

**IN THE HEARINGS AND MEDIATION DEPARTMENT OF
THE INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
REPUBLIC OF SINGAPORE**

Trade Mark No. 40202413890U

**IN THE MATTER OF AN APPLICATION
FOR EXTENSION OF TIME TO FILE COUNTER-STATEMENT
BY JIANG YAZHENG
("PROPRIETOR")**

**AND AN OBJECTION BY
WEN ZHANG LAO MIAN PTE LTD ("APPLICANT")**

Assistant Registrar Yong Yoke Ching
Decision date: 29 October 2025

*Objection to an application for extension of time – False reason given in support of
application for extension of time – Objection to an application for extension of time to
file counter-statement sustained – Grant of extension of time revoked*

I. INTRODUCTION

1. The main proceedings concern an application for a declaration of invalidity of a registered trade mark. The Applicant filed Form TM28 to commence the proceedings, and it fell to the Proprietor to file Form HC6 (Counter-Statement) within its deadline. The Proprietor applied for and obtained an extension of time to file her counter-statement in Form HC6. This decision addresses the issue of whether the extension of time granted for the Proprietor to file her counter-statement should be revoked.
2. The relevant rule under the Trade Marks Rules (Cap 332, 2008 Rev Ed) ("the Rules") is as follows:

Counter-statement

58. ...

- (5) A request for an extension of time to file the counter-statement —
 - (a) must be made by the proprietor to the Registrar in Form HC3 within 2 months after the date of receipt of the copies of the application and statement from the applicant; and

(b) must state —

- (i) the reason for the extension; and
- (ii) the name and address of every person likely to be affected by the extension.

....

(8) The Registrar may refuse to grant an extension of time to file the counter-statement if the proprietor —

- (a) fails to show a good and sufficient reason for the extension;
- or
- (b) fails to show to the Registrar's satisfaction that the request mentioned in paragraph (5) has been served on the applicant and on each person likely to be affected by the extension.

3. The Registrar will generally grant an extension of time for a proprietor to file its counter-statement if the criteria under Rule 58(5) of the Rules are met.

II. EVENTS LEADING UP TO THE REGISTRAR'S DECISION

4. In the present case, the Proprietor's counter-statement was due on 22 July 2025 but it was open to the Proprietor to apply for a maximum of 2 further months to file the counter-statement, subject to conditions¹.
5. On 14 July 2025, the Proprietor, through her then-agent (Eagle Mind Pte Ltd, a company which provides accounting and auditing services (excluding online marketplaces) based on ACRA's online directory) informed the Registrar of Trade Marks in writing that she had commenced a trade mark infringement suit against the Applicant at the State Courts and requested the Registrar to suspend the invalidation proceedings .
6. In response, on 16 July 2025, the Registrar informed the Proprietor, in writing, that the trade mark infringement suit was commenced in the wrong forum, at the State Courts, instead of in the General Division of the High Court. The invalidation proceedings before the Registrar would continue according to the applicable deadlines. In the same letter, the Registrar further informed the Proprietor that if she needed an extension of the counter-statement deadline of 22 July 2025, she would need to file a request for an extension of time no later than 22 July 2025.
7. The Proprietor, through her then-agent (Eagle Mind Pte Ltd), filed Form HC3 to request for an extension of time to file the counter-statement on 18 July 2025 with the reason "Our legal counsel is in the process of handling this matter with the High Court, and

¹ Rule 58(2), (5), (6), (7) and (8) of the Rules.

we will submit the required documents accordingly”. Based on this reason, on 18 July 2025, the Registrar extended the Proprietor’s original deadline from 22 July 2025 to 22 September 2025.

8. On 2 September 2025, the Applicant, through its agent (Drew & Napier LLC) (“D&N”), requested the Registrar to revoke the extension of time granted to the Proprietor to file her counter-statement on the basis that the Proprietor had provided a false reason and a false declaration in her Form HC3.
9. In D&N’s letter of 2 September 2025 to the Registrar, it furnished the Proprietor’s email exchange in Chinese with her then-agent (Eagle Mind Pte Ltd) on 22 July 2025. D&N also provided a certified translation of the Proprietor’s email exchange with her then-agent on 22 July 2025 in English. D&N explained that it had sight of the Proprietor’s email exchange with her then-agent because the Proprietor attached a copy of this email exchange in her email reply to D&N on a separate matter regarding a jurisdictional challenge in the State Courts. This email exchange disclosed, *prima facie*, that the Proprietor’s then-agent gave the Registrar the reason that “Our legal counsel is in the process of handling this matter with the High Court, and we will submit the required documents accordingly” merely to provide a “good and sufficient reason”² for the extension of time.
10. In the email exchange between the Proprietor and her then-agent (Eagle Mind Pte Ltd) dated 22 July 2025, *prima facie*, the Proprietor claimed that she received information from D&N that based on the Proprietor’s reason for her request for an extension of time to file the counter-statement, the Proprietor will be making a claim against the Applicant in the High Court. In the same email exchange, the Proprietor further admitted that this information was not accurate and she did not instruct her then-agent (Eagle Mind Pte Ltd) to give this reason to the Registrar. The Proprietor affirmed her intention to pursue the State Courts proceedings, had received directions from the last case conference, and said she would adhere to the timeline given by the court registrar. The Proprietor’s then-agent (Eagle Mind Pte Ltd) made the following email reply to the Proprietor on 22 July 2025:

Hi, we apologize for not having confirmed with you in advance regarding the reason for the extension. We have confirmed this matter with IPOS by telephone. When filling in the reason for the extension at that time, it was mainly for the purpose of submitting the HC3 form – they required a reasonable explanation as the basis for the extension.

IPOS has now accepted the extension request and stated that this reason is only a formal basis for granting the extension and will not affect subsequent

² Rule 58(8)(a) of the Rules.

procedures. Therefore, even if you ultimately do not file a lawsuit with the High Court, it will have no impact.

Most importantly, on May 27, IPOS issued a notice requiring the preparation of the Encounter-Statement (*sic*). The extension has now been approved, and the new deadline is September 22.

11. On 9 September 2025, the Registrar gave the Proprietor an opportunity to respond to D&N's letter of 2 September 2025, by the deadline of 17 September 2025.
12. On 17 September 2025, the Proprietor, through her new agent (Mr Roy Mah Kam Khuen, an individual) responded to D&N's letter of 2 September 2025. The Proprietor's letter signed by her and filed on 17 September 2025 is pre-dated 12 September 2025. At paragraphs 3, 4, 5 and 10 of this letter, the Proprietor claimed that:
 - 3 On 18 July 2025, I wrote to seek an extension to file a Defense to the application to invalidate our trade mark registration because we had a case conference scheduled for this matter at the States Court (*sic*) on the (*sic*) 7 August 2025.
 - 4 As there are salient triable issues in this case (DC/OC 848/2025), I thought it was only right that this "Invalidation Application" should be addressed after both the Applicant and I had opportunities to either mediate or exchange affidavits for this matter.
 - 5 I will file a Defense to this "Invalidation Application" referring to facts in both the Applicant (*sic*) and my Affidavits, which would not have been possible if we did not file for an extension. It is unseemly for the Applicant to apply for an invalidation Application without first submitting evidence to prove their claims. I intend to show a genuine issue of material fact pertaining to the Applicant's claims.
 - 10 In response to the Applicant's claim that I had mislead (*sic*) IPOS into granting me an extension; there was a genuine miscommunication between Eagle Mind Pte Ltd and myself when they filed Form HC3. There was no intention to mislead IPOS as we had already filed affidavits to the States Court (*sic*) for Case No. DC/OC 848/2025. I was also waiting to see evidence of their copyright claims in their affidavits since their challenge of the jurisdiction was made on the premise that this was a copyright infringement and a trade mark dispute.
13. On 18 September 2025, the Registrar gave the Applicant a deadline of 2 October 2025 to respond to the Proprietor's letter dated 12 September 2025. In the same letter of 18 September 2025, as the clock continued to run, the Registrar informed the Proprietor

that she may file the counter-statement to preserve her position by the final deadline of 22 September 2025. However, it was made clear in the Registrar's letter that the filing of the Proprietor's counter-statement, if any, was not to be taken as an indication that the Registrar necessarily accepts the counter-statement.

14. On 22 September 2025, the Proprietor, through her agent (Mr Roy Mah Kam Khuen) filed as correspondence a document purported to be her counter-statement with no fee paid (instead of in Form HC6 and fee as required under Rule 58(2) of the Rules) in the IPOS Digital Hub, the e-filing system used by IPOS.
15. On 2 October 2025, the Applicant responded to the Proprietor's letter dated 12 September 2025. The Applicant reported that the Proprietor, at a hearing on the jurisdictional challenge (initiated by the Applicant) at the State Courts on 23 September 2025, continued to insist that her case should be heard by the District Court even after the Deputy Registrar at the State Courts dismissed the Proprietor's claim completely with costs to the Applicant (i.e. the jurisdictional challenge succeeded). The Applicant maintained its position that the Proprietor did not provide a good and sufficient reason and/or reasonable reason for the Registrar of Trade Marks to grant the extension of time and a false declaration was made by the Proprietor, through her then-agent (Eagle Mind Pte Ltd), when filing the request for an extension of time.
16. In cases like the present one where an interlocutory dispute concerning a procedural issue arises, the Registrar generally will issue a preliminary view ("PV") (as opposed to a final decision) after giving the parties the opportunity to make written representations; and the parties will be given an opportunity to respond to the PV in writing by a deadline.
17. HMD Circular 7.1 provides guidance on a PV issued by the Registrar. The Registrar's PV is generally issued to give parties a quick sense of the Registrar's inclination whether or not to allow an interlocutory request in relation to the procedural issue raised. The Registrar's PV is made on the basis of the parties' brief representations and all relevant circumstances. If no objections to the PV are received by a deadline, the Registrar's inclination set out in the PV will become the Registrar's final decision. A party who disagrees with the PV and has new facts, arguments or reasons in support of its position may object to the PV in writing; and the Registrar will reconsider the PV. This process is intended to save time and costs in lieu of a full fledged interlocutory hearing immediately after an application on a procedural issue is made.
18. On 3 October 2025, I set out the Registrar's PV, in writing, based on the parties' representations and all relevant circumstances. The Registrar was not persuaded that the reason in the Proprietor's request for an extension of time to file her counter-statement was a genuine reason. In fact, it was an outright untruth. In view of this, the Registrar was inclined to revoke the earlier extension of time granted to the Proprietor under Rule 58(8) of the Rules and since the Proprietor did not file her counter-statement

by the original deadline of 22 July 2025, the application for declaration of invalidity shall be granted under Rule 58(13) of the Rules. The Registrar gave a deadline of 17 October 2025 for the Proprietor to write in with her objections to the Registrar's PV, if any. The Proprietor was also informed that if no objections were received by this deadline, the Registrar's PV will become the Registrar's final decision.

19. The Registrar did not receive any objections from the Proprietor by the deadline of 17 October 2025. In view of this, on 22 October 2025, I informed the parties, in writing, that the Registrar's PV was confirmed as the Registrar's final decision and the extension of time granted to the Proprietor to file her counter-statement on 18 July 2025 was revoked. Since the Proprietor did not file her counter-statement by the original deadline of 22 July 2025, the application for declaration of invalidity was granted under Rule 58(13) of the Rules. My specific considerations in this case are explained below.

III. CONSIDERATIONS

20. As set out in the introduction, under Rule 58(5)(b)(i) of the Rules, a request for an extension of time to file counter-statement must state the reason for the extension; and it does not stop here, as Rule 58(8)(a) of the Rules allows the Registrar to refuse to grant an extension of time to file the counter-statement if the proprietor fails to show a good and sufficient reason for the extension.
21. It is clear from the language of Rule 58(5) and Rule 58(8) of the Rules that not only is a proprietor required to provide a reason for a request for an extension of time to file a counter-statement, the reason for the extension must be good and sufficient.
22. In the present case, the following considerations had a bearing on my PV and decision to revoke the extension of time granted to the Proprietor to file the counter-statement:
 - a. The Proprietor's email exchange with her then-agent (Eagle Mind Pte Ltd) on 22 July 2025 disclosed, *prima facie*, that the agent in filing Form HC3 on behalf of the Proprietor only gave the reason "Our legal counsel is in the process of handling this matter with the High Court, and we will submit the required documents accordingly" in order to perfunctorily submit an explanation for the extension request without regard to its veracity. However, any reason submitted to support an extension request must be true in the first place. In the Proprietor's then-agent's email reply dated 22 July 2025 (see [10] above), it correctly stated that the Registrar requires "a reasonable explanation as the basis for the extension". However, it is trite that a reasonable explanation cannot be an untruth. Based on the documents and chain of events at the State Courts at that point in time, the reason provided in the Proprietor's Form HC3 was not true. It was this untruth which misled the Registrar to grant the extension of time on 18 July 2025.

- b. The Proprietor only provided one reason in support of its request for an extension of time, that is, “Our legal counsel is in the process of handling this matter with the High Court, and we will submit the required documents accordingly” in her Form HC3. If the true account of facts had been made known then, that the Proprietor had every intention to pursue her claim for trade mark infringement at the State Courts and not at the High Court, the Registrar would have been unable to grant the requested extension as there was no other “good and sufficient reason for the extension” to consider.
- c. At paragraph 3 of the Proprietor’s letter of 12 September 2025, the Proprietor claimed that she sought the extension of time to file the counter-statement on the basis that there was a case conference scheduled for this present case at the State Court on 7 August 2025. This reason was only provided belatedly in the Proprietor’s letter of 12 September 2025 and was not provided in the Proprietor’s Form HC3 filed on 18 July 2025. Assuming there was indeed a case conference scheduled on 7 August 2025 at the State Courts, this new reason cannot be considered as the case conference scheduled on 7 August 2025 did not concern the present case. Based on the Applicant’s letter of 2 October 2025, a case conference was scheduled on 7 August 2025 at the State Courts to monitor the progress of the Applicant’s application for its jurisdictional challenge of the Proprietor’s trade mark infringement suit. In any case, as clearly stated in the Registrar’s letter of 16 July 2025, the present case before the Registrar of Trade marks will continue according to the applicable deadlines.
- d. On the Applicant’s claim on the false declaration made in the Proprietor’s Form HC3, the relevant declaration (for agents) in Form HC3 is as follows:

I have been duly authorized to act as an agent, for the purposes of this application, on behalf of the person(s) filing this application.

The information furnished on behalf of the person(s) filing this application is true to the best of the person(s)’ knowledge. I understand that I may be liable for criminal prosecution for providing any false information in this application.

The Registrar cannot emphasize enough the importance and fundamentality of true and accurate information provided in forms submitted by parties to the Registrar. The Proprietor, in her email to her then-agent (Eagle Mind Pte Ltd) dated 22 July 2025, admitted that the reason given in Form HC3 was not true and accurate (and in fact took issue with why her then-agent gave such a reason). Her then-agent (Eagle Mind Pte Ltd), as described at [10] above, also attempted to mitigate giving an untrue reason by apologising and assuring the Proprietor that it would not affect the subsequent conduct of the proceedings. Overall, it

would be a mockery of the established, transparent procedural rules for the present case to continue on the basis of a material untruth.

- e. I was satisfied, *prima facie*, that the Proprietor had failed to show a good and sufficient reason for the extension of time filed on 18 July 2025. I had an additional consideration, relating to the Proprietor's correspondence filed on 22 September 2025 purporting to be her counter-statement. Under Rule 58(2) of the Rules, a proprietor is required to file a counter-statement in Form HC6 (with fee of \$360 multiplied by the number of classes under the First Schedule of the Rules). For the record, to date, the Proprietor still has not filed any counter-statement in Form HC6 (with fee). Therefore, the Proprietor cannot be taken to have filed her counter-statement at all, whether under the first (expired) deadline of 22 July 2025 – which would have already determined the matter – or even under the (wrongly) extended deadline of 22 September 2025. For the avoidance of doubt, the non-filing of Form HC6 on 22 September 2025 has not been robustly argued by the parties because the focus had been on the extension of time to the first (expired) deadline.
- f. The Registrar did not receive any objections, nor any new facts, arguments or reasons in support of the Proprietor's objections, to the PV by the deadline of 17 October 2025. Following the finalised decision, the extension of time granted to the Proprietor under Rule 58(8) of the Rules was revoked and no counter-statement (Form HC6 with fee) was filed by the Proprietor by the original deadline of 22 July 2025. Consequently, the application for declaration of invalidity was granted under Rule 58(13) of the Rules. The Registrar informed the parties of this outcome by letter on 22 October 2025.

IV. CONCLUDING COMMENTS

23. There are some practical pointers for lay parties in *inter partes* proceedings before the Registrar of Trade Marks:

- a. Engage a suitably qualified agent or lawyer³

³ From IPOS register, if the Registrar notices that a party is unrepresented, the unrepresented party will be informed, in writing, to consider engaging a suitably qualified agent or lawyer (since contentious *inter partes* proceedings are governed by strict formal pleading and evidential requirements in the legislation) or to consider applying for IPOS' weekly complimentary IP Legal Clinic (<https://www.ipos.gov.sg/eservices/ip-clinics/>) which connects Singapore citizens, Permanent Residents and Singapore registered businesses with experienced IP lawyers for a one-time 45-minute consultation. Further, IPOS webpages which relate to IP disputes, (for example, at <https://www.ipos.gov.sg/about-ip/trade-marks/managing-trade-marks/resolve-disputes-overview/resolve-disputes/>) also carry the following statement "If you are facing the prospect of (or are currently involved in) a dispute and do not have legal representation, we strongly recommend that you seek legal assistance".

This is especially important because contentious *inter partes* proceedings are governed by strict formal pleading and evidential requirements in the legislation.

- b. Particularise and explain as much as possible in a request for an extension of time to file any document

Relevant and true particularisation and explanation go a long way in persuading the Registrar why an extension of time should be granted in a party's favour. It is trite to reiterate that reasons given must be true in the first place.

- c. Provide supporting documents if possible

This is especially important if the circumstances relied on by a party cannot be readily counter-checked.

Legislation referred to:

Rule 58 of the Trade Marks Rules (Cap 332, 2008 Rev Ed)

Representation:

Drew & Napier LLC for the Applicant in the invalidation

Roy Mah Kam Khuen for the Proprietor in the invalidation