

# PATENTS

## FORMALITIES MANUAL

IDEAS TODAY,  
ASSETS TOMORROW.

You may download, view, print and reproduce this document without modifications, but only for non-commercial use. All other rights are reserved. This document and its contents are made available on an "as is" basis, and all implied warranties are disclaimed.

These guidelines will be updated at regular intervals and are based on IPOS' interpretation of the currently applicable law and practice of patents. The contents of this document do not constitute, and should not be relied on as, legal advice. You should approach a legal professional if you require legal advice.

Any feedback from readers drawing attention to errors as well as suggestions for improvement will be greatly appreciated and this may be sent by email to: [IPOS\\_Enquiry@ipos.gov.sg](mailto:IPOS_Enquiry@ipos.gov.sg).

## REVISION HISTORY

Version	Description of Revisions	Chapter	Date of Release
Aug 2017	First Version	-	1 Aug 2017
Aug 2018	Revisions have been made to the following parts:		1 Aug 2018
	<ul style="list-style-type: none"> <li>• ISO 9001:2015 Quality management</li> <li>• Disclosure of invention prior to filing</li> <li>• Merging of Patents Form 1 and 8</li> <li>• Patentable subject matter check for supplementary examination</li> <li>• Closure of foreign route</li> <li>• Relying on utility model/patent applications for supplementary examination</li> <li>• Time period for application to be treated as abandoned</li> <li>• Time period for switching of search and examination routes</li> <li>• Merging of Patents Forms 12B and 13</li> <li>• Examiner-initiated informal communication</li> <li>• Examples relating to addition, correction or late declaration of priority</li> <li>• Request for correction of error</li> </ul>	<ul style="list-style-type: none"> <li>1.3</li> <li>2.2.29 to 2.2.32, 6.1.18 to 6.1.23</li> <li>2.3</li> <li>6.1.3</li> <li>6.1.4</li> <li>6.1.13</li> <li>6.1.14</li> <li>6.3.11</li> <li>6.4.2</li> <li>6.4.15 to 6.4.20</li> <li>11.2</li> <li>11.8</li> </ul>	
Nov 2018	Revisions have been made to the following parts:		1 Nov 2018
	<ul style="list-style-type: none"> <li>• Removal of payment via cheque and cash Addition of Visa and MasterCard payment methods</li> <li>• Addition of Example 4 for making amendment/correction</li> </ul>	<ul style="list-style-type: none"> <li>4.1.5, 11.4.22</li> <li>5.11</li> </ul>	

Version	Description of Revisions	Chapter	Date of Release
Dec 2019	Revisions have been made to the following parts:		1 Dec 2019
	<ul style="list-style-type: none"> <li>Page count of sequence listing</li> </ul>	2.2.24	
	<ul style="list-style-type: none"> <li>Payment of application fees</li> </ul>	2.3.43	
	<ul style="list-style-type: none"> <li>Request for journal copies</li> </ul>	4.1.5	
	<ul style="list-style-type: none"> <li>Format for amendment/correction of specification</li> </ul>	5.6, 5.12, 6.3.6, 6.4.4, 9.3.4, 11.8.23	
	<ul style="list-style-type: none"> <li>Procedure for rectifying deficiency to Patents Form 13</li> </ul>	5.9	
	<ul style="list-style-type: none"> <li>Condition for refund of S&amp;E forms</li> </ul>	6.3.16, 6.4.11	
	<ul style="list-style-type: none"> <li>New pilot features PCT-ASPEC and ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (ASPEC AIM)</li> </ul>	7.3.12	
	<ul style="list-style-type: none"> <li>GPPH participating offices, types of PPH requests and IP office dossier access system</li> </ul>	7.2	
	<ul style="list-style-type: none"> <li>Recipient of renewal reminder</li> </ul>	9.1.18	
	<ul style="list-style-type: none"> <li>Requirements for national security clearance</li> </ul>	11.4.9	
	<ul style="list-style-type: none"> <li>Submission and payment for contravention of national security clearance</li> </ul>	11.4.19, 11.4.23	
	<ul style="list-style-type: none"> <li>Contact details of Patent Examiners</li> </ul>	11.7.4	
Nov 2020	Revisions have been made to the following parts:		2 Nov 2020
	<ul style="list-style-type: none"> <li>Scope of ISO 9001 certification</li> </ul>	1.3	
	<ul style="list-style-type: none"> <li>Mode of correspondence</li> </ul>	2.3.32	
	<ul style="list-style-type: none"> <li>Acceptance of specification in Microsoft Word (DOCX) format</li> </ul>	2.3.36 to 2.3.38, 2.3.40	
	<ul style="list-style-type: none"> <li>No figures indicated on the abstract</li> </ul>	2.6.6	
	<ul style="list-style-type: none"> <li>Payment mode for journal purchase</li> </ul>	4.1.5	
	<ul style="list-style-type: none"> <li>Removal of supplementary examination route from 1 Jan 2020</li> </ul>	6.1.14 and flowcharts	
	<ul style="list-style-type: none"> <li>Claims correspondence for ASPEC application</li> </ul>	7.1.9d	
	<ul style="list-style-type: none"> <li>Addition of PPH pilot programme with the National Institute of Industrial Property (Brazil)</li> </ul>	7.2.2, 7.2.3, 7.2.5	
	<ul style="list-style-type: none"> <li>Addition of patent cooperation with Laos</li> </ul>	7.4	
	<ul style="list-style-type: none"> <li>Requirement for Fast Track supporting document when applying to obtain a patent grant within 12 months</li> </ul>		
	<ul style="list-style-type: none"> <li>Replacement of FinTech Fast Track (FTFT) and Accelerated Initiative for Artificial Intelligence (AI2) with SG IP Fast Track programme</li> </ul>	7.6	
	<ul style="list-style-type: none"> <li>Submission of consolidated specification with Patents Form 14</li> </ul>	8.1.4	
	<ul style="list-style-type: none"> <li>Contact details of Patent Examiner</li> </ul>	11.7.4	

Version	Description of Revisions	Chapter	Date of Release
Dec 2021	<ul style="list-style-type: none"> <li>Update of IPOS logo</li> </ul>	-	27 Dec 2021
Jun 2022	<p>Revisions have been made to the following parts:</p> <ul style="list-style-type: none"> <li>Replace “IP2SG” with “IPOS Digital Hub”</li> <li>Fees in flowcharts for national application and national phase entry application processes</li> <li>Form and presentation of abstract</li> <li>Form and presentation of sequence listing</li> <li>Update to format and name of Patents Form 1</li> <li>Procedures for removal of agent/or representative on record</li> <li>Amendment(s) made during the international phase for national phase entry applications</li> <li>Update to publication frequency of the Patents Journal</li> <li>Amendment(s) or correction(s) should be reflected similarly in both the clean and marked-up copies</li> <li>Examination for an application relating to two or more inventions</li> <li>Criteria for provision of search results and earlier relevant application</li> <li>Procedures for Invitation to Amend</li> <li>Content of Examination Review Report</li> <li>Introduction to observations by third-party</li> <li>Written opinion as an acceptable search and examination result for ASPEC</li> <li>Extension of ASPEC AIM programme</li> <li>Update to PPH with CNIPA</li> <li>Extension of SG IP FAST programme and deletion of 12 months file-to-grant programme information</li> <li>Introduction of re-examination after grant</li> <li>Requirement of Patents Form 8 for national phase entry application</li> <li>Contravention of Section 34 by patent agent</li> <li>Update to applicant or inventor details after national security clearance</li> <li>Submission of document to support request for refund to be considered on a case-by-case basis</li> <li>Correction of register for published patent applications only</li> </ul>	<p>2.2.18 to 2.2.25</p> <p>2.2.26</p> <p>2.3</p> <p>2.3.36, 2.3.37</p> <p>3.4.1g(iii)</p> <p>4.1.4</p> <p>5.1.6, 6.3.11, 6.4.4, 9.3.4</p> <p>6.1.2</p> <p>11.3.4, 11.3.5</p> <p>6.3</p> <p>6.4.9</p> <p>6.5</p> <p>7.3.6, 7.3.10</p> <p>7.3.22</p> <p>7.2</p> <p>7.4</p> <p>9.6</p> <p>11.1.3</p> <p>11.4</p> <p>11.4.13c</p> <p>11.6.4</p> <p>11.8</p>	2 Jun 2022

Version	Description of Revisions	Chapter	Date of Release
	<ul style="list-style-type: none"> <li>Correction of name, address and Singapore address for service using Form CM4 instead of CM2</li> </ul>	11.8.11	
	<ul style="list-style-type: none"> <li>Provision of supporting reasons and/or documents for justification of correction request</li> </ul>	11.8.17	
Apr 2024	<p>Revisions have been made to the following parts:</p> <ul style="list-style-type: none"> <li>Mode of form submissions</li> <li>References to latest Practice Direction</li> <li>Application of WIPO standard ST.26 for sequence listing</li> <li>DOCX as preferred format for patent specifications</li> <li>Mode of submission of attachments exceeding 100 MB</li> <li>Provision of priority application number</li> <li>Requirements on indication of drawing in abstract</li> <li>Removal of event on publication of English translation of PCT application in Patents Journal</li> <li>Indication of the basis from the application <i>as filed</i> for amendments of specification</li> <li>Requirement on submission of a copy of Non-Patent Literature</li> <li>Addition of PPH pilot programme with Saudi Authority for Intellectual Property (SAIP)</li> <li>Request for PPH after the Patents Form 11 or 12 is filed</li> <li>Introduction of Collaborative Search and Examination (CS&amp;E) pilot programme</li> <li>Criteria and formalities check for national security clearance</li> <li>Request for Composition of an offence via IPOS Digital Hub</li> <li>Eligibility for refund of withdrawn search and/or examination requests</li> <li>Correction of the source of error</li> <li>Conditions for advertisement of request for correction of error under Rule 58</li> <li>Correction of register by Registrar</li> </ul>	<p>1.2.1 2.2.26, 2.2.29, 2.2.32-2.2.35 2.2.26 2.3.3 2.3.4 2.3.10 2.6.3 4.3.3 5.1.6 6.1.6 7.2 7.2.7 7.5 11.4.12 11.4.24 11.6.3 11.8.6 11.8.14 11.8.19</p>	11 Apr 2024



# CONTENTS

<b>1.</b>	<b>Introduction.....</b>	<b>8</b>	<b>7.</b>	<b>Schemes to Accelerate Search and/ or Examination Processes .....</b>	<b>80</b>
1.1	About the Manual		7.1	Acceleration and Worksharing Programmes	
1.2	Filing of Requests		7.2	Patent Prosecution Highway (PPH) request	
1.3	Quality Management		7.3	ASEAN Patent Examination Co-operation (ASPEC)	
<b>2.</b>	<b>Request For Grant of Patent .....</b>	<b>10</b>	7.4	Patent Cooperation with Cambodia and Laos	
2.1	Application for Grant of Patent		7.5	Collaborative Search and Examination (CS&E)	
2.2	Making of Application		7.6	SG IP Fast Track	
2.3	Guide to Completing Patents Form 1		<b>8.</b>	<b>Grant of Patent .....</b>	<b>95</b>
2.4	Allocation of Patent Application Number and Entity Code		<b>9.</b>	<b>Post-Grant .....</b>	<b>104</b>
2.5	Date of Filing Checks		9.1	Patent Renewal	
2.6	Preliminary Examination		9.2	Extension of the Term of Patent	
<b>3.</b>	<b>National Phase Entry .....</b>	<b>35</b>	9.3	Amendment after Grant	
3.1	Patent Cooperation Treaty (PCT)		9.4	Restoration of Patent	
3.2	Allocation of Patent Application Number and Entity Code for National Phase Entry Applications		9.5	Payment of Additional Fee and Renewal Fee for Restoration of Patent	
3.3	Retrieval of Information from WIPO		9.6	Re-examination After Grant	
3.4	Date of Filing Checks		<b>10.</b>	<b>Extension of Time .....</b>	<b>130</b>
3.5	Recordal of Changes		10.1	Extension of Time or Period	
<b>4.</b>	<b>Publication .....</b>	<b>46</b>	10.2	Protection and Compensation of Persons Affected by Extension of Time	
4.1	Publication of Patent Application		<b>11.</b>	<b>Other Procedures .....</b>	<b>139</b>
4.2	Request for Early Publication		11.1	Mention of Inventor	
4.3	Publication of Translation of International Application and/or any Amendment to International Application		11.2	Addition, Correction or Late Declaration of Priority	
<b>5.</b>	<b>Amendment Before Grant .....</b>	<b>50</b>	11.3	Filing of Drawing(s), Description or Part of Description	
<b>6.</b>	<b>Search and Examination .....</b>	<b>54</b>	11.4	National Security Clearance and Contravention	
6.1	Search and Examination Routes		11.5	Application for Entry to be made, or for Cancellation of Entry, in Register to Effect that Licences under Patent are to be Available as of Right	
6.2	Request for Supplementary Search Report		11.6	Withdrawal and Refund	
6.3	Response to Written Opinion/Invitation to Amend		11.7	Communication with the Registry or the Patent Examiner	
6.4	Request for Examination Review Report		11.8	Correction of Error	
6.5	Observations by Third Party		<b>12.</b>	<b>APPENDIX .....</b>	<b>174</b>



# 1. INTRODUCTION

## 1.1 About the Manual

- 1.1.1 A patent is a right granted to the owner of an invention that prevents others from making, using, importing or selling the invention without his permission. A patentable invention can be a product or a process that gives a new technical solution to a problem. It can also be a new method of doing things, the composition of a new product, or a technical improvement on how certain objects work. Once it is granted, the term of a patent is 20 years from the date of filing, subject to the payment of annual renewal fees.
- 1.1.2 The Registry of Patents processes patent filings received at the Intellectual Property Office of Singapore (IPOS). This Formalities Manual aims to provide the applicant with a better understanding on the requirements and procedures of the patent prosecution process in accordance with the Singapore Patents Act and Rules. It refers to the Singapore Patents Act and Rules with effect from 26 May 2022, unless otherwise specified. Legal provisions cited are of the Singapore Patents and Rules, unless otherwise specified.

## 1.2 Filing of Requests



- 1.2.1 The IPOS Digital Hub is a one-stop solution designed to facilitate online IP related searches and transactions in Singapore. Submissions of IP applications and forms are to be made through this e-filing portal. For forms/requests which are not available for e-filing via IPOS Digital Hub, they are to be submitted via FormSG. For more information, please visit the IPOS corporate website.

## 1.3 Quality Management

- 1.3.1 The management of national and international patent application processes and their payment processes is aligned with ISO 9001:2015 standards.

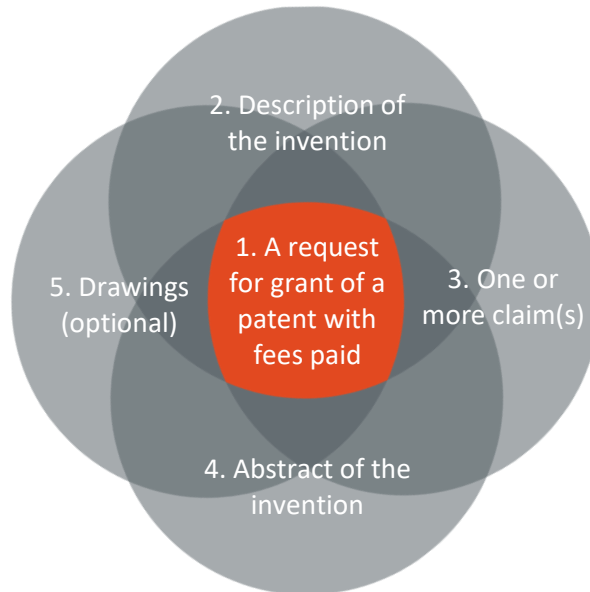


- 1.3.2 Quality Policy: “We strive to work effectively with all interested parties to provide quality products and services to the satisfaction of our customers and meet the applicable requirements. We are committed to continually improve our systems and processes for enhancing the validity, reliability and timeliness of our products and services.”



## 2. REQUEST FOR GRANT OF PATENT

### 2.1 Application for Grant of Patent



- 2.1.1 A complete application for a patent contains –
- A request for grant of a patent, accompanied by the prescribed fee;
  - A description of the invention. The description should describe at least one way of carrying out the invention claimed, with examples, where appropriate, and with reference to the drawings, if any;
  - One or more claim(s). The claims define the scope of protection of the invention and should be supported by the description;
  - Any drawing(s) referred to in the description or any claim(s);
  - An abstract of the invention. This is a summary of the invention and is used in the publication of the patent application.

*Section 25*

- 2.1.2 A request for grant of a patent must be made on **Patents Form 1**.

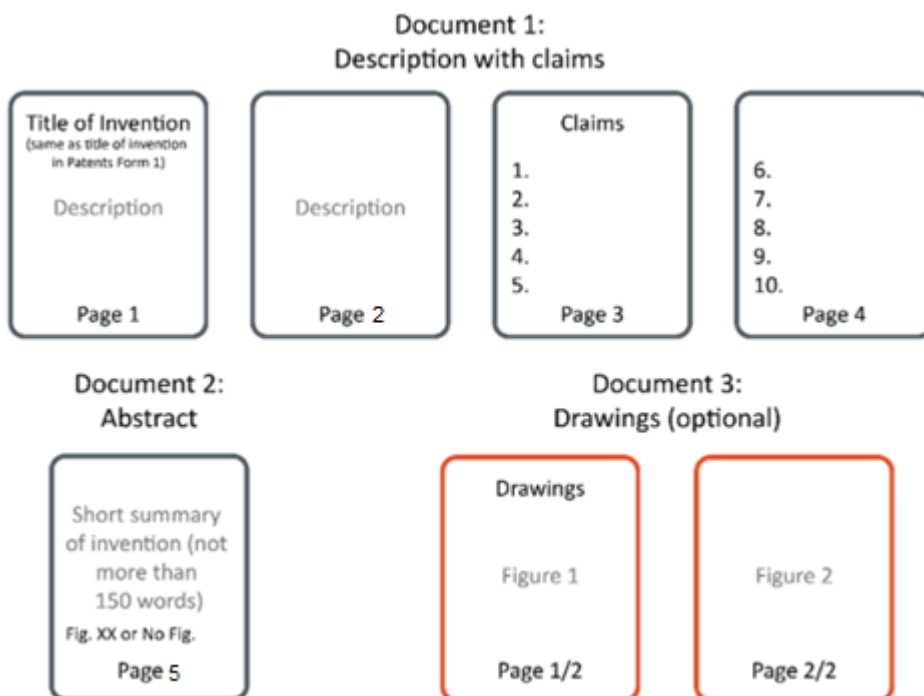
*Rule 19(1)*

- 2.1.3 For the purpose of securing a date of filing, it is possible to submit a document indicating that a patent is sought, in place of Patents Form 1. The document is to include what appears to be a description of the invention for which the patent is sought. Details of the applicant should also be indicated. However, the application must be followed by Patents Form 1 and the filing

fee within 1 month from the date of filing of that document. Otherwise, the patent application will be treated as abandoned.

## 2.2 Making of Application

### Patent Specification & Abstract



#### Form and Presentation of Description

- 2.2.1 The description should commence with a title. The title is the same as the title provided on Patents Form 1. *Rule 19(4)*
- 2.2.2 The description may contain chemical or mathematical formula or tables, but it should not contain any drawings, flow sheets or diagrams.
- 2.2.3 The pages of the description should be numbered consecutively in Arabic numerals placed at the top or bottom of the sheets. Please refer to Rule 23 for more information on the presentation of the description. *Rule 23*
- 2.2.4 The description shall first state the title of the invention as appearing in the request and shall — *Rule 19(5)*
- Specify the technical field to which the invention relates;
  - Indicate the background art which, as far as it is known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention;

- c. Disclose the invention as claimed in such terms that the technical problem, even if not expressly stated as such, and its solution can be understood, and shall state the advantageous effects, if any, of the invention with reference to the background art;
- d. Briefly describe the figures in the drawings, if any;
- e. Set forth at least one mode for carrying out the invention claimed, with examples where appropriate, and with reference to the drawings, if any; and
- f. Indicate explicitly, when it is not otherwise obvious from the description or the nature of the invention, the way(s) in which the invention is industrial applicable.

*Section 13(1)(c)*

### **Form and Presentation of Claims**

2.2.5 The claims should commence on a new sheet of paper which is placed after the description to form one set of documents. For example, if the description is on pages 1 to 10, the claims should begin on page 11. If there are more than one claim, the claims should be numbered consecutively in Arabic numerals.

*Rule 23(8)*

*Rule 19(6A)*

2.2.6 The applicant is encouraged to keep the number of claims reasonable in consideration of the nature of the inventions claimed. Claims in excess of 20 claims attract a fee per claim at the search and/or examination phase and for the purposes of issuance of certificate grant of patent. Please refer to Rule 23 for more information on the presentation of the claims.

*Rule 19(6)*

2.2.7 The definition in the claim of the matter for which protection is sought shall be in terms of the technical features of the invention which may be expressed in structural, functional or mathematical terms.

*Rule 19(7)*

2.2.8 Claims shall be written —

*Rule 19(8)*

- a. in 2 parts, the first part consisting of a statement indicating those technical features of the invention which are necessary in connection with the definition of the claimed subject matter and which, in combination, appear to be part of the prior art and the second part preceded by the words “characterised in that”, “characterised by”, “wherein the improvement comprises”, or other words to the same effect, followed by a statement stating concisely the technical features which, in combination with the features stated in the first part, define the matter for which protection is sought; or
- b. in a single statement containing a recitation of a combination of several elements or steps, or a single element or step, which defines the matter for which protection is sought.

- 2.2.9 Claims shall not rely, in respect of the technical features of the invention, on references to the description or drawings, unless such a reference is necessary for the understanding of the claim or enhances the clarity or conciseness of the claim. *Rule 19(9)*
- 2.2.10 In Singapore, claim(s) are not required to be furnished at the time of filing a patent application in order to obtain a date of filing. The applicant shall submit the claims to the Registry within 12 months from the date of filing of the application if there is no declared priority date. Where there is a declared priority date, the applicant shall submit the claims to the Registry within 12 months from the declared priority date, or 2 months from the date of filing of the application, whichever expires later. For divisional applications, the claims are required to be submitted within 2 months from the lodgement date of Patents Form 1. Otherwise, the application will be treated as abandoned. The time period to submit the claims is not extendable. *Rule 26(5)(a)*
- 2.2.11 The applicant is able to secure an early date of filing for the invention where there is a 12-month period to assess the patentability and commercial viability of the invention before furnishing the claims and committing to higher cost of patent prosecution. *Rule 26(5)(b)*
- 2.2.12 In general, the date of filing of an application for a patent or a provisional application is the earliest date on which the documents filed at the IPOS to initiate the application satisfy the following conditions – *Section 26(1)*
- a. The documents indicate that a patent is sought;
  - b. The documents identify the applicant for the patent; and
  - c. The documents contain something which is or appears to be a description of the invention.
- 2.2.13 Where the above requirements have been complied with, a notification of date of filing will be issued. If Patents Form 1 and fees were not submitted together with the above documents, these should be submitted within one month from the date of filing of these documents to complete the application. Otherwise, the application will be treated as abandoned. *Rule 19(2)*

#### **Form and Presentation of Drawings**

- 2.2.14 Drawing is to be submitted as a separate set of documents from the above. It shall commence on a fresh sheet of paper and pages should be numbered consecutively in Arabic numerals.
- 2.2.15 Each drawing or figure should also be clearly numbered consecutively in Arabic numerals, independent of the numbering of the sheet. For example,

page 1 of the drawings may contain Figures 1 and 2, while page 2 of the drawing may contain Figures 3, 4 and 5.

- 2.2.16 Generally, the drawing should be in black, white or grayscale (no colour). It should not contain any textual matters. Instead, the features should be denoted by reference signs mentioned in the description or claims.
- 2.2.17 The drawings should also be scalable, such that a reduction in size to 2/3 would enable all details to be distinguished without difficulty. For more information on the presentation of the drawings, please refer to Rules 21 and 23.

### **Form and Presentation of Abstract**

*Rule 22*

- 2.2.18 The abstract is to be submitted as a separate set of documents. However, it forms the same series as the description with claims and is placed immediately after the claims. The abstract should be numbered consecutively following the claims. For example, if the claims end on page 14, the abstract should be on page 15.
- 2.2.19 The abstract must be as concise as the disclosure permits and normally not contain more than 150 words.
- 2.2.20 If the specification contains any drawings, the applicant must indicate on the abstract the figure which is intended to be published with the abstract. The applicant may indicate up to two figures. If there is no suitable figure, the applicant should indicate "No Figure".
- 2.2.21 If more than two figures are indicated on the abstract, the Registry may exercise its discretion to select the figure for publication.
- 2.2.22 For applications lodged on or after 14 Feb 2014, the requirement for the abstract to commence with a title of invention has been removed.
- 2.2.23 In addition to the submission of abstract as an attachment, the text of the abstract must also be entered into the relevant text field in the Patents Form 1 if the abstract is not already extracted from the attachment and automatically populated into the text field. The document name "Abstract", title of invention and the figure for publication should be removed from the text field, if present.
- 2.2.24 The abstract entered in the text field must be identical to that in the attached abstract document and will be used for publication purposes.
- 2.2.25 Where the abstract contains chemical formula, mathematical formula or tables that could not be properly captured in the text field, the entire text

shall be removed from the text field and “Refer to abstract attached” shall be entered in the text field.

### **Form and Presentation of Sequence Listing**

2.2.26 Where an application for a patent discloses a sequence, the description of the application must include a sequence listing presented as a separate part of the description and in a manner that complies with the IPOS Digital Hub Practice Direction No. 2 of 2023. For patent applications with a date of filing on or after 1 Jul 2022, sequence listing shall comply with the WIPO standard ST.26.

*Rule 19A(1)*

2.2.27 Any sequence listing not included in the description of an application of a patent on the date of filing does not form part of the application for the patent.

*Rule 19A(4)*

### **Sequence listing submitted with Patents Form 1**

2.2.28 If the sequence listing is intended to form part of the description, the document type “sequence listing (specification)” is made available for the attachment of sequence listing to Patents Form 1. If the sequence listing is not intended to form part of the description but as a reference for the purposes of the search, it is to be submitted with Patents Form 1 using the document type “sequence listing (for reference)” and should be accompanied by a statement in the form of a cover letter as referenced below:

#### **Statement for Sequence Listing**

I, *[Name]*, declare that the information in the sequence listing submitted herein, only for the purposes of the Search, is identical to that forming part of the application filed on *[Date]*.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### **For sequence listing submitted with Patents Form 1: Sequence listing not in the manner that complies with the Practice Direction**

2.2.29 If the sequence listing is not in the manner that complies with the Practice Direction, upon invitation or voluntarily, the applicant may submit the same sequence listing as furnished with Patents Form 1 in the manner that complies with the Practice Direction.

- 2.2.30 In order for the later-submitted sequence listing to form part of the description, the applicant will need to make amendment to the specification via Patents Form 13/Patents Form 13A or correction to the specification via Form CM4, as appropriate, selecting the document type “sequence listing (specification)”. If it is not possible to provide a marked-up copy of the sequence listing, a letter should be accompanied to clearly indicate the nature of correction/amendment. Changes made and basis for amendments or corrections must be clearly explained in the form of a cover letter.
- 2.2.31 Depending on whether it is a request for amendment or correction, when making such submission, it should also be accompanied by a statement as provided for reference below:

a. For amendment

**Statement for Sequence Listing**

I, [Name], declare that the amendments to the sequence listing filed herein, in accordance with Patents Rule 48, do not include matter which goes beyond the disclosure in the application [Application number] as filed on [Date].

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

b. For correction

**Statement for Sequence Listing**

I, [Name], declare that the corrections to the sequence listing filed herein, in accordance with Patents Rule 91, are what was originally intended in the application [Application number] as filed on [Date].

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Sequence Listing not submitted on the date of filing**

- 2.2.32 When a sequence listing is not submitted on the date of filing (e.g., via Patents Form 1 or via incorporation by reference to an earlier relevant application), sequence listing may be submitted as a separate reference document via eCommunications, upon invitation or voluntarily, as “sequence listing (for reference)”. eCommunications is a mode of correspondence in IPOS Digital Hub that allows applicants to correspond with IPOS on application-specific matters. The sequence listing must be in a manner that complies with the Practice Direction. When making such submission, it must be accompanied by a statement as provided for reference below.

*Rule 26, Section 26  
Rule 28*



### Statement for Sequence Listing

I, [Name], declare that the sequence listing filed herein, in accordance with Patent Rule 19A for the purposes of the search, does not include matter which goes beyond the disclosure in the application [Application number] as filed on [Date].

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

- 2.2.33 Alternatively, when a sequence listing is not submitted on the date of filing (e.g., via Patents Form 1 or via incorporation by reference to an earlier relevant application) and the applicant wishes to submit a sequence listing to form part of the description, the applicant will need to make amendment via Patents Form 13/Patents Form 13A, as appropriate, selecting the document type “sequence listing (specification)”. Likewise, the sequence listing must be in a manner that complies with the Practice Direction. Changes made and basis for amendments must be clearly explained in a form of a cover letter. When making such submission, it must also be accompanied by a statement as provided for reference below.

*Rule 48, 49 and  
Section 84*

### Statement for Sequence Listing

I, [Name], declare that the amendments to the sequence listing filed herein, in accordance with Patent Rule 48, do not include matter which goes beyond the disclosure in the application [Application number] as filed on [Date].

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

- 2.2.34 Should the sequence listing be not provided or not provided in the manner prescribed in the Practice Direction, the Patent Examiner need to only search the application to the extent that a meaningful search may be carried out. More details are provided in the **Examination Guidelines for Patent Applications**.

*Rule 19A(3)*

- 2.2.35 If a sequence listing forming part of the description is in the manner that complies with the Practice Direction and the applicant wishes to voluntarily correct or amend the sequence listing, an accompanying statement is not needed. Changes made and basis for amendments or corrections must still be clearly explained in a form of cover letter.

## **For applications with date of filing from 26 May 2022 to 30 Jun 2022**

- 2.2.36 If a sequence listing is intended to form part of the description, it must be placed immediately after the description and before the claims. The sequence listing must be numbered independently from the description and claims. For example, pages 1-10 description, pages 1-5 sequence listing, followed by pages 11-20 claims. The page count for each item must be indicated under the checklist in Patents Form 1. As the sequence listing is intended to form part of the description, the page count of the sequence listing must be included in the page count for description.
- 2.2.37 If a sequence listing is intended to form part of the description and to be submitted as a separate document, a new document type “sequence listing (specification)” is made available for the attachment of sequence listing to Patents Form 1.
- 2.2.38 If the applicant wishes to submit a sequence listing as a separate reference document, not forming part of the description, such document can be submitted using the “sequence listing (for reference)” document type to Patents Form 1. For clarity, a cover letter must be attached to indicate that the sequence listing will serve as a reference document only.
- 2.2.39 When a sequence listing is not submitted on the date of filing (e.g., via Patents Form 1 or via incorporation by reference to an earlier relevant application), sequence listing may be submitted as a separate reference document via eCommunications.

## **Language**

- 2.2.40 If it appears to the Formalities officer that the documents filed at the Registry are in a language other than English, the Formalities officer will notify the applicant to provide the English translation and Verification of English translation (VET) within 2 months from Registrar’s notification. If the applicant fails to comply, the application will be refused.

## **Disclosure of Invention Prior to Filing**

- 2.2.41 An invention could be considered as not new if it has already been made available to the public. Such disclosure may be novelty destroying and forms one of the grounds for the revocation of a patent. In certain cases, it may be necessary to disclose the invention before the application for a patent is made.
- 2.2.42 For patent applications with date of filing before 30 Oct 2017, the applicant may write in to inform the Registry by attaching the relevant supporting documents during the filing of Patents Form 1 if he wishes for the disclosure

to be disregarded as part of the state of the art. The invention must be disclosed at an officially recognised international exhibition falling within the terms of the Convention on International Exhibitions within 12 months from the date of filing of the patent application. The list of officially recognised international exhibitions is available from the Bureau International des Exhibitions ([www.bie-paris.org](http://www.bie-paris.org)).

- 2.2.43 Further, the applicant is required to file a certificate issued by the authority responsible for the exhibition stating the following within 4 months from the date of filing the application –
- a. The invention was exhibited there;
  - b. The opening date of the exhibition, or if the first disclosure did not take place on the opening date, the date of the first disclosure;
  - c. An identification of the invention, duly authenticated by the authority.
- 2.2.44 For patent applications filed on or after 30 Oct 2017, the grace period provisions listed in **Chapters 6.1.18 to 6.1.24** apply.

## 2.3 Guide to Completing Patents Form 1

### **Specifications tab: Reference Number**

- 2.3.1 While a reference number is optional, applicants are encouraged to provide one. A reference number will assist the applicant in identifying the patent application to which the correspondence relates to. This is especially useful when the applicant has filed a number of patent applications with the Registry.

### **Specifications tab: Attachment**

- 2.3.2 The applicant must attach the abstract, description, claims, sequence listing (if any) and drawings (if any) in this part. Claim(s) are not required to be furnished at the time of filing a patent application in order to obtain a date of filing. The applicant shall submit the claims to the Registry within the time period specified in **Chapter 2.2.10**.
- 2.3.3 Applicants have the flexibility to file patent specifications in DOCX (Microsoft Word) or PDF (Portable Document Format) file format. DOCX (Microsoft Word) is the preferred format.
- 2.3.4 The size of each document uploaded in electronic form cannot exceed 100 MB. Documents exceeding 100 MB must be split into parts not exceeding 100 MB each. If there are more than three (3) parts, please send an email

to [ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg) for information on how the attachment(s) may be split and filed.

#### **Application Details tab: Claiming the Date of filing of an Earlier Singapore Application**

- 2.3.5 It is possible to claim the date of filing of an earlier Singapore application as the date of filing of this application under Sections 20(3), 26 or 47(4).
- 2.3.6 For a divisional application filed under Section 26, choose the option “Filing for a divisional of an earlier Singapore application” under Type of Application. For an application filed in response to an order by the Registrar after determination of a question regarding the entitlement of an earlier Singapore application under Sections 20(3) or 47(4), choose the option “Filing in response to an order by the Registrar regarding the entitlement of earlier Singapore application”.
- 2.3.7 Once the parent application number is entered, the parent application details such as the title of invention, declared priority date(s), and inventor names will be auto-populated by the system. For both types of applications, the application number of the earlier application and its date of filing must be indicated. Claiming of an earlier date of filing must be made at the point of filing the application. A divisional application may, but need not, claim the declaration of a priority which was made on the parent application. It is possible to edit the auto-populated information such as removing a priority claim. It is not possible for a divisional application to make a claim of priority which was not claimed in the parent application.

#### **Application Details tab: Title of Invention**

- 2.3.8 The title is a formal requirement and must be provided. It must be short, precise and indicate the matter to which the invention relates. The Registrar may reframe the title if it fails to comply with these requirements. This is usually done by the Patent Examiners during search and examination. As the title will be published in the Patents Journal upon notification of the date of filing, the applicant may wish to avoid disclosing too many details about the invention by being too specific in naming the title of invention.

#### **Application Details tab: Declaration of priority(s) under Section 17(2)**

- 2.3.9 Singapore, like many countries, allows priority claims to be made in a patent application. If an applicant has an application filed earlier in a Paris Convention country or a World Trade Organization member country, the earlier filed application may be claimed as a priority application in the subsequent Singapore patent application, provided that the Singapore

- application is made within 12 months from the date of filing of the earlier filed application.
- 2.3.10 A declaration must be made under this section if the applicant is claiming priority on one or more earlier relevant applications. For each of the earlier applications, its date of filing and the country in which it was filed must be furnished at the time of filing. If the application number of the earlier application is available at the time of filing this form, it should preferably be provided. Otherwise, it should be provided before the end of the period of 16 months from the declared priority date. Where an earlier application is an international application or a regional patent application (e.g., European patent application), one of the countries designated in that application must be identified and the country must be entered in the space provided. A copy of the earlier application and any necessary translation is not required to be filed at this stage.
- 2.3.11 With effect from 1 Apr 2007, the applicant may apply to restore a declaration of priority of an earlier relevant application even though the applicant had failed to file the subsequent patent application within 12 months from the date of filing of the earliest relevant application.
- 2.3.12 This must be done by filing Patents Form 57 within 14 months from the date of the earliest relevant application. If the subsequent patent application is filed after the end of 14 months from the earliest relevant application, the applicant will be requested to relinquish the priority claim, and it may be done by way of letter.
- 2.3.13 The applicant may also apply to add a claim of priority where they had failed to make a declaration of priority in an application which was filed within 12 months from the date of the earlier application i.e., the priority application. This should be done by filing Patents Form 57 within 16 months from the date of filing of the earlier relevant application.
- 2.3.14 A request to correct a mistake in the declared priority date may be done on Patents Form 57 within 16 months from the declared priority date if it causes the declared priority date to be changed to a different date. For more details on addition, correction or late declaration of priority, refer to **Chapter 11.2**.
- 2.3.15 A request to remove the declared priority date may be submitted in writing via eCommunications. The Registrar would make some considerations on the request. One consideration is that the removal of the declared priority date should not revive an abandoned application.

2.3.16 For the list of parties to the Paris Convention and members of the World Trade Organization, please refer to the WIPO website ([www.wipo.int](http://www.wipo.int)) and the WTO website ([www.wto.org](http://www.wto.org)). For the purpose of assessing the validity of a priority claim, IPOS' views are that a "Convention application" is one that was filed in a relevant country which had already become a Convention country as at the date of the filing of the Convention application in the Convention country.

#### **Applicant & Inventors Details tab: Details of Applicant**

2.3.17 Any person (either individual or corporate) may make an application for a patent either alone or jointly with others. The right to the patent belongs primarily to the inventor(s). However, it can also belong to any person who is entitled to the patent by virtue of any rule of law or any enforceable agreement made with the inventor at the time of the making of the invention. For example, if the invention has been developed in the course of work, it may belong to the employer.

2.3.18 Singapore companies or applicants who have prior filings with the Registry are encouraged to provide their UEN or entity code, respectively. This will facilitate them in managing their intellectual property portfolio with the Registry. For example, the UEN or entity code will allow the Registry to retrieve the existing applicant's information and facilitate the form filing during electronic submission. In another example, it will allow the applicant to perform centralised update of name and address.

2.3.19 Name - Where the applicant is an individual, the name must be indicated in full. The address, nationality and country of residency must also be furnished in the space provided.

2.3.20 Where the applicant is a corporate, it must be designated by the corporate name, country of incorporation and, where appropriate, the state of incorporation within that country. The address of the corporate must also be furnished.

2.3.21 Where the applicant is a sole proprietor or partnership, the details of the sole proprietor or all partners must be provided. The name of the sole proprietor, or each partner should be indicated in full.

#### **Applicant & Inventor Details tab: Inventor(s)**

2.3.22 An inventor is the actual person or an individual who devised the invention, and therefore, it cannot be a body corporate. An applicant who is not the inventor must identify the inventor(s) of the invention and state how he has derived the rights to the invention, e.g., by assignment or by contract of employment.

2.3.23 If all the individual applicants named under “Details of Applicant” are also the inventors, the "Yes" option under Statement of Inventorship and of Right of Grant of Patent (Patents Form 8) should be selected. Next, details on whether there are other inventors must be indicated. If one or more of the applicants is not an inventor, the “No” option should be selected.

**Applicant & Inventor Details tab: Details of Inventor**

2.3.24 If one or more of the inventors is not an applicant, the details of the inventors must be indicated under Applicant & Inventors (Patents Form 8). Otherwise, a Statement of Inventorship and of Right to the Grant of a Patent must be filed on Patents Form 8 within 16 months from the declared priority date, or in the case of divisional application, on the day of filing Patents Form 1, whichever is later. If the details are not indicated on Patents Form 1 and the Patents Form 8 is not submitted within the timeline, the application may be treated as abandoned.

**Applicant & Inventor Details tab: Derivation of Right from Inventor**

2.3.25 The applicant must indicate how the rights have been derived from the inventor(s) i.e., by contract of employment, assignment of invention, or others under Derivation of Rights (Patents Form 8).

**Other Information tab: Micro-Organism Deposited under the Budapest Treaty**

2.3.26 This option should be selected if the specification of the application refers to one or more micro-organisms deposited with an International Depository Authority under the Budapest Treaty.

2.3.27 If the invention relates to and/or used a micro-organism, the name of the international depository authority, the date when the culture was deposited, and the accession number of the deposit should be given in the specification of the application.

2.3.28 If the details are not available at point of filing of application, it should be provided within 16 months from the declared priority date, or the date of filing the application where there is no declared priority date; where, on a request made by the applicant, the Registrar publishes the application before the end of the timeline for the purposes of Section 27(1), before the date of the request.

**Other Information tab: Description Incorporated by Reference to an Earlier Relevant Application**

2.3.29 This section must be completed only if a patent description is not filed with this form but instead are relying on incorporating the description of an earlier relevant application declared. Note that this section will only appear when no specification has been uploaded in the Specification tab.

2.3.30 Where the application for a patent has a date of filing by incorporation by reference, the following information must be provided within the timeline:

- a. A written notice confirming that the description of the invention is incorporated in the application by reference, and is completely contained in, the earlier application, as filed;
- b. The description;
- c. A copy of the earlier application, and its English translation, if any;
- d. Patents Form 56.

*Section 26(7)(a)*

*Section 26(7)(b),  
Section 26(7)(c),  
Rule 26(4)*

2.3.31 A copy of the earlier application and its English translation are not required to be filed if they have been previously filed at the Registry.

*Rule 26(4A)*

**Contact Details tab: Contact Details**

2.3.32 For the purpose of any proceedings, an address for service in Singapore must be furnished.

2.3.33 For an applicant who is a body corporate, the applicant may also wish to indicate the name of a staff under the representative or C/O field to ensure that the correspondence is promptly brought to his or her attention.

2.3.34 The applicant may also be represented by an advocate, solicitor or a registered patent agent ("agent"). If an agent is appointed, the agent should select the box for agent and indicate his UEN, name and address for service.

2.3.35 The applicant, representative or agent is also recommended to provide his telephone number and email address to facilitate the office to contact for any matter that requires immediate clarification. However, all official correspondences will be sent via IPOS Digital Hub.

2.3.36 If the agent intends to cease to act on behalf of their representee for any application or proceedings before IPOS, he must provide the following in Form CM1 –

- a. A notice of such intention;
- b. The party's latest address (including any email address) on the agent's records; and
- c. A statement that the agent has given reasonable notice to the party of



such intention and has informed the representee of the consequences if the representee does not appoint a substitute agent or provide a new address for service.

- 2.3.37 If a new Singapore address for service is not furnished in the Form CM1, the Registrar will issue a notice to the representee to request a new address for service. The relevant consequences will apply if no address for service is provided within two months after the date of the Registrar's notice.

#### **Summary & Declaration tab: Declaration**

- 2.3.38 The request for the grant of a patent must be signed in this part of the form. It must be signed by the applicant, or if there is more than one applicant, by each applicant, or by the authorised agent. Where the application has been filed electronically, the application may be signed with a text string signature.

#### **Summary & Declaration tab: Filing Fee**

- 2.3.39 For the purpose of securing a date of filing, the filing fee is not required on the day of filing the document indicating a patent is sought or Patents Form 1. The applicant has 1 month from the filing of that document to decide whether to proceed with the patent application. For electronic submission, the applicant can choose to defer payment by checking the option for deferred payment in the Summary and Declaration tab.
- 2.3.40 However, the filing fee must be paid within 1 month from the date of submission of the document indicating a patent is sought or Patents Form 1. Otherwise, the patent application will be treated as abandoned.
- 2.3.41 Payment of application fees can be made via Internet Banking, Visa/Master credit and debit cards, and GIRO.
- 2.3.42 For deferred payment via IPOS Digital Hub, the applicant should go to "Deferred Payment" found under the "Payment" menu in the top menu bar and select the applications for payment of application fee for Patents Form 1. Upon payment, the Formalities officer will proceed with the preliminary examination of the application if the date of filing requirements are met.

## **2.4 Allocation of Patent Application Number and Entity Code**

- 2.4.1 Upon submission of Patents Form 1, an application number will be allocated and displayed on the acknowledgment page. With effect from 14 Feb 2014, the application number follows the format TTYYYYXXXXXC where:

- a. TT denotes the type of application, where 10 represents national application;
- b. YYYY denotes the year in which the application is filed;
- c. XXXXX denotes running numbers;
- d. C denotes check alphabet for verification purposes.

(Note: The application number format differs for application lodged before 14 Feb 2014.)

- 2.4.2 In the event that the applicant named in Patents Form 1 is a Singapore corporate, the UEN must be entered. For all other entities, an entity code will be allocated by the system.

## 2.5 Date of Filing Checks

- 2.5.1 Once a request for grant of patent is filed, the Formalities officer will perform the following formalities check before a date of filing is allocated –

a. There is an indication that a patent is sought, or a Patents Form 1 is filed;

*Rule 19(2)*

b. The applicant(s) for the patent is clearly identified;

c. A description of invention (regardless of language and presentation) or a letter indicating that incorporation by reference is sought is submitted;

d. For divisional applications, the following additional checks will be carried out -

- i. The application number and date of filing of the parent application are valid;
- ii. The divisional application can only be filed after a parent application is filed and before the conditions for grant in Section 30(c) are satisfied by the parent application;
- iii. The divisional application is filed before the parent application is refused, withdrawn or abandoned;
- iv. The divisional application is filed by the original applicant for the parent application or his successor in title.

*Section 26(11)*

- 2.5.2 If any of the requirements have not been complied with, the Formalities officer will issue a letter, and the applicant will have 2 months from the date

of the letter to make observation and/or file the missing documents. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. The missing documents (e.g., description) may be submitted via eCommunications.
- b. To make amendment(s) on Patents Form 1 (e.g., remove/amend details of parent application), the applicant may file Patents Form 13.
- c. To correct obvious error(s) on forms/documents/register, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
- d. To add or correct a priority claim in the divisional application, the applicant should file Patents Form 57 within 16 months from the declared priority date. For more details on priority claim changes, refer to **Chapter 11.2**.

2.5.3 If the applicant requires more time to respond to the clarification, an extension of time may be requested. Otherwise, the application shall be treated as having been abandoned. The application status will be updated as abandoned (Extension of Time (EOT) possible) on the register. There will be an entry made in the next Patents Journal to the effect that the patent application has been refused.

*Rule 108*

2.5.4 If the requirements have been met, the Formalities officer will issue a notification of the date of filing for the application. For example,

- a. The date of filing will be the earliest date when all documents satisfy the requirements in **Chapter 2.5.1**. If any of the required documents are submitted later, the date of filing of the application may be shifted to the date which these documents were submitted. For example,

Example 1:

Lodgement date of Patents Form 1 identifying the applicants	1 Jan 2016
Lodgement date of description	1 Jan 2016
Date of filing	1 Jan 2016

Example 2:

Lodgement date of Patents Form 1 identifying the applicants	1 Jan 2016
Lodgement date of description	1 Feb 2016
Date of filing	1 Feb 2016

- b. For a divisional application, it will retain the date of filing of the earlier application.
- 2.5.5 If the applicant is able to overcome the objection raised on the ground that the document does not appear to be a description, the date of filing will remain.
- 2.5.6 The event on accordance of date of filing will be entered on the register and published in the next Patents Journal. The applicant will also receive a notification of date of filing. This notification will be sent to the address for service indicated on the Patents Form 1 or document indicating a patent is sought.
- 2.5.7 If the applicant selects the box on Patents Form 1 to indicate that attachments exceed 100 MB, the request will be put on hold until the documents have been received. The date of filing will be the date that the documents are received at the Registry.

#### **Micro-organism**

- 2.5.8 If the option “Micro-Organism Deposited under the Budapest Treaty” was selected Patents Form 1 was selected, the following information should be provided to the Registry –
  - a. The name of the international depositary authority;
  - b. The date when the culture was deposited;
  - c. The accession number of the deposit should be given in the specification of the application at the point of filing of the application or –
    - i. within 16 months from the declared priority date, or the date of filing of the application where there is no declared priority date;
    - ii. where, on a request made by the applicant, the Registrar publishes the application before the end of the timeline for the purposes of Section 27(1), before the date of the request;
    - iii. where the Registrar sends notification to the applicant that, in accordance with Section 108(4), he has received a request by any person for information and inspection of documents under subsection (1) of that section, before the end of 1 month after his sending to the applicant notification of his receipt of the request, whichever is the earliest.

*Rule 20,  
FOURTH  
SCHEDULE*

#### **Filing Fee**

- 2.5.9 Filing fee must be paid within 1 month from the date of submission of Patents Form 1 or the document indicating a patent is sought. The time period for payment of filing fee is not extendable.

2.5.10 If the filing fee is not paid within the timeline, the application will be abandoned. There will be an entry made in the register and the next Patents Journal to the effect that the patent application has been abandoned.

2.5.11 If payment is made after the timeline, the applicant will be informed via eCommunications and a refund will be initiated.

#### **Priority Application Number**

2.5.12 Where there is a declared priority date, the applicant has up to 16 months from the earliest priority date, to furnish the application or file number of each priority application.

*Rule 9B(1)*

2.5.13 If the application or file number of each priority application was not indicated on Patents Form 1, the Formalities officer will inform the requestor to provide the application number within the timeline in the notification of date of filing/clarification letter. The applicant will have up to 16 months from the declared priority date to furnish the application number of each priority application. The applicant is encouraged to furnish the application number by amending Patents Form 1 using Patents Form 13. Otherwise, the applicant may do so via eCommunications.

2.5.14 If the application number is not furnished within the timeline, the priority claim will be removed and the applicant will be notified via eCommunications.

2.5.15 The applicant may request for multiple extension of time up to 6 months from the original timeline to furnish the application or file number of each priority application. Any request for extension of time should be made on Patents Form 45 before the end of 6 months from expiry of the original timeline. It is also possible to request for extension beyond the 6 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

*Rule 108(5)*

#### **Patent Claims**

2.5.16 The patent claims must be filed within 12 months from the declared priority date, or 2 months from the date of filing, whichever is later. If there is no priority date, the claims must be filed within 12 months from the date of filing. For divisional application, the period is 2 months from the date of lodgement of the divisional application. The period for filing of claims is not extendable.

*Rule 26(5)*

- 2.5.17 The applicant may submit the patent claims via eCommunications in the customer portal, with the document type “Claim(s) Only”. The reminder for claims can be found in the notification of date of filing.
- 2.5.18 If the claims are not submitted within the timeline, the application will be abandoned. A notification will be issued and there will be an entry made in the register and the next Patents Journal to the effect that the patent application has been abandoned.

### **English Translation**

- 2.5.19 Where any document or part of a document filed at the Registry to initiate an application for a patent is not in English, an English translation should be submitted together with the document.
- 2.5.20 If the applicant receives a notification from the Registrar to submit an English translation of a document, the English translation and the Verification of English translation (VET) should be submitted within 2 months from the date of the notification. *Rule 19(11)*  
*Rule 112(2)*
- 2.5.21 If the translated documents are not provided within the timeline, the Formalities officer will proceed to refuse the application. A notification will be issued and there will be an entry made in the register and the next Patents Journal to the effect that the patent application has been refused. *Rule 19(12)*
- 2.5.22 The applicant may submit the translation documents via eCommunications in the customer portal. The documents will be reviewed by the Formalities officer during preliminary examination.
- 2.5.23 The applicant may request for multiple extension of time up to 18 months from the original timeline to submit the translation. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed. *Rule 108(4)*  
*Rule 108(5)*

### **Incorporation by Reference**

- 2.5.24 The applicant has up to 3 months from the date of filing of the application of a patent or from the initiation date for a divisional application to submit Patents Form 56. *Rule 26(3)*
- 2.5.25 If Patents Form 56 is not filed within the timeline, the application will be abandoned. A notification will be issued and there will be an entry made in

the register and the next Patents Journal to the effect that the patent application has been abandoned.

## 2.6 Preliminary Examination

2.6.1 The Formalities officer will check for the following requirements during preliminary examination -

a. Patents Form 1 is filed;

b. A Singapore address for service is furnished;

c. Address of each applicant is furnished. State of incorporation for a US corporate applicant is not required;

d. Declaration of priority specifies a date of filing of an earlier relevant application which is less than 12 months before the date of filing of the Singapore patent application;

e. Where the date of filing is accorded based on a description filed, no incorporation by reference to a priority application is made;

f. Names and addresses of applicants are complete;

g. Title indicated on Patents Form 1 corresponds with title in the specification;

h. Number of sheet(s) indicated in checklist corresponds with actual number of sheets filed;

i. An abstract is filed;

j. The abstract indicates 1 or 2 figures of the drawings for publication;

k. No drawing or part of the description of the invention is missing from the application;

l. The specification commences with an appropriate title;

m. The description, claims and abstract do not contain drawings;

n. The drawings are executed in black, sufficiently dense and dark strokes;

o. The documents are legible and suitable for direct reproduction;

p. The documents commence on a new sheet, sheets are numbered consecutively, with drawings numbered as a separate series;

q. Where inventor details are provided, the relevant section in Patents Form 1 should be indicated as "No" i.e. not all the applicants listed are inventors. The derivation of right from inventor should also be filled.

2.6.2 Where any of the above requirements are not met, the Formalities officer will issue a Formalities Examination Adverse Report to the applicant. The applicant may proceed to make amendments using Patents Form 13 within 2 months from the date of the letter.

2.6.3 If drawings are filed but there is no indication of figure or "No Figure" on the abstract, the Formalities officer may issue a Formalities Examination Adverse Report to the applicant. If drawings are not filed, the abstract need not indicate "No Figure".

2.6.4 In Patents Form 13, the applicant should enter the IPOS Reference Number found in the Formalities Examination Adverse Report and select the option "In response to the Registrar's Formalities Examination Adverse Report". If amendments were made to documents such as description, claims, abstract, or drawings, replacement sheet(s) are to be submitted with the form.

2.6.5 Some examples of changes that may be amended using Patents Form 13:

- a. Amendment(s) of abstract, description, claims, or drawings;
- b. Amendment(s) on option(s) selected on Part(s) of Patents Form 1;
- c. Amendment(s) on the number of sheets indicated on Patents Form 1.

2.6.6 The applicant may request for multiple extension of time up to 18 months from the original timeline to respond to the Formalities Examination Adverse Report. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months,

*Rule 108(4)*

*Rule 108(5)*



but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

- 2.6.7 If there are other formal requirements not met by the timeline, the Formalities officer will issue a Notice of Refusal of Application. The application status will be updated as “Refused (EOT possible)” on the register. There will be an entry made in the next Patents Journal to the effect that the patent application has been refused. If the application does not meet the priority and missing part checks, the applicant will be informed that the priority or missing part will be disregarded.
- 2.6.8 When all formal requirements have been met, a Formalities Examination report will be issued to the applicant. An entry will be made in the Register to the effect. The applicant may proceed to request for search report (Patents Form 10), search and examination report (Patents Form 11), examination report (Patents Form 12) or supplementary examination report (Patents Form 12A) if it has not been requested.
- 2.6.9 For applications which the Formalities Examination report is issued after the timeline for Search and/or Examination procedures (Patents Form 10, 11, 12, 12A), the applicant may request for an extension of time via eCommunications for the Registrar to consider extending the timeline to file requests for search and/or examination or supplementary examination report (Patents Form 10, 11, 12, 12A) on a case-by-case basis. Some examples are –
- a. Delay in the issuance of the Formalities Examination Adverse Report by the Registry;
  - b. Delay in issuing subsequent correspondences related to the Formalities Examination Adverse Report by the Registry.

# NATIONAL APPLICATION

## Stage 1: Filing Data Notification & Formalities Examination

1. Request for grant of Patent (Patents Form 1) [\$170]

Formalities Cleared

Date of Filing Notification

Preliminary Examination Cleared

Formalities Examination Clear Report

## Stage 2: Search and Examination Procedures

Publication of application (after 18 months\*)

2a. Request for Search (Patents Form 10) within 13 months\* [\$1735] + Request for Examination (Patents Form 12) within 36 months\* [\$1420\*]

2b. Request for Search & Examination (Patents Form 11) within 36 months\* [\$2050\*]

2c. Request for Examination (Patents Form 12) within 36 months\* [\$1420\*]

Registrar issues exam report

One/more unresolved objections

No unresolved objections

Patent examiner reviews request

Registrar issues Notice of Intention to Refuse

Registrar issues Notice of Eligibility

2e. Request of Examination Review (Patents Form 12B) within 2 months [\$1420]

One/more unresolved objections

Registrar issues Notice of Intention to Refuse

## Stage 3: Payment of Fee for Grant of Patent

3. Payment of fee for Grant of Patent (Patents Form 14) within 2 months [\$210\*]



**Certificate of Grant**

\*Due date is calculated from the declared priority date, or where there is no declared priority, the Date of Filing of the application. For divisional application, the due date is calculated from the lodgement date of the divisional application.  
 \*Additional \$40 per claim will be charged in excess of 20 claims at the point of filing the form if the excess claim fee has not been previously paid for.



# 3. NATIONAL PHASE ENTRY

## 3.1 Patent Cooperation Treaty (PCT)

Section 86-88  
Rule 86

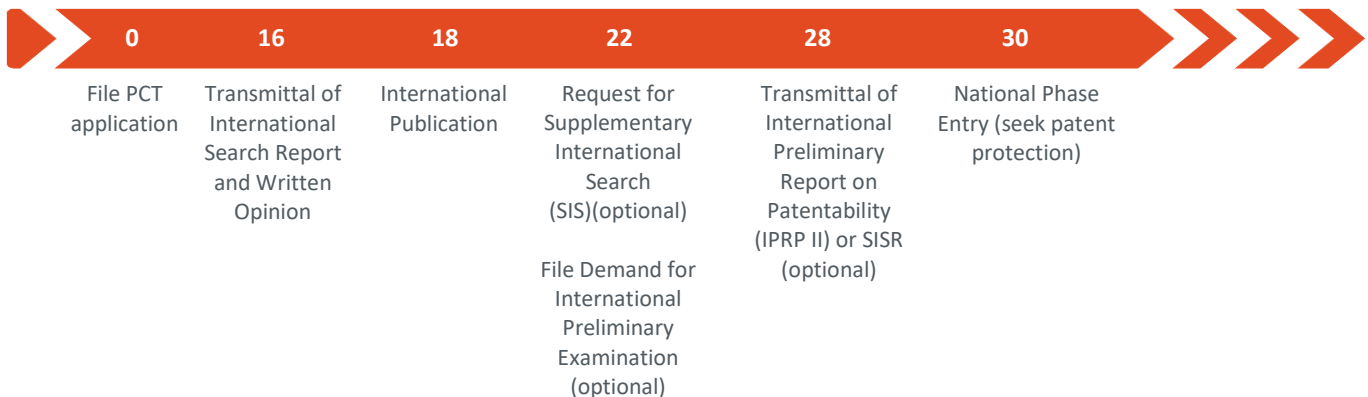
3.1.1 The Patent Cooperation Treaty (PCT), administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) based in Geneva, Switzerland, is an international treaty to facilitate the applicant in seeking patent protection for his invention in several countries simultaneously by filing an international application with a single office, in one language and a single set of forms and fees.

3.1.2 The filing of a PCT request constitutes the automatic designation of all Contracting States that are bound by the PCT on the international date of filing. On completion of the international phase, the applicant will be required to enter national phase into the countries which they wish to get a patent granted.

### Paris Convention



### PCT System



3.1.3 An applicant may enter national phase in Singapore by filing **Patents Form 37** to obtain patent protection in Singapore.

Rule 86(2)

- 3.1.4 The international phase of the application refers to the period from the filing of the international application in accordance with the PCT until the national phase of the application begins –
- a. For normal national phase entry, national phase begins upon expiry of 30 months from the declared priority date, or if there is no declared priority date, the date of filing of the application; or
  - b. For early national phase entry, national phase begins when Patents Form 37 is filed.
- 3.1.5 Furnishing of the corresponding front page of the PCT Gazette at the time of filing Patents Form 37, is no longer required. To facilitate the processing of national phase entry applications, applicants are reminded to indicate the following details in the request –
- a. Whether the applicants are seeking for an early entry into national phase in Singapore; and
  - b. Any changes in names of the applicant(s), or addresses of the applicant(s)/inventor(s) which had been recorded with the PCT. In such instances, PCT/IB/306 should be furnished to evidence such a recordal before the PCT.

## 3.2 Allocation of Patent Application Number and Entity Code for National Phase Entry Applications

- 3.2.1 Upon submission of Patents Form 37, an application number will be allocated and displayed on the acknowledgment. With effect from 14 Feb 2014, the application number follows the format TTYYYYXXXC where:
- a. TT denotes the type of application, where 11 represents international application entering national phase in Singapore;
  - b. YYYY denotes the year in which the application is filed;
  - c. XXXXX denotes running numbers;
  - d. C denotes check alphabet for verification purposes.

(Note: The application number format differs for application lodged before 14 Feb 2014.)

- 3.2.2 In the event that the applicant named in Patents Form 37 is a Singapore corporate, the UEN must be entered. For all other entities, an entity code will be allocated by the system.

### 3.3 Retrieval of Information from WIPO

3.3.1 Upon successful filing of the Patents Form 37, the system will retrieve the following information and documents from WIPO if the PCT application is published –

1. Details of Applicant
2. Details of Inventors
3. International date of filing
4. Details of Priority
5. International Publication Number
6. Filing and Publication language
7. Chapter I or II entry
8. Whether PCT application has been withdrawn
9. Specification
10. Reports (e.g., International Search Report, International Preliminary Report on Patentability and its annexed Article 34 amendments)
11. Article 19 amendments

3.3.2 For non-published PCT application, the system will retrieve PCT data from WIPO as soon as the PCT application is published.

### 3.4 Date of Filing Checks

3.4.1 A date of filing will be accorded if the following requirements have been met –

a. Fee has been paid;

b. A Singapore address for service is furnished;

c. Applicant details in Patents Form 37 are auto-populated in Patents Form 37 or correspond with the applicant details in WIPO;

d. Early national phase entry is requested or Normal national phase entry is made between 29.5 to 30 months from the earliest declared priority date or date of filing if there is no declared priority date;

e. PCT application is published at WIPO in English language;

f. If PCT application is not published and early national phase entry is requested, a copy of the PCT request form, specification and abstract are enclosed together with any necessary English translation;

g. For non-English PCT applications, an English translation and a verification of the English translation (VET) should be enclosed. VET may be submitted within 2 months from national phase entry due date.

*Section 86(3)(b)*

*Section 86(3)(a)  
Rule 86(4)*

i. English translation:

- The English translation of the specification is submitted with Patents Form 37. Otherwise, an extension of time for national phase entry is to be requested if the translation of the specification is submitted after the national phase entry due date. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.
  
- The translation fulfils the following requirements –
  - The drawings are executed in black, sufficiently dense and dark strokes (no colour);
  - The documents are legible and suitable for direct reproduction;
  - The documents commence on a new sheet, sheets are numbered consecutively, with drawings numbered as a separate series.

*Rule 108(4)*

*Rule 108(5)*

ii. Verification of English translation:

- The VET should contain the following information –
  - States the document being translated;
  - Verifies that the translation corresponds to the original text of the document or part;
  - States the name of the translator and contains a statement that he/she is well versed in English and the relevant foreign language;
  - Signature of the translator and date of declaration.
  
- The applicant may request for request for extension of time to submit the VET via a written request under Rule 108(1) through eCommunications.

*Section 86(6)*

iii. If amendment(s) was made during the international phase (e.g., Article 19 or 34):

- The amendments made in accordance with the PCT before national phase entry begins shall be treated as being made under the Singapore Patents Act and shall not be disregarded if the copy of the amendments has been communicated to the Registry, i.e., made available on PATENTSCOPE or submitted by applicant to the Registrar. Applicants may amend the national phase application accordingly based on the application as

amended in accordance with the PCT application. However, in the case where an English translation of the amendments made in accordance with the PCT has not been filed at the Registry within the prescribed time limits, the amendment shall be disregarded and not treated to be made under the Singapore Patent Act.

- An English translation of the amendment(s) and the VET are to be submitted with Patents Form 37;
- If one but not both necessary translations of the application as originally filed and of the amendment to it is submitted, a notice will be issued to the applicant to furnish the required translation within 2 months from the date of notification;
- The applicant may request for multiple extension of time up to 18 months from the expiry of the original timeline to submit the translation. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

*Rule 86(6)*

*Rule 108(4)*

*Rule 108(5)*

3.4.2 The following is an example of the Verification of English Translation (VET)

–

### **Verification of English Translation (VET)**

I, *[Name of translator]* of *[Address of translator]*, do hereby state that I am a translator competent in the *[Foreign]* and English languages and that to the best of my knowledge and belief, the attached document is an accurate and complete translation of *[Application number]* as filed on *[Date]*.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

3.4.3 Where early national phase entry is not requested and Patents Form 37 is filed before 29.5 months from the declared priority date, or the date of filing if there is no declared priority date, the request will be put on hold until 29.5 months has reached.

3.4.4 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified, a reminder will be issued.

- a. To make changes in the specification i.e., description/claims/drawings /sequence listing, the applicant may file Patents Form 13 (In response to the Registrar’s Formalities Examination Adverse Report) or a Form CM4 (Correction of Specification of a Patent or of an Application for a Patent).
  - b. To make changes in the abstract, the applicant may file Patents Form 13 (In response to the Registrar’s Formalities Examination Adverse Report) or Form CM4 (Correction of any other document relating to a Patent or an Application for a Patent) and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91).
  - c. To rectify errors on the Patents Form 37, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - d. To submit documents such as English translation of amendments, or clarification letters in response to our letter, the applicant may reply via eCommunications.
- 3.4.5 If the following conditions were not met by the timeline, the application will be treated as withdrawn –
- a. Submission of English translation of the application which is published in a language other than English in PCT; and
  - b. Payment of prescribed fee.
- 3.4.6 The applicant may request for multiple extensions of time up to 18 months from the original timeline to respond to the Formalities Examination Adverse Report. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed. *Rule 108(4)*
- Rule 108(5)*
- 3.4.7 If all the above requirements have been met, the applicant will be issued a notification of date of filing. There will be an entry made in the register and the next Patents Journal to the effect that the patent application has been filed in Singapore (provided that the PCT application has been published).
- 3.4.8 Once the date of filing notification has been issued, the formalities check for Patents Form 37 is completed. The applicant may proceed to request for search and examination report (Patents Form 11), examination report (Patents Form 12) or supplementary examination report (Patents Form 12A), if it has not been requested.



## Sequence listing

- 3.4.9 Please note that **Chapters 2.2.26 to 2.2.39** will also be applicable, with necessary modification to sequence listing filed at national phase entry.

*Rule 19A*

## 3.5 Recordal of Changes

3.5.1 If there are requests made for the recordal of change under Rule 92bis of the PCT Regulations, the International Bureau will issue PCT/IB/306 and publish the changes in WIPO. Changes are required to be made in the international phase in order for them to be taken into account in the national phase.

3.5.2 If the changes are made in the international phase, the applicant may submit PCT/IB/306 to the Registrar via eCommunications to record these changes at IPOS. Upon receiving such requests, the Formalities officer will update the changes accordingly.

3.5.3 If the changes are made after the international phase or after early national phase entry, the applicant may file the relevant forms to make the changes in the national phase application –

a. File Form CM2 to change Name, Address and Singapore Address for Service of Agent, Applicant, Proprietor or Other Interested Person, e.g., change in applicant's own name/address, or change in inventor's name/address.

*Rule 56*

b. File Form CM4 to request for Correction of Error and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**. For example –

*Rules 58, 91*

- i. Correction of applicant's name from Applicant A to Applicant B.
- ii. Correction of applicant's name that results in change in legal entity e.g., ABC LLP to ABC LLC.
- iii. Correction of inventor's name from Inventor A to Inventor B.

c. File Form CM8 to register Transfer of Ownership, e.g., change in applicant's name from Applicant A to Applicant B.

*Rule 57*

d. File Patents Form 13 to amend application before grant, e.g., amendment of specification.

*Rule 48*

3.5.4 For non-English PCT applications, the applicant may write in via eCommunications if he intends to use the title of invention stated in the English translated specification. The Formalities officer will update the title of invention accordingly.

3.5.5 The following examples illustrate the different approaches for changes to be recorded in the national phase application –

Example 1:

**International Phase**

Applicant A (Found in the PCT Gazette) → B

PCT was notified of change and PCT/IB/306 was issued to record the change.

**National Phase (SG)**

Patents Form 37 filed by Applicant A	Patents Form 37 filed by Applicant B
<p>A notification of date of filing will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.</p>	<p>An application number will be accorded, and the applicant will be informed of the discrepancy via a letter.</p>
<p>Applicant B subsequently files Form CM4 enclosing PCT/IB/306 – explaining that the PCT application should have been in their name, and that they would like to correct the form filed earlier.</p>	<p>If Applicant B furnishes PCT/IB/306 supporting their claim and the Registry is satisfied that all is in order, the notification of date of filing will be issued in the name of Applicant B.</p>
<p>If satisfied that all is in order, the Registry would proceed to update the database/file accordingly in the name of Applicant B. There will be no further action taken by the Registry in this regard.</p>	<p>The database will be updated and the application will be published in the name of Applicant B.</p>

Example 2:

**International Phase**

Applicant A (Found in the PCT Gazette) → B

PCT was not notified of change (e.g., assignment of rights)

**National Phase (SG)**

<b>Patents Form 37 filed by Applicant A</b>	<b>Patents Form 37 filed by Applicant B</b>
A notification of date of filing will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.	An application number will be accorded, and the applicant will be informed of the discrepancy via a letter.
Applicant B subsequently informs IPOS that the PCT application should have been in their name.  However, they have not notified PCT of the change.	Applicant B explains to IPOS that the PCT application should have been in their name due to an assignment during the International Phase.  However, they have not notified PCT of the change.
If, for example, the change was an assignment, Form CM8 should be furnished for IPOS to record the assignment.	If, for example, the change was an assignment, Form CM8 should be furnished for IPOS to record the assignment.
The recordal of the assignment will be published in the Patents Journal.	If the Registry is satisfied that all is in order, the notification of date of filing will be issued in the name of Applicant A with the statement "Pending the recordal of the assignment to Applicant B."  No additional/further notification of date of filing will be issued when recordal is made.  The recordal of the assignment will be published in the Patents Journal.

Example 3:

### International Phase

Applicant A (Found in the PCT Gazette) → B

PCT was not notified of change (e.g., change of name)

### National Phase (SG)

Patents Form 37 filed by Applicant A	Patents Form 37 filed by Applicant B
A notification of date of filing will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.	An application number will be accorded, and the applicant will be informed of the discrepancy via a letter.
Applicant B subsequently informs IPOS that the PCT application should have been in their name.  However, they have not notified PCT of the change.	Applicant B explains to IPOS that the PCT application should have been in their name due to a change of name during the International Phase.  However, they have not notified PCT of the change.
If, for example, there was only a change in name, Form CM2 should be furnished for IPOS to record the change in name.	If, for example, there was only a change in name, Form CM2 should be furnished for IPOS to record the change in name.
If satisfied that all is in order, the Registry would proceed to update the database/file accordingly in the name of Applicant B. There will be no further action taken by the Registry in this regard.	If the Registry is satisfied that all is in order, the notification of date of filing will be issued in the name of Applicant A with the statement "Pending the recordal of the change in name to Applicant B."  No additional/further notification of date of filing will be issued when recordal is made.  The recordal of the change will be published in the Patents Journal.

# NATIONAL PHASE ENTRY APPLICATION

## Stage 1: Filing Data Notification

1. Entry into National Phase (Patents Form 37) [\$210]

↓ *Formalities Cleared*

Date of Filing Notification

## Stage 2: Search and Examination Procedures

2a. Request for Search (Patents Form 10) within 13 months\* [\$1735] + Request for Examination (Patents Form 12) within 36 months\* [\$1420\*]

2b. Request for Search & Examination (Patents Form 11) within 36 months\* [\$2050\*]

2c. Request for Examination (Patents Form 12) within 36 months\* [\$1420\*]

Registrar issues exam report

One/more unresolved objections

No unresolved objections

Patent examiner reviews request

Registrar issues Notice of Intention to Refuse

Registrar issues Notice of Eligibility

2e. Request for Examination Review (Patents Form 12B) within 2 months [\$1420]

One/more unresolved objections

Registrar issues Notice of Refusal of application

## Stage 3: Payment of Fee for Grant of Patent

3. Payment of fee for Grant of Patent (Patents Form 14) within 2 months [\$210\*]



**Certificate of Grant**

\*Due date is calculated from the declared priority date, or where there is no declared priority, the Date of Filing of the international application.  
 \*Additional \$40 per claim will be charged in excess of 20 claims at the point of filing the form if the excess claim fee has not been previously paid for.



## 4. PUBLICATION

### 4.1 Publication of Patent Application

- 4.1.1 If the patent application has been accorded a date of filing, it will be published in the Patents Journal as soon as possible after 18 months from the declared priority date or, where there is no declared priority date, the date of filing of the patent application. *Section 27  
Rule 29*
- 4.1.2 Applications that are treated as withdrawn, abandoned or refused earlier than 1 month before the 18-month publication period will not be published. Hence, if the applicant wishes to keep his invention a secret, he should withdraw his application via Form CM9 earlier than 1 month before the expiry of the 18 months from the declared priority date or, where there is no declared priority date, the date of filing of the patent application. *Rule 29(4)*
- 4.1.3 In general, where a patent application is published, the applicant will have, as from the publication and until the grant of the patent, the same right as he would have had, if the patent had been granted on the date of the publication of the patent application, to bring proceedings in the court or before the Registrar for damages in respect of any act which would have infringed the patent. *Section 76*
- 4.1.4 From 26 May 2022, the Patents Journals (A & B) publication frequency will be progressively increased from a monthly to weekly basis. Thereafter, the Patents Journal will be published weekly, unless otherwise directed. The above publication also contains particulars of applications for and grant of patents and other proceedings under the Patents Act. Patents Journal A consists of bibliographic information on actions before the Registry and Patents Journal B consists of abstract publication of patent applications.
- 4.1.5 Each issue of the Journal will be available online at IPOS Digital Hub. To obtain copies of past issues (not available online), the request may be made via [FormSG](#). Each past issue will be charged a fee for Journal A and a fee for Journal B and produced in CD-ROMs only. Instructions on payment will be provided via email within 7 working days after the request. Payment must be made via IPOS Digital Hub's payment platform. Acceptable modes of

payment include Internet Banking, Visa/Master credit and debit cards, and GIRO.

- 4.1.6 Information on published patent applications may also be searched via the IPOS Digital Hub's Search.

## 4.2 Request for Early Publication

*Section 27(2)  
Rule 29(3)*

- 4.2.1 The applicant can request for early publication for strategic reasons by filing **Patents Form 9**.

- 4.2.2 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. Date of filing has been accorded;

c. National security clearance has been issued, if applicable;

d. The application is not published;

e. The application is not refused, abandoned or withdrawn. If the patent application is refused or abandoned, the applicant can request for extension of time if he is still within the allowable time limit;

f. There is no pending request for withdrawal (Form CM9);

g. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved.

- 4.2.3 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors on the form, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the

correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.

- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - c. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.
- 4.2.4 If all requirements are met, the Formalities officer will approve the request and the applicant will be notified via letter. There will be an entry made in the register to the effect that the request has been approved and the event will be published in the next Patents Journal.
- 4.2.5 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter.

### 4.3 Publication of Translation of International Application and/or any Amendment to International Application

*Section 86(7)  
87(2), (3)*

- 4.3.1 A PCT patent application entering national phase in Singapore is treated as published if it has been published in accordance with the Patent Cooperation Treaty in English. If the patent application was published in a language other than English, the applicant no longer has to pay a fee for publication of the translation by filing Patents Form 38 for applications entering national phase in Singapore on or after 26 May 2022.
- 4.3.2 Once the application enters national phase, the Formalities officer will review the following requirements –

a. The application must be a patent application entering national phase in Singapore;

b. Date of filing has been issued;

c. The application has been published at WIPO in non-English language;

d. The translation filed is in order.



- 4.3.3 When all requirements are met, the event on publication of English translation of PCT application will be entered in the register as “English translation of PCT application published in accordance to Section 86(7) of the Patents Act” when the publication of the national phase entry of the application in the Patents Journal takes place.



## 5. AMENDMENT BEFORE GRANT

### 5.1 Amendment Before Grant

- 5.1.1 The applicant may make voluntary amendments to the application or specification before grant provided that the amendment does not disclose any additional matter. This gives the applicant the opportunity to refine his application without prejudicing the rights of third parties. *Section 31, 84*
- 5.1.2 The amendments should be requested using **Patents Form 13** any time before grant, except – *Rule 48(1), 49*
- After the request for search report (Patents Form 10) is filed and before search report is sent to the applicant;
  - After the request for search and examination report (Patents Form 11), examination (Patents Form 12) or supplementary examination report (Patents Form 12A) is filed;
  - After the request for examination review report (Patents Form 12B) is filed.
- 5.1.3 Voluntary amendments can also be contained in Patents Form 13A, in response to written opinion during search and examination, examination or supplementary examination. *Rule 46(3)*
- 5.1.4 Besides voluntary amendments, the applicant may also make the following pre-grant amendments using Patents Form 13 –
- Amendments in response to the Registrar’s formalities examination clarification letter issued from Patents Form 1 or Patents Form 37 requests;
  - Amendments to the specification to comply with the formal requirements after the applicant receives the Notice of Eligibility;
  - Amendments to the specification after the applicant receives a Notice of Intention to Refuse and files a request for examination review report via Patents Form 12B;
- 5.1.5 From 1 Apr 2017, both marked-up and clean copies of the amended sheets will be required for online submission. Applicants are required to submit and attach these documents according to the correct document type. *Rule 48(4)*

Amendments should be made based on the latest set of specifications on record, including earlier submissions which have been made on the same day or requests that have yet to be approved by the Registrar.

5.1.6 From 1 Dec 2019, if amendments or corrections have been made to claims, a marked-up copy and a clean copy of the full set of claims have to be submitted with the request. The amendments or corrections should be reflected similarly in both the clean and marked-up copies. Refer to **Chapter 5.1.12** on the accepted format of the marked-up and clean copy of amendments and corrections to specification. The request for amendment to specification should set out the reasons for making amendments and any evidence in support thereof should also be submitted. To facilitate , it is highly encouraged to indicate the basis for amendments to specification with references to particular parts of the application *as filed*. The Patent Examiner may also request for such basis during examination.

5.1.7 From 18 Apr 2016, a new option 'Related to Rule 47(6) with the date of filing on or after 14 Feb 2014' was added to the form. The purpose of this option is to allow for amendments or corrections to be made in order to comply with formal requirements according to Rule 47(6) after the issuance of the Notice of Eligibility. Refer to Rule 33 for the definition of formal requirements. Any other form of corrections that does not fall under this rule may be addressed with Form CM4. For more details on correction of error, refer to **Chapter 11.8**.

*Rule 47(6)*

*Rule 33*

5.1.8 Once the request is received, the system will automatically review the following requirements –

a. The application is not granted. Otherwise, Patents Form 17 should be used;

b. The application is not refused, abandoned or withdrawn. If the patent application is refused or abandoned, the applicant can request for extension of time if he is still within the allowable time limit. If the application is abandoned after Patents Form 13 is filed, Patents Form 13 will still be processed;

c. The form is filed within the timelines set out above;

d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved.

e. Both marked-up and clean copies of the amendments are submitted.

- 5.1.9 If any of the above requirements are not met, the Formalities officer will send a letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
- a. If Patents Form 10, 11, 12 or 12A has not been filed, the applicant can opt to re-file a second Patents Form 13 for the intended amendments, taking into account that the first PF13 amendments are approved. Relevant marked-ups must be made on the latest provided or approved version of the specifications. Withdrawal of Patents Form 13 will not be permitted for approved cases, even by system. Withdrawal may only be permitted for Patents Form 13 in processing or received.
  - b. If Patents Form 10, 11, 12 or 12A has been filed, the applicant should file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
- 5.1.10 If all the requirements are met, the Formalities officer will approve the request. The approval will be entered as an event in the register. The amendments will be considered by the Patent Examiner during examination. For more information, please refer to the **Examination Guidelines for Patent Applications**.
- 5.1.11 If the objections cannot be overcome or there is no response from the applicant, the request will not be accepted and the applicant will be notified via letter.
- 5.1.12 The following examples illustrate the accepted format to indicate the marked-up copy and clean copy of amendment or correction to patent documents and specifications –

## Amendment/Correction

### Example 1:

Original	Marked-up Copy	Clean Copy
aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa	aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa <del>aaaaaa</del> <u>bbbbbaaaa</u> aaaaaa	aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa bbbbbaaaaaaaaa
10	10	10

### Example 2:

Original	Marked-up Copy	Marked-up Copy
aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa	aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa <del>aaaaaa</del> <u>bbbbbb</u> <u>bbbbbb</u> baaaaaa	aaaaaa
10	10	10a

Clean Copy

aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaaaaaaaaaaaa aaaaaa <b>bbbbbb</b> bbbbbbbaaaaaa
10



## 6. SEARCH AND EXAMINATION

### 6.1 Search and Examination Routes

Section 29

6.1.1 After complying with the formal requirements, the patent application is required to undergo the search and examination process to determine if the invention is patentable in Singapore. The applicant may select from one of the following approaches to the search and examination process –

- a. Request for search report (**Patents Form 10**) followed by request for examination report (**Patents Form 12**); *Rule 36, 42*
- b. Request for search and examination report (**Patents Form 11**); *Rule 37*
- c. Request for examination report (**Patents Form 12**) by relying on – *Rule 42, Rule 45(3)*
  - i. local search report issued by IPOS;
  - ii. final results of a search of its application in suit during the international phase of the application that has entered national phase in Singapore; or
  - iii. final results of a search in one corresponding application, corresponding international application or related national phase application;
- d. Request for supplementary examination report (**Patents Form 12A**) by relying on – *Rule 42A*
  - i. final results of any search and examination of its application in suit during its international phase that has entered national phase in Singapore; or
  - ii. final results of any search and examination of one corresponding application, corresponding international application or related national phase application.

Please refer to the **Annex** for the definition and examples of corresponding application, corresponding international application, or related national phase application.

6.1.2 The search process involves a worldwide search for all materials and information which are relevant to the subject of the invention. The examination process involves the consideration by the Patent Examiner as to whether the invention qualifies as new, involves an inventive step and is capable of industrial application, among other requirements. During the

preparation of an examination report, when it appears that an application relates to two or more inventions, but not part of a single inventive concept, the examination may be restricted to the first invention specified in the claims of the application and applicant will be notified.

6.1.3 For supplementary examination, the Patent Examiner will only review the following grounds – support, relatedness of claims, morality, methods of medical treatment or diagnosis, double patenting, and no added matter. From 30 Oct 2017, the Patent Examiner will also determine whether the invention defined in each claim of the specification of the application constitutes an invention. If the invention is determined not to be a patentable subject matter, the Patent Examiner will state fully his reasons in a written opinion.

*Rule 2A(3)*

*Rule 46(1A)*

6.1.4 To strengthen our patent regime and improve the quality of the patents granted in Singapore, applicants would no longer be able to request for supplementary examination report for –

- a. Patent applications with date of filing on or after 1 Jan 2020;
- b. Divisional applications with lodgement date on or after 1 Jan 2020.

*Section 29(11A)*

*Rule 43(4)*

#### **Reliance on Foreign Search Results/International Search Report (ISR)**

*Rule 42*

6.1.5 Where the applicant relies on the foreign search results or ISR, a copy of the search results should be submitted. If the search results are not in English, a copy of the translated search results is required. All cited documents referred to in the search results are to be submitted by the applicant. Translation of non-English cited documents is not required at the point of filing the request for examination report. However, the Patent Examiner may request for a translated copy where necessary.

6.1.6 Where the Registrar had earlier sent a copy of the final results of the search or ISR (as the case may be) in English to the applicant (e.g., where IPOS is the International Search Authority that established the ISR), the applicant does not have to provide a copy of these documents when making a request for examination report on or after 26 May 2022. However, the applicant is still required to provide a copy of Non-Patent Literature cited in the search results to the Registrar as these documents have not been provided by the Registrar during the international phase (**refer to Chapter 6.1.34**).

*Section 29(1B)*

#### **Reliance on Foreign Final Search and Examination Results/Granted Patent/International Preliminary Report on Patentability (IPRP)**

6.1.7 Where the applicant relies on foreign final search and examination results, a copy of the results and the list of allowed patent claims referred to in the

final results should be submitted. If the results and list of allowed claims are not in English, a translation of these documents with VET is required.

Prescribed Patent Office	Final Search and Examination Result
IP Australia	Notice of Acceptance
Canadian Intellectual Property Office	Notice of Allowance
European Patent Office	Notice of Intention to Grant/ Decision to Grant
Japan Patent Office	Decision to Grant
Korean Intellectual Property Office	Notice of Allowance
Intellectual Property Office of New Zealand	Notice of Acceptance of Complete Specification
United States Patent and Trademark Office	Notice of Allowance and Fee(s) Due & Notice of Allowability
UK Intellectual Property Office	Notice of Intention to Grant/ Notification of Grant

6.1.8 Where the applicant relies on foreign granted patent, a copy of the foreign granted patent and specification should be submitted. A declaration of download is required if the applicant has downloaded the granted patent from an online source. If the granted patent and specification are not in English, a translation of these documents with VET is required.

6.1.9 The declaration should indicate that the applicant declares the copy of the granted patent being submitted is a valid copy which the applicant wishes to rely on. A sample of the declaration is shown below –

**Declaration on a Downloaded Copy of a Granted Patent**

I, \_ (name)\_ , hereby declare that the attached document, Patent Number/  
Application Number: \_\_\_\_\_ is downloaded by myself from  
\_\_(source)\_\_ and that the copy of granted patent being submitted is a valid  
copy which the applicant wishes to rely upon.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

6.1.10 Where the applicant relies on International Preliminary Report on Patentability (IPRP) Chapter I or II, a copy of the report should be submitted. If the results and list of allowed claims are not in English, a translation of these documents with VET is required.

6.1.11 The applicant is also required to submit a claims correspondence table setting out how each claim in the Singapore patent application is related to



the claims in the corresponding application, corresponding international application, related national phase application, or the application in suit during its international phase. Each claim in the application in suit should be related to at least one claim in that corresponding application, corresponding international application, related national phase application, or the application in suit during its international phase.

*Section 29(1)(d)(ii)*

6.1.12 The applicant must indicate the relation of the claims and explain how the claims are related to each other. Indicating “related” is not sufficiently informative. An example of an acceptable claims correspondence table is as follows –

Claim in Singapore Application No. <number>	Relates to claim(s) in <jurisdiction> Application No. <number>	Remarks (Explaining relatedness)
1	1	Identical
2	2, 3	Identical, except ...
3	4	Identical
4	5	Identical

6.1.13 According to those results mentioned above, each claim in the application in suit should appear to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility).

*Section 29(1)(d)(iii)*

6.1.14 Requests for supplementary examination report relying on utility model/patent applications are not acceptable. The grounds for supplementary examination under Rule 46(1A) are limited in scope (in comparison to the grounds under Rule 46(1)) because the assumption is that the corresponding patent application, which the request for supplementary examination report is relying upon, has been examined and appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility).

*Rule 42A*

*Section 29(1)(d)(iii)*  
*Rule 46(1A)(b)(ii)*

### Timelines

6.1.15 Forms must be filed within their respective timelines as shown in the table below, otherwise, the application will be treated as abandoned –

*Section 29(12)*

- a. For normal applications i.e., not divisional applications, due dates are calculated from the declared priority date, or if there is no declared priority date, the date of filing of the application.
- b. For divisional applications, due dates are calculated from the actual date of filing of the divisional application.

Request	Application lodged on or after 14 Feb 2014	Application lodged on or after 1 Jan 2020
Search (Patents Form 10)	13 months	13 months
Search and Examination (Patents Form 11) or Examination (Patents Form 12)	36 months	36 months
Supplementary Examination (Patents Form 12A)	54 months	N.A. (Refer to <b>Chapter 6.1.4</b> )
Examination Review (Patents Form 12B)	2 months from Notice of Intention to Refuse	2 months from Notice of Intention to Refuse

### **Excess Claim Fees and Discounts**

6.1.16 Claims in excess of 20 at the point of filing the request for search and examination report (Patents Form 11) or request for examination report (Patents Form 12) would be charged a fee per claim. This is to encourage applicants to file a more concise claim set. For example,

No. of claims when filing Patents Form 1 or 37	20
No. of claims after Patents Form 13 amendments	25
No. of claims when filing Patents Form 11 or 12	25
No. of excess claims when filing Patents Form 11 or 12	5
<b>Excess claim fee when filing Patents Form 11 or 12</b>	<b>Prevailing Fee x 5</b>

6.1.17 In addition, if there is an International Search Report (ISR) or International Preliminary Report on Patentability (IPRP) which has been established by IPOS under the Patents Co-operation Treaty, there would be a fee reduction for Request for Search and Examination Report (Patents Form 11) filed on or after 1 Apr 2017.

### **Disclosure of Invention Prior to Filing**

6.1.18 An invention could be considered as not new if it has already been made available to the public. Such disclosure may be novelty destroying and forms one of the grounds for the revocation of a patent. In certain cases, it may be necessary to disclose the invention before the application for a patent is made, e.g., publication in scientific journal, early disclosure to source for investments.

- 6.1.19 For applications with date of filing on or after 30 Oct 2017, the grace period provision has been extended to cover the following types of disclosures made within 12 months prior to the date of filing –
- a. Disclosure made to the public by the inventor, or by a person who obtained the matter directly or indirectly from the inventor;
  - b. Disclosure due to the publication by an intellectual property administrator of an application for an intellectual property right.
- 6.1.20 The applicant may wish to inform the Registry to disregard the disclosure as part of the state of the art by selecting the checkbox on Patents Forms 11, 12, 13A and 12B and attach a Statutory Declaration or Affidavit (mandatory) with supporting documents (if any).
- 6.1.21 For international exhibitions, the Statutory Declaration should state the following information –
- a. State that the invention was exhibited at an international exhibition;
  - b. State the opening date of the exhibition, and where the first disclosure did not take place on the opening date, the date of the first disclosure;
  - c. Enclose one or more supporting documents identifying the invention that was displayed at the exhibition.
- 6.1.22 For erroneous publication of application, an acknowledgment from intellectual property office stating the following information should be submitted –
- a. The publication was erroneous;
  - b. Reason for erroneous publication; and
  - c. The earliest date on which the application ought to have been published.
- 6.1.23 The new grace period provision only applies to disclosures made on or after 30 Oct 2017. If the disclosure was made prior to 30 Oct 2017, the disclosure will not be disregarded as part of the state of the art even if the patent application was filed on or after 30 Oct 2017.
- 6.1.24 Although provisions for grace period is available in Singapore, individuals and businesses are strongly encouraged to keep their inventions confidential until an application for a patent has been filed because –
- a. Not all jurisdictions have a broad grace period; or
  - b. Third parties can still claim prior user rights.

## Formalities Check

6.1.25 Once the request (Patents Form 10/11/12/12A) is received, the Formalities officer will review the following requirements –

a. Fee has been paid (if applicable);

b. Date of filing has been accorded;

c. Preliminary examination has been cleared;

d. National security clearance has been issued, if applicable. Otherwise, held in abeyance;

e. The application is not abandoned, withdrawn, refused or granted;

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved;

g. There are no other pending related requests –

- i. Patents Form 13 (Request to amend application before grant);
- ii. Form CM4 (Request for correction of error);
- iii. Patents Form 56 (Filing of drawing(s), description or part of description);
- iv. Patents Form 57 (Addition, correction or late declaration of priority);
- v. Form CM9 (Request for withdrawal of application).

Otherwise, the form will be put on hold until these requests are processed;

h. The form is filed within the timelines in **Chapter 6.1.15** above. Otherwise, request for extension of time (Patents Form 45) is filed and approved;

i. For PCT national phase entry applications, amendments (e.g. Article 19/34) made in the international phase will be taken into consideration –

- i. If the amendments are not in English, an English translation of the amendments should be submitted with the VET;

- ii. Otherwise, the Formalities officer will send a clarification letter to inform and invite the applicant to submit the English translation and VET within 2 months from the date of the letter;
- iii. If the documents are not submitted within the timeline, the amendments will not be considered in the national phase application;
- iv. The VET should contain the following information –
  - States the document being translated;
  - Verifies that the translation corresponds to the original text of the document or part;
  - States the name of the translator and contains a statement that he/she is well versed in English and the relevant foreign language;
  - Signature of the translator and date of declaration.

j. If ASPEC or PPH request is indicated on the form or letter or it fulfils other criteria for acceleration, the request will be expedited and processed in accordance to **Chapter 7**;

k. For request for Search and Examination report (Patents Form 11), the following additional checks will be conducted –

- i. The number of claims indicated on the form should tally with the latest number of claims on record;
- ii. The option “International Search Report (ISR)/ International Preliminary Report on Patentability (IPRP) is established by IPOS” is correctly indicated on the form.
- iii. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing of this application, the criteria and required documents referred to in **Chapters 6.1.18 to 6.1.24** are met.

l. For request for Examination report (Patents Form 12), the following additional checks will be conducted –

- i. All required documents referred to in **Chapters 6.1.5 to 6.1.6** are submitted;
- ii. For divisional application, a written notice in the form of a cover letter should be submitted if the applicant intends to rely on a search report issued from the parent application;
- iii. For examination requests relying on foreign search results or ISR, the application is a valid corresponding application, corresponding international application, related national phase application (only applicable for patent application lodged on or after 14 Feb 2014), or its application in suit during the international phase;
- iv. For requests relying on foreign search results, the foreign patent application is from the one of the prescribed patent offices.

*Rule 45(3)*

- v. The number of claims indicated on the form tallies with the latest number of claims on record;
- vi. The option selected on the form corresponds to the type of search results which the applicant is relying upon.
- vii. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing this application, the criteria and required documents referred to in **Chapters 6.1.18 to 6.1.24** are met.

m. For request for Supplementary Examination report (Patents Form 12A), the following additional checks will be conducted –

- i. The application must be lodged on or after 14 Feb 2014;
- ii. The application must have a date of filing before 1 Jan 2020. For divisional application, its lodgement date must be before 1 Jan 2020.
- iii. All required documents referred to in **Chapters 6.1.7 to 6.1.14** are submitted;
- iv. For examination request relying on foreign search and examination results, granted patent or IPRP, the foreign application is a valid corresponding application, corresponding international application, related national phase application, or its application in suit during the international phase;
- v. For request relying on foreign search and examination results/granted patent, the foreign patent application is from the one of the prescribed patent offices;
- vi. The option selected on the form corresponds to the type of result which the applicant is relying upon.

### **Clarification of Requests**

6.1.26 If any of the above form requirements are not met, the Formalities officer will send a letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option or number of claims was indicated on the form selected on the form;
  - ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the specification;
  - iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents such as missing pages or parts in the copy of final Search and

Examination result or granted patent submitted with the request, or errors in the claim correspondence table.

- b. For overpayment due to wrong selection(s) on the form, e.g., discount for ISR or IPRP established by IPOS is applicable or additional number of claims are indicated on the form, the Formalities officer will automatically refund the overpayment after the applicant corrects the relevant part or number of claims on the form via Form CM4.
  - c. For underpayment due to wrong selection(s) on the form, e.g., discount for ISR or IPRP established by IPOS is not applicable or fewer number of claims are indicated on the form, the applicant should correct the relevant part or number of claims on the form and pay the extra fees via Form CM4.
  - d. If the final Search and Examination result/granted patent/cited document(s) is not provided or a wrong copy was submitted, an extension of time is required to re-submit the documents if the time period to request for supplementary examination report has expired.
  - e. If the list of allowed claims is not provided, an extension of time is required to submit the documents if the time period to request for supplementary examination report has expired.
  - f. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - g. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunications.
- 6.1.27 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via a letter. The applicant may request for a refund of the fee paid for the Patents Form 10/11/12/12A.
- 6.1.28 When the applicant has complied with the above requirements, the request will be forwarded to the Patent Examiner to conduct a Search, Examination or Supplementary Examination accordingly. The applicant will be notified via a letter. An entry will be made in the register that the request has been received.
- 6.1.29 More details on the search and examination procedures performed by the Patent Examiner may be found in the **Examination Guidelines for Patent Applications**.

### **Request for More Documents**

- 6.1.30 During the course of preparing the report/opinion, the Patent Examiner may request the Registrar for more documents/information to facilitate/complete the report/opinion.
- 6.1.31 If additional documents are needed to be submitted by the applicant, the processing officer will request the applicant to submit the documents. If applicant does not respond within 2 months, a reminder letter will be issued. The applicant may reply via eCommunications.

### **Issuance of Search Report, Written Opinion, Examination Report or Supplementary Examination Report**

- 6.1.32 Upon completion of the search, examination or supplementary examination, the Patent Examiner will prepare and forward a copy of the search, examination or supplementary examination report to the Registry.
- 6.1.33 If it appears to the Patent Examiner during the examination or supplementary examination that one or more matter has not been complied with, the Patent Examiner will issue a written opinion as the first office action instead.
- 6.1.34 A copy of each cited document will also be forwarded to the Registry. If the document cited by the Patent Examiner is a Non-Patent Literature, the cited document will not be provided due to copyright issues. The details of the Non-Patent Literature will be provided for the applicant to obtain a copy of the cited document.

## **6.2 Request for Supplementary Search Report**

- 6.2.1 The search report may indicate that the application relates to 2 or more inventions, but they are not so linked as to for a single inventive concept (“lack of unity”). As a result, the current search may be restricted to the first invention specified in the claims of the application.
- 6.2.2 If the applicant wants a search to be conducted for the second or subsequent invention, he may file Patents Form 10 for each invention within 2 months from the date of issuance of the search report by the Registrar.
- 6.2.3 Upon receipt of the supplementary search requests, the Formalities officer will review the following requirements –

*Rule 45*



a. Fee has been paid;

b. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved;

c. Request is filed within 2 months from date of issuance of search report to the applicant from a Patents Form 10 request;

d. 2 or more inventions have been indicated in the Search report/ Written Opinion;

e. Applicant has indicated the group of invention intended for the Supplementary Search report request.

6.2.4 If any of the above requirements are not met, the Formalities officer will send a letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
- b. To extend the time, the applicant may file Patents Form 45.
- c. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
- d. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.

6.2.5 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. The Patents Form 10 fee will be refunded to the applicant.

6.2.6 If the requirements are met, the request will be forwarded to the Patent Examiner for review. The applicant will be notified via letter. An entry will be made in the register that the request has been received.

6.2.7 If a divisional application is subsequently filed under Section 26(11), the applicant may write in to inform the Registrar that he intends to rely on the supplementary report established for this application.

## 6.3 Response to Written Opinion/ Invitation to Amend

*Rule 46, Rule 46(4A)*

6.3.1 During the examination process, the Patent Examiner may issue a Written Opinion if there are any unresolved objections regarding the patent application. The applicant will be invited to respond and/or amend the specification.

*Rule 46(4A), Rule 49*

### Search and Examination/Examination

6.3.2 When the Patent Examiner is of the view that only minor amendments to the specification are required to resolve the objections, the Patent Examiner may, instead of a written opinion, issue an invitation to amend. The invitation to amend is only applicable to a request for search and examination report or request for examination report.

*Rule 46AA*

6.3.3 If a written opinion is issued, the applicant may respond to it by submitting a written submission and/or amendments to the specification within 5 months from the date of invitation to respond to the written opinion. If an invitation to amend is issued, the applicant may respond to it by submitting amendments to the specification or rejecting the invitation to amend within 2 months from the date of invitation.

*Rule 46(4)*

*Rule 46AA,  
Section 29(7E),  
Rule 46AA*

6.3.4 Both timelines are not extendable.

*Rule 108(2)*

6.3.5 While the giving of an Invitation to Amend does not affect the power of the Patent Examiner to give a written opinion, or another written opinion, the Patent Examiner may not do so until the applicant responds to the invitation to amend, or after the expiry of the 2 months from the date of invitation to amend, whichever is earlier.

*Rule 46(4A), Rule 49*

### Supplementary Examination

6.3.6 The period to respond to the written opinion is 3 months from the date of invitation. This timeline is not extendable.

*Rule 46(3)  
Rule 46(7)*

### Response to Written Opinion/Invitation to Amend

6.3.7 A response to written opinion/invitation to amend must be submitted with **Patents Form 13A**. The response to written opinion may come in a form of written submissions to the Patent Examiner's written opinion; and/or an application to amend the specification of the patent with amendment indicated as per **Chapter 5.1.12**.

*Rule 46AA*

- 6.3.8 Any response that is not submitted within the timeline and/or submitted without the form will be disregarded. The invitation to amend may also be rejected by the applicant via Patents Form 13A. When rejecting an invitation to amend, it is not mandatory for the applicant to provide explanations for the rejection, but the applicant may choose to do so.
- 6.3.9 Any amendment to abstract made during the response to written opinion/ invitation to amend will not be accepted by the Registry. Amendment to abstract cannot be filed during the following time periods –
- a. After Patents Form 10 is filed and before the search report is sent to the applicant;
  - b. After Patents Form 11, 12 or 12A is filed, unless it is withdrawn or refused.
- 6.3.10 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required for online submission. Applicants are required to attach these documents according to the correct document type. Amendments should be made based on the latest set of specifications on record.
- 6.3.11 From 1 Dec 2019, if amendments or corrections have been made to claims, a marked-up copy and a clean copy of the full set of claims have to be submitted with the request. The amendments or corrections should be reflected similarly in both the clean and marked-up copies. Refer to **Chapter 5.1.12** on the accepted format of the marked-up and clean copy of amendments and corrections to specification. The request for amendment to specification should set out the reasons for making amendments and any evidence in support thereof should also be submitted.
- 6.3.12 If all requirements are met or once the request is received, the system will automatically review the following requirements –

a. Date of filing of the patent application or patent is on or after 1 Jul 2004. Otherwise, Patents Form 13 should be used;

b. Invitation to Respond to Written Opinion/Invitation to Amend has been issued;

c. Amendment of specification and/or written submissions is/are selected and filed;

d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved;

e. The form is filed within the timeline i.e. 5, 3 or 2 months as mentioned in **Chapter 6.3.3 to 6.3.5**;

f. If ASPEC or PPH request is indicated in part 2.1 of the form or letter, the request will be expedited and processed in accordance to **Chapters 7.2 and 7.3**.

g. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing this application, the criteria and required documents referred to in **Chapters 6.1.18 to 6.1.24** are met.

6.3.13 If any of the above requirements are not met, the Formalities officer will send a letter to inform and invite the applicant to clarify or rectify within 1 month from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form e.g., wrong option selected on the form or wrong explanation of the amendments made;

- ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;
  - iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents e.g., written submission or the documents submitted to support the reasons of the amendments made or in support of the written submission.
- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunications.

6.3.14 Formalities officer will accept the Response to Written Opinion/ Invitation to Amend request and forward it to the Patent Examiner. The applicant will be notified via letter. There will be an entry made in the register to the effect that a response has been received.

6.3.15 If the objections cannot be overcome or there is no response from the applicant within the timeline following a written opinion, a Notice of Intention to Refuse will be issued automatically with the negative examination report.

6.3.16 If there is no response/rejection from the applicant within the timeline following the invitation to amend, the Patent Examiner may in his discretion, issue a (further) written Opinion or a negative examination report.

*Rule 46(9)*

6.3.17 In deciding whether to issue any further written opinion, the Patent Examiner may also take into consideration whether there is sufficient time for the applicant to respond to his written opinion and for him to draw up the examination report or the search and examination report.

*Rule 46(6)*

#### **No Response to Written Opinion**

6.3.18 If the applicant does not respond to the written opinion, the system will automatically establish the “Examination Report without response to Written Opinion” and “ER cover sheet (no response to WO) bypass Examiner” cover page with the latest written opinion. A Notice of Intention to Refuse will also be issued.

#### **Withdrawal**

6.3.19 If the applicant intends to withdraw the request and switch to other routes, he may write in to notify via eCommunications before the examination report and Notice of Eligibility/Notice of Intention to Refuse are issued to the applicant. The Formalities officer will notify the applicant on the

withdrawal outcome. Any amendments filed in response to written opinion will still be taken into account.

6.3.20 If the Patent Examiner retracts a written Opinion/invitation to amend that has been issued to the applicant, any Patents Form 13A filed in response to this written opinion will be considered as void.

6.3.21 In cases where there is a change of mind regarding the set of amendments filed, the withdrawal of Patents Form 13A will not be allowed. Applicants may, if the forms can still be filed within the allowable time period, file another set of amendments to replace the former approved Patents Form 13A.

### **Notice of Eligibility**

6.3.22 If the examination/supplementary examination report contains no objections or unresolved issues, a Notice of Eligibility will be issued to the applicant with the report. The applicant may proceed to request for grant of patent by filing Patents Form 14 within 2 months from the date of the notification.

*Section 29A(1)*

*Rule 47(1)*

*Section 29A(2)(b)*

6.3.23 If Patents Form 14 is not filed within the timeline, the system will automatically abandon the patent application. There will be an entry made in the register and the next Patents Journal to the effect that the patent application has been abandoned.

*Section 29A(3)*

### **Notice of Intention to Refuse**

6.3.24 If the examination/supplementary examination report contains unresolved objections, a Notice of Intention to Refuse will be issued to the applicant with the report. The applicant may proceed to request for examination review report by filing Patents Form 12B within 2 months from the date of the notification.

6.3.25 If Patents Form 12B is not filed within the timeline, the system will automatically refuse the patent application at the end of 2 months from the Notice of Intention to Refuse. The status of application will be updated as “Refused – EOT possible” on the register. The refusal will be published in the Patents Journal.

*Rule 46A(2)*

*Section 29A(4)(b)*

## **6.4 Request for Examination Review Report**

6.4.1 A Notice of Intention to Refuse may be issued with a negative examination report from a Patents Form 11, 12 or 12A request. The applicant may request the Patent Examiner to review the search and examination,

*Section 29A(3)*

examination or supplementary examination report by filing **Patents Form 12B** within 2 months from the date of Notice of Intention to Refuse.

*Section 29B  
Rule 46A(2)*

- 6.4.2 The applicant may submit written submissions in response to the Patent Examiner's opinion (mandatory) and/or amendments to specification (optional) with Patents Form 12B. From 30 Oct 2017, instead of filing Patents Form 13 separately, applicants who wish to make amendments to the specification when requesting for an examination review report may submit the proposed amendments along with Patents Form 12B.
- 6.4.3 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required. Applicants should submit and select these attachments according to the correct document type.
- 6.4.4 From 1 Dec 2019, if amendments have been made to claims, a marked-up and clean copy of the full set of claims have to be submitted together with the request. The amendments or corrections should be reflected similarly in both the clean and marked-up copies. Refer to **Chapter 5.1.12** on the accepted format of the marked-up copy of the amendments. The request for amendments to specification should set out the reasons for making amendments and any evidence in support thereof should also be submitted.
- 6.4.5 Once the request is received, the Formalities officer will review the following requirements –

a. The application must be lodged on or after 14 Feb 2014;

b. Notice of Intention to Refuse was issued;

c. The form is filed within the timelines mentioned in **Chapter 6.1.15**. Otherwise, request for extension of time (Patents Form 45) is filed and approved;

d. Written submission is submitted;

e. Any amendments to the specification should be submitted with this form. Both marked-up and clean copies are submitted.

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or CM2 is filed and approved.

g. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing this application, the criteria and required documents referred to in **Chapters 6.1.18 to 6.1.24** are met.

6.4.6 If any of the above requirements are not met, the Formalities officer will send a letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.

i. "Correction of Form lodged" for errors on the form, e.g., wrong option selected on the form or wrong explanation of the amendments made;

ii. "Correction of Specification of a Patent or of an Application for a Patent" for errors made in the specification;

iii. "Correction of any other document relating to a Patent or an Application for a Patent" for errors on other documents, e.g., written submission or the documents submitted to support the reasons of the amendments made or in support of the written submission.

b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunications.

6.4.7 If all requirements are met, the Formalities officer will accept and forward the request for examination review report to the Patent Examiner and the applicant will be notified via letter. The event will be entered in the register.

6.4.8 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter.



## **Examination Review Report**

6.4.9 The examination review report need not specify whether the Patent Examiner agrees or disagrees with the examination report, search and examination report or supplementary examination report, if amendments to the specification are submitted with the request for examination review report, to overcome all unresolved objections.

*Section 29B(4A)*

6.4.10 If the examination review report contains no objections or unresolved issues, a Notice of Eligibility will be issued to the applicant with the report. The applicant may proceed to request for grant of patent by filing Patents Form 14 within 2 months from the date of the notification. If Patents Form 14 is not filed by the timeline, the system will automatically abandon the patent application. The event is entered in the register and published in the Patents Journal.

*Section 29B(5)(b)(i)  
Rule 47(2)*

6.4.11 If there are any unresolved issues, a Notice of Refusal of the patent application will be issued with the negative examination review report. The refusal of the patent application will take effect at the end of 2 months from the date of notification. The status of application will be updated as "Refused". The event will be entered in the register and published in the Patents Journal.

6.4.12 If the applicant intends to withdraw the request, he may write in to notify via eCommunications. The Formalities officer will notify the applicant on the withdrawal outcome.

## **Communication with the Registry or the Patent Examiner**

6.4.13 If the applicant would like to raise issue(s) with the report, he may write in via eCommunications. If the error identified is valid, a corrected report will be issued to the applicant with revised timelines, if applicable. The report containing the error will be disregarded.

6.4.14 If the applicant would like to clarify regarding the Patent Examiner's comments in the report, he may write in to clarify with the Registry via eCommunications. To arrange for direct communication with the Patent Examiner, refer to **Chapter 11.7**.

## **Patent Examiner-Initiated Informal Communication**

6.4.15 As part of IPOS' ongoing efforts to improve the efficiency and reduce the cost for patent prosecution, IPOS has launched the practice of Patent Examiner-initiated informal communications for patent applications with effect from 15 Sep 2017.

- 6.4.16 The Patent Examiner may communicate with the applicant in the form of email correspondences, phone or face-to-face interviews, etc. Such informal communications will be initiated via an email containing the purpose of the communication and proposed actions to be taken by the applicant.
- 6.4.17 The applicant may be invited to file a further response to written opinion (Patents Form 13A) or correction of error (Form CM4) or the Patent Examiner may issue an invitation to amend. Amendments filed with Patents Form 13A after an informal communication with the Patent Examiner should be made within the time period for filing a response to written opinion or invitation to amend.
- 6.4.18 Examples where an informal communication can be initiated by the Patent Examiner include:
- a. When the subject matter relates to an emerging technology and the Patent Examiner finds the applicant's explanation of the technology may benefit the prosecution, the Patent Examiner may invite the applicant to an interview.
  - b. When the application is found to be ready for grant except for some minor clarity issues in the pending claims, the Patent Examiner may invite the applicant to file necessary claim amendments in order to overcome the remaining clarity issues. The Patent Examiner may optionally offer the applicant an opportunity of an interview.
  - c. When no substantive progress has been made in the prosecution after several iterations and the Patent Examiner considers an interview to be useful for closing the gap in the prosecution, the Patent Examiner may initiate an interview with the applicant. In the event the outcome of the interview is promising, the Patent Examiner may invite the applicant to file a formal response for the Patent Examiner's consideration.
- 6.4.19 In line with the purpose of improving the prosecution efficiency, the applicant should only file necessary amendments in relation to the specified claims in the communication.
- 6.4.22 Notwithstanding the mode of communication, all communications regarding the merits of an application form part of the official file records. For phone or a face-to-face interview, an interview minute would be created and placed on file record to ensure transparency. Together with the launch of this initiative, the file record will be made available for inspection via Form CM10. However, it will not be available on Patents Open Dossier until further notice.

## 6.5 Observations by Third Party

6.5.1 For a published application that is undergoing Search and Examination, observations by third party can be made in writing to the Registrar on the question whether the invention is a patentable invention, stating reasons for the observations before the issuance of the examination report, search and examination report or supplementary examination report.

*Section 32  
Rule 45A*

6.5.2 The observations by third party must be submitted as an eCommunications using document type “Third Party Observations”. It is strongly encouraged for supporting documents to be submitted together with the observations. The Registrar may direct the third party to furnish such documents and file an English translation of the whole or relevant parts of the documents if the documents are not in a language other than English. There is no official form and fee for the submission of observations by third party.

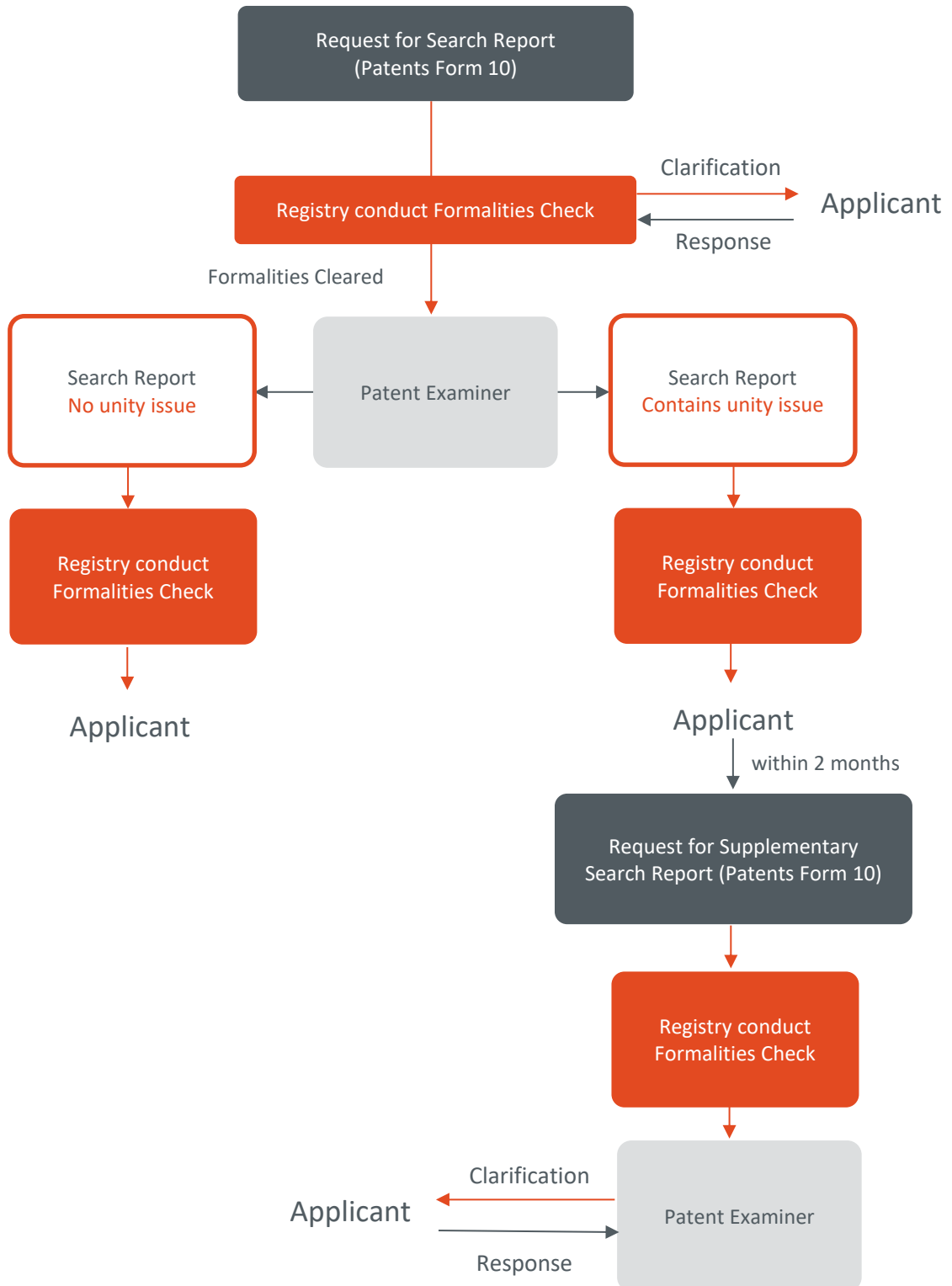
*Rule 105*

*Rule 112(6)(a)*

6.5.3 The Registrar will send a copy of the observation to the Patent Examiner and the Patent Examiner will take the observation into consideration. Observations received after the establishment of the examination report, search and examination report or supplementary examination report will be put on record but will not be forwarded to the Patent Examiner, nor will it be made available on the Patents Open Dossier.

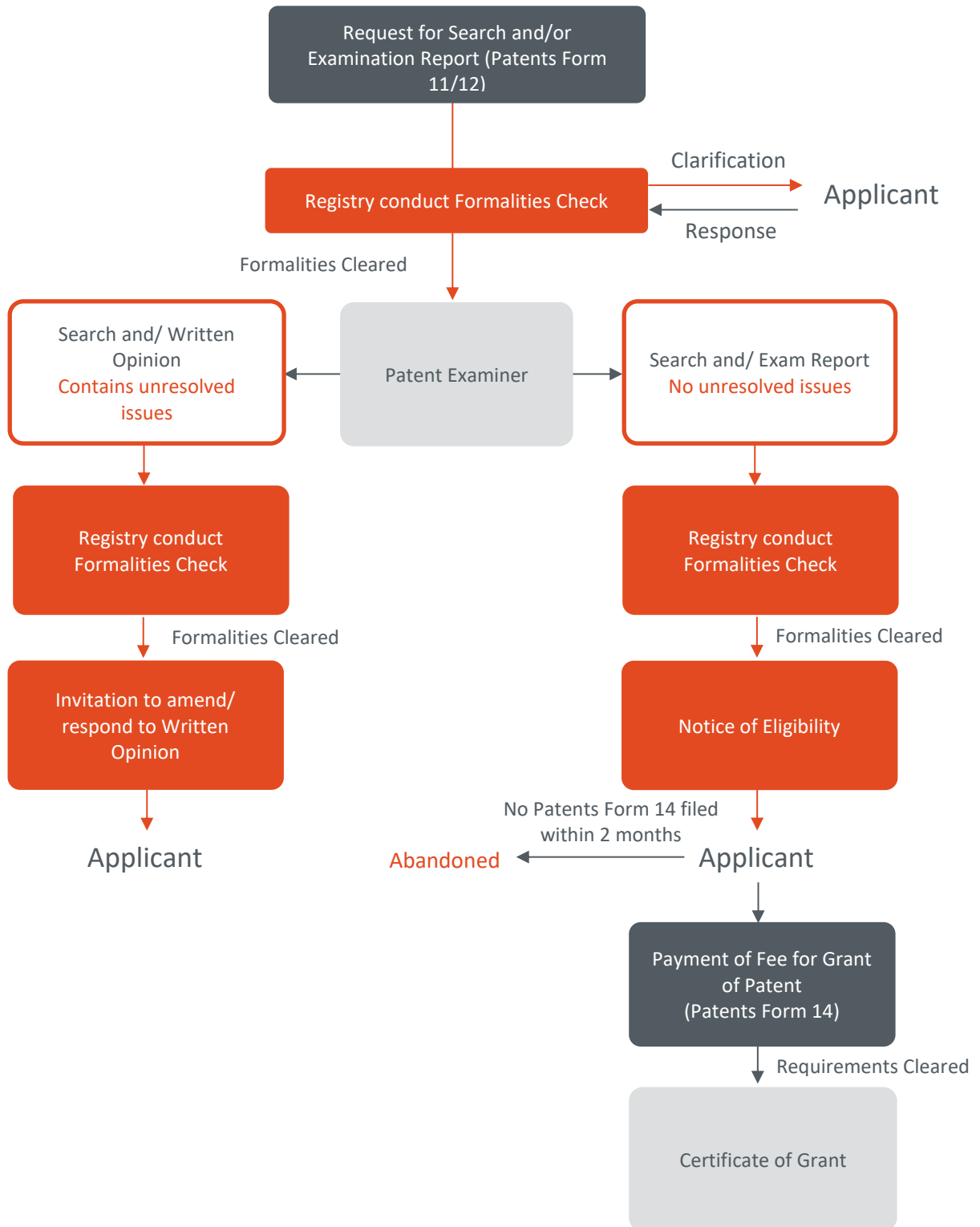
## Request For Search Report

Patents Form 10 (Patent Application lodged on or after 14 Feb 2014)



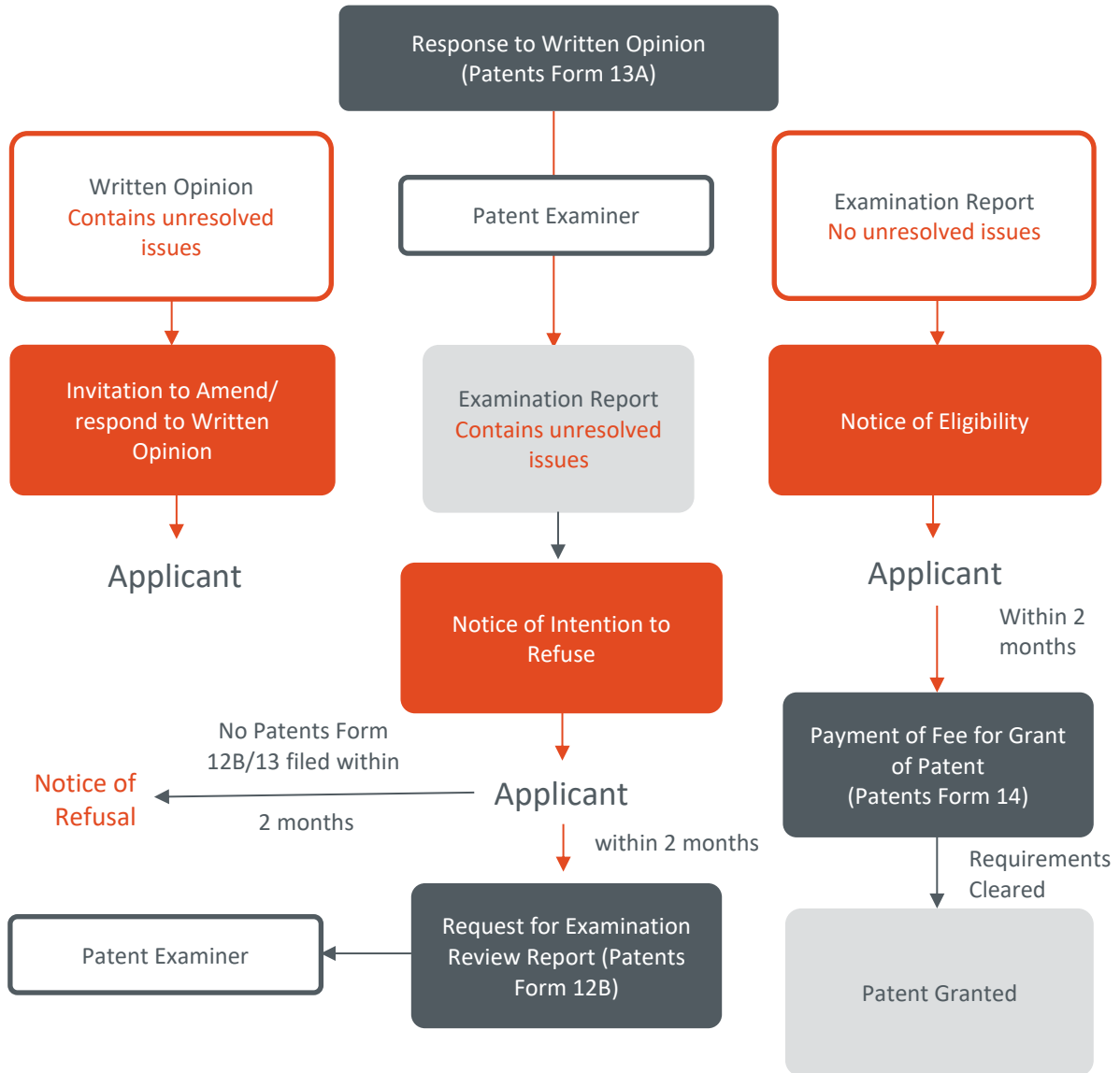
\*Search report containing unity issue may also be established from a Request for Search and Examination Report (Patents Form 11) in the first office action.

## First Office Action





## Subsequent Office Action





## 7. SCHEMES TO EXPEDITE SEARCH AND/OR EXAMINATION REQUESTS

### 7.1 Acceleration and Worksharing Programmes

7.1.1 IPOS offers various programmes which applicants may explore to speed up the patent prosecution process in IPOS or partnering IP Offices. These programmes, comprising of the Patent Prosecution Highway (PPH), ASEAN Patent Examination Co-operation (ASPEC), Patent Re-registration, Collaborative Search and Examination (CS&E) and SG IP Fast, are designed to support applicants' international, regional and domestic patent filing strategies. Data shows that patent applications that utilise work-sharing programmes, such as the PPH and ASPEC, benefited from relatively faster first office action issuance and a higher grant rate (>90%) on average, at no additional official cost.

### 7.2 Patent Prosecution Highway (PPH) request

7.2.1 The Patent Prosecution Highway (PPH) is a work-sharing programme between IP Offices where the examination of a patent application in one IP Office can be accelerated by referencing the examination results from another IP Office. This allows applicants to obtain patents faster and more efficiently at no additional official cost.

7.2.2 IPOS has PPH pilot programmes with the China National Intellectual Property Administration (CNIPA), the Mexican Institute of Industrial Property of the United Mexican States (IMPI), the National Institute of Industrial Property (Brazil), the European Patent Office (EPO) and the Saudi Authority for Intellectual Property (SAIP). IPOS is also a participating office of the Global Patent Prosecution Highway (GPPH) pilot programme. The GPPH network has more than 25 participating offices.

7.2.3 The following table is a list of GPPH participating offices and their participation as ISA and IPEA –



GPPH Participating Offices	Acts as ISA and IPEA
IP Australia	Yes
Austrian Patent Office	Yes
Canadian Intellectual Property Office	Yes
Danish Patent and Trademark Office	No
Estonian Patent Office	No
National Board of Patents and Registration of Finland	Yes
German Patent and Trademark Office	No
Hungarian Intellectual Property Office	No
Icelandic Patent Office	No
Intellectual Property Office of New Zealand	No
Israel Patent Office	Yes
Japan Patent Office	Yes
Korean Intellectual Property Office	Yes
National Institute of Industrial Property of Chile	Yes
Nordic Patent Institute	Yes
Norwegian Industrial Property Office	No
National Institute for the Defense of Competition and the Protection of Intellectual Property of Peru	No
Patent Office of the Republic of Poland	No
Portuguese Institute of Industrial Property	No
Russian Federal Service for Intellectual Property	Yes
Intellectual Property Office of Singapore	Yes
Spanish Patent and Trademark Office	Yes
Superintendence of Industry and Commerce, Columbia	No
Swedish Patent and Registration Office	Yes
United Kingdom Intellectual Property Office	No
United States Patent and Trademark Office	Yes
Visegrad Patent Institute	Yes

7.2.4 The examination results relied upon for acceleration are the patent search and examination results (national work products) of the PPH/ GPPH partnering IP Office. For the European Patent Office and the IP Offices in the GPPH network which are also functioning as International Authorities under the PCT, the international search and/or examination results (PCT work products) can also be relied upon for acceleration.

7.2.5 The types of PPH requests available are –

- a. Mottainai (PPH request is made in the Office of Later Examination); or
- b. PCT-PPH (PPH request is based on the PCT work products from an ISA or IPEA).

PPH	Type of PPH	National and/or PCT	Applications to be linked by
<b>Global PPH</b>	Mottainai	National and PCT	Same earliest date
<b>IPOS-EPO</b>	Mottainai	National and PCT	Same earliest date
<b>IPOS-CNIPA (China)</b>	Mottainai <sup>1</sup>	National and PCT	Priority
<b>IPOS-IMPI (Mexico)</b>	Mottainai	National and PCT	Same earliest date
<b>IPOS-INPI (Brazil)</b>	Mottainai	National and PCT	Same earliest date
<b>IPOS-SAIP (Saudi Arabia)</b>	Mottainai <sup>2</sup>	National and PCT	Same earliest date

7.2.6 The applicant may rely on PPH/GPPH to expedite search and examination at IPOS. Requests for these with PPH/GPPH will be expedited and processed with priority. PPH/GPPH may be requested at the point of filing the request for search and examination, or examination report. The applicant can indicate that they are relying on PPH/GPPH on Patents Form 11 (Request for Search and Examination Report) or Patents Form 12 (Request for Examination Report) by selecting “ASPEC/PPH” from the drop down list in the form, and submitting the relevant documents.

7.2.7 PPH request can still be made after the Patents Form 11 or 12 is filed if examination has not begun. The applicant should make the request by –

---

<sup>1,2</sup> For PPH using national products from the CNIPA or SAIP as the Office of Earlier Examination (OEE), the application must be filed with either CNIPA / SAIP or IPOS, as the Office of First Filing (OFF).

- a. Writing in through eCommunications with subject title "PPH acceleration requested" and informing the intention to make a PPH request for the Singapore application number, citing the corresponding application number and whether any amendments are required to conform the claims in the Singapore application to the allowable claims in the corresponding application.
- b. If examination has not begun and amendments are required, the Patent Examiner will issue an invitation to amend. To proceed with the PPH request, the applicant should respond to the invitation to amend via Patents Form 13A and select the checkbox for PPH. The Patents Form 13A with the amendments must be accompanied by the relevant PPH documents and filed within 2 months from the date of the invitation to amend.
- c. If examination has not begun and amendments are not required, IPOS will invite the applicant to submit the relevant PPH documents via eCommunications.
- d. More details on the PPH/GPPH programme are available on the [IPOS website](#).

7.2.8 Once the PPH/GPPH request is received, the Formalities officer will review the following requirements –

a. PPH is selected on the PF11/PF12 form;

b. Both the IPOS application and the application forming the basis of the PPH/GPPH request are corresponding applications or, where applicable, related applications sharing the same earliest date (whether this is a priority date or a date of filing); For PPH using national products from CNIPA or SAIP, the application must be first filed with either CNIPA/SAIP or IPOS;

c. All office actions of the application being relied upon are submitted;

d. List of allowable/patentable patent claims is submitted, with at least one claim determined by the other IP Office to be allowable/patentable;

e. For GPPH only, if the documents listed in (c) and (d) are available in the IP Office's Dossier Access System, they need not be submitted. An English translation of these documents is submitted if they are not in English. A Verified English Translation (VET) of documents is not required;

f. All claims in the IPOS application have to sufficiently correspond to one or more claims found allowable/patentable by the other IP Office. A claims correspondence table showing the relatedness of the allowable/patentable claims is submitted;

g. Cited documents referred to in the results may be submitted at the point of filing the request (not mandatory unless requested by the Registry). If the documents are not in English, an English translation may be requested.

7.2.9 The following table is a summary of the Dossier Access System of IP Offices which are IPOS' PPH partners –

Office	Office Dossier Access System
IP Australia	<a href="#">AusPat</a>
Canadian Intellectual Property Office	<a href="#">Canadian Intellectual Property Office Database</a>
Danish Patent and Trademark Office	<a href="#">PVS online</a>
European Patent Office	<a href="#">European Patent Register</a>
Estonian Patent Office	<a href="#">Estonian Patent Office Database</a>
German Patent and Trademark Office	<a href="#">DEPATISnet</a>
Hungarian Intellectual Property Office	<a href="#">Hungarian Intellectual Property Office E-Dossier</a>
Israel Patent Office	<a href="#">ILPATSEARCH</a>
Japan Patent Office	<a href="#">AIPN</a>
Korean Intellectual Property Office	<a href="#">K-PION</a>
Norwegian Industrial Property Office	<a href="#">Norwegian Industrial Property Office Database</a>

Office	Office Dossier Access System
Finnish Patent and Registration Office	<a href="#">PatInfo</a>
Swedish Patent and Registration Office	<a href="#">Swedish Patent Database</a>
United Kingdom Intellectual Property Office	<a href="#">IPSUM</a>
United States Patent and Trademark Office	<a href="#">Patent Center</a>
World Intellectual Property Organisation	<a href="#">PATENTSCOPE</a>
	<a href="#">WIPO CASE</a>

- 7.2.10 Where an English translation of the documents is required, machine-translation is acceptable. If the Patent Examiner finds that the machine translation is of poor quality and difficult to understand, the applicant may be required to submit a manual translation. The manual translation does not have to be certified.
- 7.2.11 The requirements for Patents Form 11 or Patents Form 12 have to be met, regardless of whether a PPH/GPPH request is made.
- 7.2.12 The applicant may rely on the search and examination results of more than one related application, i.e., Office of first filing (OFF)/Office(s) of Earlier Examination (OEE) for PPH/GPPH. All relevant documents and multiple sets of claim(s) correspondence tables are also required to be furnished accordingly.
- 7.2.13 Allowed claims from a utility model or a petty patent cannot be used to form the basis for requesting PPH in IPOS as they are not required to meet the same patentability criteria as a standard patent, and typically are not subjected to substantive examination.

### 7.3 ASEAN Patent Examination Co-operation (ASPEC) Request

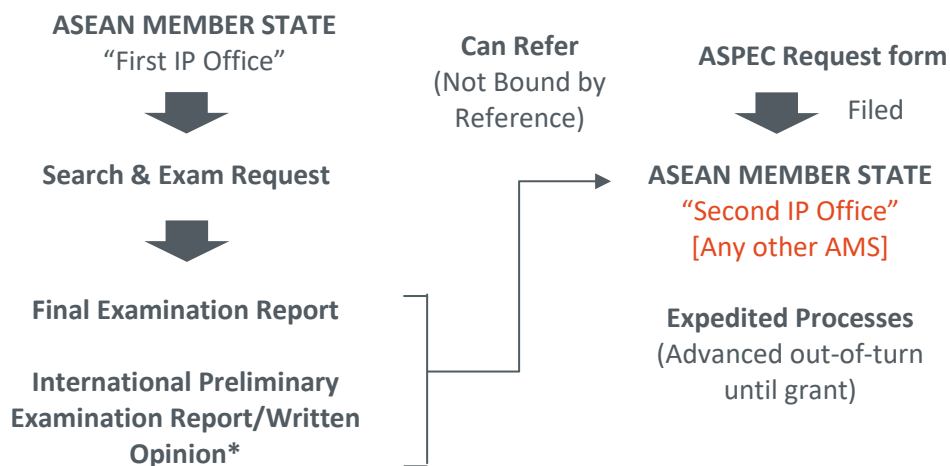
- 7.3.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent work-sharing programme among 9 participating ASEAN Member States (AMS) IP Offices of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand, and Viet Nam.

7.3.2 The participating AMS IP Offices may refer to and consider the search and examination results it receives under the ASPEC programme. AMS IP Offices are not obliged to adopt any of the findings or conclusions reached by another IP Office. AMS IP Offices will proceed with and conclude its search and/or examination work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.

7.3.3 The objectives of the programme are:

- a. Reduced work and faster turnaround time. Reference to earlier work could help the Patent Examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the Patent Examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.
- b. Better search and examination. The other patent authorities might have access to databases unavailable to the Patent Examiner (e.g., specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these and examination results could provide the Patent Examiner with information on and assessment of prior art which he or she would otherwise not have access to.

7.3.4 A patent application in a participating AMS IP Office where the ASPEC Request Form is filed (“second IP Office”) is required to be a pending corresponding/related national phase entry patent application in the other participating AMS IP Office (“first IP Office”). The ASPEC request relies on search and examination documents of this patent application.



\*Established by an ASEAN International Search Authority or International Preliminary Examining Authority (ISA/IPEA)

7.3.5 A patent application in the first IP Office is a corresponding/related national phase entry patent application if it is:

- a. Linked by a Paris Convention priority claim to the patent application in the second IP Office, and vice-versa; or
  - b. The patent applications in both the first IP Office and second IP Office have the same priority claim from another Paris Convention member country; or
  - c. The patent applications in both the first IP Office and second IP Office are national phase entry applications from the same PCT application.
- 7.3.6 From 15 Jun 2021, written opinion is an acceptable search and examination result for all participating AMS IP Offices except the IP Office of Thailand. Written opinion refers to a non-final assessment of the novelty, inventive step and industrial applicability of the claimed invention that is issued by participating AMS IP Offices. Examples of names of “written opinion” used in AMS are “written opinion” in Brunei, Singapore, and the Philippines, and “adverse report” in Malaysia.
- 7.3.7 ASPEC may be requested at any time before the final decision of grant or refusal. An ASPEC request can be submitted electronically at the e-ASPEC platform available at the ASEAN IP Portal. More details on the ASPEC programme is available at IPOS website.
- 7.3.8 Applicants intending to file ASPEC request(s) at another AMS IP Office based on search and examination results issued by IPOS should note that only written opinion or final search and examination results established under the local or mixed search and examination routes (i.e., final search and examination results from Patents Form 11 (Request for Search and Examination Report) or Patents Form 12 (Request for Examination Report)) can be used for the purposes of the ASPEC Programme.
- 7.3.9 The applicant may submit an ASPEC request to expedite search, search and examination, or examination process at IPOS. These requests with ASPEC requests made will be expedited and processed with priority. The applicant should also indicate that they are submitting ASPEC documentation on Patents Form 10 (Request for Search Report), Patents Form 11 (Request for Search and Examination Report), Patents Form 12 (Request for Examination Report), or Patents Form 13A (Response to Written Opinion or a Response to an Invitation to Amend).
- 7.3.10 Once the ASPEC request is received, the Formalities officer will review the following requirements –

a. ASPEC option on the form is selected or a written notice is submitted;

b. Search and Examination result or Written Opinion of a corresponding/related national phase entry patent application from the first IP Office is submitted;

c. List of claims referred to in the results is submitted, with at least one claim determined by the first IP Office to be allowable/patentable;

d. All claims in the IPOS application have to sufficiently correspond to one or more claims found allowable/patentable by the first IP Office;

e. English translation of the above documents is submitted if they are not in English. The English translation of any document must be verified by a translator or by the patent agent appointed to act on behalf of the patent applicant before IPOS, if it is requested.

f. The following additional documents may also be submitted –

- i. Claim correspondence table showing relatedness of the claims examined in the corresponding application to the claims in the current application may be submitted;
- ii. List of prior art with English translation if they are not in English;
- iii. Cited documents referred to in the results; and
- iv. If you are not relying on written opinion for ASPEC, written opinion and any accompanying English translation if they are not in English.

7.3.11 The following table summarises the requirements and services at the AMS First IP Offices –

AMS First IP Office	Are Search & Examination reports Issued in English	Are English translation (and verification) services of non-English ASPEC documents provided for at the AMS First IP Office
Brunei Darussalam	Yes	Not applicable
Cambodia	Yes	Not Applicable
Indonesia	No	No
Lao PDR	No	No
Malaysia	Yes	Not Applicable
Philippines	Yes	Not Applicable
Singapore	Yes	Not Applicable
Thailand	No	Yes
Viet Nam	No	Yes, upon request



7.3.12 The following table summarises the requirements and services at the AMS Second IP Offices –

AMS Second IP Office	When can the ASPEC Request be filed by the applicant at the AMS Second IP Office	Will the AMS Second IP Office request the AMS First IP Office for English translation of non-English ASPEC documents
Brunei Darussalam	At any time before the final decision of grant or refusal	No
Cambodia		
Indonesia		
Lao PDR		
Malaysia		
Philippines		
Singapore		
Thailand		
Viet Nam		

7.3.13 Two new pilot features under ASPEC were launched on 27 Aug 2019. They are the PCT-ASPEC and ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (ASPEC AIM).

#### **PCT-ASPEC**

7.3.14 PCT-ASPEC is an extension of ASPEC to include the use of PCT results established by an ASEAN IP Searching and Preliminary Examining Authority<sup>3</sup>.

7.3.15 PCT results acceptable under PCT-ASPEC include written opinion of the International Search Authority (ISA), written opinion of the International Preliminary Examining Authority (IPEA) or International Preliminary Examination Report issued (IPER) within the PCT framework.

7.3.16 The steps in **Chapters 7.3.4 to 7.3.9** apply. In addition, the applicant should:

- a. Indicate the request for PCT-ASPEC on the cover letter or on the ASPEC Request Form under remarks; and
- b. Email the monitoring authority (PT\_acceleration@ipos.gov.sg) and PCT-ASPEC focal point of the requisite details:
  - i. PCT application no.;
  - ii. Desired 2nd AMS and application number in the 2nd AMS;
  - iii. Date of request; and
  - iv. Applicant's name.

<sup>3</sup> Currently, IPOS and the IP Office of the Philippines are the ASEAN International Searching and Preliminary Examining Authorities.

7.3.17 PCT-ASPEC is a pilot programme which has been extended. The number of eligible PCT-ASPEC requests is capped at 100 per year starting from 27 Aug 2019 and ending on 26 Aug 2025.

#### **ASPEC AIM**

7.3.18 ASPEC AIM prioritises Industry 4.0 patent applications. The AMS will issue first actions within 6 months.

7.3.19 The list of International Patent Classification (IPC) codes relating to Industry 4.0 patent applications can be found on the [IPOS website](#).

7.3.20 The steps in **Chapters 7.3.4 to 7.3.9** apply. In addition, the applicant should:

- a. Indicate the request for ASPEC AIM on the cover letter or on the ASPEC Request Form under remarks; and
- b. Email the monitoring authority (PT\_acceleration@ipos.gov.sg) and ASPEC AIM focal point of the requisite details:
  - i. Application no. from first IP Office;
  - ii. Desired second IP Office and application no. in the Second IP Office;
  - iii. Date of request; and
  - iv. Applicant's name.

7.3.21 ASPEC AIM is pilot programme which has been extended. The number of eligible ASPEC AIM requests is capped at 50 per year starting from 27 Aug 2019 and ending on 26 Aug 2025.

7.3.22 For more information, please refer to ASPEC Notice and Procedures [here](#).

## **7.4 Patent Cooperation with Cambodia and Laos**

7.4.1 IPOS has patent cooperation with the Ministry of Industry, Science, Technology and Innovation (MISTI) of Cambodia and the Department of Intellectual Property (DIP) of Laos, respectively. Under the cooperation, patent owners or applicants in Singapore are able to re-register their Singapore patents at the MISTI or DIP or submit an IPOS-issued search and examination report to MISTI or DIP for the grant of a related patent application in Cambodia or Laos, respectively. The Singapore application should be related to the Cambodian or Laotian application, i.e., there is a priority linkage.

7.4.2 A Singapore patent can be re-registered in Cambodia or Laos, subject to the following conditions –

Cambodia	Laos
<ul style="list-style-type: none"> <li>a. The Singapore patent must be in force at the time of the lodgement of the re-registration request at the MISTI;</li> <li>b. The Singapore patent must have a date of filing on or after 22 Jan 2003; and</li> <li>c. The Singapore patent must meet the Cambodian requirements for patentability, i.e., the patent relating to the Singapore patent must not be of a pharmaceutical nature.</li> </ul>	<ul style="list-style-type: none"> <li>a. The Singapore patent must be in force at the time of the lodgement of the re-registration request at the DIP;</li> <li>a. The Singapore patent must have a date of filing on or after 17 Jan 2002; and</li> <li>b. The Singapore patent must meet the Laotian requirements for patentability.</li> </ul>

7.4.3 For the submission of IPOS-issued Search and Examination reports to the MISTI or DIP, patent applicants in Singapore who have a related patent application in Cambodia or Laos can submit a written request to IPOS for IPOS to transmit a copy of the final search and examination report and the final specifications of the Singapore related patent application to the MISTI or DIP for the grant of the related patent application in Cambodia or Laos, respectively. Applicants can also request for the specifications of the related patent application in Cambodia or Laos to be amended accordingly to the final specifications of the Singapore related patent application. More details on the Patent Cooperation with Cambodia and Laos is available at IPOS website.

7.4.4 The following documents are required to be submitted for Re-registration in Cambodia or Laos –

- a. Official Request Form;
- b. Patent Application Fees;
- c. Certified copies of Singapore Certificate of Grant;
- d. Final specifications of Singapore patent;
- e. Copy of Abstract of Singapore patent;
- f. Certified Khmer/Laotian translations of abstract and final specifications of Singapore patent (within 6 months of submission for Cambodia);
- g. Power of Attorney, if an agent is appointed.

## 7.5 Collaborative Search and Examination (CS&E)

- 7.5.1 A first in ASEAN, IPOS has established a Collaborative Search and Examination (CS&E) pilot programme with the Intellectual Property Office of Viet Nam (IP Viet Nam) that will provide innovators with enhanced prior art search and examination results based on the combined expertise of both IP Offices. It is designed to speed up the patent process for those interested to obtain patent protection in both countries.
- 7.5.2 The CS&E programme is complimentary during the pilot duration from 1 Mar 2023 to 28 Feb 2025. Applicants will benefit from an accelerated first office action, i.e., the CS&E report will be issued within 10 months from the date of receipt of the Request for CS&E.
- 7.5.3 The number of CS&E requests will be capped at 20 requests per year for an initial duration of two years. There is also a further cap of two requests per month and a restriction of two requests per entity (individual or corporate) per month. Unutilised quota will be rolled over to the following month, subject to a maximum cap of four per month.
- 7.5.4 To qualify for the CS&E programme, the following conditions have to be met:
- Application must be first filed in Singapore or Viet Nam, i.e., no priority claim and not a divisional application;
  - The request for the grant of a patent, request for search and examination report and request for CS&E should be filed on the same day;
  - Application should contain 20 or fewer claims, including 3 or fewer independent claims;
  - Applicant must respond within 2 weeks from the date of receipt of Formalities Examination Adverse report (if issued); and
  - The request for CS&E is made within the cap limits.
- 7.5.5 The table below illustrates the difference between PPH, ASPEC, Patent Re-registration Cooperation and CS&E –

PPH	ASPEC	Patent Cooperation with Cambodia and Laos	CS&E with Viet Nam
Relies on a report from a partner IP Office [Office of First Filing (OFF)/	Relies on S&E report(s) from a participating AMS IP Office	Relies on a granted patent from Singapore/ Cambodia or Laos	The CS&E application is first filed in either Singapore or Viet Nam

PPH	ASPEC	Patent Cooperation with Cambodia and Laos	CS&E with Viet Nam
Office of Earlier Examination (OEE)]		(IPOS acts as the S&E authority); or  Relies on final SG S&E results	
Expedited Examination of PPH applications (typical PPH) <ul style="list-style-type: none"> <li>Advanced out-of-turn</li> </ul>	Expedited S&E work as an IP Office can refer to the S&E work of another participating AMS IP Office <ul style="list-style-type: none"> <li>Advanced out-of-turn <u>until grant</u></li> </ul>	Expedited registration of patent in Cambodia or Laos based on SG patent/final S&E results	Expedited first office action, within 10 months from the date of receipt of the CS&E request
PPH request is required to be filed at a specific point in time	ASPEC request can be filed at any time before the final decision of grant or refusal	Re-registration request at Cambodia or Laos can be filed anytime, subject to certain conditions  Sharing of final SG S&E results with Cambodia or Laos can be done any time	CS&E request is required to be filed at a specific point in time

## 7.6 SG IP Fast Track

7.6.1 The SG IP FAST Track (“SG IP FAST”) is a pilot acceleration programme which supports applicants who may need to speed up the patent grant process in Singapore. SG IP FAST is available to patent applications filed for inventions across all technological sectors.

7.6.2 Previously known as the SG Patent Fast Track programme, the programme has been expanded on 1 Sep 2020 to include the acceleration of trademark and registered design applications. Applicants with a patent application accelerated under SG IP FAST can request acceleration of related trademark and registered design applications within 12 months from the date on which the applicant is notified of the successful request for patent acceleration. This will better support innovators and enterprises as they build and manage their IP portfolio and commercialise their creations.

- 7.6.3 To qualify for patent acceleration under SG IP Fast Track, the following criteria have to be met:
- a. Application must be first filed in Singapore i.e., no priority claim;
  - b. Patents Form 1 (Request for Grant of Patent), prescribed fee and complete patent specification is filed;
  - c. Patents Form 11 (Request for Search and Examination Report) and prescribed fee is filed on the same day as Patents Form 1;
  - d. Request for acceleration under SG IP FAST indicated on Patents Form 11;
  - e. Application must contain 20 or fewer claims;
  - f. Applicant needs to respond within 2 weeks from the date of receipt of Formalities Examination Adverse report (if issued);
  - f. Applicant needs to respond within 2 months from date of receipt of written opinion (if issued);
  - g. Reason(s) for requesting acceleration and the technology field to which the invention relates has to be furnished on Patents Form 11; and
  - h. The request is within the cap on the number of requests that is imposed for the programme.
- 7.6.4 For more details on SG IP Fast, refer to **Acceleration Programmes** on the IPOS website.



## 8. GRANT OF PATENT

### 8.1 Grant of Patent

- 8.1.1 The grant of a patent completes the patent application process and grants the applicant the rights to prevent others from making, using, importing or selling the invention without his permission. *Section 30  
Rule 47*
- 8.1.2 For applications lodged on or after 14 Feb 2014, the Registrar will issue a Notice of Eligibility to proceed to grant if there are no unresolved objections in the search and examination, examination, supplementary examination or examination review report. *Section 29A(1),  
29B(5)*
- 8.1.3 The applicant may proceed to request issuance of certificate of patent within 2 months from the date of notification. Otherwise, the application will be abandoned. *Section 29A(2),  
29B(6) &  
Rule 47(1),(2)*
- 8.1.4 To request for the grant of a patent, the applicant may file Patents Form 14 together with a clean copy of the consolidated specification including drawings (if any) incorporating any amendment or correction or missing part. For PCT national phase entry applications where the specification has been amended with the amendments annexed to the International Preliminary Examination Report (IPER) and these amendments have NOT been incorporated in the specification of the application, the applicant is required to furnish a copy of the consolidated specification incorporating all amendments at the time of filing Patents Form 14. *Rule 47(3),(4)*
- 8.1.5 Excess claims fees would be charged if –  
a. Number of claims at grant > number of claims at search and/or examination request (Patents Form 11/ 12); and  
b. Number of claims at grant > 20 claims.
- 8.1.6 If the excess claims fees have been paid during the search and/or examination report request (Patents Form 11/12) (refer to **Chapter 6.1.15**), there will be no excess claim fees at grant if there are no additional excess claims added.

Example 1:

<b>No. of claims when filing Patents Form 1</b>	<b>25</b>
<b>No. of claims after Patents Form 13 amendments</b>	23
<b>No. of claims when filing Patents Form 11</b>	23
<b>No. of excess claims when filing Patents Form 11</b>	$23 - 20 = 3$
<b>Excess claim fee when filing Patents Form 11</b>	<b>Prevailing fee x 3</b>
<b>No. of claims when filing Patents Form 14</b>	23
<b>No. of excess claims when filing Patents Form 14</b>	0
<b>Excess claim fee when filing Patents Form 14</b>	<b>\$0</b>

Example 2:

<b>No. of claims when filing Patents Form 1</b>	<b>25</b>
<b>No. of claims after Patents Form 13 amendments</b>	20
<b>No. of claims when filing Patents Form 12</b>	20
<b>No. of excess claims when filing Patents Form 12</b>	0
<b>Excess claim fee when filing Patents Form 12</b>	<b>\$0</b>
<b>No. of claims when filing Patents Form 14</b>	26
<b>No. of excess claims when filing Patents Form 14</b>	$26 - 20 = 6$
<b>Excess claim fee when filing Patents Form 14</b>	<b>Prevailing fee x 6</b>

Example 3:

<b>No. of claims when filing Patents Form 1</b>	<b>22</b>
<b>No. of claims when filing Patents Form 11</b>	22
<b>No. of excess claims when filing Patents Form 11</b>	$22 - 20 = 2$
<b>Excess claim fee when filing Patents Form 11</b>	<b>Prevailing fee x 2</b>
<b>No. of claims when filing Patents Form 14</b>	24
<b>No. of excess claims when filing Patents Form 14</b>	$24 - 22 = 2$
<b>Excess claim fee when filing Patents Form 14</b>	<b>Prevailing fee x 2</b>

8.1.7 During the patent application process, the title of invention may have been amended by the applicant or the Patent Examiner. The title of invention which will be reflected on the Certificate of Grant is as follows –

- a. For PCT national phase applications proceeding to grant, the Registry will rely on the title of invention which is published on the PCT Gazette if there are no amendments made;
- b. For PCT national phase applications proceeding to grant that are not originally filed in English, IPOS will rely on the title of invention which is



found on the PCT Gazette as published if there are no amendments made. If the applicant wishes to retain the translated title of invention as originally filed, the applicant may write in via eCommunications to inform or indicate their preference on Patents Form 14;

- c. For national applications that are searched and examined by IPOS (i.e., via the filing of Patents Form 10 or 11) and are proceeding to grant, the title of the invention will follow that which has been approved or amended by the Patent Examiner.

8.1.8 The following examples illustrate the title of invention which will be reflected on the Certificate of Grant –

- a. PCT national phase applications filed in English –

Example 1:

PCT application (originally filed):  
Title of invention = A

PCT Gazette (publication):  
Title of Invention = B

PCT application enters national phase in SG:  
Title of invention given on cover letter/in consolidated specification = A

The title of invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicant wishes to retain the title of invention as originally filed, this preference must be clearly indicated on the cover letter accompanying the Patents Form 14.

Example 2:

PCT application (originally filed):  
Title of invention = A

PCT Gazette (publication):  
Title of Invention = B

PCT application enters national phase in SG:  
Title of invention given on cover letter/in consolidated specification = C

The title of invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicant wishes to change the title of the invention, the applicant may file Patents Form 13 selecting the option 'Related to Rule 47(6) with the date of filing on or after 14 February 2014' to amend the title from B to C.

b. PCT (SG) Applications that are not originally filed in English –

Example 1:

Translation of the PCT Application (originally filed):  
Title of Invention = A

PCT Gazette (publication):  
Title of Invention = B

PCT application that enters national phase in SG and subsequently reflects:  
Title of Invention given on cover letter/in consolidated specification = A

The title of the invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicant wishes to retain the translated title of invention as originally filed, this preference must be clearly indicated on the cover letter accompanying Patents Form 14.

Example 2:

Translation of the PCT Application (originally filed):  
Title of Invention = A

PCT Gazette (publication)  
Title of Invention = B

PCT application that enters national phase in SG and subsequently reflects:  
Title of Invention given on cover letter/in consolidated specification = C

The title of the invention will follow that which is indicated on the PCT gazette [B]. In the event if the applicant wishes to change the translated title of invention, the applicant may file Patents Form 13 selecting the option 'Related to Rule 47(6) with the date of filing on or after 14 February 2014' to amend the title from B to C.

- c. National applications that are searched and examined by the local Patent Examiners –

Example 1:

National application (originally filed):  
Title of Invention = A

Amendment by the Patent Examiner:  
Title of Invention = B

Applicant subsequently files the following:  
Title of Invention given on cover letter/in consolidated specification = A

The title of invention will follow that which is amended by the Patent Examiner, i.e., [B]. In the event that the applicant wishes to retain the title of invention as originally filed, this preference must be clearly indicated on a cover letter accompanying Patents Form 14.

Example 2:

National Application (originally filed):  
Title of Invention = A

Amendment by Patent Examiner:  
Title of Invention = B

Applicant subsequently files the following:  
Title of Invention given on cover letter/in consolidated specification = C

The title of invention will follow that which is amended by the Patent Examiners, i.e., [B]. In the event that the applicant wishes to change the title of invention of the application, they may file Patents Form 13 to amend the title from B to C.

8.1.9 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. Date of filing has been accorded;

c. Preliminary examination has been cleared;

d. National security clearance has been issued, if applicable;

e. The application is not treated as abandoned, withdrawn, refused or granted;

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

g. Examination report has been established from request for Search and/or Examination Report (Patents Form 11/12), Supplementary Examination Report (Patents Form 12A), or Examination Review Report (Patents Form 12B/13);

h. The Examination report does not contain unresolved objections on lack of unity;

i. Notice of Eligibility has been issued;

j. The form is filed within 2 months from the date of issuance of Notice of Eligibility or extension of time is approved;

*Rule 47(1),(2)*

k. A set of specification incorporating all the amendments, corrections and missing part ("consolidated specification") is filed if the specification has been amended, corrected, or had missing part(s); Extension of time is required if the consolidated specification is filed after the timeline listed in (j);

*Rule 47(4)*

l. Consolidated specification submitted is in alignment with all amendments, corrections, or missing parts on record;

m. Title of invention on record is the same as the consolidated specification. The title may differ due to amendments, corrections, translations or changes proposed by the Patent Examiner etc;

n. Number of claims indicated on the form corresponds to the number of claims in consolidated specifications.

8.1.10 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong number of claims indicated on the form;
  - ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the consolidated specification;
  - iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. If there is overpayment due to additional number of claims indicated on the form, the Formalities officer will refund the overpayment after the applicant files Form CM4 to correct the number of claims on the form.
- c. If there is underpayment due to insufficient number of claims indicated on the form, the underpayment will be calculated and paid with Form CM4.
- d. If the title of invention on record is different from the consolidated specification –
  - i. Due to variation in translation or changes by the Patent Examiner, the Formalities officer will clarify with the applicant on the preferred title and update accordingly;
  - ii. Due to voluntary changes to the title on record, the applicant can file Form CM4 correction of specification to correct the title of invention to the original title. Voluntary amendments to the title of invention are not possible;
  - iii. Due to error in the consolidated specification, the applicant should file Form CM4 correction of specification to correct the title of invention.
- e. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly;
- f. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.

8.1.11 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via

letter. If the prescribed time period for putting the application in order (**Chapter 8.1.9j**) has passed, the patent application status will be updated to “Abandoned (EOT possible)” on the register. The refusal will be published in the Patents Journal.

### **Issuance of Certificate of Grant**

8.1.12 If all the above requirements are met, the Formalities officer will proceed to update and review the following before issuing the Certificate of Grant –

a. Ensure that the information reflected in the certificate of grant is correct and the presentation is neat (*Font: Times New Roman, Font size: min 10*).

b. Information such as *title, applicant, inventor, priority details etc* should be updated if necessary.

c. In the event that the certificate runs into more than one page, ensure that the details of the applicant is on the same page as the signature.

8.1.13 With effect from 14 Feb 2014, the Registry of Patents has changed to an electronic format for the Certificate of Grant. A soft copy of the Certificate of Grant will be sent to the eCommunications inbox in IPOS Digital Hub system.

8.1.14 Upon issuance of the Certificate of Grant to the applicant, the status of the patent application will be updated to “Patent in Force”. There will be an entry made in the register to the effect that the patent has been granted and in the next Patents Journal. Publication of the notice on the grant of a patent will be done via Patents Journal A.

8.1.15 Previously, a patent application would be given an application number upon the filing of the application, and when it is published, it would be given another number that would be used as the publication number. When the patent application is granted, the publication number would also be used as the P-No. To simplify matters, this publication number/P-No. is no longer being issued or used with effect from 14 Feb 2014. All patent applications and subsequent patent grants will be referred to by their application numbers.

8.1.16 With effect from 1 Nov 2009, where a Certificate of Grant of Patent is sent to the proprietor, the Certificate will not be accompanied by the patent specification as granted. A copy of the granted patent specification can be downloaded from IPOS Digital Hub. Certificates of Grant of patent issued on 31 Jan 2010 onwards will in addition, bear the Singapore National Coat of Arms (State Crest).

Section 35

### **Regeneration of Certificate**

- 8.1.17 If there is an error in the certificate, the applicant may request for regeneration of certificate via eCommunications. The Formalities officer will assess the request and regenerate the certificate if there is an error on our part. The regenerated certificate will be sent to the applicant via eCommunications.
- 8.1.18 If there are changes/corrections filed after the Certificate of Grant is issued, the applicant may file Form CM12 to request for a revised copy of Certificate of Grant. There should be a note on the form to highlight that it is a request for revised Certificate of Grant.



## 9. POST- GRANT

### 9.1 Patent Renewal

*Section 36  
Rule 51*

9.1.1 The term of a patent is 20 years from the date of filing of the patent application or, in the event that a patent term extension is granted, up to the end of the extended term, subject to the payment of annual renewal fees. For more information on patent term extension, please refer to **Chapter 9.2** below.

9.1.2 The proprietor is required to renew the patent annually, starting from the fourth anniversary. This allows the proprietor to review and determine whether it is of commercial interest to maintain the patent. The patent will lapse if the renewal fee is not paid within the prescribed period. This allows public access to the invention disclosed in the patent.

9.1.3 The patent may be renewed using **Patents Form 15**. If the patent has been endorsed with License as of Right (LOR), the patent can also be renewed with **Patents Form 15**, with renewal fees halved. Bearing in mind that once a request to cancel the LOR is approved, the balance of the previously halved renewal fees will have to be paid to the Registry. For more information on licence of right, please refer to **Chapter 11.5**.

*Rule 51(3)*

9.1.4 For patent renewals done via IPOS Digital Hub, the Acknowledgement Advice that is generated at the end of the online transaction will be taken to be the Notification of Renewal for the renewing period. An online renewal transaction will be considered successful when the required fees are successfully deducted. In the event that the deduction is not successful, the user will be notified immediately of the matter. The Acknowledgement Advice will then be taken to be void.

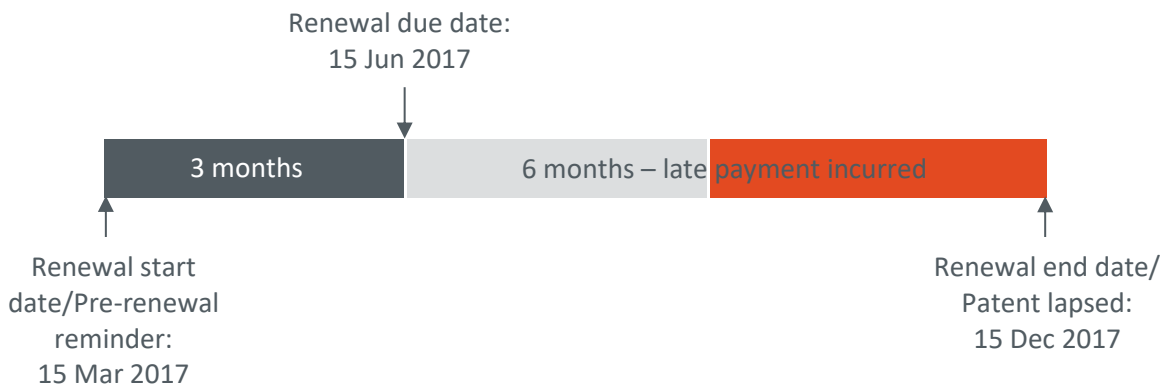
9.1.5 Anyone can renew a patent. It is not necessary for the authorised agent to lodge a separate declaration of authorisation in Form CM1.

*Rule 90(4)  
Rule 51(1)*

9.1.6 A patent can be renewed 3 months before the renewal due date. If a patent is not renewed by the renewal due date, it may be renewed within 6 months with additional late payment fees. The status of the patent will be updated as “Lapsed (late renewal possible)”. If the patent is renewed within 6 months from the renewal due date with late payment fees, it is treated as if it has never lapsed.

*Section 36(3), Rule  
51(3A)*





### First Renewal

9.1.7 The first renewal of a granted patent is due on the 4<sup>th</sup> anniversary from the date of filing of the patent. This renewal is intended to maintain the patent in force for the upcoming year, i.e., the 5<sup>th</sup> year. For example,

Date of filing	1 Jun 2013
5 <sup>th</sup> year renewal due date	1 Jun 2017

9.1.8 In the event that patent was granted after 45 months from date of filing, the first renewal will only be payable within 3 months from the date of grant. For example,

*Rule 51(2)*

Date of filing	1 Jun 2013
45th month	1 Mar 2017
Grant Date	1 Apr 2017
5 <sup>th</sup> year renewal due date	1 Jul 2017

### Subsequent Renewal

9.1.9 Subsequent renewal will be due on the anniversary of the date of filing. Using the examples listed above, the renewal for the 6<sup>th</sup> year will be due on 1 Jun 2018.

9.1.10 If patent term extension is granted after the expiry of the term of patent, the proprietor would have 3 months from the date of certificate of the patent term extension to renew the patent for the upcoming year. For example,

*Rule 51(2A)*

Date of filing	1 Jun 2013
Patent term expiry date	1 Jun 2033
Patent term extension grant date	1 Jul 2033 (After 20 <sup>th</sup> year expiry date)
21 <sup>st</sup> year renewal due date	1 Oct 2033 (1 Jul 2033 + 3 months)

9.1.11 In the event that the patent term extension is granted before the expiry of the term of patent but there is less than 3 months available for the proprietor to renew the patent without additional fees, the Registry would provide the proprietor sufficient time, i.e., 3 months to renew the patent. For example,

<b>Date of filing</b>	1 Jun 2013
<b>Patent term expiry date</b>	1 Jun 2033
<b>Patent term extension grant date</b>	1 May 2033 (Before 20 <sup>th</sup> year expiry date)
<b>21<sup>st</sup> year renewal due date</b>	1 Jun 2033
<b>21st year renewal with extension</b>	1 Aug 2033 (1 May 2033 + 3 months)

9.1.12 Once the renewal request is received, the system will perform the following checks –

a. Renewal fee has been paid;

b. The application has proceeded to grant;

c. The patent status is in force or lapsed (late renewal possible);

d. The form is filed within 3 months before the renewal due date or within 6 months after the renewal due date;

e. Renewal fee and any additional fee are correct. For patent endorsed with licence as of right, the renewal fee is halved;

f. The patent has not been renewed for the same year;

g. If renewal is for 21st year or above, patent term extension has been approved.

9.1.13 If application satisfies the above criteria, the patent will be automatically renewed by the system. The patent renewal will be entered as an event in the register, and in the next Patents Journal. If the patent status is “Lapsed (late renewal possible)”, the patent status will be updated to “In Force”.

9.1.14 If any of the above requirements are not met for the system to approve Patents Form 15/53 automatically, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
    - i. Select “Correction of Form lodged” for errors on the form, e.g., correction of the year of renewal and/or number of months of late fees sought. If there is overpayment due to miscalculation of the renewal fees payable, the overpayment would be refunded to the applicant if Form CM4 is filed to correct the error.
  - b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - c. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.
- 9.1.15 If the patent is not due for renewal or has already been renewed, the Formalities officer will refuse the renewal. Upon refusal, a refund request will be initiated.
- 9.1.16 If the patent has lapsed due to non-payment of renewal fees, the Formalities officer will refuse the application and invite the applicant to request for restoration by filing Patents Form 19 together with a Statutory Declaration. Upon refusal, a refund request will be initiated.
- 9.1.17 If there is insufficient payment due to miscalculation of the renewal fees payable, the Formalities officer will refuse the application and invite the applicant to put in a new request with the correct fees as soon as possible. Upon refusal, a refund job will be initiated.

*Section 39  
Rule 53*

**Renewal Reminders**

- 9.1.18 The system will automatically issue a notification to renewal agent on record or the last person who renewed the patent to inform that the window for renewal is open.
- 9.1.19 This is not intended to be a replacement of the proprietor's tracking system, but rather as an additional service introduced to assist the proprietor in case of a breakdown of their own tracking system. The absence of this letter is not a valid reason for the proprietor to miss the renewal and extension will not be allowed for the payment of renewal fee with no additional fees after the prescribed period.
- 9.1.20 If the renewal payment is overdue, the system will automatically issue a second notification to the renewal agent on record or the last person who renewed the patent to inform that the payment is overdue, and the

consequences of non-payment. He will be invited to renew the patent with late fees. At the same time, the status of the patent will be updated to “Lapsed (late renewal possible)”. In the event that the second renewal reminder mentioned above was not issued within 1 month from the renewal due date, the Registry will extend the timeline to allow payment of the renewal fees within 2 months with no additional fees.

### **Patent Lapsed**

- 9.1.21 The system will update the status of the patent to “Lapsed (restoration possible)” at the end of 6 months following the renewal date. There will be an entry made in the register to the effect that the patent has lapsed and in the Patents Journal. A notification will be sent to the proprietor or his authorized agent on record to notify and invite him to request for restoration.
- 9.1.22 At the end of 18 months (for renewal due on or after 14 Feb 14) from the renewal due date, if the patent has not been restored and no restoration request is pending, the patent status will be updated to “Lapsed”. Please refer to **Chapter 9.4** for more information on restoration.

### **Patent Expiry**

- 9.1.23 The term of patent is 20 years from the date of filing. For example, a patent with a date of filing of 1 Apr 2001 will have a term of protection up to and inclusive of 31 Mar 2021. *Section 36*
- 9.1.24 It is possible to request for patent term extension under certain circumstances. Refer to **Chapter 9.2** for more information on patent term extension. In the event that patent term extension is approved, the patent will only expire at the end of the extended term of protection. Using the example above, if the patent term is extended by 3 months, the patent will only expire on 31 Jun 2021. *Section 36A(1)*
- 9.1.25 Once the patent term is up, system will update the status of the patent to “Expired”. There will be an entry made in the register to the effect that the patent has expired and in the next Patents Journal. Using the example above, the patent will be updated as expired at midnight on 1 Apr 2021.
- 9.1.26 The system will not update the status of the patent if there is restoration, patent term extension or surrender request pending. Upon successful patent term extension or surrender, the patent status will be updated accordingly and the expiry will not take place. In all other circumstances, the expiry will only be entered on the register after the request is completed. However, the expiry would be effective as of the original expiry date.

- 9.1.27 Similarly, where the term of patent has been extended and it is still possible to renew the patent, the patent will not be updated as “Expired” until the patent is renewed or the end of the prescribed period for payment of renewal fee and any late fees. This is to avoid confusion to the public who would otherwise see that a patent is renewed after expiry.
- 9.1.28 With effect from 1 Jan 2010, the Registry no longer issues a notice to the proprietor or his authorised agent on record. This is implemented in response to feedback from stakeholders that they are not interested to be informed since the patent has expired.

### **Unsolicited IP Services**

- 9.1.29 There may be cases of unsolicited mails on Intellectual Property (IP) protection and renewal services being received by IP holders.
- 9.1.30 They may take the form of an official notification, inviting recipients to make payment for the registration or renewal of their IP on record. To our information and belief, these mails could appear to originate from private business establishments, which are neither related to nor connected with IPOS or WIPO. IP holders are reminded to treat these notifications with caution if they receive any of such mails from entities other than IPOS, WIPO or their appointed IP agent.
- 9.1.31 IP holders may contact IPOS or their IP agents to verify the authenticity of a communication which they have received. For samples of unsolicited mails, please refer to a similar notice issued by the WIPO.

## **9.2 Extension of the Term of Patent**

*Section 36A  
Rule 51A*

- 9.2.1 The term of a patent is 20 years from the date of filing of the patent application or, in the event that a patent term extension is granted, up to the end of the extended term, subject to the payment of annual renewal fees. The patent will lapse if the renewal fee is not paid within the prescribed period.
- 9.2.2 For patents granted for applications with a date of filing on or after 1 Jul 2004, the proprietor may apply to extend the term of a patent beyond 20 years from its date of filing by filing **Patents Form 54**.
- 9.2.3 The grounds on which such extensions may be granted on are as follows –
- a. There was an unreasonable delay by the Registrar in granting the patent;

*Rule 51A*

*Section 36A(1)*

- b. Where the patent was granted on the basis of any prescribed documents relating to the corresponding application or related national phase application under a Request for Supplementary Examination report (Patents Form 12A), that –
  - i. there was an unreasonable delay in the issue of the corresponding patent or related national phase patent (as the case may be); and
  - ii. the patent office that granted the corresponding patent or related national phase patent (as the case may be) has extended the term of the corresponding patent or related national phase patent (as the case may be) on the basis of such delay;
  
- c. Where the subject of the patent includes any substance which is an active ingredient of any pharmaceutical product, that –
  - i. there was an unreasonable curtailment of the opportunity to exploit the patent caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient; and
  - ii. the term of the patent has not previously been extended on this ground.

9.2.4 The applicant may apply for extension of patent term within the following time periods –

- a. For unreasonable delay by the Registrar in granting the patent, unreasonable delay in the issuance of the corresponding patent or related national phase patent, or extension of term of patent for the corresponding patent or related national phase patent –
  - i. within 6 months from the date of the grant of the patent
  
- b. For unreasonable curtailment of the opportunity to exploit the patent caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient –
  - i. within 6 months from the date of the grant of the patent, or the date marketing approval was obtained, whichever is the later;
  - ii. not later than 6 months before the end of the period of 20 years referred to in Section 36(1); and
  - iii. while the patent is still in force.

### Unreasonable Delay by the Registrar in Granting the Patent

9.2.5 A delay by the Registrar in granting a patent shall not be treated as an unreasonable delay by the Registrar in granting the patent unless –

- a. The interval between the date of filing of the application for the patent and the date of issue of the Certificate of Grant, excluding any period attributable to an act or omission of the applicant, exceeds 4 years; or
- b. The interval between the date on which the applicant –
  - i. filed a Request for Search and Examination Report (Patents Form 11); or
  - ii. filed a Request for Examination Report (Patents Form 12),and the date of issue of the Certificate of Grant, excluding any period attributable to an act or omission of the applicant, exceeds 2 years.

9.2.6 The period “attributable to an act or omission of the applicant” includes (without prejudice to the generality of the expression) any of the following periods which is applicable –

*Rule 51A(10)*

- a. The period taken by the applicant to pay the filing fee for Patents Form 1 under Section 25(1)(b), calculated from the date of filing of the application for the patent to the date on which the filing fee is paid;
- b. The period taken by the applicant to make observations under Section 26(3)(b)(i) which satisfy the Registrar that the documents filed at the Registry to initiate the application satisfy all of the conditions for date of filing of application to be allocated under Section 26(1)(a), (b) and (c)(i) or (ii), calculated from the date of the Registrar’s notification to the applicant under Section 26(3)(a) to the date on which the applicant makes the observations;
- c. The period taken by the applicant to file the documents related to the earlier relevant application under Section 26(7)(a), (b) and (c), calculated from the date of filing of the application for a patent to the date on which the applicant files the documents;
- d. The period taken by the applicant to comply with Section 26(9)(b), if the applicant, after filing at the Registry any missing part of the application, makes a request to the Registrar for Section 26(8)(b) not to apply to the application (i.e., retain original date of filing), calculated from the date on which the applicant filed at the Registry the missing part of the application to the date on which the applicant complies with Section 26(9)(b);

- e. The period taken by the applicant to make a new application (divisional application) for a patent under Section 26(11)(a), calculated from the date of filing of the earlier application for a patent referred to in Section 26(11) to the date on which the new application is made;
- f. The period taken by the applicant to file one or more claims under Section 26(12)(a), calculated from the date of filing of the application for the patent to the date on which the applicant files the claim or claims;
- g. The period taken by the applicant to –
  - i. make observations to comply with the formal requirements during preliminary examination under Section 28(4)(a); or
  - ii. Amend his application to comply with all the formal requirements during preliminary examination under Section 28(4)(a), calculated from the date of the Registrar’s notification under Section 28(4) to the date on which the applicant makes the observations or the earliest date on which the application, as amended by the applicant, complies with all the formal requirements.
- h. The period taken by the applicant to comply with Section 28(9)(b), if the applicant, after filing any drawing or part of the description of the invention which is missing from the application, makes a request to the Registrar for Section 28(8)(b) not to apply to the application (i.e., retain original date of filing), calculated from the date of the Registrar’s notification under Section 28(7) to the date on which the applicant complies with Section 28(9)(b);
- i. The period taken by the applicant to –
  - i. file a request for search report under Section 29(1)(a) and pay the prescribed fee for that report; or
  - ii. file a request for search and examination report under Section 29(1)(b) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the request and pays the fee.
- j. The period taken by the applicant to file the prescribed documents and a request for examination report under Section 29(1)(c) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the documents and request and pays the fee;
- k. The period taken by the applicant to file the prescribed documents and a request for supplementary examination report under Section 29(1)(d) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the documents and request and pays the fee;



- l. The period taken by the applicant to file a request for examination report under Section 29(3), calculated from the date of the Registrar's letter forwarding a copy of the search report under Section 29(2)(b) to the date on which the applicant files the request;
- la. The period taken by the applicant to respond to an invitation to amend, calculated from the date the invitation is given to the date on which the applicant responds to the invitation (whether by amending the specification of the application or by rejecting the invitation), or the last day of the period prescribed under section 29(7C), whichever is earlier;
- m. The period taken by the applicant to respond to a written opinion under Section 29(9)(a), calculated from the date of the Registrar's letter forwarding a copy of the written opinion under Section 29(7) or (8) to the date on which the applicant responds to the written opinion;
- n. The period taken by the applicant to amend the specification of the application under Section 29(9)(b), calculated from the date of the Registrar's letter forwarding a copy of the written opinion under Section 29(7) or (8) to the date on which the applicant makes the amendment;
- o. The period taken by the applicant to apply for a review of the examination report, search and examination report or supplementary examination report under Section 29A(4)(a), calculated from the date of the Registrar's notice under Section 29A(3) to the date on which the applicant files the request;
- p. The period taken by the applicant to amend the specification of the application for a request for examination review report under section 29B(2), calculated from the date of the Registrar's notice under section 29A(3) to the date on which the applicant makes the amendment;
- q. The period taken by the applicant to satisfy the conditions for payment of grant fee under Section 30(a) and (c), calculated from the date of the Notice of Eligibility to proceed to the grant of a patent under Section 29A(1) or 29B(5)(b)(i) that is received by the applicant to the date on which the applicant satisfies the conditions under Section 30(a) and (c);
- r. Where the application is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3), the period taken by the applicant to cause the application to enter the national phase in Singapore, calculated from the date of the filing of the application in accordance with the Patent Co-operation

Treaty to the date on which the national phase of the application begins under section 86(3);

- s. The period taken by the applicant to rectify any failure to comply with any requirement under the Act or these Rules, such period –
  - i. to be calculated from the date by which the applicant is required to comply with the requirement to the date on which the applicant rectifies the failure to comply with the requirement; and
  - ii. to include any period taken by the Registrar or the Registry to detect or to notify the applicant of the applicant's failure to comply with the requirement.
- t. The period taken by the applicant to respond to any request by the Registrar for any document, information or evidence, calculated from the date of the Registrar's notification to the applicant of the request to the date on which the applicant responds to the request;
- u. Any extension or alteration of any period to do anything that is granted by the Registrar or the court at the request or on the application of the applicant.

**Subject of the patent includes any substance which is an active ingredient of any pharmaceutical product**

9.2.7 A curtailment of the opportunity to exploit a patent, the subject of which includes a substance which is an active ingredient of any pharmaceutical product, caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient, shall not be treated as an unreasonable curtailment unless –

*Rule 51A(7)*

- a. The marketing approval was obtained after the date of issue of the Certificate of Grant; and
- b. The interval between the date the application for marketing approval was filed and the date marketing approval was obtained, excluding any period attributable to an act or omission of the applicant for marketing approval, exceeds 2 years.

9.2.8 The applicant should submit to the Registrar a certificate from the relevant authority stating –

*Rule 51A(9)*

- a. The date the application for marketing approval was filed;
- b. The date marketing approval was obtained; and
- c. For each period attributable to an act or omission of the applicant for marketing approval, the dates on which the period started and ended.

9.2.9 The period “attributable to an act or omission of the applicant” includes (without prejudice to the generality of the expression) any of the following periods which is applicable –

*Rule 51A(11)*

- a. The period taken by the applicant for marketing approval to correct deficiencies in his application for marketing approval, calculated from the date of the relevant authority’s notification to the applicant for marketing approval of the deficiencies to the date on which the applicant for marketing approval corrects the deficiencies;
- b. The period taken by the applicant for marketing approval to respond to any request by the relevant authority for clarification or information, calculated from the date of the relevant authority’s request to the date on which the relevant authority receives the response of the applicant for marketing approval; and
- c. Any extension of any period to do anything that is granted by the relevant authority at the request or on the application of the applicant for marketing approval.

9.2.10 The Registrar shall extend the term of the patent according to the following conditions and reasons which the extension was requested upon –

*Rule 51A(6)*

Reason for Extension of the Term of the Patent	Period of Unreasonable Delay	Period of Extension
Unreasonable delay by the Registrar in granting the patent (Section 36A(1)(a))	A. The interval between the date of filing of the application for the patent and the date of issue of the Certificate of Grant, excluding any period attributable to an act or omission of the applicant, exceeds 4 years.	The period by which this interval exceeds 4 years.
	B. The interval between the date on which the applicant – <ol style="list-style-type: none"> <li>i. filed a Request for Search and Examination Report; or</li> <li>ii. filed a Request for Examination report,</li> </ol> and the date of issue of the Certificate of Grant, excluding any period attributable to an act or omission of the applicant, exceeds 2 years.	The period by which this interval exceeds 2 years.

Reason for Extension of the Term of the Patent	Period of Unreasonable Delay	Period of Extension
	When both A and B are applicable.	<p>By the longer of the following periods:</p> <ul style="list-style-type: none"> <li>i. the period by which the interval referred to in Part A exceeds 4 years;</li> <li>ii. the period by which the interval referred to in Part B exceeds 2 years.</li> </ul>
Unreasonable curtailment of the opportunity to exploit the patent (Section 36(1)(c))	-	<p>By the shortest of the following period:</p> <ul style="list-style-type: none"> <li>i. A period equivalent to the interval between the date of issue of the Certificate of Grant and the date marketing approval was obtained;</li> <li>ii. The period by which the interval between the date the application for marketing approval was filed and the date marketing approval was obtained, excluding any period attributable to an act or omission of the applicant for marketing approval, exceeds 2 years;</li> <li>iii. A period of 5 years.</li> </ul> <p>Only apply to the substance which is the active ingredient in the pharmaceutical product.</p>

*Rule 51A(8)*

9.2.11 Once the application is received, the Formalities officer will review the following requirements –

a. The fee has been paid;

b. The Date of filing of the patent is on or after 1 Jul 2004;

c. Patent is still in force;

d. Names of the patentees on the form corresponds with the records;

e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

f. The form is filed within the timelines mentioned in **Chapter 9.2.4**;

g. The documentary evidence and/or certificate are submitted.

9.2.12 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly;
- c. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.

9.2.13 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the application and notify the proprietor. The refusal will be entered as an event in the register.

- 9.2.14 If the application satisfies all requirements, the Formalities officer will approve the request for extension of the term of the patent and send the letter of “Certificate of Extension of Patent Term” to the proprietor. The approval will be entered as an event on the register.

### 9.3 Amendment after Grant

*Section 38*

*Rule 52*

- 9.3.1 The proprietor may make voluntary amendments to the specification of a patent after grant, provided that the amendment does not disclose any additional matter or extend the scope of protection. This gives the applicant the opportunity to refine his application to overcome newly discovered prior art, without prejudicing the rights of third parties. The amendment will be deemed always to have had effect from the grant of the patent.

- 9.3.2 The proprietor may apply to amend the specification (description, claims and drawings) after grant together with the supporting documents to support the reason(s) for amendments by filing **Patents Form 17**.

*Rule 52(1)*

- 9.3.3 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required. Applicants should submit and select these attachments according to the correct document type. Amendments should be made based on the latest set of specification on record.

- 9.3.4 From 1 Dec 2019, if amendments have been made to claims, a marked-up and clean copy of the full set of claims have to be submitted together with the request. The amendments or corrections should be reflected similarly in both the clean and marked-up copies. Refer to **Chapter 5.1.12** on the accepted format of the marked-up copy of the amendment.

- 9.3.5 When making the amendments, sufficient evidence setting out fully the reason(s) for amendments, including the circumstances leading to the amendments and any evidence in support thereof should be submitted. If there is undue delay in seeking the amendment, the proprietor will be requested to submit reason(s) for the delay in seeking the amendment.

- 9.3.6 Post-grant amendments will also be assessed based on the following criteria:
- a. Whether relevant matters are sufficiently disclosed;
  - b. Whether there was any unreasonable delay in seeking amendments; and
  - c. Whether the patentee has gained an unfair advantage obtained by delaying amendments which are known to be needed.

- 9.3.7 The above requirements are in alignment with UK post-grant amendment guidelines and recent Singapore High Court decisions of *Ship’s Equipment Centre Bremen GmbH v Fuji Trading (Singapore) Pty Ltd & Ors* [2015] SGHC

159, and Warner-Lambert Company LLC v Novartis (Singapore) Pte Ltd [2016] SGHC 106.

9.3.8 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. The patent is granted. Otherwise, Patents Form 13 should be used;

c. The patent is in force. If the patent is lapsed, the applicant can renew with late fees or request for restoration if he is still within the allowable time to do so;

d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

e. There are no pending proceedings before the Court or the Registrar in which the validity of the patent may be put in issue. If there are pending proceedings, the amendments should be considered together with the proceedings;

f. Reason for amendments is submitted.

9.3.9 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., Error on the reason for making the amendment, or number of pages of amendments made;
  - ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;
  - iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents, e.g., supporting documents submitted to support the reasons for making the amendments.

- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunications.
- 9.3.10 If all requirements are met, the Formalities officer will forward the request to the Patent Examiner for review. The proprietor will be notified via letter.
- 9.3.11 If the Patent Examiner requires additional supporting documents or clarification regarding the amendments, the Formalities officer will send the Patent Examiner's comments to the proprietor. The proprietor will be invited to clarify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
- 9.3.12 If there is no response from the proprietor, the request will be refused. If the proprietor responds within the above timelines, the response will be forwarded to the Patent Examiner for review.
- 9.3.13 If the Patent Examiner has objections on the proposed amendments, the Formalities officer will issue Notification of Intention to Refuse to the proprietor. Within 1 month from the date of Notification of Intention to Refuse, the applicant may request to be heard in the matter by filing Form HC4.
- 9.3.14 If the Patent Examiner has objections on certain parts of the proposed amendments, the Formalities officer will issue a notification to request the applicant to submit a revised copy of the amendments which only incorporates those allowable amendments within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
- 9.3.15 If the Patent Examiner is satisfied that the amendments can be allowed, the Formalities officer will proceed to grant leave to amend the specification. The amended specification will be published in the Patents Journal for opposition. The application for amendment of specification after grant will be entered as an event in the Register.

### **Opposition**

- 9.3.16 Any person may oppose to the application to amend the specification. The person may do so by filing a notice of opposition via Patents Form 58 within 2 months from the date of the advertisement. The notice shall be accompanied by a statement setting out the facts relied upon for opposition and the relief sought.



- 9.3.17 If an opposition is filed, IPOS Hearings and Mediation Department will communicate to the Registry on the outcome of the opposition.
- a. If the outcome of the opposition is successful, the Formalities officer will refuse the application to amend. The refusal will be entered as an entry in the register.
  - b. If the outcome of the opposition is unsuccessful, the Formalities officer will invite the applicant to file new specification as amended.

### **New Specification**

- 9.3.18 Where the applicant has been invited to file the new specification, the applicant must submit the document within 2 months from the date of Notification to file New Specification as Amended via eCommunications. The new specification should incorporate the approved amendments accordingly. No new amendment or correction may be introduced in the new specification, unless it is to correct formalities, such as page number.
- 9.3.19 If the new specification is not in order, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
- 9.3.20 To rectify errors, the applicant may file Form CM4 and select the following correction type accordingly –
- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
    - i. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;
  - b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly;
  - c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunications.
- 9.3.21 If the objections cannot be overcome or there is no response from the applicant, the application to amend will be refused. The refusal is updated as an event in the register.
- 9.3.22 When all the requirements are met, the Formalities officer will approve the request. The approval will be updated as an event in the register and the new specification will be made available on public search.

*Rule 52(8)*

## 9.4 Restoration of Patent

Section 39

Rule 53

9.4.1 A patent will cease to have effect at the end of the prescribed period for the payment of renewal fee if it is not paid within that period. The status of the patent will be updated to “Lapsed (“Restoration possible)” once the due date to pay for renewal fees with late payment fees has expired (i.e., within 6 months after the renewal due date).

9.4.2 It is possible to restore the patent within 18 months (for patents lapsed on or after 14 Feb 2014) if the proprietor is able to demonstrate that the lapse of the patent was unintentional. Third parties’ rights which can accrue would be protected.

Rule 53(1)(a)

9.4.3 The proprietor may request for Restoration of Patent by filing **Patents Form 19** together with a Statutory Declaration. A copy of the sample Statutory Declaration can be found in the Appendix.

Rule 53(1)(b)

9.4.4 For patent that has lapsed on or after 14 Feb 2014, restoration is allowable if the Registrar is satisfied that the failure to pay the renewal fees within the prescribed period is unintentional. The unintentional test is applied to the proprietor of the patent or any person entitled to the patent at the time when renewal fees was payable.

Section 39(5)

9.4.5 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. The patent has lapsed;

c. The form is filed within 18 months after the renewal due date;

d. Statutory Declaration or affidavit is submitted within 14 days from the date of receipt of Patents Form 19.

e. The applicant for restoration is either the person who was proprietor of the patent or any other person entitled to the patent if it had not ceased to have effect. Where the patent was held jointly by 2 or more persons, it is possible for the application to be made by one or more of the them;

f. Review the Statutory Declaration and determine whether the lapse of the patent is unintentional.

9.4.6 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued. If the reason(s) stated is not satisfactory or sufficient to show continuing underlying intention to proceed with the application, the Formalities officer will request for supplementary Statutory Declaration to clarify any doubts.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters, supplementary Statutory Declaration and any evidence in response to our letter, the applicant may reply via eCommunications.

9.4.7 If the formal objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request. If the period for restoration has passed, the status of the patent will be updated to “Lapsed”. If it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.

9.4.8 If all formal requirements are met, the Formalities officer will acknowledge and advertise the application. The advertisement will be entered as an event in the register and published in the next Patents Journal. The patent status will be updated to “Lapsed (restoration pending)”. The advertisement constitutes the notice required by Section 39(4) and concludes the period referred to Section 39(10) where a person who began in good faith to do an act which would have constituted an infringement of the patent, can continue to do so.

9.4.9 If the Formalities officer is satisfied that the application can be allowed, the proprietor will be notified to pay the additional fee for restoration and all unpaid renewal fee within 2 months from date of notification.

- 9.4.10 If the Formalities officer is still not satisfied that the lapse of patent is unintentional, a Notice of Intention to Refuse will be issued. Within 1 month from the date of Notification of Intention to Refuse, the proprietor may request to be heard in the matter. This may be done by filing Form HC4.
- 9.4.11 If the outcome of the hearing is to refuse the request for restoration of patent, the applicant will be notified. The status of the application will remain unchanged.

## 9.5 Payment of Additional Fee and Renewal Fee for Restoration of Patent

9.5.1 The proprietor may proceed to make the payment of additional fee and renewal fee for Restoration of Patent by filing **Patents Form 20** within 2 months from date of the Registrar's notification.

*Rule 53(4)*

9.5.2 Once the request is received, the system will review the following requirements –

a. Patents Form 20 is filed within 2 months from the date of notification;

b. The number of year of unpaid renewal fee is correctly indicated and paid.

9.5.3 If all requirements are met, the system will automatically issue a letter to inform the proprietor that the patent is restored. The restoration will be entered as an event in the register and published in the next Patents Journal. The patent status will be updated to "Patent in Force".

9.5.4 If the Patents Form 20 request does not fulfil the requirements for restoration of patent to be automatically completed, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
- i. Select "Correction of Form lodged" for errors on the form, e.g., wrong option selected on the form;
- ii. Select "Correction of any other document relating to a Patent or an Application for a Patent" for errors on other documents.

- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly;
  - c. To submit clarification letters, supplementary Statutory Declaration and any evidence in response to our letter, the applicant may reply via eCommunications.
- 9.5.5 If the objections cannot be overcome or there is no response within the time period, the request will be refused. If the period for payment of additional fee has passed and the period for restoration has also passed, the status of the patent will be updated to “Lapsed”. If the period for payment of additional fee has passed but it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.
- 9.5.6 If the application is in order, the Formalities officer will proceed to approve the restoration and notify the proprietor via letter. There will be an entry made in the register to the effect that the request has been approved and published in next Patents Journal. The status will be updated to “Patent in Force”.

#### **Non-Payment of Additional Fees for Restoration and Any Unpaid Renewal Fees**

- 9.5.7 In the event that payment is not received within 2 months from the date of Registrar's notification, Registrar will issue a reminder letter.
- 9.5.8 If the applicant wishes to pursue the restoration, he may still proceed to file Patents Form 20 together with a request for extension of time. The applicant may request for multiple extension of time up to 6 months from the original timeline. Any request for extension of time should be made on Patents Form 45 before the end of 6 months from expiry of the original timeline. It is also possible to request for extension beyond the 6 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.
- 9.5.9 Otherwise, the system will proceed to refuse the request for restoration of patent. There will be an entry made in the register to the effect that the request has been refused. If both the period for payment of additional fee and the period to request for restoration have passed, the status of the patent will be updated to “Lapsed”. If the period for payment of additional fee has passed, but it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.

## 9.6 Re-examination After Grant

9.6.1 Re-examination after grant is a process in which a request can be made to re-examine a granted patent. Any person may request for a patent to be re-examined. The re-examination option allows patents that should not have been granted be revoked.

*Section 38A*

9.6.2 It also allows patentees to evaluate and strengthen their patent through amendments which will be subject to an examination process. The grounds for re-examination are generally limited to requirements which are considered during examination. If the Registrar finds that an alleged ground is made out and not resolved by the patentee, the patent may be revoked.

9.6.3 The request for re-examination of the specification of a patent under section 38A may be filed any time after the grant of the patent, and only if there are no other proceedings pending before the court or the Registrar in which the validity of the patent may be put in issue.

*Section 38A(5)*

9.6.4 A request for re-examination should be filed via **Patents Form 36**, selecting the option “Request for re-examination after grant” together with the prescribed fee. The request should state the reasons to substantiate the ground and any document that the person considers to be relevant for the purposes of the re-examination. The patentee will be notified if there is a request for re-examination.

9.6.5 The grounds for requesting a re-examination after grant are as follows –

- a. The invention is not a patentable invention;
- b. The specification does not disclose the invention clearly and completely for it to be performed by a person skilled in the art;
- c. The matter disclosed in the specification extends beyond that disclosed in the application for the patent, as filed; or where the patent was granted on a new application filed;
- d. An amendment has been made to the specification of the patent which results in the specification disclosing any additional matter or extends the protection conferred by the patent;
- e. An amendment has been made to the specification of the application for the patent which results in the specification disclosing any matter extending beyond that disclosed in the application as filed;
- f. A correction has been made to the specification of the patent or of the application for the patent which should not have been allowed;
- g. The patent is one of 2 or more patents for the same invention having the same priority date and filed by the same party or the party’s successor in title.

*Section 38A(1)*

9.6.6 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. The patent must be granted;

c. Statement identifying each ground on which the request is made and explaining how that ground or grounds is or are satisfied;

d. Where any document filed is in a language other than English, an English translation the English translation and the Verification of English translation (VET) of the whole or any part of that document may be requested;

e. Patent is not pending before the court or the Registrar any proceedings in which the validity of the patent may be put in issue;

f. The request is not frivolous, vexatious or an abuse of the process.

9.6.7 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters, supplementary Statutory Declaration and any evidence in response to our letter, the applicant may reply via eCommunications.

- 9.6.8 If the above objections cannot be overcome or there is no response within the time period, the request cannot proceed and the applicant will be notified via letter.
- 9.6.9 When the request fulfils the requirements and the Registrar grants the request, the request will be forwarded to the Patent Examiner to conduct the re-examination. The applicant will be notified via letter.

*Rule 52A(4)*

#### **Issuance of Written Opinion, Re-examination Report and Interview with the Patent Examiner**

- 9.6.10 Upon completion of the re-examination, the Patent Examiner will prepare and forward a copy of the re-examination report to the Registry.
- 9.6.11 If it appears to the Patent Examiner during the re-examination of the specification of the patent that the ground specified in the request or based on any document submitted, any other ground mentioned is made out, the Patent Examiner will issue a Written Opinion. If the Patent Examiner finds the patent valid nonetheless, no further action from the proprietor of the patent will be needed.
- 9.6.12 The proprietor of the patent may, within 2 months after the date on which the Registrar sends the proprietor a copy of the Patent Examiner's written opinion, request an interview with the Patent Examiner, and the Registrar must grant such a request. The Registrar may, in any particular case, grant a request for an interview with the Patent Examiner that is made after this period.
- 9.6.13 A response to written opinion must be submitted with **Patents Form 13A**. Any response that is not submitted within the 3 months from the date of issuance of the written opinion to the applicant and/or submitted without the form will be disregarded.
- 9.6.14 The response should contain written submissions on the Patent Examiner's written opinion, or an application to amend the specification of the patent. The amendment should be indicated by striking through any text, figure or other matter to be replaced or deleted, and underlining any replacement text, figure or other matter. If the proprietor wishes to make written submissions and apply to amend the specification of the patent, the proprietor must do both at the same time.
- 9.6.15 If the proprietor of the patent fails to respond to the written opinion within the prescribed period, the written opinion is treated as the re-examination report.
- 9.6.16 If the Patent Examiner is of the opinion that the proposed amendment would resolve any objection mentioned in the written opinion, he must state so in the re-examination report and specify in the report the objection that would be so resolved. The Registrar may direct the proprietor of the patent to file with the Registrar, within the time specified by the Registrar, a specification

*Rule 52A(5)*

*Rule 52A(7)*

*Rules 52A(10), (11)*



incorporating the amendment.

- 9.6.17 Where the re-examination report issued contains one or more unresolved objections (being an objection mentioned in the written opinion), the Registrar must make an order revoking the patent. The order may be –
- a. an order for the unconditional revocation of the patent; or
  - b. where one of the grounds has been established, but only so as to invalidate the patent to a limited extent, an order that the patent should be revoked unless within a specified time the specification is amended to the satisfaction of the Registrar.
- 9.6.18 A decision of the Registrar to revoke a patent has effect from the date of the grant of the patent.
- 9.6.19 The request for re-examination, written opinion and re-examination report will be made available on the Patents Open Dossier.
- 9.6.20 For more information on re-examination after grant, please refer to the **Examination Guidelines for Patent Applications**.



# 10. EXTENSION OF TIME

## 10.1 Extension of Time or Period

Section 110  
Rule 108

- 10.1.1 A time period may be prescribed in the Rules or specified by the Registrar under these rules for doing certain acts. This is to provide certainty to the public on the status of the application. If the applicant/proprietor is unable to comply with the given time period, it may result in abandonment or refusal of the patent application.
- 10.1.2 However, it may be possible to request for an extension of time to comply with some time periods under certain conditions. This ensures that the applicant's rights are reasonably protected.
- 10.1.3 The applicant/proprietor may request for extension of time or period by filing **Patents Form 45**. The following table illustrates the rules which may be extended –

Extension of Time	Patents Rules
Cannot be extended	<p>Rule 8(1), 9(1), (2) and (3), 9A(1) and (2)(a), 19(2), 26(5), 26A(1) and (5)(a), 28(a), (b), (c) and (d), 29(4), 34(2), 46(4), (4A) and (5)(c), 46AA, 49, 51(1), (2),(2A) and (3A), 51A(1) and (2), 52(2), 53(1), 58A(3), 73(1), 74(1), 75, 85(1), 86(3A), 88(8)(a), 88A(11), 91(5) and paragraph 4(2) of the Fourth Schedule;</p> <p>Rule 26(3) (except so far as it relates to the filing of the documents prescribed under Rule 26(4)(a) and (b));</p> <p>Rule 26A(4) (except so far as it relates to the furnishing of the information prescribed under Rule 26A(6)(b) and the filing of the documents prescribed under Rule 26A(7)); or</p> <p>Rule 34(5) (except so far as it relates to the furnishing of the information prescribed under Rule 34(7)(b) and the filing of the documents prescribed under Rule 34(8))</p>
May be extended up to 6 months	<p>Rule 8(2), 9A(5), 9B(1) or (4), 9C(1), 17(3), 28(e) or (g), 45(2), 46A(2) or (5), 51A(3), 53(4), 67, 68, 84(1), 86(4)(b), 88(1) or 112(4) or (5)(b) or paragraph 1(3) of the Fourth Schedule;</p>

Rule 108(2)

Rule 108(3)

Extension of Time	Patents Rules	
	<p>Rule 26A(4) (so far as it relates to the furnishing of the information prescribed under Rule 26A(6)(b) and the filing of the documents prescribed under Rule 26A(7)); or</p> <p>Rule 34(5) (so far as it relates to the furnishing of the information prescribed under Rule 34(7)(b) and the filing of the documents prescribed under Rule 34(8))</p>	
<p><b>May be extended up to 18 months</b></p>	<p>Rule 18(1), 19(11), 26(2), 28(f), 34(1A), 38, 42(3), 43, 47(1), (2) or 86(1), (6), (8) or (8A); or</p> <p>Rule 26(3) (so far as it relates to the filing of the documents prescribed under R26(4)(a) and (b))</p>	<p><i>Rule 108(4)</i></p>
<p><b>Others</b></p>	<p>An extension of time may be requested for any time or period prescribed by the Patents Rules for doing any act or taking any proceedings, and any time or period specified by the Registrar under the Patents Rules.</p> <p>It may be submitted as a written request by a party no later than 6 months after the first expiry of the time or period via eCommunications. The Registrar will review the explanations and supporting documents (if any) to determine if the extension of time is allowable.</p> <p>This is not applicable for Patents Rules mentioned in Rules 108(2), (3), (4) and 108A.</p>	<p><i>Rule 108(1)</i></p>

10.1.4 For extension of time under Rule 108(3) or (4), the applicant may request for multiple extension of time up to 6 or 18 months, depending on the requested rule. The form must be filed before the end of 6 or 18 months from the original due date.

10.1.5 The time periods listed in Rules 108(3) and (4) may be further extended by filing Patents Form 45. A single request may be made for the further extension of more than one time or period in the same proceedings if the extensions are to be made to a common date. The following filing requirements must also be met –

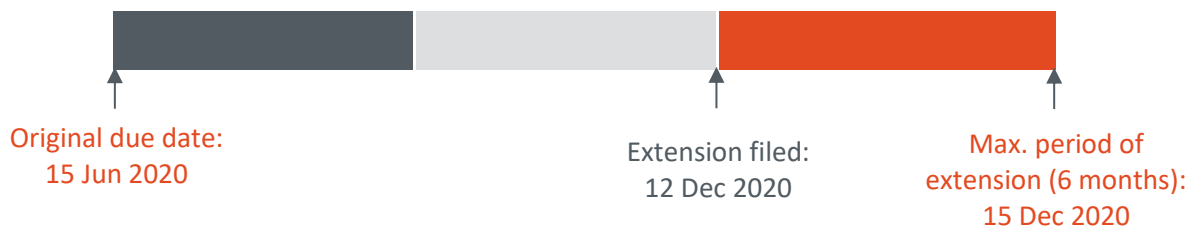
a. The request for further extension must be filed no later than 6/18 months after the first expiry of the time or period for Rules listed in **Chapter 10.1.3**;

b. Time period has already been extended for 6/18 months, depending on the Patent Rule(s) for which the extension is sought;

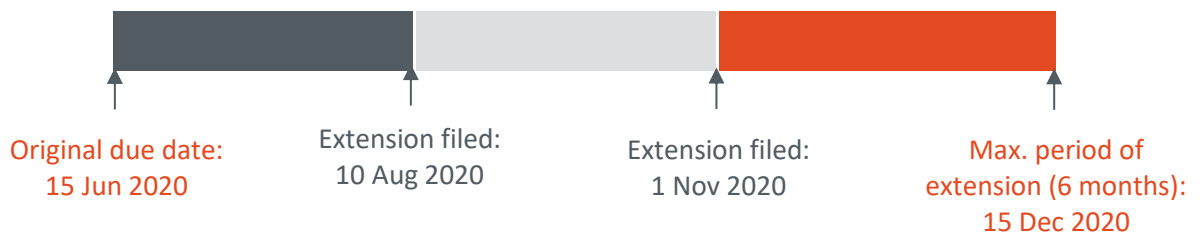
c. Statutory Declaration, or an affidavit, setting out the grounds for the request is submitted. The delay giving rise to the request for extension of time or period should be unintentional. The Formalities officer should be satisfied that the applicant has continuing underlying intention to proceed with the application.

### Rule 108(3):

Extension of time for Rule 45(2) – once:

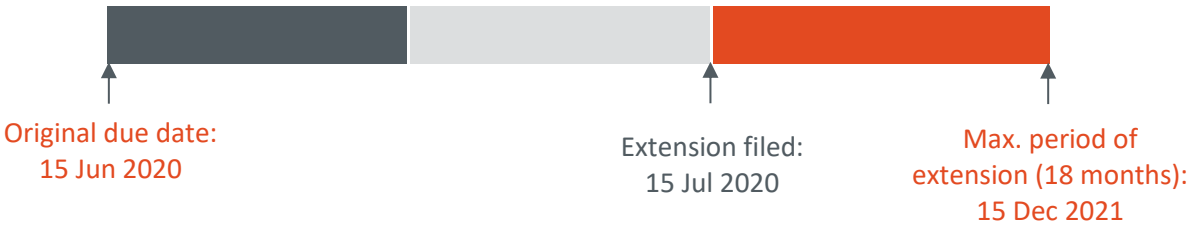


Extension of time for Rule 45(2) – multiple times:

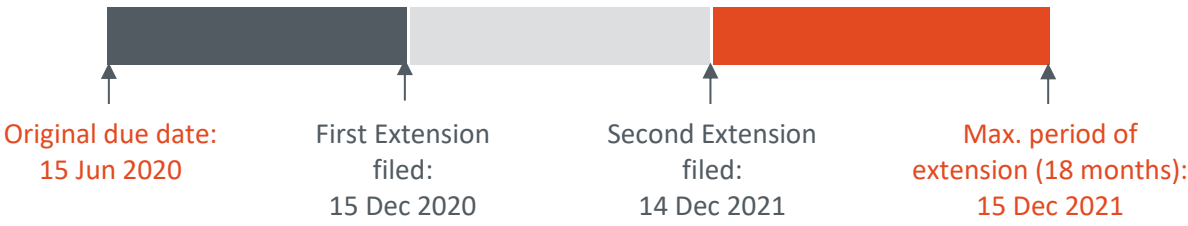


**Rule 108(4):**

Extension of time for Rule 38 – once:

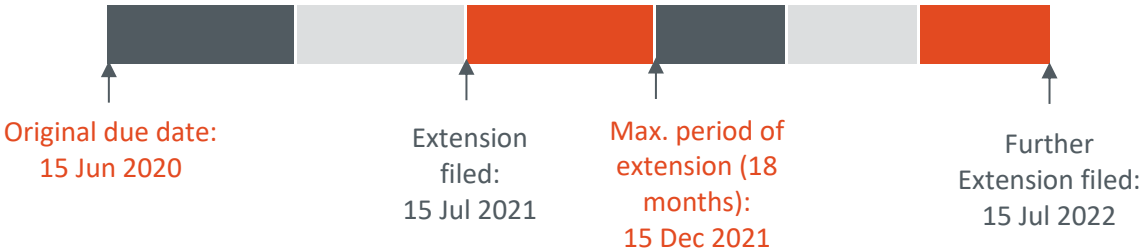


Extension of time for Rule 38 – multiple times:

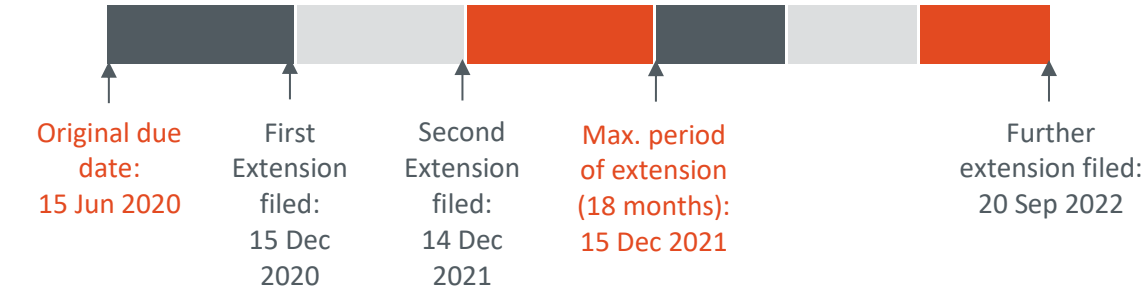


**Rule 108(5):**

Extension of time for Rule 45(2) – once:



Extension of time for Rule 45(2) – multiple times:



### Extension of Time (EOT) under Rule 108(3)/(4)

10.1.6 Once a request for extension of time (EOT) under Rule 108(3)/(4) (For patent applications lodged on or after 14 Feb 2014) is received, the system will review the following requirements –

a. Only one rule is selected for extension;

b. The form is filed within 6 or 18 months (depending on the Patent Rule for which extension is sought) from the original due date;

c. The total period of extension does not exceed 6 or 18 months;

d. For extension of time for pre-grant rules, the patent should not be granted;

e. The application is not withdrawn;

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved.

10.1.7 If the request satisfies the above criteria for the system to approve automatically, the time period specified will be extended. There will be an entry made in the register to the effect that the request has been approved.

a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.

b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to another time period which has not been met, the status will remain unchanged.

10.1.8 If the request does not satisfy the above criteria for it to be approved automatically, the Formalities officer will review the above requirements manually.

10.1.9 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
    - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
    - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
  - b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
  - c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunications.
- 10.1.10 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request. The status of the application will remain unchanged.
- 10.1.11 If the request satisfies the requirements, the Formalities officer will approve the request for extension. There will be an entry made in the register to the effect that the request has been approved.
- a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.
  - b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to another time period which has not been met, the status will remain unchanged.

#### **Extension of Time (EOT) under Rule 108(5)**

- 10.1.12 Once a request for extension of time (EOT) as of right under Rule 108(5) (Patents Form 45 – For patent applications lodged after on or after 14 Feb 2014) is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. For extension of time for pre-grant rules, the patent should not be granted;

c. Representation details and/or address for service on form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

d. Extension as of right has been exhausted for patent applications lodged before 14 Feb 2014;

e. The form is filed within 6 or 18 months (depending on the Patent Rule for which extension is sought) for patent applications lodged on or after 14 Feb 2014;

f. Statutory Declaration or affidavit has been filed and the applicant has provided supporting reasons to show his continuing underlying intention (“CUI”) to proceed with the application.

10.1.13 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the reason(s) stated is not satisfactory or sufficient to show continuing underlying intention to proceed with the application, the Formalities officer will request for supplementary Statutory Declaration to clarify any doubts. It is possible to write in to request for an extension of time for furnishing supplementary Statutory Declaration.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a request for correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters, supplementary Statutory Declaration or supporting documents in response to our letter, the applicant may reply via eCommunications.



- 10.1.14 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will issue Notification of Intention to Refuse. The applicant may request for hearing by filing Form HC4 within 1 month from the date of Notification of Intention to Refuse.
- 10.1.15 If the outcome of the hearing is to refuse the extension of time, the applicant will be notified. For applications lodged on or after 14 Feb 2014, a refund will be made for the additional fees paid for the period of extension of time sought. The status of the application will remain unchanged.
- 10.1.16 If the requirements are met or the outcome of the hearing is positive, the Formalities officer will approve the extension of time for the period specified.
- a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.
  - b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to another time period not met, the status will remain unchanged.

## 10.2 Protection and Compensation of Persons Affected by Extension of Time

- 10.2.1 A notification of the Registrar’s decision will be published in the Patents Journal where he has granted – *Rule 109(1)*
- a. a total extension of time of more than 6 months under Rule 108(1); or
  - b. an extension of time under Rule 108(5),
- for any act in relation to a published patent application, or in proceedings under the Act or these Rules which has not been so done within the time required. *Section 27*
- 10.2.2 A notification of the decision of the court will be published in the Patents Journal where the Registrar has granted or refused – *Rule 109(2)*
- a. a total extension of time of more than 6 months under Rule 108(1); or
  - b. an extension of time under Rule 108(5),
- for any act in relation to published patent application, or in proceedings under the Act or these Rules, and where the court reviews the decision of the Registrar under Section 90 (Appeals from Registrar) or 91 (General powers of court) and decides to vary (change) or set aside (overturn) the decision under review and make a decision in substitution for the decision so set aside. *Section 27*

- 10.2.3 Where the above notification has been published, a person who availed himself, or took definite steps by way of contract or otherwise to avail himself, of the invention and the patent application concerned by reason of the act or step in relation to which the extension was granted not having been done or taken within the time allowed, will have the right to continue to avail himself of the invention but this right does not extend to granting a licence to another person in respect of the invention.
- 10.2.4 If the above person entitled to the right conferred availed himself, or took the steps to avail himself, of the invention in the course of business, that person may –
- a. authorise any partners of his for the time being in that business to avail themselves of the invention; and
  - b. assign that right or transmit it on death (or in the case of a body corporate, on its dissolution), to any person who acquires that part of the business.
- 10.2.5 Where a product is disposed of to another in exercise of the rights conferred as referred to in **Chapters 10.2.3 and 10.2.4**, that other person and any person claiming through him may deal with the product in the same way as if it has been disposed by the registered proprietor of the patent.



# 11. OTHER PROCEDURES

## 11.1 Mention of Inventor

- 11.1.1 A patent is granted primarily to the inventor(s) of the invention, unless any other person is entitled to the invention by virtue of any enactment of law, treaty, international convention, or agreement entered into with the inventor before the making of the invention. The inventor or joint inventors of an invention have a right to be mentioned in any patent and published application for a patent for the invention. *Section 19*  
*Section 24(1)*
- 11.1.2 If the applicant(s) is not the sole inventor(s), he may identify the inventor(s) by filling up Parts 3.3 and 3.4 of the Applicant & Inventor Details tab of the Patents Form 1. Conversely, **Patents Form 8** can be filed to identify the inventor(s) and the derivation of his right to be granted the patent. *Rule 18(1A)*
- 11.1.3 For PCT application entering national phase in Singapore, inventor's details may be available in WIPO. A separate Patents Form 8 is not required where inventorship has already been declared in the PCT application. If the applicant chooses to file Patents Form 8, duplicate records may occur and applicant can inform the Registrar to remove the duplicate record. *Section 87(1)*  
*Rule 18(3)*
- 11.1.4 Patents Form 8 must be filed within the following timelines – *Rule 18(1), 28(f)*  
*86(8) & 86(8A)*
- a. Normal application:
    - i. 16 months from the declared priority date, or if there is no priority date, from its date of filing;
  - b. Divisional application:
    - i. 16 months from the declared priority date, or if there is no priority date, from its date of filing; or
    - ii. On the initiation date of the divisional application (Patents Form 1), whichever is later;
  - c. PCT application entering national phase in Singapore:
    - i. 16 months from the declared priority date or if there is no priority date, from its filing date; or
    - ii. 2 months from date national phase begins, whichever is later; (National phase entry begins when the applicant requests early national phase entry and the requirements are satisfied, or at the

expiry of 30 months or extended time period for normal/late entry).

11.1.5 Upon receipt of the Patents Form 8, the Formalities officer will review these requirements –

a. Form is filed within the timelines specified above, or extension of time has been approved;

b. There is at least one inventor named in the form;

c. The derivation of rights is indicated in the form (Part 6);

d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved.

11.1.6 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors on the form, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
- b. To update the representation details and/or address for service (which is not a request for correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters in response to our letter, the applicant may reply via eCommunications.

11.1.7 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. If the time for filing Patents Form 8 has passed, the application will be treated as abandoned.

11.1.8 If all requirements are met, the Formalities officer will approve the request and the applicant(s) and inventor(s) will be notified via letter (for applications without priority claims). There will be an entry made in the register to the effect that the request has been approved, and in the next Patents Journal.

### Addition and/or Removal of Inventor(s)

11.1.9 If a person alleges that he ought to have been mentioned as the inventor, he may file **Patents Form 7** to add himself as inventor.

11.1.10 If a person alleges that a person(s) ought not to have been mentioned as inventor(s), he may file **Patents Form 7** to remove the inventor(s). A single Patents Form 7 may be used if the same person is seeking to add himself as inventor and remove the inventor(s) mentioned. Patents Form 7 must be filed together with a **statement** setting out fully the facts relied upon for the addition and/or removal of inventor(s).

11.1.11 Once the request is received, the Formalities officer will review the following requirements –

a. The fee has been paid;

b. For addition of inventor, the request is filed by the inventor to be added;

c. For removal of inventor, the request is filed by person other than the inventor to be removed;

d. The inventor is an individual;

e. A statement of fact setting out the facts relied upon for the request is filed and covers all the inventors in question;

f. A declaration by the filer that a copy had been served on the other party at the same time.

11.1.12 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

- b. To update the representation details and/or address for service (which is not a request for correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters, supporting documents or statement in response to our letter, the applicant may reply via eCommunications.

11.1.13 If the objections cannot be overcome or there is no response from the applicant, the Formalities officer will refuse the request.

11.1.14 If the application is in order, the Formalities officer will send a copy of the application to all applicants and inventors on record.

### **Opposition to Addition and/or Removal of Inventor(s)**

11.1.15 Any recipient of the copies of the application may oppose to the application. They may do so by filing **Patents Form 58** within 2 months from the date of the notice. The request should be accompanied by a statement setting out the grounds of opposition.

*Rule 17(3)(a)*

11.1.16 Often, the Registrar received returned mail due to invalid addresses. When this happens, the Formalities officer will write to the patent agent or address for service on record to request for an updated address for the affected applicant or inventor. The time for opposition for that affected party will be calculated from the date that the notification is sent to the updated addresses. Applicants should ensure that the addresses of the applicants and inventors are duly updated, so that addition or removal can be timely effected.

11.1.17 If the outcome of the opposition is successful, the Formalities officer will refuse the request.

11.1.18 If the outcome of the opposition is unsuccessful or there is no opposition received within 2 months from the date of notification, the Formalities officer will update the register. A notification will be sent to the requestor and copied to the applicants, inventors and any other affected parties to inform on the approval. The event will be entered in the register.

*Rule 17(5)*

### **Other Changes to the Inventors**

11.1.19 For errors in the list of inventors, addition or removal of inventors may be done by filing a fresh Patents Form 8 if it is still within the allowable time period. Otherwise, Form CM4 together with supporting documents should be filed to show that there is an error. A simple declaration stating that there is an error in the list of inventors is insufficient to prove that there is an error. Detailed explanation on how the error has occurred is required.

*Rule 58*

- 11.1.20 For change in the sequence of the inventors, the applicant may write in via eCommunications. The Formalities officer will update the records accordingly.
- 11.1.21 For removal of inventors due to amendments of the specification, a written request and letter of consent from all applicants and inventors may be submitted via eCommunications to update the register. In the event that consent was not given by all parties, the officer will inform the applicant to request for written consent. If the matter cannot be agreed upon, the matter will be resolved by filing Patents Form 7.

## 11.2 Addition, Correction or Late Declaration of Priority

- 11.2.1 In general, an applicant must file his Singapore patent application within 12 months from the date of filing of the earlier relevant application. If there is more than one relevant application, the Singapore patent application must be filed within 12 months from the Date of the Filing of the earliest relevant application. The “priority date” of an invention to which an application for a patent relates will then be the date of filing of that earlier relevant application (or where there is more than one relevant application, the earliest of them).
- 11.2.2 The declaration of priority must be made by the applicant at the time of filing the Singapore patent application.

### Addition or Change in Priority Date

- 11.2.3 A declaration claiming priority to an earlier relevant application may be made after the date of filing and cause the application in suit to –
- a. Have a declared priority date, where there was none previously; or  
b. Bring forward the declared priority date to an earlier date,
- if the following requirements have been met –
- a. The declared priority date to be claimed is not more than 12 months before date of filing of the application in suit. Otherwise, restoration of priority is also sought
- b. The declaration is made on **Patents Form 57 within 16 months** (not extendable) –
- i. From the declared priority date (as changed) for normal applications;  
ii. On same day as filing the application for divisional applications.
- c. Such a declaration may only be made if the application has not been

*Section 17(2)  
Rule 9*

published under Section 27. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

**Example 1 – Addition of priority date (within timeline to file Patents Form 57):**

Event Date	Scenario A (Correct request made)	Scenario B (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Dec 2015	Applicant files application in SG on Invention X but did not make any priority declaration, i.e., no declared priority date.	
1 Jan 2016	Request to add the priority declaration of US application is made on <b>Patents Form 57</b> <u>within 16 months</u> from 1 Jun 2015.	Request to correct the omission of priority declaration of US application is made on <b>Form CM4</b> <u>within 16 months</u> from 1 Jun 2015.

**Scenario A:** This will cause the application to have a declared priority date as none was made in the first instance. It is seen as an addition of priority claim, thus Rule 9(2)(a)(i) applies.

**Scenario B:** This will cause the application to have a declared priority date as none was made in the first instance. It is not possible to make such a correction using Form CM4 under Rule 91 as the applicable rule and form is Rule 9(2) and Patents Form 57.

**Example 2 – Addition of second priority date:**

Event Date	Scenario C (Incorrect request made)	Scenario D (Correct request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Aug 2015	Applicant files Invention X in AU claiming priority from the US application.	
1 Dec 2015	Applicant files application in SG on Invention X and makes a priority claim on the US application only (1 Jun 2015).	
1 Jan 2016	Request to add the priority declaration of AU application is made on <b>Patents Form 57</b> .	Request to correct the omission of priority declaration of AU application is made on <b>Form CM4</b> .

**Scenario C:** The application has a declared priority date and the request for addition of a second priority date does not cause the declared priority date to be brought forward to an earlier date. Hence, Patents Form 57 is not applicable.

**Scenario D:** The application has a declared priority date and the request for addition of a second priority date does not cause the declared priority date to be brought



forward to an earlier date. The correction of the second priority date may be made under Rule 91 using form CM4.

**Example 3 – Change in priority date (within timeline to file Patents Form 57):**

Event Date	Scenario E (Correct request made)	Scenario F (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Aug 2015	Applicant files Invention X in AU claiming priority from the US application.	
1 Dec 2015	Applicant files application in SG on Invention X and makes a priority claim on the AU application.	
1 Jan 2016	Request to add the priority declaration of US application is made on <b>Patents Form 57</b> <u>within 16 months</u> from 1 Jun 2015.	Request to correct the omission of priority declaration of US application is made on <b>Form CM4</b> <u>within 16 months</u> from 1 Jun 2015.

**Scenario E:** This will cause the declared priority date to be brought forward to an earlier date. Hence, Rule 9(2)(a)(ii) applies.

**Scenario F:** This will cause the declared priority date to be brought forward to an earlier date. It is not possible to use Form CM4 to correct the omission of the priority declaration under Rule 91 as the applicable rule and form is Rule 9(2) and Patents Form 57.

**Example 4 – Change in priority date (within timeline to file Patents Form 57, but application is published before 16 months):**

Event Date	Scenario G (Incorrect request made)	Scenario H (Correct request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Aug 2015	Applicant files Invention X in AU claiming priority from the US application.	
1 Dec 2015	Applicant files application in SG on Invention X and makes a priority claim on the AU application.	
1 Jun 2016	Applicant requests for early publication and the application is published.	

<b>1 Aug 2016</b>	Request to add the priority declaration of US application is made on <b>Patents Form 57 within 16 months</b> from 1 Jun 2015.	Request to correct the omission of priority declaration of US application is made on <b>Form CM4 within 16 months</b> from 1 Jun 2015.
-------------------	---	--

**Scenario G:** This will cause the declared priority date to be brought forward to an earlier date. It is not possible to make such a change to the declared priority date where the application has been published.

*Rule 9(4)*

**Scenario H:** This will cause the declared priority date to be brought forward to an earlier date. The omission of the priority declaration may be corrected under Rule 91 using form CM4.

**Correction of Mistake in Priority Declaration that would cause the Declared Priority Date to be changed to a different date**

11.2.4 A declaration to correct a mistake in a priority declaration that would cause the declared priority date to be changed to a different date may be made under the following conditions –

*Rule 9(3)*

- a. Correction is made on **Patents Form 57** within 16 months (not extendable) –
  - i. From the declared priority date (as changed) for normal applications;
  - ii. On same day as filing the application for divisional applications.
  
- b. Such a declaration may only be made if the application has not been published under Section 27. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

*Rule 9(4)*

**Example 5 – Correction of priority date (within timeline to file Patents Form 57):**

Event Date	Scenario I (Correct request made)	Scenario J (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Dec 2015	Applicant files application in SG on Invention X claiming priority from the US application. However, the priority date was indicated as 1 Jul 2015 (which is incorrect).	

Event Date	Scenario I (Correct request made)	Scenario J (Incorrect request made)
1 Jan 2016	Request to correct the mistake in the priority declaration of the US application is made on <b>Patents Form 57 within 16 months</b> from 1 Jun 2015.	Request to correct the mistake in the priority declaration of the US application is made on <b>Form CM4 within 16 months</b> from 1 Jun 2015.

**Scenario I:** This will cause the declared priority date to be changed to a different date, thus Rule 9(3) applies.

**Scenario J:** This will cause the declared priority date to be changed to a different date. It is not possible to make such a correction using Form CM4 under Rule 91 as the applicable rule and form is Rule 9(3) and Patents Form 57.

**Late Declaration of Priority (Restoration of Right of Priority)**

11.2.5 A request may be made to file the declaration of priority later than 12 months (but no later than 14 months) from the declared priority date under the following conditions –

*Section 17  
Rule 9A*

- a. The declaration is made on **Patents Form 57** within 14 months (not extendable) –
  - i. from the declared priority date for normal applications;
  - ii. on same day as filing the application for divisional applications; or
  - iii. within 1 month from the date which national phase begins for national phase entry applications.
  
- b. Where a request to file a declaration of priority later than 12 months but no later than 14 months has been made, and the applicant has failed to file the application in suit within 12 months from the priority date, he has to indicate in the request whether the failure to file the application in suit –
  - i. had occurred in spite of due care required by the circumstances having been taken; or
  - ii. was unintentional.
  
- c. Such a declaration can only be made if the application has not been published under Section 27. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn. This does not apply for PCT national phase entry.

*Rule 86(3A)*

**Example 6 – Late declaration of priority (within timeline to file Patents Form 57):**

Event Date	Scenario K (Correct request made)	Scenario L (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Jul 2016	Applicant files application in SG on Invention X (but did not make a declaration claiming priority from the US application at this time).	
1 Aug 2016	Request to file the late declaration of priority on the basis of the US application is made on <b>Patents Form 57</b> <u>within 14 months</u> from 1 Jun 2015.	Request to file the late declaration of priority on the basis of the US application is made on <b>Form CM4</b> <u>within 14 months</u> from 1 Jun 2015.

**Scenario K:** Rule 9A is applicable and the request to file the late declaration of priority is made within 14 months from the declared priority date. Any request to file the late declaration of priority after 14 months from the declared priority date on Patents Form 57 will be refused.

**Scenario L:** Correction under Rule 91 is not applicable as Rule 9A applies.

**Addition or Change in Priority Date and Late Declaration of Priority**

11.2.6 If a declaration of priority is made more than 12 months but not more than 14 months earlier than the date of filing of the application, the applicant should request to make a late declaration of priority at the same time as when making the declaration of priority. The following conditions have to be met –

- a. A late declaration of priority may be made only if the earlier application has been declared in accordance with Rule 9.
- b. Where the said earlier application is the intended declared priority application and it was not declared when filing the application in suit, the applicant will need to, at the same time as making the request for a late declaration, make a declaration after the date of filing under Rule 9(2).
- c. Where the said earlier application is not the intended declared priority application, the claim of priority to this application cannot be made.

**Example 7 – Addition of priority date and late declaration of priority (within timeline to file Patents Form 57):**

Event Date	Scenario M (Correct request made)	Scenario N (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Jul 2016	Applicant files application in SG on Invention X but did not make any priority declaration i.e., no declared priority date.	
1 Jul 2016	Request to add the priority date and to make a late declaration of priority is made on <b>Patents Form 57</b> <u>within 14 months</u> from 1 Jun 2015.	Request to add the priority date and to make a late declaration of priority is made on <b>Form CM4</b> <u>within 14 months</u> from 1 Jun 2015.

**Scenario M:** This will cause the application to have a declared priority date as none was made in the first instance. Hence, Rule 9(2)(a)(i) applies. As the period to claim priority to the US application has exceeded 12 months, it is necessary to also make a late declaration of priority. Under Section 17 read with Rule 9A, such a late declaration of priority may be made within 14 months of the US application.

**Scenario N:** Correction under Rule 91 is not applicable as Rules 9(2)(a)(i) and 9A applies.

**Correction of Declared Priority Date and Late Declaration of Priority**

11.2.7 If a late declaration of priority is made, the details of the earlier application must be correctly declared in accordance with Rule 9.

11.2.8 If a correction of a mistake in the declared priority date will result in the declared priority date to be more than 12 months but not more than 14 months earlier than the date of filing the application in suit, the applicant should request to make a late declaration of priority at the same time as when making the declaration of priority.

**Example 8 – Correction of priority date and late declaration of priority (within timeline to file Patents Form 57):**

Event Date	Scenario O (Correct request made)	Scenario P (Incorrect request made)
1 Jun 2015	Applicant files Invention X in US.	
1 Jul 2016	Applicant files application in SG on Invention X and makes a priority declaration of 1 Jul 2015.	
1 Aug 2016	Request to correct a mistake in the declared priority date from 1 Jul 2015 to 1 Jun 2015 and to make a late declaration of priority is made on <b>Patents Form 57 within 14 months</b> from 1 Jun 2015.	Request to correct a mistake in the declared priority date from 1 Jul 2015 to 1 Jun 2015 and to make a late declaration of priority is made on <b>Form CM4 within 14 months</b> from 1 Jun 2015.

**Scenario O:** This will cause the declared priority date to be changed to a different date, thus Rule 9(3) applies. As the period to claim priority to the US application has exceeded 12 months, it is necessary to make a late declaration of priority within 14 months from the declared priority date since Rule 9A applies.

**Scenario P:** Correction under Rule 91 is not applicable as Rules 9(3) and 9A applies.

11.2.9 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. This application is not a Patents Form 1 application having a date of filing before 1 Apr 2007;

c. The national application has not been published under Section 27 (non-PCT national phase entry application);

d. There is no pending request for early publication (Patents Form 9);

e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

f. For requests with late priority declaration, the reason for failure to file the application within the timeline is indicated in Part 6 of the form;

g. The form is filed within time;

h. The declaration must state the date of filing of the earlier application and the country it was filed in or in respect of;

i. The priority application, file number or priority documents may be filed within 16 months from the declared priority date. The application number may be provided via Patents Form 13.

ii. Extension of time: If more time is required to provide the details or documents, the applicant may request for multiple extension of time up to 6 months from the original timeline. Any request for extension of time should be made on Patents Form 45 before the end of 6 months from expiry of the original timeline. It is also possible to request for extension beyond the 6 months if the request is sent no later than 6 months after the expiry of the first time period, and if the request is accompanied by a Statutory Declaration accompanying the grounds of the request.

*Rule 108(3)*

*Rule 108(5)*

i. Priority details indicated in Part 4 of the form corresponds with the option selected on the form –

i. Added priority date becomes the declared priority date for these requests:

- A priority declaration under Rule 9(2); or
- A priority declaration under Rule 9(2) and a request under Rule 9A(2) for permission to make a late priority declaration.

ii. The priority application number matches with one of the priority details on record for these requests:

- A request under Rule 9(3) to correct a mistake in a priority declaration;
- A request under Rule 9A(2) for permission to make a late priority declaration; or
- A request under Rule 9(3) to correct a mistake in a priority declaration and a request under Rule 9A(2) for permission to make a late priority declaration.

11.2.10 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To update the representation details and/or address for service (which is not a request for correction of error), the applicant may file Form CM1 or CM2 accordingly.
- b. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunications.

11.2.11 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the applicant. The event will be entered in the register.

11.2.12 If the request satisfies all requirements, the Formalities officer will approve the request and notify the applicant. The pre-grant due dates will be updated and calculated from the new or corrected priority date. The event will be entered in the register.

### 11.3 Filing of Drawing(s), Description or Part of Description

11.3.1 For applications initiated on or after 1 Apr 2007, a drawing or part of the description missing from the application may be submitted by filing **Patents Form 56**.

11.3.2 The date of filing of the application will be changed to the submission date of the missing part unless the applicant makes a request for the date of filing to remain unchanged. In both instances, the date of filing accorded earlier could be re-dated to a later date if the requirements are not met.

11.3.3 When the entire description is missing, it will not be considered as a missing part, and a deficiency will be issued. The description may be submitted via eCommunications and the date of filing will be accorded when the description is submitted.

#### **Request for Later date of filing Not to Apply**

11.3.4 The term “missing part” is used when the applicant files a drawing or part of the description that is originally missing from the application without any notification from the Registrar that something in the patent specification is missing. To request for later date of filing not to apply, the following requirements should be met –

- a. Patents Form 56 is filed within 3 months (not extendable) from date of filing or initiation date for divisional applications;
- b. A reference to an earlier application has been declared in accordance with Section 17(2);

*Section 26(9)(b)(i)*



- c. A statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed;
- d. Furnishing of information in relation to the earlier relevant application; and *Rule 26A(6)*
- e. Filing of documents in relation to the earlier relevant application. *Rule 26A(7)*

A copy of the information in relation to the earlier relevant application or its English translation need not be furnished if it had previously been filed at the Registry. *Rule 26A(8)*

11.3.5 During the preliminary examination of the application, if the Formalities officer finds that a drawing referred to in the description, or a part of the description, appears to be missing this must be formally notified to the applicant in the Preliminary Examination report. To request for later date of filing not to apply, the following requirements should be met – *Section 28(9)(b)(i)*

- a. Patents Form 56 is filed within 3 months (not extendable) from the date of Registrar’s notification that a drawing or part of the description is missing from the application;
- b. A reference to an earlier application has been declared in accordance with Section 17(2);
- c. A statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed; *Rule 26A(6)*  
*Rule 26A(7)*
- d. Furnishing of information in relation to the earlier relevant application;
- e. Filing of documents in relation to the earlier relevant application.

A copy of the information in relation to the earlier relevant application or its English translation need not be furnished if it had previously been filed at the Registry. *Rule 26A(8)*

11.3.6 Although the filing of a missing part, or a drawing or part of the description, and the request to retain the original date of filing can be made within 3 months from the relevant date, the request must be made at the same time as the filing of the missing part. *Rule 26A(1)(b)*

**No Request for Later Date of Filing Not to Apply**

11.3.7 For applications lodged on or after 14 Feb 2014, the missing part must be filed with Patents Form 56 before the applicant files a request for –

- a. Search report;
- b. Search and Examination report;

- c. Examination report; or
- d. Supplementary Examination report.

### **Incorporating the Description in the Patent Application by Reference**

11.3.8 For applications initiated on or after 1 Apr 2007, instead of filing the description of the invention on the day a patent application is initiated, an applicant would still be able to obtain a date of filing for the Singapore patent application if he –

- a. Makes a reference to an earlier relevant application by declaring a priority date (Section 17(2));
- b. Provides the date of filing of this earlier application and the country it was filed in (Section 26(1)(c)(ii)(B) & Rule 26(1)); and
- c. Makes a statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed (Section 26(1)(c)(ii)(C)).

11.3.9 However, if the applicant does not file the following documents required within 3 months from the date of filing, the application will be treated as having been abandoned –

*Section 26(7)*  
*Rule 26(3)*  
*Section 26(12)*

- a. A written notice confirming that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed (Section 26(7)(a));
- b. The description (Section 26(7)(b));
- c. Patents Form 56 (Section 26(7)(c) & Rule 26(4)); and
- d. A copy of the earlier application and its English translation, if any (Section 26(7)(c) & Rule 26(4)). Note that only this requirement is extendable.

11.3.10 The statement of incorporation by reference of the description does not replace the need to file drawings, if any. If no drawings are filed on the date of filing of the application in suit, any drawings filed later may be treated as a part missing from the application.

11.3.11 If the earlier relevant application is not in English, an English translation of that document is required to be filed with the Registry. Applicants would only need to provide the English translation of every part of that earlier relevant application in which the missing part of the Singapore patent application is contained.

*Rule 26A(7)*

11.3.12 Once the request is received, the Formalities officer will review the following requirements –

a. Application is a non-PCT national phase entry application lodged on or after 1 Apr 2007;

b. The application is not withdrawn or granted;

c. The priority application indicated on the form corresponds with Patents Form 1 or on record (if any);

d. A description is enclosed if the description or part of the description is missing;

e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

f. The form is filed within timelines set out above.

11.3.13 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form e.g., wrong option selected on the form;
  - ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the description;
  - iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a request for correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunications.

11.3.14 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the applicant. Preliminary examination will not be performed on the missing part.

11.3.15 If the request satisfies all requirements, the Formalities officer will approve the request and notify the applicant. Preliminary examination will be performed on the missing part.

11.3.16

**Withdrawal of Filing of Drawing(s), Description or Part of Description**

11.3.17 After missing part (Patents Form 56) is filed, it may be withdrawn as long the prescribed period for doing so has not expired. The prescribed period is dependent on which section the missing part is filed under.

11.3.18 A missing part may be withdrawn only by giving a written notice via eCommunications within the prescribed time period set out above.

*Rule 26(A)(3)*

11.3.19 If the withdrawal request is in order, the Formalities officer will approve the withdrawal request and send the withdrawal approval letter to applicant. If the withdrawal request is not in order, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

11.3.20 If the applicant fails to comply with all the relevant requirements, and he does not withdraw the missing parts before the end of the prescribed period, the missing parts will be treated as included in the application and the date of filing will be changed to be the date on which those missing parts are filed at the Registry.

*Section 26(8)*

## 11.4 National Security Clearance and Contravention

**Information Prejudicial to Defence of Singapore or the Safety of the Public**

*Section 33*

11.4.1 A patent application may contain information which is prejudicial to national defence or the safety of the public. Hence, there is a need to assess the information contained in a patent application to determine if it is necessary to prevent the communication and/or publication of such information contained in the application. This applies to both a patent application filed in Singapore, and an international application under the PCT with Singapore as the receiving office.

11.4.2 If the information contained in a patent application is determined to be prejudicial to national defence or the safety of the public, the Registrar shall give directions prohibiting or restricting the publication of that information or its communication to any specified person(s).

- 11.4.3 Any person who fails to comply with the direction shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.
- 11.4.4 National security clearance process is initiated when a patent application is
- a. first filed in Singapore via Patents Form 1/8 or PCT RO101 (i.e., no declared priority date and is not a divisional application) and
  - b. at least one of the applicant(s) or inventor(s) is a person resident in Singapore.
- 11.4.5 National security clearance is not conducted for a patent application where Singapore is the office of second filing, as it is assumed that the publication and communication may have already occurred in the office of first filing.
- 11.4.6 The Formalities officer will review the abstract/specification for terms which may be indicative that the patent application contains information which might be prejudicial to national defence or the safety of the public, e.g., projectile, unmanned plane, explosives, or firearm and any other information in the specification and abstract which might be prejudicial to the national defence or the safety of the public.
- 11.4.7 If the information is determined to be not prejudicial to national defence or the safety of the public, a clearance notification will be sent to the applicant within 2 months from the filing of the patent application first filed in Singapore. Upon the lapse of 2 months from the filing of the application in Singapore and if no directions have been given by the Registrar under Section 33 of the Patents Act (“Section 33”), the applicant may proceed to file his patent application overseas.

#### **Restrictions on Applications Abroad by Singapore Residents**

*Section 34*

- 11.4.8 Similarly, no person resident in Singapore shall, without written authority (also known as “national security clearance”) granted by the Registrar, file or cause to be filed outside Singapore an application for a patent for an invention unless –
- a. An application for a patent for the same invention has been filed at the Registry not less than 2 months before the application outside Singapore; and
  - b. No directions have been given to prohibit or restrict the publication of that information or its communication to any specified person(s).
- 11.4.9 Any person resident in Singapore who filed or caused to be filed a patent application without prior national security clearance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5000 or to imprisonment for a term not exceeding 2 years or to both.

11.4.10 A person resident in Singapore could be an applicant or an inventor named in the patent application first filed outside Singapore. This could include a natural person, the Government, as well as any company or association or body of persons corporate or unincorporated. A person resident in Singapore also includes a foreigner with a valid pass lawfully issued to the foreigner, e.g., a Singapore permanent resident and a work pass holder. The requirement to seek national security clearance is not applicable to a person residing outside Singapore. Generally, for the purpose of Section 34, national security clearance is not required for a Singapore citizen who has been residing overseas for a period of time (e.g., at least 3 months) and who is not residing in Singapore at the time of filing the patent application overseas.

11.4.11 Where a person resident in Singapore intends to file a patent application outside Singapore, without first filing a patent application in Singapore, he will be required to file “Written Authority Sought under Section 34 of the Patents Act” to request national security clearance. This requirement applies so long as at least one applicant or one inventor is a resident in Singapore.

11.4.12 The Formalities officer will conduct a check on the information set out in the form, including –

a. At least one applicant or one inventor is a person resident in Singapore;

b. Title and abstract/specification are in English;

c. Country in which the protection is sought is indicated on the form;

d. Technology cluster is indicated on the form;

e. The request has not been filed and approved previously;

f. Keyword search for terms which may be indicative that the application may contain information prejudicial to national defence or the safety of the public, e.g., projectile, unmanned plane, explosives, or firearm;

g. Any other information in the specification and/or abstract which might be prejudicial to the national defence or the safety of the public.

11.4.13 If any of the above information is missing or incorrect, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 weeks from the date of the letter. If the issue(s) has not been rectified by the stated deadline, a reminder will be issued. When responding to the Formalities officer, the applicant may take note of the following:

- a. To submit a clarification letter or supporting documents in response to our letter, the applicant may reply via eCommunications.
- b. To make substantive amendments to the abstract of the invention, which changes the scope of the invention, the request for national security clearance must be re-filed. This is applicable to both pending and approved national security clearance requests.
- c. To make changes to the name of an inventor/applicant listed in the request, the requestor must write in via eCommunications to inform the Formalities officer. If the initial request is pending, the approval letter (if any) will reflect the updated name. If the initial request has been approved, a revised approval letter will not be issued but the changes will be updated in IPOS' records. It is not necessary to inform IPOS of any changes to the name of an inventor/applicant who is not a Singapore resident at the point when a patent application is to be first filed outside of Singapore.
- d. If there is an inventor/applicant who is a Singapore resident at the point when a patent application is to be first filed outside of Singapore and is not listed in the request, a new request for national security clearance must be filed. On the other hand, it is not necessary to inform IPOS for removal of any inventor/applicant.

11.4.14 If there is no response from the applicant, the request will not be processed, and the applicant will be notified.

11.4.15 A clearance notification will be sent to the applicant if the information is not prejudicial to national defence or the safety of the public. The Registry's response to such requests would be within 5 working days from such receipt. For urgent cases, and in the event where the Formalities officers have been given prior notice, immediate action would be taken, wherever possible.

11.4.16 If the Registrar determines that the request may contain information which might be prejudicial to the defence of Singapore or the safety of the public, the request will be forwarded to a Government department or authority for advice (see [para 11.4.17 – 11.4.22](#) below).

#### **Seeking Advice from Government department or Authority**

11.4.17 If the specification and/or abstract contain relevant keywords and appear to be prejudicial to national defence or the safety of the public, the Formalities officer will inform the applicant that the application is under review and a patent application should not be filed overseas.

11.4.18 The national security clearance request and its documents will be forwarded to a Government department or authority for their advice. This process typically takes up to 2 months.

11.4.19 If the application is not prejudicial to national defence or the safety of the public, the Formalities officer will send a clearance notification to the applicant.

11.4.20 If the information in the application is considered to be prejudicial to national defence or the safety of the public, the applicant will be notified of the decision.

11.4.21 If there is a patent application filed in Singapore or international application filed with Singapore as receiving office, it will be put on hold after the completion of preliminary examination and the request will not be forwarded to the Patent Examiner or the International Bureau.

11.4.22 The Minister for Law will be informed of the directions under Section 33. He will perform regular reviews to determine if the direction is still relevant. If the Minister is of the opinion that the information contained in the application is no longer prejudicial to national defence or the safety of the public, he will inform the Registrar. The Formalities officer will send a clearance notification to the applicant. For a patent application filed in Singapore, the applicant may proceed with search and/or examination. For an international application filed with Singapore as receiving office, it will be forwarded to the International Bureau. The Registrar may extend the time period for doing certain Acts (e.g., request for search and/or examination) if it has expired.

#### **Contravention of National Security Clearance**

11.4.23 If a person resident in Singapore did not obtain national security clearance before filing a patent application overseas, he may have contravened Section 34 of the Patents Act (“Section 34”). The following table lists some of the scenarios in which contravention could have occurred –

Scenario	Offenders
Single entity first filed an application overseas without seeking prior NSC	Applicant(s) and/or inventor(s) residing in Singapore
Inventor(s) first filed an application overseas without seeking prior NSC	Inventor(s) residing in Singapore



Scenario	Offenders
Multiple entities at least one of which is a resident who first filed an application overseas without seeking prior NSC	Applicant(s) and/or inventor(s) residing in Singapore
Resident agent instructed by an applicant residing in Singapore to first file an application overseas (including PCT application) without seeking prior NSC	Applicant(s), resident inventor(s) and/or agent residing in Singapore

11.4.24 The person residing in Singapore may submit a **Request for Composition of an offence** via IPOS Digital Hub from 8 Dec 2023 with the following information –

- a. Details of the patent application filed overseas –
  - i. Country of first filing;
  - ii. Date of first filing;
  - iii. Application number;
  - iv. Applicant(s) and inventor(s) and agent (if any) involved in the overseas patent application, including the country of residency;
  - v. Title of invention;
  - vi. Abstract/specification;
- b. Whether national security clearance was sought before the date of filing, or the same application has been made in Singapore more than 2 months before foreign filing and whether clearance was given;
- c. Mitigating factors/reasons for not seeking national security clearance before filing the patent application overseas; and
- d. Any procedures put in place to prevent future occurrence.

11.4.25 Once the request is received, the Formalities officer will review. If the information provided is not sufficient, the Formalities officer will send a clarification letter to inform and invite the person to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

11.4.26 If it is reasonably suspected that a contravention of Section 34 has occurred, i.e., the person resident in Singapore did not seek national security clearance before filing the patent application overseas, the Formalities officer will proceed to identify whether the alleged offender is a first-time offender and

review the reasons or mitigating factors to determine if the offence may be compounded before putting up a proposal.

11.4.27 If the Registrar determines that the offence may be compounded, the alleged offender(s) will be informed to make payment for the offence within 2 months from the date of the letter. Payment must be made via IPOS Digital Hub's payment platform. Acceptable modes of payment include Internet Banking, Visa/Master credit and debit cards and GIRO. Upon successful receipt of payment, the offence will be compounded. A receipt and a copy of the payment form will be issued.

11.4.28 In the event of non-payment by the deadline or the Registrar determines that the offence cannot be compounded, further proceedings may be initiated.

## 11.5 Application for Entry to be made, or for Cancellation of Entry, in Register to Effect that Licences under Patent are to be Available as of Right

### Application for Entry

11.5.1 At any time after the grant of a patent, the proprietor may wish to endorse his patent with a Licence of Right (LOR) if he is interested in licensing the patent to a third party. An LOR may help to attract licensees and the patent renewal fees that are payable after the LOR entry is made would also be halved.

*Section 53  
Rule 70*

11.5.2 Licensing becomes a viable option when both the licensor and the licensee can benefit from it. The decision whether or not to license is but one feature of the larger business plan and strategy, e.g., question of degree of reliance on licensee for revenue, or the degree of reliance on licensor for viability of business operations.

11.5.3 The proprietor may apply to effect that licences under the patent are available by filing **Patents Form 28**. Once the application has been made, the proprietor will not be able to refuse to license the invention. The terms of the LOR can be negotiated between the proprietor and the licensee. If both parties are not able to reach an agreement on the terms of the LOR, either party may request the Registrar to settle the terms of the LOR.

*Rule 70(1)*

11.5.4 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. Application has been granted and patent is in force;

c. Patent has not been endorsed with licence of right;

d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

e. If there are existing persons registered as having interest in the patent, they have been notified and there is no objection;

f. If there are existing persons registered as having interest in the patent, they have been notified and there is no objection;

g. There are no other pending related requests –

- i. Reference to the Registrar on the Determination about Entitlement to a Patent before or after Grant (Patents Form 2);
- ii. Correction of Error (Form CM4);
- iii. Application to Register, Amend or Terminate Licence (Form CM6);
- iv. Application to Register, Amend or Terminate Security Interest (Form CM7);
- v. Application to Register Transfer of Ownership (Form CM8).

11.5.5 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select “Correction of Form lodged” for errors on the form, e.g., wrong option selected on the form;
  - ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
- b. To update the representation details and/or address for service (which is not a correction of error), the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunications.

11.5.6 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the proprietor. The event will be entered in the register.

11.5.7 If satisfied that the proprietor is not precluded by contract to grant licences, the Formalities officer would proceed to approve the application for entry and inform the proprietor. The event will be entered in the register and published in the Patents Journal.

### **Cancellation of Entry**

*Section 54*

11.5.8 Cancellation of entry on LOR may be applied for by –

- a. The proprietor at any time after an entry has been made; or
- b. Any person who claims that the proprietor of the patent was precluded by contract to make the entry within 2 months from the date of publication in the journal of the relevant entry.

*Rule 73(1)*

11.5.9 The application should be made on **Patents Form 28**. Where an entry is cancelled, the rights and liabilities of the proprietor of the patent shall after the cancellation be the same as if the entry had not been made.

*Section 54(2)*

11.5.10 Where an application to cancel the entry is made by the proprietor, the entry on LOR may be cancelled if the Registrar is satisfied that there is no existing licence under the patent or that all licensees under the patent consent to the application, and the balance of all renewal fees which would have been payable if the entry had not been made have been paid.

*Section 54(4)*

11.5.11 Where an application to cancel the entry is made by a third party, the entry on LOR may be cancelled if the Registrar is satisfied that the proprietor of the patent is and was so precluded. The application shall be supported by a statement setting out fully the nature of the claimant's interest and the facts upon which he relies. The proprietor shall be liable to pay, within the prescribed period, a sum equal to the balance of all renewal fees which would have been payable if the entry had not been made, and the patent shall cease to have effect at the expiration of that period if that sum is not so paid.

*Section 54(5)*

11.5.12 Once the application is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. Application has been granted;

c. Patent has been endorsed with licence of right;

d. If the request is made by the proprietor, the following requirements are met –

- i. Representation details and/or address for service on the form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;
- ii. There is no existing licence under the patent or that all licensees under the patent consent to the application;

e. If the request is made by a third party, the following requirements are met –

- i. The form is filed within the timeline mentioned in **Chapter 11.5.8b**. This timeline is not extendable.
- ii. Statement setting out fully the nature of the claimant's interest and the facts which he relies upon is submitted.

11.5.13 If any of the above requirements are not met, the Formalities officer will send a letter to invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder letter will be issued.

- a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Rules 58 and/or 91). For more details on correction of error, refer to **Chapter 11.8**.
  - i. Select "Correction of Form lodged" for errors on the form, e.g., wrong option selected on the form;
  - ii. Select "Correction of any other document relating to a Patent or an Application for a Patent" for errors on other documents.
- b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.
- c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunications.

11.5.14 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the application and notify the proprietor. The event will be entered in the register.

11.5.15 If the request satisfies all requirements, the Formalities officer will advertise the cancellation in the Patents Journal for opposition. The event will be entered in the register.

### **Opposition**

11.5.16 Any person may oppose to the application to amend the specification. They may do so by filing a notice of opposition via Patents Form 58 within 2 months from the date of the advertisement. The notice should be accompanied by a statement setting out the facts relied upon for opposition and the relief sought.

11.5.17 If an opposition is filed, IPOS Hearings and Mediation Department will communicate to the Registry on the outcome of the opposition.

- a. If the outcome of the opposition is successful, the Formalities officer will refuse the application. The event will be updated in the Register.
- b. If the outcome of the opposition is unsuccessful, the Formalities officer will invite the proprietor to pay the balance of the renewal fees within 2 months.

### **Payment of Balance Renewal Fees**

11.5.18 If there is no opposition filed or the opposition is unsuccessful, the Formalities officer will invite the proprietor of the patent to pay fees equal to the amount of the balance of all renewal fees, which would have been payable if the entry had not been made, within 2 months from the date of the notification. The fees are to be made by filing Patents Form 15.

11.5.19 Upon receipt of the fees mentioned above, the Formalities officer may proceed to cancel the entry if he is satisfied that there is no existing licence under the patent or that all licensees under the patent consent to the application.

11.5.20 Where a request to cancel the entry is made by a third party and the proprietor did not pay the balance fees within the period mentioned above, the patent shall cease to have effect at the expiration of that period.

11.5.21 Any person interested in obtaining a licence to someone's patent may start by looking at the register for patents that are endorsed with a licence of right entry. The list of approved LOR is searchable via IPOS Digital Hub, by using Advanced Search and selecting Licences of Rights within the Search field.

## 11.6 Withdrawal and Refund

- 11.6.1 If the applicant decides not to proceed with the patent application, he may withdraw the application by filing **Form CM9**. Any withdrawal of such an application may not be revoked.
- 11.6.2 If the applicant intends to withdraw any of the Patents Form which he has submitted, he may write in via eCommunications. The Formalities officer will confirm the withdrawal of the request by sending a notification letter.
- 11.6.3 As part of our ongoing efforts to improve our customer service, the refund policy relating to duplicate submission of forms with fees has been updated. If the applicant has made or discovered a duplicate submission, he shall promptly withdraw the duplicated request and submit a **Request for Refund** to obtain a refund for the fees. For fees paid on the request for search and/or examination, a refund will be allowed if the Patent Examiner has not started work.
- 11.6.4 Other requests for refunds will be considered on a case-by-case basis.
- 11.6.5 The Formalities officer will notify the applicant on the outcome of the refund request.

## 11.7 Communication with the Registry or the Patent Examiner

### Electronic Correspondence with the Registry

- 11.7.1 Applicants are highly encouraged to use the eCommunications module in IPOS Digital Hub customer portal to correspond with the Registry in relation to their patent applications. Applicants' intentions should be clearly indicated in their cover letter.
- 11.7.2 The Application/case number together with Registry's reference number should also be quoted in full in the applicants' subsequent reply thereto. Such practices would assist the Registry in routing the correspondences to the patent officer(s) for the appropriate action to be taken.

### Direct Communication with the Patent Examiner

- 11.7.3 The applicant may request for direct communication with the Patent Examiners (IPOS International) with regard to seeking clarification on the objections and comments raised in the Written Opinions issued by the Patent Examiner. It, however, does not replace nor affect the procedures or the

timelines prescribed in the Patents Rules for responding to the written opinion. They continue to apply.

11.7.4 When making such a communication, the applicant may follow the steps listed below –

Steps	Details
1	To begin, applicant will send an email to the Patent Examiner (Secretariat)* using the format provided in <b>Chapter 11.7.5</b> below.
	In addition, the email to the Patent Examiner (Secretariat)* should include an email title e.g., "SG 102017012345Z Request for clarification of the Written Opinion".
2	The Examiner (Secretariat)* will discuss with the Patent Examiner before informing the applicant on the preferred time for contacting the Examiner.
3	The applicant will contact the Patent Examiner as advised by the Patent Examiner (Secretariat)* in Step 2.
4	Any response to the written opinion is to be made in accordance with the Patents Act and Rules and in addition, the applicant is to summarise their understanding of the discussion with the Patent Examiner in their response.

\* The contact detail of the Patent Examiner (Secretariat) is as follows –

Contact Details	Patent Examiner (Secretariat)
IPOS International	<a href="mailto:Operations@iposinternational.com">Operations@iposinternational.com</a>

11.7.5 The following is a sample format of the correspondence table –

The following is to be completed by the person seeking clarification from the <b>Patent</b> Examiner under the Singapore Patents Act		
<b>This is addressed to the Patent Examiner:</b>		
1	SG Patent Application Number	
2	Indicate the date of the Written Opinion (WO)	
3	Indicate the name of the Patent Examiner mentioned in the WO	
4	Provide a brief explanation as to why clarification is sought on the WO	



5	Indicate the full name of the person seeking such a clarification	
6	Indicate whether the person seeking clarification: 1. Is the applicant on record or 2. Is the agent on record	
7	Indicate the e-mail address of the person seeking clarification	
8	Indicate the date of this request	

## 11.8 Correction of Error

### **Purpose and Use of Rules 58 and 91**

11.8.1 In the decision of *Novartis (Singapore) Pte Ltd v Bristol-Myers Squibb Pharma Co [2017] SGHC 322*, the Singapore High Court provided legal interpretations for provisions relating to correction of errors. Following from the decision, the Registry has clarified the procedure for correcting an error under Section 107 of, Rules 58 and 91 in Circular No. 4/2018 and 6/2018.

11.8.2 Rule 58 relates to a request for the correction of an error in the register or in any document filed at the Registry in connection with registration.

11.8.3 Rule 91 relates to a request for the correction of an error of translation or transcription or of a clerical error or mistake in –

- a. A specification of a patent,
- b. An application for a patent, or
- c. Any document filed in connection with a patent or such an application.

11.8.4 The Singapore High Court has clarified that reference to “documents filed in connection with registration” is concerned with documents filed in relation to an application for registration of transactions such as a mortgage or transmission upon death.

11.8.5 The Singapore High Court has also clarified that Patents Form 1 is a document that is required for an application for grant of a patent and is not a document filed at the Registry in connection with registration. Therefore, Rule 91 will be the applicable rule for the correction of an error in Patents Form 1.

### **Procedure for Requesting Correction of an Error**

11.8.6 The source of the error should be corrected. For example, if the error was made on Patents Form 1, the correction type should be “Correction of Form”. If the form has been approved and the error on the form has been brought into the register, the correction type should be “Correction of Form” and

Section 27  
Rule 55(1)(A)

“Correction of Register of Patents or Designs”. Correction of Register is only applicable to patent applications which have been published under Section 27. The following details should also be provided in the form –

- a. Details to be corrected in the form and register; and
- b. Relevant rule in which the correction is sought (Rules 58 and/or 91).

11.8.7 From 23 Jul 2018, applicants may seek to correct an error occurring on Patents forms, register of Patents, specification, and/or any other document relating to a Patent or of an Application for a Patent by selecting the various correction types on Form CM4.

11.8.8 From 18 May 2018, the applicant should indicate the relevant rule(s) in which the correction is sought (Rules 58 and/or 91) in all requests for correction of error. As a guide, the correction type and its relevant Patents rule(s) are as follows –

Correction Type under Part 5 of Form CM4	Relevant Patents Rule
Correction of Form Lodged	Rule 58 (in any document filed at the Registry in connection with registration); or Rule 91 (in an application for a patent or in any document filed in connection with a patent or such an application)
Correction of Register of Patents	Rule 58 (correction of each error in the Register)
Correction of Specification of a Patent or of an Application for a Patent	Rule 91
Correction of any other document relating to a Patent or of an Application for a Patent	Rule 91

11.8.9 Forms relating to registration will include Form CM6 (Application to register amend or terminate a licence), Form CM7 (Application to register, amend or terminate a security interest), and Form CM8 (Application to register a transfer of ownership).

11.8.10 Forms relating to an application for a patent will include forms such as Patents Form 1 (Request for the Grant of a Patent), Patents Form 37 (Entry into

National Phase), or Patents Form 11 (Request for Search and Examination Report).

11.8.11 From 26 May 2022, a Request for correction of name, address, and Singapore address for service of agent, applicant, proprietor or other interested person must be submitted using Form CM4 instead of Form CM2.

11.8.12 The following table illustrates the correct form to be used for the following purposes –

Purpose	Applicable Form
Appoint, change or remove an agent	Form CM1
Amendment of the address for service	Form CM2
Amendment of applicant/inventor's name	Form CM2
Amendment of applicant/inventor's address	Form CM2
Amendment of specification	Patents Form 13
Correction of applicant/inventor's name	Form CM4
Correction of specification	Form CM4
Addition or correction of declared priority date (within 16-month from date of filing of priority application)	Patents Form 57
Addition or correction of declared priority date (after 16 months from date of filing of priority application)	Form CM4
Transfer of ownership e.g., change in applicant's name from Applicant A to Applicant B	Form CM8

11.8.13 Where the request relates to an error in any document other than a form, the request shall be accompanied by both the marked-up and clean copies of the proposed correction.

11.8.14 If the Registrar determines that the interests of any person may be affected by any of the following requests for correction under Rule 58 made on or after 26 May 2022, the Registrar may advertise the proposed correction by publishing the request and the nature of the proposed correction in the journal:

*Rule 58A*

- a. an error in the name or other particular of a person in the register or any document under Rule 58;
- b. an error in any information pertaining to a priority application.

11.8.15 The Registrar may also advertise any proposed correction under Rule 91 by publishing the request and the nature of the proposed correction in the journal.

*Rule 91(3)*

11.8.16 For correction of specification, the correction should be obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

11.8.17 The requestor shall provide supporting reasons and/or documents to justify the request. The Registrar shall only consider justification(s) and supporting document(s) put forward with the CM4 request. If the requestor intends to rely on document(s) as justification and it has already been submitted to the Registrar for the same patent application, he may direct the Registrar to the relevant document(s) for reference instead of resubmitting it with the CM4 request.

11.8.18 The Registrar may call for such written explanation of the reasons for the request or evidence in support of it as he may require to satisfy himself that there is an error. *Rule 58(3)*

11.8.19 The Registrar may correct any entry in the register which is attributable wholly or in part to an error, default or omission on the part of the Registry. *Rule 58(4)*

#### **Request to Correct Information in a Published Application**

11.8.20 Requests under Rule 91 to correct declared priority information in a published patent application will only be allowed under exceptional grounds. Applicant may put forth the reason(s) for exceptional grounds in a cover letter, enclosed with the Form CM4. The question of whether exceptional grounds exist will be determined by IPOS taking into account the following non-exhaustive factors –

- a. The impact or effect of the error on the rights and interests of third parties;
- b. The nature of the error, e.g., a clerical error;
- c. Whether the error is obvious or readily apparent on the face of the published application or by reference to other documents in the patent file; and
- d. The time lapse between publication and the date of the request for correction and the reasons given for such delay.

11.8.21 Requests to correct a mistake in the declared priority date should be sought under Rule 9(3) within the 16-month time period stated therein, the relevant form to be used is Patents Form 57.

#### **Correction of Error in Marked-up Specification**

11.8.22 When a request for correction made on Form CM4 relates to an error in any document other than a form, the proposed correction needs to be indicated

on a copy of that document (in the manner stated in Rule 91(1A)). Such documents may include –

- a. A specification of a patent;
- b. A specification of an application for a patent; or
- c. Any document filed in connection with a patent or such an application.

11.8.23 When requesting for the correction of a specification of a patent or of an application for a patent, the proposed correction needs to be indicated on a copy of that specification; when requesting for the correction of any document relating to a patent or such application (e.g., abstract and claims correspondence table), the proposed correction needs to be indicated on a copy of that document. With regard to correction of the specification, the standard stated in Rule 91(2) shall apply (no correction shall be made unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction).

11.8.24 In particular, the correction of a “marked-up” specification is considered to be a correction of a specification of a patent or of an application for a patent. To avoid delays in processing such requests, users should select the appropriate correction type “Correction of Specification of a Patent or of an Application for a Patent” in Form CM4.

11.8.25 From 1 Dec 2019, if corrections have been made to claims, a marked-up copy and a clean copy of the full set of claims have to be submitted with the request. The amendments or corrections should be reflected similarly in both the clean and marked-up copies. Refer to **Chapter 5.1.12** on the accepted format of the marked-up and clean copy of amendments and corrections to specification.



## 12. APPENDIX

### 12.1 Corresponding Application

12.1.1 Corresponding application refers to an application for a patent i.e., an application for protection was filed or treated as filed, with any prescribed patent office that –

- a. Forms the basis for a priority claim under Section 17 in the application in suit; or
- b. Is subject to a priority claim based on –
  - i. The application in suit; or
  - ii. An application which is also the basis for a priority claim under Section 17 in the application in suit.

12.1.2 The prescribed patent offices are –

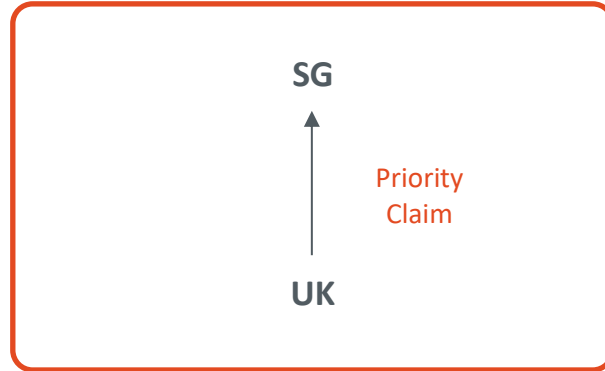
- a. Australia;
- b. Canada (Canadian patent should be filed in English);
- c. Japan;
- d. New Zealand;
- e. Republic of Korea;
- f. The United Kingdom;
- g. The United States of America;
- h. European Patent Office (European patent should be filed in English or the procedural language is in English).

12.1.3 The following are some examples of valid corresponding applications –

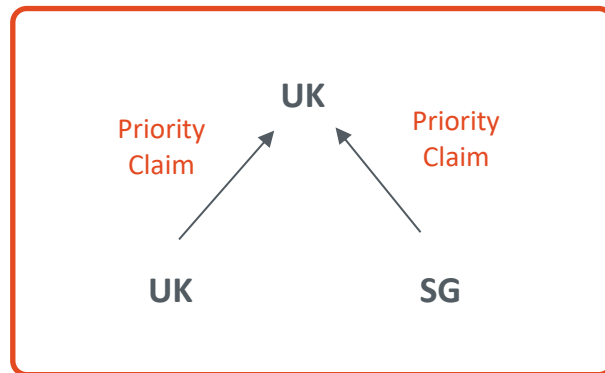
- a. The Singapore (SG) patent application claims priority to the United Kingdom (UK) patent application. The SG patent application is able to rely on the UK patent application as a corresponding application;



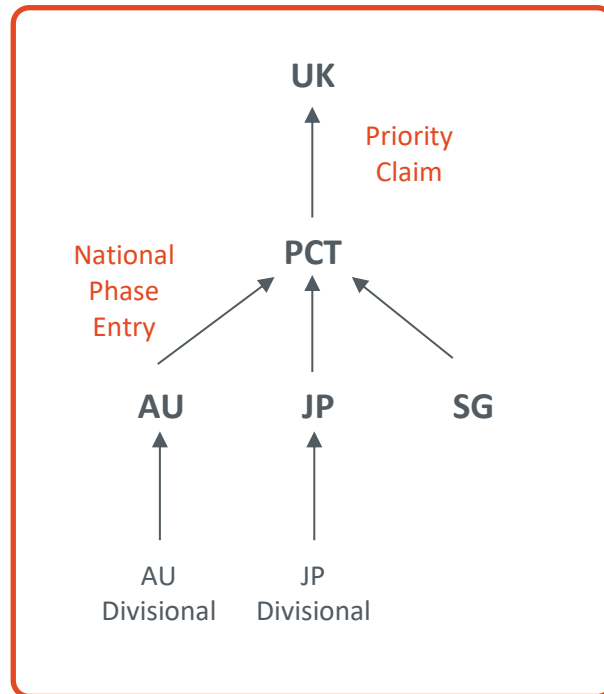
- b. The UK patent application claims priority to the Singapore patent application. The SG patent application is able to rely on the UK patent application as a corresponding application;



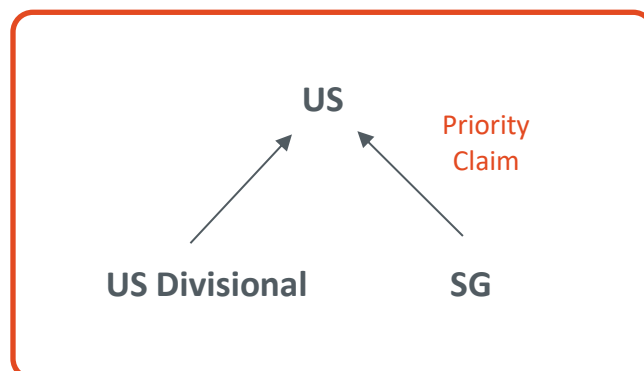
- c. The Singapore patent application claims priority to the UK patent application, and a United States (US) patent application claims priority to the UK patent application. The SG patent application is able to rely on either the UK or US patent application as a corresponding application;



- d. The PCT application claims priority to the UK patent application. The PCT application then enters national phase into SG, Australia (AU), and Japan (JP). Divisional applications were filed for both AU and JP patent applications. In this scenario, the SG patent application is able to rely on any one of the UK, AU, AU Divisional, JP, and JP divisional patent application as corresponding application;



- e. The SG patent application claims priority to the US patent application. A divisional was filed for the US patent application. The US divisional application preserves an earlier date of filing comprising the date of filing of the parent application as well as the benefit of the right of priority, if any. The US divisional application is regarded to make a priority claim to its parent application. The SG patent application is able to rely on the US or US divisional patent application as corresponding application;



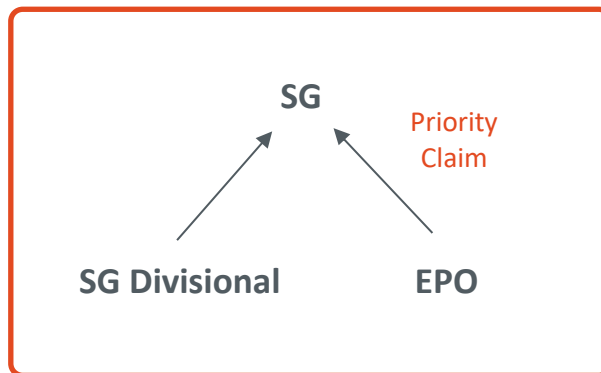


12.1.4 The following are some examples that are not considered as corresponding applications –

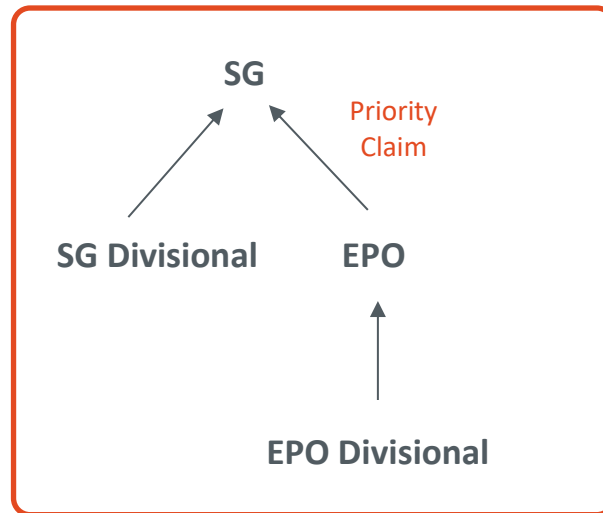
- a. The SG patent application and UK patent application has no priority link. The SG patent application is unable to rely on the UK patent application as corresponding application;



- b. The European Patent Office (EPO) patent application claims priority to the SG patent application. A divisional application was filed for the SG patent application. There is no priority claim for both SG and SG divisional applications. The SG divisional application in this case is taken to adopt the date of filing of the parent application as its date of filing rather than making a priority claim to that application. Therefore, the SG divisional patent application is unable to rely on the EPO patent application as corresponding application;



- c. The EPO patent application claims priority to the SG patent application. Divisional applications were filed for both SG and EPO patent applications. Similar to the above example, the SG divisional patent application in this case is taken to adopt the date of filing of the parent application as its date of filing rather than making a priority claim to that application. Therefore, the SG divisional patent application is unable to rely on the EPO or EPO divisional patent application as corresponding application;

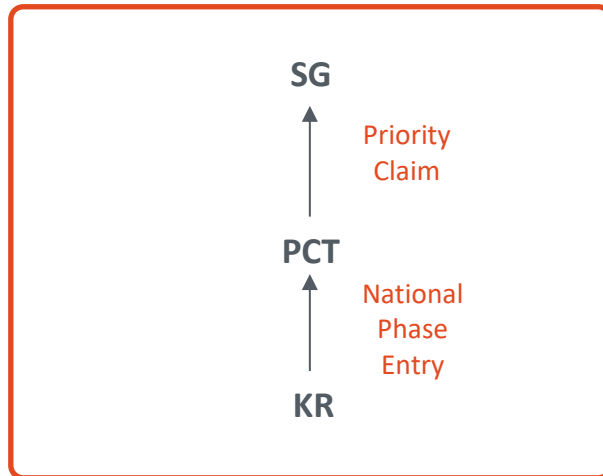


## 12.2 Corresponding International Application

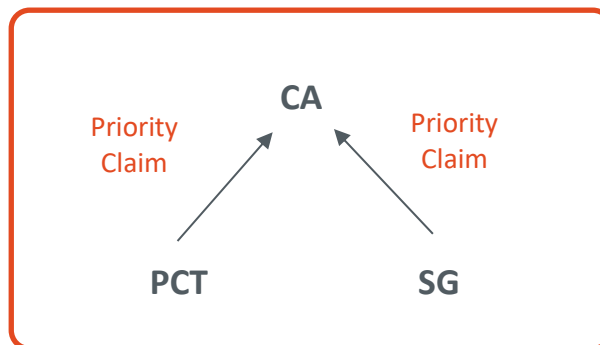
- 12.2.1 A corresponding international application is a PCT application that is an international application –
- From which the Singapore application derived its priority under Section 17; or
  - Claims priority to the Singapore application; or
  - Claims priority from an application in a convention country that also forms the basis of a priority claim in a Singapore application.

12.2.2 The following examples are considered as corresponding international applications –

- a. The PCT application claims priority to the SG patent application. The international application then enters national phase into Republic of Korea (KR). The KR patent application retains the priority claim to the SG patent application. The SG patent application is able to rely on either the PCT or KR patent application as corresponding international application;

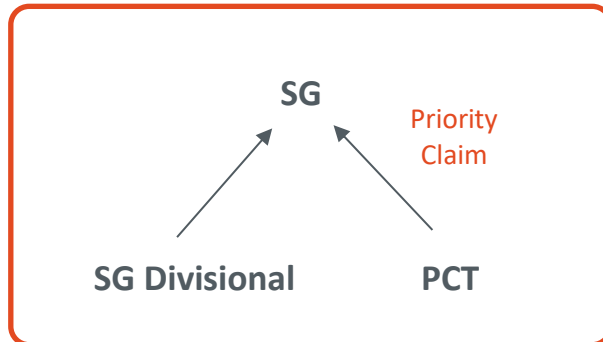


- b. Both PCT and SG patent application claims priority to the Canadian (CA) patent application. In this case, the SG patent application is able to rely on the PCT application as corresponding international application;



12.2.3 The following example is not a valid corresponding international application

- a. The PCT application claims priority to the SG patent application. A divisional application was filed for the SG patent application. There is no priority claim for both the SG and SG divisional application. The SG divisional patent application is unable to rely on the PCT application as corresponding international application;

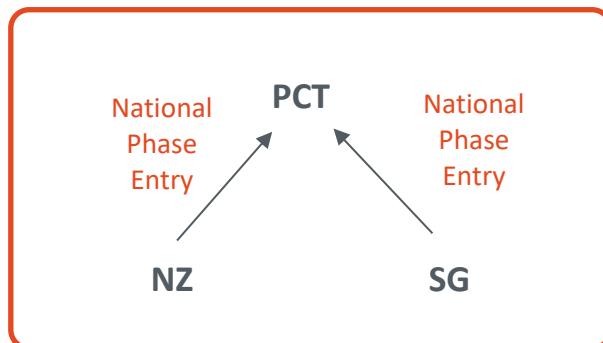


## 12.3 Related National Phase Application

12.3.1 Related national phase applications refer to national phase entries of a PCT application which does not claim priority to an earlier application.

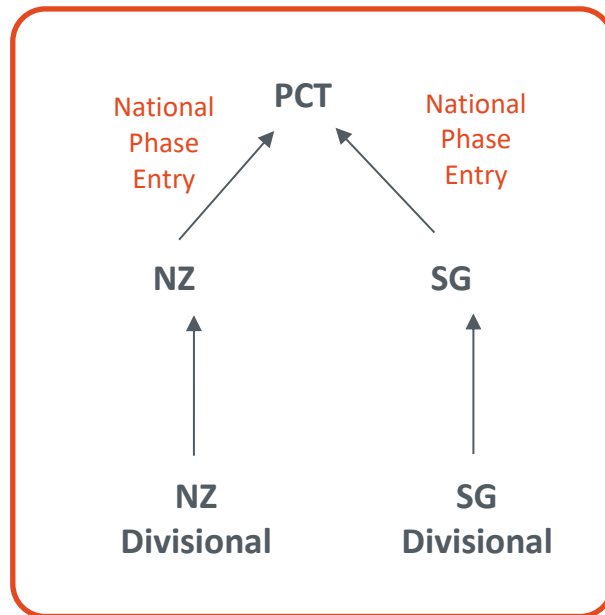
12.3.2 The following is an example of related national phase application –

- a. The PCT application enters national phase into SG and New Zealand (NZ). There is no declared priority for the PCT, SG and NZ patent applications. SG and NZ patent applications are considered as related national phase applications.



12.3.3 The following is an example which is not considered as a related national phase application –

- a. The PCT application enters national phase into SG and NZ. Divisional applications were filed for both SG and NZ patent applications. There is no declared priority for the PCT, SG, SG divisional, NZ and NZ divisional patent applications. The SG or SG divisional patent application is unable to rely on the NZ divisional patent application as related national phase application.



12.3.4 For more examples on valid scenarios of corresponding application, corresponding international application and related national phase application, refer to Annex of the [Examination Guidelines for Patent Applications](#).



IPOS is the national authority that registers and is responsible for the administration of IP rights in Singapore. IPOS helps businesses use intangible assets (IA) and IP to grow and is committed to building Singapore into an international IA/IP hub.

Find out more at [ipos.gov.sg](http://ipos.gov.sg).