

# AMICA LAW UPDATE

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## Singapore Patent Law Update

As an important part of the government's initiatives to strengthen Singapore's IP infrastructure and to develop Singapore into an IP service hub in the region, significant amendments to the Patents Act have been recently passed by the Parliament. The subsidiary legislation (Patents Rules) are currently being amended and the new Act is expected to become effective by end of 2012. We prepared below a brief summary of the main aspects of this amendment, to give you an overall perspective of the amendments and implication to your patenting strategy.

### New grant procedure 1: "self assessment" system replaced by "full-positive grant" system

One of the unique features of the Singapore patent system has been that, despite having an examination system in place, a patent may be granted if the substantive examination report does not show that all the claims satisfy the requirements of novelty, inventiveness and industrial applicability.

Under the amendments, such applications will be refused but only those with substantive examination report showing that all the claims are novel, inventive and capable of industrial application, will be eligible for grant. This new system will raise the overall quality of Singapore patents and in alignment with established patent system in other countries.

### New grant procedure 2: relying on corresponding application – requirement for supplementary examination.

Currently, the Intellectual Property Office of Singapore ("IPOS") accepts the final outcome of substantive examination of a corresponding application filed in a prescribed patent office, to grant a patent in Singapore as an alternative of local search and examination. This is a prosecution route which is often used by Applicants who have filed earlier patent applications in other prescribed patent offices. The new Act requires the applicant to file a supplementary examination request, if the applicant chooses to rely on one of such corresponding applications. This amendment follows the "positive grant" system and to ensure that the criteria of novelty, inventive step and industrial applicability are satisfied in a granted patent.

### In-house search and examination capabilities

In line with the new grant procedure, IPOS is training a team of in-house patent examiners for the purpose of undertaking the search and substantial examination. This team of examiners is expected to be in operation sometime in 2013 by which, the search and examination currently outsourced to foreign patent offices will be handled in-house.

## Liberalization of patent agent work

Singapore patent agent profession was established in 2002 and currently there are 155 registered patent agents. In view of the present and future greater demand for patent agent services in Singapore and in this region, the amendments will allow qualified patent agents from foreign countries to undertake offshore patent agency work in Singapore. This is to meet the fast-growing demands for regional patent agency services, and strengthen Singapore's position as IP hub and management center in Asia.

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## New integrated Registries IT System

The IT platforms for filing of patent, trademark and design applications run separately, and will be integrated into one Registries IT system which will facilitate easier and more efficient on-line filings / transactions and information access related to different types of IP.

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