

**"PS REVIEW 2006: PROPOSAL TO REVISE THE TIMELINES OF CERTAIN PROCESSES OF
PCT (SINGAPORE) NATIONAL PHASE ENTRY APPLICATIONS"
INVITATION FOR COMMENTS
Consultation Paper of 07 Apr 2006**

07 Apr 2006

Dear patent users,

PS REVIEW 2006: INVITATION FOR COMMENTS

This consultation paper seeks your views on the changes that IPOS is proposing to the time periods for the search and examination process and the payment of patent grant fees for international applications for patents (Singapore) with a date of filing on or after 1 July 2004 that enter the national phase in Singapore under section 86(3) of the Patents Act.

BACKGROUND

2. As part of our continual review of the Patents System in Singapore, IPOS has been monitoring developments within the Patent Cooperation Treaty (PCT) System, in particular the International Search and International Preliminary Examination processes within the PCT. Together with some feedback received earlier, IPOS is proposing changes to the relevant timelines of patent applications after PCT national phase entry in Singapore. The changes aim to address concerns that there are cases of unresolved issues arising from the International Search and International Preliminary Examination process to which applicants would want to resolve during national phase.

PROPOSED CHANGES

3. **Annex A** highlights the proposed alternative routes for the search and examination process for applications with a date of filing on or after 1 July 2004:-

- (a) A default Fast Track applicable to direct national filings;
- (b) A Slow Track applicable to direct national filings; and
- (c) A PCT National Phase Track applicable to applications that have entered national phase under section 86(3)

4. **Annex B** highlights the proposed amendments to the Patents Rules, including the proposed transitional and savings scenarios.

INVITATION FOR COMMENTS

5. We would like to invite you to participate in this consultation by sending us your comments/suggestions on the proposal by 21 Apr 2006 via e-mail to Mr CHIG Kam Tack (chig_kam_tack@ipos.gov.sg). Thank you.

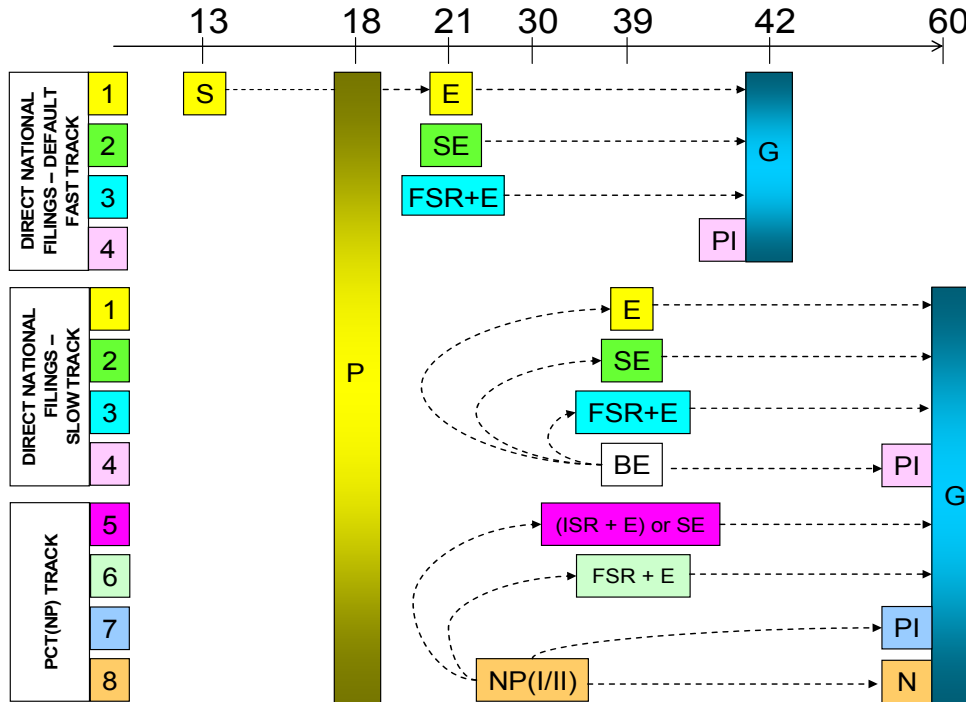


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INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

Encl: Annex A (1 page) and Annex B (3 pages)

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ANNEX A: PROPOSED SEARCH & EXAM PROCESS (DEADLINES IN MONTHS) from 01/10/2006



LEGEND	
S	Search Request
E	Examination Request
SE	Combined Search & Examination Request
FSR	Foreign Search Results of corresponding application
P	18 month publication
PI	Prescribed Information (final search and examination results of corresponding application or corresponding international application)
ISR	International Search Report
IPRP	International Preliminary Report on Patentability (Chapter I or II)
BE	Request for Block Extension
N	Notice to rely on IPRP
NP(I/II)	National Phase Entry (Chapter I or II)
G	Grant Request

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ANNEX B: PROPOSED AMENDMENTS TO THE PATENTS RULES

Period prescribed under section 29 (2) (b) to (e) or (4)

43 (1) Subject to paragraphs **(1A)**, (2) and (3), the period prescribed for filing a request for a search and examination report under section 29 (2) (b) or a request for an examination report under section 29 (2) (c) (i), (d) (i) or (e) (i) or (4) shall be —

- (a) subject to sub-paragraph (b), **21 months** from —
(i) the declared priority date; or
(ii) where there is no declared priority date, the date of filing of the application; or

- (b) where a new application is filed under section 20 (3), 26 (6) or 47 (4), **21 months** from the actual date of filing of the new application.

43 (1A) In the case of an international application for a patent (Singapore) that has entered national phase under section 86(3), the period prescribed referred to in paragraph 1(a) above for filing a request for a search and examination report under section 29 (2) (b) or a request for an examination report under section 29 (2) (c) (i), (d) (i) or (e) (i) is altered to read as 39 months.

43(2) Subject to paragraph (3), where the Registrar sends the applicant a copy of the search report under section 29 (3) (b) at any time later than one month before the expiry of the period prescribed under paragraph (1) (a) or (b) **or (1A)**, as the case may be, the period prescribed for filing a request for an examination report under section 29 (4) shall be one month from the date of the Registrar's notification under section 29 (3) (b).

43(3) to 43(4) [No change]

(4A) In the case of an international application for a patent (Singapore) that has entered national phase under section 86(3), the reference of 42 months in paragraphs (1)(a) and (b) above, is altered to read as 60 months.

43(5) [No change]

Written opinion of Examiner, etc.

46(1) to 46(8) [No change]

46(8A) In the case of an international application for a patent (Singapore) that has entered national phase under section 86(3), the reference of 39 months in paragraphs (1)(a) and (b) above, is altered to read as 57 months.

46(9) to 46(10) [No change]

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Putting application in order

47(1) [No change]

47(1A) In the case of an international application for a patent (Singapore) that has entered national phase under section 86(3), the reference of 42 months in paragraph (1) above, is altered to read as 60 months.

47(2) to 47(7) [No change]

Alteration of time limits

108(1) to 108(2) [No change]

108(3) A time or period prescribed in rules 9 (2), (2A) and (5), 18 (1), 26 (2) and (4), 28 (except so far as it relates to rule 9 (1)), 38, 43, 47 (1), (1A) and (2), 53 (4), 86 (1), (6) and (8), 97 (2) (c) and paragraph 1 (3) of the Fourth Schedule shall, if not previously extended, be extended for a period not exceeding 3 months upon filing Patents Form 45 before the end of the period for which extension is sought.

108(4) to 108(7) [No change]

Patents Forms

There may be changes made to certain Patents Form as a result of these proposed amendments.

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Proposed transitional and savings scenarios for the filing of a request for a search and examination report under section 29(2)(b) or a request for an examination report under section 29(2)(c)(i), (d)(i) or (e)(i)		
[A] 39 months expired as of 1 Oct 2006	[B] PF 11(2004) or PF 12(2004) filed as of 1 Oct 2006	[C] 39 months deadline under new Rule 43(1A) applies
No	Yes	No
No	No	Yes
Yes	No	No ¹
Yes	Yes	No

¹ The 39 months deadline under **Column A** may be extended through the filing of PF 45(2004) or PF 46(2004)*, which if successfully extended to on or after 1 Oct 2006, the new 39 months deadline under new Rule 43(1A) will apply.

Proposed transitional and savings scenarios for the filing of prescribed information relating to a corresponding international application under section 29(2)(c)(ii) or (d)(ii) or a notice in Patents Form 11C under section 29(2)(e)(ii)		
[A] 42 months expired as of 1 Oct 2006	[B] PF 11B(2004) or PF 11C(2004) filed as of 1 Oct 2006	[C] 60 months deadline under new Rule 43(4A) applies
No	Yes	No
No	No	Yes
Yes	No	No ²
Yes	Yes	No

² The 42 months deadline under **Column A** may be extended through the filing of PF 45(2004) or PF 46(2004)*, which if successfully extended to on or after 1 Oct 2006, the new 60 months deadline under new Rule 43(4A) will apply.

Proposed transitional and savings scenarios for the filing of prescribed documents for the grant of the patent under section 30(2)(c) and payment of the prescribed fee for the grant of the patent under section 30(2)(d)		
[A] 42 months expired as of 1 Oct 2006	[B] PF 14(2004) filed as of 1 Oct 2006	[C] 60 months deadline under new Rule 47(1A) applies
No	Yes	No
No	No	Yes
Yes	No	No ³
Yes	Yes	No

³ The 42 months deadline under **Column A** may be extended through the filing of PF 45(2004) or PF 46(2004)*, which if successfully extended to on or after 1 Oct 2006, the new 60 months deadline under new Rule 47(1A) will apply.

* As the case may be