

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

Trade Mark Nos. 40202403556T, 40202403557X, 40202320807R, 40202422355V,
40202422356R

26 September 2025

**APPLICATIONS FOR EXTENSIONS OF TIME
TO FILE COUNTER-STATEMENTS
IN THREE TRADE MARK INVALIDATION APPLICATIONS AND TWO
TRADE MARK OPPOSITIONS
BY PERFECT SUPPLY CHAIN CO LIMITED**

AND

**OBJECTION THERETO
BY AMER SPORTS CANADA INC**

Principal Assistant Registrar Tan Mei Lin
27 November 2025

***Interlocutory hearing** – out of time request for extension of time to file counter-statement – objection by the applicant for invalidation / respondent and opponent / respondent – whether the irregularity can be corrected under Rule 83 of the Trade Marks Rules (Cap. 332, 2008 Rev. Ed.)*

INTRODUCTION

1. This interlocutory decision relates to the following five cases:

Trade Mark No.	Case Type	Mark	Class
40202403556T	Invalidation		25
40202403557X	Invalidation		35

40202320807R	Invalidation		25
40202422355V	Opposition	 ARC'TERYX	43
40202422356R	Opposition	 ARC'TERYX	14

(hereinafter referred to as the “five cases”)

2. Perfect Supply Chain Co. Limited (“Perfect Supply”) is the registered proprietor/applicant of the trade marks referred to above, while Amer Sports Canada Inc. (“Amer Sports”) is the applicant for declaration of invalidity/opponent.

EVENTS LEADING UP TO THIS INTERLOCUTORY HEARING

3. Amer Sports filed its application for declaration of invalidity/notice of opposition on 26 February 2025 in respect of the five cases.
4. Perfect Supply’s deadlines for filing its counter-statements were:
 - a. 26 April 2025 in respect of 40202403556T, 40202320807R, 40202422355V and 40202422356R; and
 - b. 12 May 2025 in respect of 40202403557X.

(collectively referred to as “CS Deadline”).
5. Perfect Supply did not file its counter-statements by the CS Deadline. Neither did it request for an extension of time to do so under r 31(4) and 58(5) of the Trade Marks Rules (Cap. 332, 2008 Rev. Ed.) (“Rules”) by the CS Deadline.
6. On 13 May 2025, the Registrar informed parties:
 - a. that the applications for declaration of invalidity in respect of 40202403556T and 40202320807R have been granted under r 58(13); and
 - b. that the trade mark applications in respect of 40202422355V and 40202422356R have been treated as withdrawn under r 31(3).

7. On 27 May 2025, the Registrar informed parties that the application for declaration of invalidity in respect of 40202403557X has been granted under r 58(13).
8. On 3 July 2025, Perfect Supply wrote to the Registrar seeking leave to file the counter-statements in respect of 40202403556T, 40202320807R and 40202403557X (no mention was made of the other two cases). It said that it was due to its solicitor's clerical error that the counter-statements were not filed within time.
9. On 7 July 2025, the Registrar informed parties that it was not inclined to allow the late filing of the counter-statements. The request was made 46 days (excluded days not taken into consideration) after the CS Deadline; and it was beyond the 4-month total extension of time (until 26 June 2025) which the Registrar may allow under r 58(7) of the Rules.
10. On 21 July 2025, Perfect Supply requested a hearing by way of written submissions in respect of the five cases.
11. On 23 July 2025, Perfect Supply filed Form CM1 to change the agent on record to Yuen Law, and Form HC3 requesting for extension of time to file its counter-statement, for the five cases.
12. Amer Sports filed its written submissions on 5 August 2025.
13. This interlocutory matter was heard on 26 September 2025 by way of written submissions.

ISSUE AND RELEVANT PROVISION

14. The issue for determination in this interlocutory decision is whether Perfect Supply's out-of-time application for extension of time to file its counter-statements can be allowed.
15. The relevant provisions on extension of time to file counter-statement is:

Counter-statement¹

31.— ...

- (4) A request for an extension of time to file the counter-statement —
 - (a) must be made by the applicant to the Registrar in Form HC3 within 2 months after the date of receipt of the notice of opposition from the opponent; 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.

¹ This provision relates to a counter-statement in response to a notice of opposition.

(5) The total extension of time which the Registrar may allow to file the counter-statement shall not exceed 4 months after the date of receipt by the applicant of the notice of opposition.

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

- (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 (4) has been served on the opponent and on each person likely to be affected by the extension.

Counter-statement²

58.— ...

(5) A request for an extension of time to file the counterstatement—

- (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.

(7) The total extension of time which the Registrar may allow to file the counter-statement shall not exceed 4 months after the date of receipt by the proprietor of the copies of the application and statement.

(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.

16. Where an application for extension of time is filed beyond the period mentioned in r 31(4)(a) or r 58(5)(a) of the Rules (as applicable), r 83 of the Rules provides:

83.—(1) Any irregularity in procedure which, in the opinion of the Registrar, is not detrimental to the interests of any person or party may be corrected on such terms as the Registrar may direct.

DECISION

17. The Registrar is empowered to hear this application under r 83 of the Rules. This is clear from the decision of the Registrar in *Asian Aisle Pte Ltd v Ricegrowers Co-*

² This provision relates to a counter-statement in response to (in this case) an application for a declaration of invalidity.

operative Limited [2002] SGIPOS 7 (“*Asian Aisle*”), which clarified that “irregularities” in r 83 refer to failures to comply with the procedural requirements of the Trade Marks Act and the Rules. This includes matters in respect of time.

18. However, the mere fact that the Registrar has such discretion under r 83 does not justify its exercise in every case or where no good reasons are shown. It is said that the exercise of the discretionary power under r 83 is a balancing exercise and *SOS International A/S v AEA International Holdings Pte Ltd and Anor* [2011] SGIPOS 10 makes clear at [3] that:

While the balancing exercise is to be carefully weighed and will turn on the particular facts of each case, the overall consideration of public interest of certainty and transparency and the need to promote the expeditious disposal of disputes would warrant the Registrar not allowing the overstepping of time limits in the legislation under most circumstances.

19. Further, in *MGG Software Pte Ltd v Apptitude Pte Ltd* [2015] SGIPOS 8 (“*MGG*”) at [2], it was said:

At times, disputants cite authorities from the Singapore courts in support of their application for the Registrar to allow "overstepping of time limits". However, there is a basic distinction between court proceedings and proceedings before the Registrar of Trade Marks. In the former, suits are subject to time bars beyond which rights generally cannot be asserted; and non-compliance with deadlines can potentially lead to judgment in default. Hence, court authorities may tend to disclose a more open approach towards allowing the "overstepping of time limits". On the other hand, in proceedings before the Registrar, it is generally open to disputants to re-file their application to register a trade mark or to institute fresh action against a trade mark. The consequences of adhering to the prescribed rules relating to time limits are usually not as severe in Registry proceedings as opposed to court proceedings. Hence, as a low-cost administrative tribunal with an interest in transparency and certainty, the Registrar tends to take a more circumspect stance on the issue and has a disposition towards the adherence to time limits. Exceptional circumstances would be needed to justify deviation from these time limits.

20. The onus lies on the party applying for the Registrar to exercise discretion in his favour, notwithstanding prescribed rules that result in an outcome against him. In the present matter, the onus in this interlocutory hearing lies on Perfect Supply.

The period of delay

21. The period of delay in cases of procedural default is important because it is an indicator of the seriousness of such default, although it must ultimately be examined

in light of the facts and circumstances of every case. The period of delay is typically calculated from the time at which the late document is filed.

22. In the present matter, the late document is the formal request for extension of time (Form HC3) which was filed on 23 July 2025. The period of delay is 60 days (excluded days not taken into consideration) for 40202403556T, 40202320807R, 40202422355V and 40202422356R and 51 days (excluded days not taken into consideration) for 40202403557X, calculated as follows:

TM Nos.	Deadline for filing of Form HC3	Actual date Form HC3 was filed	Number of days late (excluded days not taken into consideration)
40202403556T, 40202320807R, 40202422355V and 40202422356R	26 April 2025	23 July 2025	60 days
40202403557X	12 May 2025	23 July 2025	51 days

23. The period of delay in the present matter (60 days and 51 days) is significant when compared to previous decisions of the Registrar where an extension of time to file pleadings was sought. This point was conceded by Perfect Supply at [15(I)] of its written submissions:

It is not denied that the length of delay in respect of the present matters is long. In this regard [we] do concede that prior extensions of time were granted when the delay was much shorter (being less than 10 days).

24. Further, in previous cases where the extension of time sought was allowed, the said extension of time was always within the 4-month statutory maximum (r 31(5) and 58(7) of the Rules) which the Registrar may allow: see *GSM (Operations) Pty Ltd and Ors v Martin Joseph Peter Myers* [2009] SGIPOS 8 (“GSM”), *Alliance Cosmetics Sdn Bhd v Procter & Gamble Business Services Canada and another* [2009] SGIPOS 9, *Singapore Press Holdings Limited v Alibaba Group Holding Limited* [2011] SGIPOS 9 and *MGG*. In the present matter, the 4-month statutory maximum lapsed on 26 June 2025 in respect of 40202403556T, 40202320807R, 40202422355V and 40202422356R; and 12 July in respect of 40202403557X.
25. Having said that, it is not in dispute that the Registrar has a discretionary power under r 83 to grant an extension of time beyond the 4-month statutory maximum: *GSM*, citing *Asian Aisle* at [1].

The reason for the delay

26. Perfect Supply attributed the delay to the clerical error of its solicitor from Yuen Law. In brief, despite clear instructions from Perfect Supply, the solicitor had failed to file Form CM1 to place itself on record for the five cases (although it did do so for one other case, 40202320806W, involving the same parties here, on 4 April 2025, and was accordingly kept updated for the mark. An extension of time was sought for 40202320806W, and the counter-statement was filed on 26 June 2025). As a result, the solicitor had not received all the correspondences in respect of the five cases and missed the CS Deadline.
27. Perfect Supply further stated at [14] of its written submissions: “To date, the solicitor in charge remains unable to provide a sufficient explanation for what occurred during the time, save to note that he was potentially suffering mental health difficulties during the material time.”
28. The past decisions of this tribunal have shown that solicitors’/agents’ oversight or carelessness *per se* is not a sufficient reason to permit late filings after the 4-month statutory maximum or after the Registrar’s notification to parties that the registration has been invalidated or the trade mark application has been treated as withdrawn.
 - a. *The East India Company Holdings Pte Ltd v Metrojaya Bhd. and anor* [2015] SGIPOS 16, request for extension of time to file counter-statement made 9 days after the 4-month statutory maximum was refused. The missed deadline was attributed to staff movements as well as the trade mark agent’s change in address.
 - b. *Kok Han Marketing Services v Sing Brothers Hardware Pte Ltd* [2002] SGIPOS 11, request for extension of time to file counter-statement made after the deadline but within the 4-month statutory maximum refused. The paralegal went on leave after seeing the notice of opposition and the lawyer was unable to get a response from the client who was not in Singapore.
 - c. *PSE Asia-Pacific Pte Ltd v KPR Singapore Pte Ltd* [2010] SGIPOS 13, request for extension of time to file counter-statement made 16 days after the 4-month statutory maximum. The agent failed to monitor the deadline and only took action after the Registrar notified them that the matter was deemed withdrawn.
29. It was said in *Tilaknagar Industries Ltd v Distileerderji En Likburstokerij Herman Jansen B.V* [2013] SGIPOS 3 at [7]:

A solicitor's *bona fide* mistake is but one factor in the Registrar's overall consideration in deciding whether to exercise discretion to allow an extension of time. Such a mistake *per se* may not be sufficient to enable the Registrar to exercise discretion in favour of an extension... A mere assertion

that there has been an oversight is obviously insufficient and indeed, could lead to an abuse of process... Some extenuating circumstances must be offered in explanation for the oversight of the solicitor or some explanation which could mitigate or excuse the oversight...

30. In the present matter, Perfect Supply's sole stated reason for its failure to file its counter-statement by the CS Deadline is a bare assertion that its solicitor from Yuen Law was "*potentially* suffering mental health difficulties during the material time". I note that Perfect Supply only pointed to "*potential*" mental health difficulties and that no evidence (e.g. medical reports) was provided in support of such assertion. However, more fundamentally, no explanation was given as to how the solicitor's "*potential mental health difficulties*" resulted in the failure to file the counter-statement in time.
31. Even taking Perfect Supply's reason at face value, Amer Sports submitted, it does not explain why Perfect Supply took so long until July 2025 to file its formal extension of time request as there were several intervening circumstances in May and June whereby Perfect Supply and Yuen Law would have become fully aware of the status of the five cases:
 - a. The Registrar's notification to parties that the registration has been invalidated or the trade mark application has been treated as withdrawn were sent to Perfect Supply's previous agents on record in May 2025. Perfect Supply and its previous agents did not explain why no action was taken even after the notifications were sent out.
 - b. Yuen Law had, on behalf of Perfect Supply, attended a hearing on 18 June 2025 in ongoing court proceedings between Perfect Supply and Amer Sports in Case No. HC/OC 471/2025 ("Singapore proceedings") relating to the Amer Sports application for an injunction against Perfect Supply, where the five cases were referenced in court papers filed by Amer Sports, which should have alerted Yuen Law to the status of the five cases.

Prejudice or detriment to Amer Sports if extension is granted

32. Perfect Supply submits that very little, if any, prejudice will be caused to Amer Sports if an extension of time is granted. Amer Sports has relied on the same reasons in its statement of reasons to seek to challenge all of Perfect Supply's trade marks. The counter-statement which it will file for the five cases, if extension of time is granted, will be *in pari materia* with the counter-statement which was already filed for 40202320806W.
33. Amer Sports, on the other hand, submits that significant prejudice would be caused. Amer Sports has already proceeded on the premise that the five cases have been invalidated or treated as withdrawn in reliance on the Registrar's notification, including filing papers in court proceedings around the world referencing such

invalidation and withdrawal (such as in the Singapore proceedings and Hong Kong (in Case No. HCIP 50/2025)).

MY DECISION

34. Having regard to all the circumstances and submissions made, Perfect Supply has not persuaded me that the Registrar's discretion under r 83 should be exercised in its favour.
35. The long delay and the lack of good and sufficient explanation to mitigate or excuse the oversight weighed heavily against Perfect Supply in this case.
36. Amer Sports is entitled to costs of \$350.00.³

Legislation referred to:

Trade Marks Rules (2008 Rev Ed), Rule 31, Rule 58 and Rule 83

Representation:

Mr Tris Xavier (Yuen Law LLC) for Perfect Supply Chain Co. Limited, the registered proprietor/applicant

Mr Lam Chung Nian/Pranay Suryavanshi (Wong Partnership LLP) for Amer Sports Canada Inc., the applicant for declaration of invalidity/opponent

³ Costs awarded in trade mark proceedings before the Registrar are not intended to compensate the parties for the expense to which they may have been put. Costs are also subject to a prescribed Scale of Costs (see rule 75 and the Fourth Schedule of the Rules).