

ASEAN Patent Examination Co-operation (ASPEC) Programme

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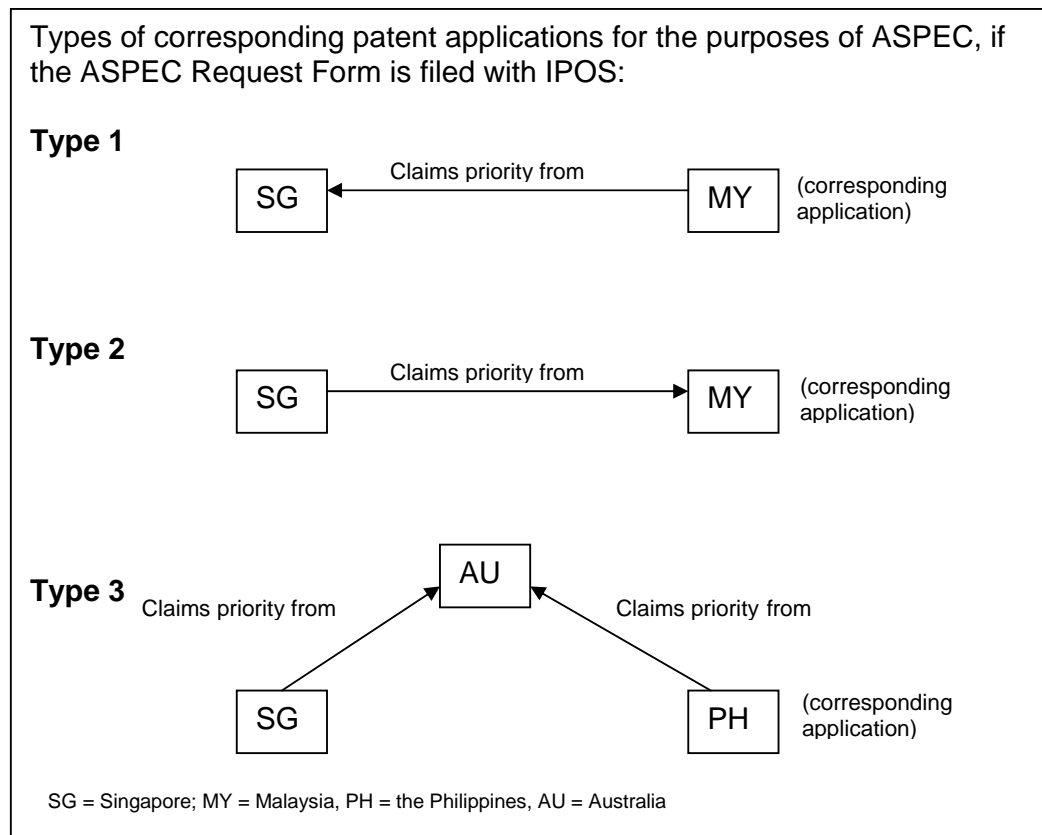
- 1.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent co-operation project. It is a programme for IP Offices from participating ASEAN member states (“AMS”) to utilise the search and examination (“S&E”) results from another participating AMS IP Office as reference in its own S&E work.
- 1.2 There are 8 participating IP Offices and they are from Singapore, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Thailand and Viet Nam.
- 1.3 The participating AMS IP Office may consider the S&E documents it receives under the ASPEC. It is not obliged to adopt any of the findings or conclusions reached by the other IP Office. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.
- 1.4 The objectives of the programme are:
 - **Reduced work and faster turnaround time.** Reference to earlier work could help an examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.
 - **Better search and examination** – The other patent authorities might have access to databases unavailable to the examiner (e.g. specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these search and examination results could provide the examiner with information on and assessment of prior art which he or she would otherwise not have access to.

2 Date of Commencement

The programme will commence on 15 Jun 2009 and will be reviewed regularly.

3 Requirement for requesting ASPEC

The patent application in the participating AMS IP Office where the ASPEC Request Form is filed (“first IP Office”) has a corresponding patent application in the other participating AMS IP Office (“second IP Office”). The ASPEC Request relies on S&E documents of this corresponding application. A patent application in the second IP Office is a corresponding application if it is linked by a Paris Convention priority claim to the patent application in the first IP Office, and vice-versa. The diagram below shows the types of corresponding patent applications if the ASPEC Request Form is filed with IPOS.



4 Procedures for requesting ASPEC

- 4.1 The patent applicant is to file a duly completed ASPEC Request Form and it shall be accompanied by the following documents:
- a copy of the search report and the examination report (“minimum documents”) of a corresponding application, and
 - a copy of the claims referred to in the minimum documents submitted.

A copy of the form can be obtained at: <http://www.ipos.gov.sg>.

- 4.2 The ASPEC Request Form may be accompanied by a copy of the written opinion(s) and the list of prior art, if available (“additional documents”).
- 4.3 The ASPEC Request Form and the documents referred to in paragraphs 4.1 and 4.2 are to be filed on the same day as filing the Patents Form 10/10(2004), Patents Form 11/11(2004), Patents Form 12/12(2004) or the response to a written opinion.
- 4.4 For avoidance of doubt, a copy of a patent granted, without the minimum documents will not qualify for the ASPEC.
- 4.5 All subsequent correspondences with IPOS must be marked with the phrase “ASPEC requested”.

5 Cited documents

A copy of each of the documents cited in the minimum documents is not required at the time of filing the ASPEC Request Form. IPOS may, however, require the applicant to furnish a copy of any document cited in the minimum documents subsequently.

6 Translations

- 6.1 The documents in paragraph 4 must be accompanied by an English translation if they are not originally in English, at the time of filing the ASPEC Request Form.
- 6.2 The documents in paragraph 5 may be filed in their original language. However, IPOS may subsequently request for an English translation of a document or a part of a document if a patent family member in English is not available.
- 6.3 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.

7 Mode of Submission

The ASPEC Request Form, the minimum documents, the additional documents, the cited documents, and the translations are to be filed on paper via one of the following modes:

- (i) by hand,
- (ii) post, or
- (iii) facsimile transmission.

8 Enquiries

For enquiries relating to the ASPEC programme, please contact Mr Eric Toh of IPOS via telephone (65) 6330 2747 or email eric_toh@ipos.gov.sg with the subject heading "ASPEC Programme".

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

DATE: 15 June 2009