

PATENT ALERT

Launch of new Patent Prosecution Highway (PPH) Pilot Programme between Singapore and Brazil patent offices

The Intellectual Property Office of Singapore (IPOS) and National Institute of Industrial Property of Brazil (INPI) have launched a new 5 year PPH pilot programme from 1 May 2020 based on the Mottainai model. The Mottainai model allows applicants to accelerate the examination and grant of a patent application in one IP office based on the earlier positive search and examination results in the other IP office.

PPH in IPOS based on INPI work product

The INPI work product that may be used for a corresponding patent application before IPOS is one of the following:

- a written opinion (or office action) or final examination report for a Brazilian patent application with at least one allowable claim; or
- a PCT Written Opinion or International preliminary examination report established by INPI with at least one allowable claim.

PPH in INPI based on IPOS work product

The IPOS work product that may be used for a corresponding patent application before INPI is an IPOS examination result which discloses a patentable claim.

In addition, there is currently a limit of 400 applications per year for all patent offices in PPH programmes with INPI, and one application per applicant monthly.

The new PPH pilot programme adds to the existing PPH programmes IPOS has in place with various countries, including the PPH programmes with the China, European and Mexican patent offices, the Global Patent Prosecution Highway pilot programme and the ASEAN Patent Examination Co-operation programme. All these programmes serve to allow an applicant to use the examination results of a Singapore patent application to accelerate the prosecution process in these participating countries and vice versa.

Re-registration of a Singapore patent in Laos

Singapore and Laos have signed an agreement to allow patents granted in Singapore to be re-registered in Laos. To qualify, the Singapore patent must be in force at the time of the re-registration and must meet the patentability requirements in Laos. In particular, pharmaceutical patents will be assessed on a case-by-case basis.

No official fee is required for the re-registration process. The re-registration is done by providing the Laos patent office with the following – certified copies of the Certificate of Grant and final specifications of the Singapore patent, a copy of the abstract of the Singapore patent, certified Laos translation of the abstract and final specifications of the Singapore patent within 6 months of the lodgement date, and a Power of Attorney for Laos.

A similar agreement allowing the re-registration of Singapore patents in Cambodia is also in place with the Ministry of Industry & Handicraft (MIH) of Cambodia. With this new agreement between Singapore and Laos, Singapore patent proprietors can now re-register their patents in Laos and Cambodia and widen the protection afforded to their inventions while avoiding the costs and uncertainty with examination in these countries.

If you have any queries, please do not hesitate to contact us.

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