

Expedited Track
For Proceedings Before The Registrar of Trade Marks
Q&As

1. What is the Expedited Track for proceedings before the Registrar of Trade Marks?

The Expedited Track allows certain proceedings before the Registrar of Trade Marks to progress faster than usual.

2. How does the Expedited Track work?

The Expedited Track entails:

- (a) deadlines and turnaround times that are shorter than usual (see Q&A 8 below);
- (b) limits on the length of evidence and written submissions (see Q&A 9 below); and
- (c) a determination on the papers (with no hearing) by default (see Q&A 8 below).

3. Why is the Expedited Track offered?

The Expedited Track gives parties the option to reach an adjudicated outcome on their dispute sooner than usual.

This may benefit parties in various ways. For example, parties may use the decision as a precedent in parallel proceedings in other jurisdictions, or parties may simply have more certainty sooner, to know how to conduct their business.

4. Who can apply for the Expedited Track?

Parties to proceedings filed on or after 2 January 2025 before the Registrar of Trade Marks can apply for the Expedited Track.

Both parties must agree to the proceedings being placed on the Expedited Track. If only one party opts for it, the proceedings will not be placed on the Expedited Track.

5. When should interested parties make the request for the Expedited Track?

At the earliest point, an initiator can indicate its request in its cover letter to the initiating form (Form TM11 or Form TM28). A respondent can also indicate its request in its cover letter to Form HC6.

Otherwise, interested parties should do so by making their request when they complete and return the Notification to Registrar form after the close of pleadings.

If not, parties may also make their request at the case management conference, if one is conducted, before the evidential deadlines are issued.

It is not necessary to obtain the counter-party's consent before making the request.

6. When is a matter placed on the Expedited Track?

A matter is placed on the Expedited Track when, after the parties' request, the Registrar assesses that this is suitable and confirms this orally at the case management conference or in writing.

7. What are the conditions of the Expedited Track? What happens if the conditions are not met?

Parties must commit to and meet the shorter deadlines under the Expedited Track (see Q&A 8 below); and limit the length of their evidence and written submissions (see Q&A 9 below).

(a) If parties do not meet the conditions by failing to file their evidence within the shorter deadlines, there are different scenarios:

- (i) The statutory declaration (SD) has been fully drafted and only needs to be notarised

In such a case, the party should file the un-notarised SD within the deadline; apply for an extension of time under Form HC3 to file the notarised SD; and file the notarised SD within the new, extended deadline.

As the counter-party knows the content of the SD from the un-notarised SD filed, it is able to prepare its SD to be filed (if any) within its original deadline.

- (ii) The SD has not been fully drafted and the party is not able to file an un-notarised, fully drafted SD within the deadline

In such a case, if the party in default applies for an extension of time under Form HC3 and obtains an extension, the proceedings will no longer continue on the Expedited Track, and will be managed as a standard case like the majority of IPOS proceedings.

As a corollary of this consequence, if the counter-party has filed an SD before the party in default's turn, it will be given the opportunity to assess whether it wishes to file further evidence with the benefit of more time. If it does, the party in default will be liable for the costs of the counter-party in filing the further evidence.

On the other hand, if the party in default does not obtain an extension of time, the consequences in legislation will apply. For example, under Trade Marks Rule 31A(9), if an applicant for registration does not file evidence in time, it will be treated as having withdrawn the application for registration. Where (optional) evidence in reply is not filed within the deadline, the case will simply proceed to the next procedural stage, the pre-hearing review.

- (b) If parties do not meet the condition of limiting the length of their evidence and written submissions, the excess pages (by running order) will be disregarded.

8. What are the deadlines and turnaround times under the Expedited Track?

<u>Stage</u>	<u>Within</u>
(a) Initiator's evidence	2 months
(b) Respondent's evidence	2 months
(c) Initiator's evidence in reply	2 months
(If Initiator does not intend to file this, it should inform IPOS before the deadline)	
(d) Pre-Hearing Review	1 month
(e) Written submissions+	1 month
(f) Oral hearing (discretionary*)	(1 month)

+ No rebuttal submissions are allowed. HMD Circular 5.2 Part H does not apply.

*By default, the case will be decided without an oral hearing. Parties may, however, mutually agree to seek a hearing at the pre-hearing review or earlier, with reasons given to the Registrar. The Registrar may allow an oral hearing in exceptional cases, without cross-examination.

9. What are the page limits on evidence and written submissions under the Expedited Track?

<u>Stage</u>	<u>Maximum number of pages</u>
(a) Initiator's evidence	150 (including exhibits)
(b) Respondent's evidence	150 (including exhibits)
(c) Initiator's evidence in reply	50 (including exhibits)
(d) Written submissions	25 (excluding annexes)

10. How long will it take for the grounds of decision to be issued under the Expedited Track?

Parties can expect to receive the grounds of decision within 1 month from the filing of the written submissions or, if there is a hearing, within 1 month from the end of the hearing.