

Law of Confidence			Registered Designs (cont)			Trademark (cont)			Trademark (cont)		
Quality of Confidence	Relation of Confidence	Unauthorised use of information	What cannot be registered? 'Must fit' / 'Must Match' / Computer program Defences? If the person was not aware of the registered design, then no account of profits/damages			capable of distinguishing goods and services with or provided in the course of trade	Consists exclusively of signs of kind, quality, intended purpose, value, geographical origin, time of production, characteristics	Trademark is identical to competitor's current one	From goods and services provided by any other person	Consists exclusively of signs or indications which are customary in current language or trade	Trademark conflicts with well known ones (doesnt have to be in same course of trade but the well known one has to prove that there is confusion in the public)
Information must NOT be trivial (Must be confidential)	Obligation of confidence?	'public interest' defence	Trademark								
Ideas can be protected as long as it is sufficiently developed to be saleable and is able to be realised			Elements	Absolute Grounds for Refusal	Relative Grounds for refusal						
Government Secrets, Trade Secrets, Personal Information, Artistic & Literary information			Capable of being represented graphically	Not distinctive	Trademark is identical to competitor's earlier trademark & deal in the same course of trade						
Anton Pillar order - order made against defendant to allow a plaintiff to enter the defendant premises and remove documents or evidence which are essential to the legal proceedings						Honest concurrent use - mark will not be refused on grounds of S8 if applicant is honest concurrent user.					
			Both marks have been in use for a similar period of time, no intention of part of concurrent user to take unfair advantage of the applicant mark								
Registered Designs											
What is a design? Features of shape, configuration, pattern or ornament applied to anm article by industrial process											
What can be registered? Any design which is new (Novel)											



Law of Passing Off		Patent Infringement		Copyright	
Elements	Defences	What constitutes patent infringement	What are the Defences?	What can be Copyrighted?	Connecting factors for protection in SG
Goodwill (within country)	No damage/ likelihood of damage	Disposing of/ use/ import/ keeping product	Done privately & not for commercial purposes	Literary Work	Work is first published in SG
Defendant made a misrep	Public haven't heard of plaintiff	Using/offering process for use in SG when he knows that the use without the consent would be an infringement	Experimental purpose	Dramatic Work	Author is Singaporean/ ordinarily resident
Misrep is made in the same course of trade	Public haven't heard of Defendant	Disposing of/ use/ import/ keeping of any product obtained directly by means of patented process	For a medicine in accordance with a prescription	Artistic Work	
Misrep must/ is likely to cause damage	Public is not confused between the 2 products		consists of use on aircraft, hovercraft or vehicle	Musical Work	
Patents			Prior use defence (need in good faith)	Copyright Infringement	
Requirements?				Primary	Secondary
Novelty (new, not made public)				eg. making an unauthorised copy of a book	eg. selling an unauthorised copy of a book
Inventive Step (cannot be obvious) - Test is whether a person skilled in the art would say that the invention is obvious					Fair Dealing defence
Industrial Application (can be industrially manufactured & used)					Research and study
For the patent application, there must be clear and complete disclosure					Criticism and review
					Reporting current events



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