



New Developments to Singapore's Patents Regime

New developments are underway in Singapore's patents regime. This article will discuss these developments and how they are anticipated to improve the existing patents regime.

A. SINGAPORE'S ENTRY: Singapore as ASEAN's first International Authority in Patent Search and Examination

With effect from 1 September 2015, Singapore begins operations as ASEAN's first International Searching Authority ("ISA") and International Preliminary Examining Authority ("IPEA") under the Patent Cooperation Treaty ("PCT"). The nation joins the ranks of 19 International Patent Search and Examination Authorities under the PCT.

PCT Applicants in Singapore using the Intellectual Property Office of Singapore ("IPOS") as their ISA and IPEA can expect huge incentives from doing so. For instance, PCT applicants using IPOS as their ISA and IPEA may avail themselves of world-leading technical expertise of IPOS's examiners, 95% of whom hold PhDs.

IPOS is also far-equipped to conduct searches in English and Mandarin, a service which has become increasingly important with the rising number of patent applications in China. IPOS also promises increased responsiveness, with a first office action turnaround time of only 60 days. Patent applicants using IPOS can also expect rebates of up to 75% when making a PCT application through IPOS.

B. IPOS STRENGTHENS TIES: Patent Cooperation with Cambodia

As a result of an agreement between the IPOS and the Ministry of Industry & Handicraft ("MIH") of Cambodia, patent applicants / owners in Singapore can now:-

- (a) re-register their Singapore patents at the MIH;
- (b) use a patent granted in Singapore to register for a patent in Cambodia and
- (c) share the search and examination results issued by IPOS with Cambodia to allow for the grant of a related patent application (i.e. application for the same invention) in Cambodia.

Patent applicants / owners would need to submit the following to the MIH:

- (a) a Cambodian patent application form;
- (b) a certified copy of the Certificate of Grant for the Singapore patent;
- (c) a certified copy of the final specification;
- (d) a certified copy of the Singapore form PF, when the applicant is not the inventor and
- (e) a power of attorney in Cambodia.

For patent owners with a commercial interest in Cambodia, this process may be worth considering. The new system only requires that the Singapore patent application be granted before the applicant files an application for re-registration in Cambodia. This streamlined process of 2 countries' IP procedures is highly welcomed. It is envisaged that this cooperation will further incentivise businesses to gain IP protection on a regional scale and open up more economic opportunities for investors in both countries and in ASEAN.



C. PROCEDURAL CHANGES: Foreign Route of Examination of Singapore Patent Applications to be Closed in 2017

Currently, IPOS allows applicants who filed patent applications on or after 14 February 2014 to rely on the positive and final search and examination results of a corresponding patent application from patent offices of Australia, Canada, Japan, Korean, New Zealand, United Kingdom, the United States and the European Patent Office, instead of requesting for substantive examination.

However, IPOS has recently announced its decision to abolish the option of the foreign route. With this new amendment, applicants will no longer be able to rely on the final search and examination results of a corresponding patent application. As such, applicants are left with 2 options:-

- (a) **The Local Route:** where a request for a local search and examination is filed; or
- (b) **The Mixed Route:** where reliance is on a search report is issued in a

corresponding application, a corresponding PCT application or a related national phase application, and a request for a local examination is filed.

In addition, the IPOS has also announced that it will introduce official fees of S\$400 for supplementary examination requests made from 1 January 2017 onwards. This official fees is said to increase annually too.

These changes are implemented to sieve out unmeritorious patents from entering and flooding system and therefore, should be welcomed.

These amendments amendment will only apply to all PCT applications / divisional patent applications on or after 1 January 2017.

Even so, it is recommended that applicants file their Singapore applications and / or request for supplementary examination before 1 January 2017 so that they may continue to benefit from the low costs of application.

Should you have any queries as to how this update may affect your organisation or require further information, please do not hesitate to email us.



Max Ng
Managing Director
Gateway Law Corporation

email: max.ng@gateway-law.com

Khadijah Yasin
Practice Trainee
Gateway Law Corporation

email: khadijah.yasin@gateway-law.com

This article is intended to be a brief summary of the above changes to the Singapore Patent Regime, and is not intended to be comprehensive nor should it be construed as legal advice.