

## **PS REVIEW 2006: COMMENTS RECEIVED IN RESPONSE TO THE PUBLIC CONSULTATION PAPER OF 07 APRIL 2006**

IPOS has received a number of comments in relation to the public consultation of 07 April 2006 on the proposed amendments to the Patents Rules. The following is a summary of the comments received in response to the proposed amendments to rules 43, 46, 47, 47A and 108 of the Patents Rules:

### **1) Overall View**

The proposed changes to the various deadlines mentioned in the Consultation Paper were welcomed by respondents. They felt that this change will reduce the cost of filing national phase applications in Singapore.

### **2) Transitional and saving scenarios**

Some respondents felt that applicants who had filed or will be filing the relevant patents forms before 01 October 2006 should be given an opportunity to benefit from the proposed 39 or 60 months deadline (whichever is applicable).

### **3) Possible inconsistency between proposed rule 43(4A) and current rule 43(5)**

A number of respondents pointed out that because no amendment was proposed to rule 43(5), this has resulted in a situation where the deadline for filing Patents Form 11B(2004) and 11C(2004) for national phase applications will be 60 months [under proposed rule 43(4A)] but there remains an option under rule 43(5) to get the 60 months deadline by filing a request under sections 29 (7) and 30 (1)(a) on Patents Form 45A(2004).

### **4) Implementation Date**

The proposed implementation date of 01 October 2006 led some respondents to express their concerns that there may not be sufficient time for applicants to consider the implications of the proposed amendments and to react to them. On the other hand, one respondent expressed the view that the proposed amendments should be implemented as soon as possible.

### **5) IPOS's Response to Comments Received Above**

After reviewing the comments received, changes were made to the amendments proposed earlier in the Consultation Paper of 07 April 2006. The changes, as reflected in **Patents (Amendment No. 2) Rules 2006** [which was gazetted on 14 July 2006 with the implementation date on 01 August 2006], were explained to the representatives from ASPA, APAA, AIPPI and the Law Society of Singapore (Intellectual Property Committee during a briefing session on 07 July 2006.

For PCT applications with a date of filing on or after 01 July 2004 that enter national phase into Singapore, no prescribed fee is payable for a PF 45A(2004) request for extension of periods under sections 29(7) and 30(1)(a) of the Patents Act. This has the following advantages over the amendments proposed earlier:-

- There are no transitional provisions. Users of the patent system would not need to remember another set of deadlines. This change is open to all relevant applicants who have yet to file any PF45A(2004) as at 01 August 2006. It would thus overcome the concerns of users as mentioned in item 2 above. At the same time, this change achieves the same outcome as the amendments proposed earlier – reduce the cost of filing national phase applications in Singapore.
- This change makes no amendments to the current rule 43 in the Patents Rules. This deals with the inconsistency as mentioned in item 3 above.
- The change has an implementation date of 01 August 2006. This addresses the concerns of some of the respondents, as mentioned in item 4 above.