

PATENT ALERT

Closure of Foreign Route

As reported in our previous update, all Singapore patent applications filed on or after **1 January 2020** will have to go through local substantive examination by the Intellectual Property Office of Singapore (IPOS). The objective of the stricter system is to improve the quality of patents granted in Singapore by having all patent applications being fully examined by the local examiners against Singapore's standards of patentability.

Currently, patent applicants have the option, during patent prosecution, of relying on foreign corresponding granted patents or final positive examination outcome in prescribed patent offices, namely:

- Australia
- Canada (in respect of applications filed in English only)
- Japan
- New Zealand
- Republic of Korea
- United Kingdom
- United States of America
- European Patent Office (in respect of EPO applications filed in English only)
- The Receiving Office of a PCT application (favourable IPRP)

("Foreign Route")

The Foreign Route simplifies the patent prosecution process and reduces costs to patent applicants, as IPOS will only conduct a "supplementary examination" which includes checking on claim relatedness with the granted claims in the corresponding patent and compliance with Singapore law. However, there is no substantive examination on novelty and inventive step.

Patent applications affected

The upcoming amendment will affect patent applications filed on or after 1 January 2020. Such patent applications are defined as (a) national patent applications having a date of filing on or after 1 January 2020, or (b) PCT international patent applications entering national phase in Singapore, having an international date of filing on or after 1 January 2020, or (c) divisional patent applications having an initiation date on or after 1 January 2020.

Applicants are advised to file their PCT international applications and national applications in Singapore prior to 1 January 2020 if they wish to avail themselves of the Foreign Route as part of their patent filing strategy. In addition, if divisional applications are contemplated for any pending applications, it is advisable to file the same before 1 January 2020 in order to ensure the Foreign Route option is still available.



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

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