### TRADE MARKS FORM 2 – EX OFFICIO SEIZURE OF GOODS

NOTICE UNDER SECTION 93B(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 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 93I or section 90(6) (as applied by section 93H) 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.*

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NOTICE

To the Director-General of Customs:

1. I refer to the written notice from the Director General of Customs dated \_\_\_\_\_\_\_\_\_\_\_\_ under Section 93A(3) of the Trade Marks Act.

2. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

3. 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.

4. *(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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5. 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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6. With regard to the seized goods identified in the written notice from the Director General of Customs, 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.)*

7. I hereby give notice to the Director-General to continue to detain the seized goods so that the proprietor or licensee of the trademark registered in Singapore may institute an infringement action in relation to them.

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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.*