of —*  *(a) the quantity and value of the goods;*  *(b) the number of packages;*  *(c) any mark used;*  *(d) any relevant bill of lading or air waybill; and*  *(e) any relevant consignment reference number.*   |  | | --- | |  | |  | |  | |  | |  | |  | |

1. the \*importer / \*exporter *(\*Delete whichever is inapplicable)* of the goods is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(State the full name and address of the importer, or exporter, as applicable.)*

1. I have provided in the box below the particulars of the time, when and place where the goods are expected to be \*imported / \*exported. *(\*Delete whichever is inapplicable)*

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| *Note:*  *In the case of imports*  *State —*  *(a) the estimated date of arrival of the goods;*  *(b) the name of the port, airport or checkpoint by which the goods are expected to be imported into Singapore;*  *(c) the name of the ship, the flight number of the aircraft or the vehicle registration number of the motor vehicle by which the goods are expected to be imported into Singapore; and*  *(d) where available —*  *(i) the country/region of origin of the goods; and*  *(ii) any other information which may indicate the actual time when and place where the goods will be imported into Singapore.*  *In the case of exports*  *State —*  *(a) the estimated date of departure of the goods;*  *(b) the name of the port, airport or checkpoint by which the goods are expected to be exported from Singapore;*  *(c) the name of the ship, the flight number of the aircraft or the vehicle registration number of the motor vehicle by which the goods are expected to be exported from Singapore; and*  *(d) where available —*  *(i) the destination country/region of the goods; and*  *(ii) any other information which may indicate the actual time when and place where the goods will be exported from Singapore.*   |  | | --- | |  | |  | |  | |  | |  | |  | |  | |  | |  | |

7. The goods are infringing goods because:

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*(State the grounds on which it is claimed that the goods are infringing goods within the meaning of section 3 of the Trade Marks Act read with sections 27, 28 and 29 of that Act.)*

8. The goods are not goods in transit because:

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*(State the grounds on which it is claimed that the goods are not goods in transit within the meaning of section 81 of the Trade Marks Act.)*

9. I hereby request the Director General to seize the goods under section 82(1)(d) of the Trade Marks Act.

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| Date : |  |
| Signature : |  |
| Designation *(see notes below)*: |  |

*Notes:*

1. *State the designation of the person giving the notice, i.e. “proprietor”, “licensee”, “agent of proprietor” or “agent of licensee”.*
2. *If the notice is given on behalf of an entity, insert the name of the entity and the designation within the entity of the person giving the notice.*