

**OVERVIEW OF THE AMENDMENTS TO THE PATENTS ACT, THE PATENTS RULES AND THE PATENTS  
(PATENT AGENT) RULES  
7 MAR 2007**

**Statutes (Miscellaneous Amendments) Act 2007  
The Patents (Amendments No. 2) Rules 2007  
The Patents (Patent Agents) (Amendment) Rules 2007**

---

---

## **1. Introduction**

1.1 This Statutes (Miscellaneous Amendments) Act 2007 amends several pieces of legislation, one of which is section 6 that amends the Patents Act.

## **2. Come into operation**

2.1 Pursuant to the Statutes (Miscellaneous Amendments) Act (Commencement) Notification 2007, Section 6 of the Statutes (Miscellaneous Amendments) Act 2007 shall come into operation on 1st April 2007.

## **3. The amendments in a nut-shell**

3.1 The amendments will generally align our patent system with two significant changes to the Regulations under the Patent Cooperation Treaty (or PCT) to which Singapore is a party. These changes in the PCT Regulations will come into force on April 1, 2007.

3.2 In addition to the PCT related changes, IPOS also took into account the feedback of patent users wherever possible and introduced amendments that would clarify or simplify filing requirements and procedures.

3.3 The amendments can be categorized as follows:

- **Restoration of the right of priority [PCT related]**

3.3.1 The right of priority is generally as follows: Any person who has duly filed an application for a patent, in one of the countries members of the Paris Convention or the World Trade Organisation can enjoy, for the purpose of filing in the other member countries, a right of priority if he files the subsequent application(s) within 12 months from the date of filing of the first application.

3.3.2 If the applicant files outside the 12 months, he will lose his right of priority over his earlier first filing and one consequence that could arise from this is that the subsequent patent application is exposed to possibly greater risk of patentability (e.g. novelty) attacks as the priority date of the invention will be the date of filing of the subsequent application and not the filing date of the earlier first filled application.

3.3.3 The amendments provide an applicant with two more months after the 12-month period to file his Singapore patent application and claim priority over an earlier relevant application that he has filed in a Paris Convention or WTO member state, provided the applicant can show that he missed the initial 12-month period unintentionally, or despite showing due care.

**OVERVIEW OF THE AMENDMENTS TO THE PATENTS ACT, THE PATENTS RULES AND THE PATENTS  
(PATENT AGENT) RULES**

**7 MAR 2007**

▪ **Incorporation by reference to an earlier relevant application [PCT related]**

3.3.4 This will allow an applicant to include the description and missing parts in his Singapore patent application by making reference to an earlier relevant application which completely contains them, assuming his Singapore patent application has claimed priority over this earlier relevant application. This allows the applicant to secure or retain the original date of filing of the application.

▪ **Amendments to section 105 of the Patents Act and the Patents (Patent Agent) Rules**

3.3.5 Under the current patent agent regime in Singapore, section 105(1) of the Patents Act provides that only registered patent agents and lawyers with relevant valid practicing certificates can carry on a business, practice and act as a patent agent.

3.3.6 The amendments clarify the circumstances in which an individual acting in his capacity as employee of his employer can perform patent agent work without contravening the legal requirements. Hence, if one is not a registered patent agent and he works in Company [Employer] that does not carry on a business, practice or act as a patent agent but he prepares and files patent applications for his Company [Employer], he will not be contravening the requirement under section 105(1) of the Patents Act.

▪ **Miscellaneous amendments**

3.3.7 Other amendments include the clarification of the translation requirements in relation to PCT national phase entry applications. It is now made clear that English translations are not required to be furnished when non English filed PCT patent application are already published under the PCT in English. Certain formal requirements relating to the marking of replacement sheets of patent documents have also been removed so as to facilitate the filing process by applicants.

**4. IPOS contact details**

4.1 Clarification on the amendments mentioned above, can further be sought from the following patent officers at IPOS:

<b>NAME OF OFFICER</b>	<b>CONTACT NO.</b>	<b>EMAIL ADDRESS</b>
Isabel CHNG (Ms)	6330 2755	isabel_chng@ipos.gov.sg
CHIG Kam Tack (Mr)	6330 2753	chig_kam_tack@ipos.gov.sg
TAN Kar Leng (Ms)	6331 6543	tan_kar_leng@ipos.gov.sg
<b>On matters relating to Patent Agents</b>		
Constance LEONG (Ms)	6331 6582	constance_leong@ipos.gov.sg
PYAIT Hlaing Oo (Ms)	6330 2759	pyait_hlaing_oo@ipos.gov.sg

=====END=====