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The information provided in this infopack is meant as a guide only and does not amount to legal advice. Please seek independent professional advice before acting on any matter contained in this infopack.

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Page 21 (FlexiPay has been removed from the list of modes of ePayment as it ceased as one of the modes of ePayment effective from 31 January 2010.)	2 February 2010
Page 32 (The National Security Box has been removed.)	15 April 2011

1 INTRODUCTION AND FUNDAMENTALS

1.1 Introduction

Intellectual Property (IP) refers to the product of your mind or intellect. IP can be an invention or innovation, special names and images used in trade, original designs or an expression of an idea. In Singapore, laws exist to protect such IP. This may be through a registration process such as patent grants for inventions, trade mark registration for signs used in trade, industrial design registration for designs applied to articles and grants of protection for plant varieties. Other forms of IP, that need not be registered, but may be protected nonetheless, include copyright works, geographical indications, layout designs of integrated circuits, confidential information and trade secrets.

1.2 About Patents

A Patent is a monopoly right given by the Government to the owner of an invention to enable him to prevent others from using, copying or making the invention without his consent in the country in which he has obtained patent protection.

Whilst it is not mandatory to apply for patent protection in Singapore first before seeking patent protection overseas, any person resident in Singapore is required to obtain written authorisation from the Registrar of Patents for an invention, before he files or causes to be filed outside Singapore an application for a patent for that invention.

As an alternative to seeking written authorization, a person resident in Singapore may file a patent application for an invention first in Singapore. If no Direction prohibiting or restricting the publication or communication of information contained in the patent application has been issued by the Registrar of Patents within 2 months from that filing, he may then proceed to file or cause to file overseas a patent application for that invention.

>> More information on “Seeking Written Authority from the Registrar” can be found on page 31 in this Infopack.

Deciding which country to file your patent applications in depends very much on where you wish to seek patent protection in. It is ultimately a commercial decision that has to be taken. Further, patent requirements differ from country to country and costs including translation and professional fees have to be taken into account.

To obtain a patent in Singapore, one must submit a patent application to the Registry of Patents. The patent application should contain particulars including a full written explanation or disclosure of the invention and the mechanics by which the invention works.

A patentable invention can be a product or a process that gives a new technical solution to a problem. It can be a new method of doing things, the composition of a new product, or a technical improvement on how certain objects work.

A patent once granted, may be challenged by any one, on the ground that the invention is not patentable.

1.3 Rights Conferred by a Patent

For a patent granted in Singapore, the rights conferred by a patent extend throughout Singapore. It confers on the owner the right to prevent others from exploiting the invention without his consent during the term of the patent, which is 20 years from the Date of Filing the patent application, subject to the payment of annual renewal fees.

A patent is a form of property and it can be assigned, licensed or mortgaged.

1.4 Legislation Governing Patents

The Patents Act came into force on 23 Feb 1995 and provided Singapore with its own patent system. The Patents Act (Cap. 221) and its subsidiary legislation, which consists of the Patents Rules, the Patents (Patent Agents) Rules, and the Patents (Composition of Offences) Regulations, form the legislation governing patent law in Singapore.

>> View the Patents Legislation online at IPOS website <http://www.ipos.gov.sg> (Legislation).

>> Copies of the legislation may be purchased at <http://www.snpcorp.com/webshop> or SNP Corporation Ltd at 1 Kim Seng Promenade, Great World City East Tower, #18-01 Singapore 237994, Tel (65) 68269691.

1.5 Benefits of Patents

Apart from using the patent to prevent others from exploiting the invention, the patent owner can exploit his patent in many ways. He can use his patent to raise funds for his business, license it to third parties for commercial returns or sell the patented invention for a sum of money.

1.6 When to File

The patent system in Singapore operates on a first-to-file basis. In other words, the first person to file an application will, in general, have priority over others for the same invention. One looks at the Date of Filing accorded to the patent application when deciding as to who the first to file the patent application was.

>> More information on “Date of Filing” can be found on page 21 in this Infopack.

1.7 Patentable Inventions

For an invention to be patentable, it must, in general, satisfy three key criteria.

New

The invention should not have been made known to the public in any way, anywhere in the world. Owners of inventions should be careful to keep the invention secret, until a patent application has been successfully made.

An invention could be considered as not new if it has already been made available to the public by word of mouth, or it has been commercially exploited, or it has been featured in an article or advertised in the press, or it has been demonstrated. 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. disclosure to a marketing consultant. Care must be taken to ensure that the disclosure is made in confidence so that such disclosure will not be fatal to the subsequent patenting of the invention.

Once a Date of Filing has been obtained for the patent application, the invention can claim a "Patent Pending" status and the applicant can proceed to disclose the invention as indicated in the patent application to interested parties. As part of the application process, the patent application will be published soon after 18 months and if the statutory requirements are met. Once published, details of the invention will be made available for public inspection.

The Patents Journal is published monthly and they contain information of published patent applications. Recent publications of the Patents Journal are available for free at <http://www.epatents.gov.sg/Journal/>.

Inventive Step

The invention must be something that represents an improvement over any existing product or process that is already available. The improvement must be non-obvious to a person who is skilled in the art in that technological field of the invention. If an invention is new yet obvious to a person skilled in the art, the invention would not fulfill the inventive step requirement.

Industrial Application

The invention must be useful and have some form of practical application.

It should be capable of being made or used, or achieving a concrete end result in any industry.

1.8 Non-Patentable Inventions

An invention of a method of treatment of the human or animal body by surgery or therapy or of diagnosis practised on the human or animal body shall not be taken to be capable of industrial application, and hence, is not patentable.

Also, an invention that is generally expected to encourage offensive, immoral or anti-social behaviour will not be published or patentable even if it satisfies the three key criteria.

1.9 Patent Information Search

It is important to know the state-of-the-art before filing for a patent. With such knowledge, an inventor would not have to re-invent the wheel and would also avoid infringing other patents filed or granted. There are resources available to help search for existing patents and published patent applications.

IPOS provides the following basic search tools but as any disclosure made known to the public in any way, anywhere in the world could destroy the novelty of an invention, more in-depth searches should be conducted with the assistance of patent professionals using commercial search tools.

ePatents (www.epatents.gov.sg)

This is a one-stop solution designed to facilitate online patent related searches and transactions in Singapore. ePatents services include:

- search, view basic bibliographic information for any patent application or patent filed in Singapore;
- download of register for any patent application or patent that has been published in Singapore;
- download of specification for any patent application or patent that has been published (where available) in Singapore;
- view and download recent copies of the Patents eJournal;

- file a patent application;
- file a statement of inventorship and of right to the grant of a patent;
- request for a search report or supplementary search report;
- request for a search and examination report;
- request for an examination report;
- amend a patent application before grant;
- request for the issuance of certificate of grant;
- annual renewal of the patent;
- request for the furnishing of or access to miscellaneous information relating to any patent application or patent that has been published in Singapore; and
- alter the name or address of applicants/inventors, address for service, address of agent or correct an error.

For a complete list of services offered by ePatents, please visit the ePatents website www.epatents.gov.sg.

The ePatents Search Terminals

These are available at IPOS' Public Search Area and allow the public to access ePatents services.

SurfIP (www.surfip.gov.sg)

This is a One-stop First-stop IP portal which performs simultaneous worldwide searches on patents, trade marks and industrial designs databases. It introduces the Mine, Manage and Maximise approach to help businesses realise the full potential of their intellectual assets.

These tools and resources provide non-exhaustive searches.

2 OWNERSHIP AND RIGHTS

2.1 Entitlement to a Patent

The right to the grant of a patent belongs primarily to the inventor or inventors.

However, should the invention be developed in the course of work, under Singapore law, the rights to the invention may then vest with the employer. The Patents Act lays down the circumstances in which inventions by the employee belong to the employer and those in which they remain with the employee.

The owner of the invention may also assign his rights to another person or entity and the rights would pass over to the assignee.

Any person or corporation claiming to be the owner of an invention can apply for a patent in Singapore.

There are no restrictions or discrimination as to nationality or residency. However, an applicant who is not a resident in Singapore must provide the Registry of Patents with an address for service in Singapore to which all correspondences will be sent. If a patent agent is hired to act on the applicant's behalf, this address for service should be the practice address of the patent agent.

>> More information on “patent agents” can be found on page 17 in this Infopack.

2.2 Enforcement of Patent Rights

As soon as a patent is granted, the patent owner can take civil legal action against an infringing party, seeking relief in the form of an injunction to stop the infringing action, demand for the profits gained by the infringing party at his expense and/or, seek damages for the loss suffered.

>> It should be borne in mind that a patent once granted, may be challenged by any one on the grounds for revocation e.g. that the

invention is not a patentable. More information on "Revocation" can be found on page 29 in this Infopack.

2.3 Patent Infringement

Patent infringement occurs, when a person, without the consent of the patent owner:

- (in the case where the invention is a product) makes, disposes of, offers to dispose of, uses or imports the product or keeps it whether for disposal or otherwise
- (in the case where the invention is a process) uses the process or he offers it for use in Singapore when he knows, or it is obvious to a reasonable person in the circumstances, that its use without the consent of the proprietor would be an infringement of the patent or
- (in the case where the invention is a process) disposes of, offers to dispose of, uses or imports any product obtained directly by means of that process or keeps any such product whether for disposal or otherwise.

2.4 Making Unauthorised Patent Claims

It is a criminal offence to make unauthorised claims about patent rights or patents applied for. If a party falsely claims his product is "patented" or "patent pending" or he claims to have applied for a patent for his product without actually doing so, he may be subject to legal proceedings.

2.5 Groundless Threats

Further, where a person groundlessly threatens another person with patent infringement proceedings, the person aggrieved by the threats may bring civil proceedings in court against the person making the threats.

3 APPLYING FOR A PATENT IN SINGAPORE

3.1 REQUIREMENTS FOR A NATIONAL APPLICATION

3.1.1 Filing a national application

A complete patent application in Singapore shall contain:-

- a) a request for a patent in Patents Form 1(2004) together with the prescribed fee.
- b) a specification i.e. a description of the invention, one or more claim(s) and any drawings referred to in the description or claims.
- c) an abstract.

Specification

The specification contains a description of the invention, a claim(s) and any drawing(s) referred to in the description or any claim(s). It shall disclose the invention in a manner, which is clear and complete for the invention to be performed by a person skilled in the art.

Description

The description shall describe at least one way for carrying out the invention claimed, with examples where appropriate, and with reference to the drawings, if any.

Claim(s)

The claim(s) define the scope of protection sought by the applicant. They should be supported by the description, be well crafted, clear and concise, as they set out the protection limits and boundaries under the patent.

>> 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. This is similar in concept to a "Provisional Application" which is available in some countries.

>> More information on “Date of Filing” can be found on page 21 in this Infopack.

>> Claim(s), however, are essential as they define the scope of protection sought and should be furnished within a prescribed period to complete the patent application. Failure to do so would result in the application being treated as abandoned.

Drawing(s) (optional) Drawing(s) illustrate the invention and provide support for the description and claim(s).

Abstract The abstract is a summary of the invention. It does not form part of the specification, but is used in the publication of the patent application.

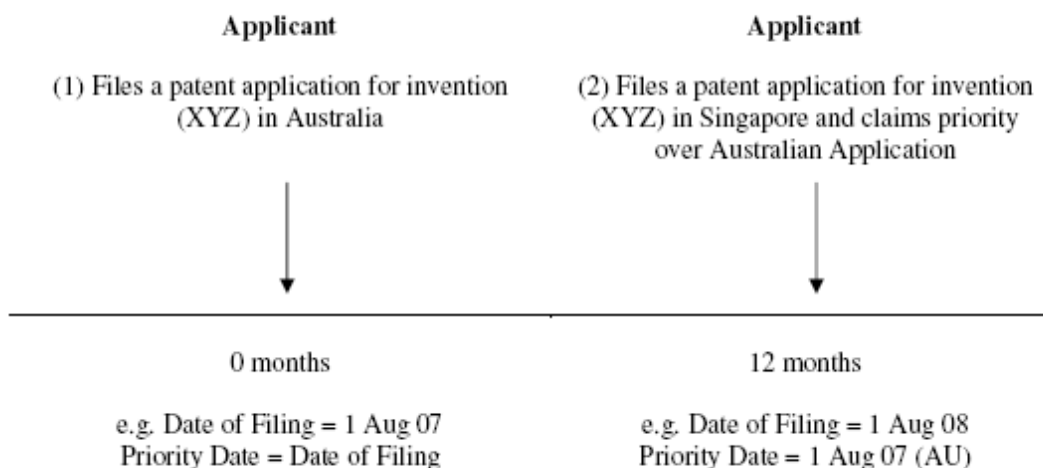
3.1.2 Priority Claim

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, he may claim this earlier filed application as priority in his subsequent Singapore patent application, provided that the Singapore application is made within 12 months from the Date of Filing of the earlier filed application.

(a) Priority date

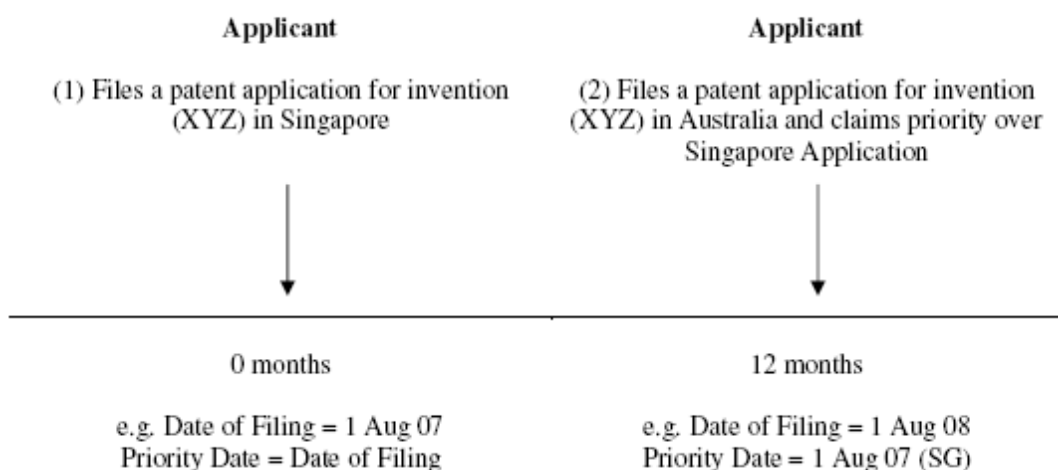
If there are no earlier filings, the priority date of an invention to which an application for a patent relates, is the Date of Filing the patent application made in a Paris Convention country or a World Trade Organization member country.

Patent Filing of invention XYZ in Singapore claiming priority over an earlier filed patent application in Australia 12 months ago



Similarly, an application which is first-filed in Singapore can be used as the basis of a priority claim in a subsequent patent application filed in a Paris Convention country or a World Trade Organization member country, provided that the subsequent patent application is filed within 12 months from the date of the first-filed Singapore application.

Patent Filing of invention XYZ in Australia claiming priority over an earlier filed patent application in Singapore 12 months ago



It should be noted that the subsequent filing of an application claiming priority of the first filing is independent of whether the search and examination report is already established in the first filing.

(b) Declaration of priority

If the applicant wishes to claim priority of an earlier patent filing, he must do so by making a declaration of priority at the time of filing the subsequent application.

Simply put, to benefit from this priority requirement, there are 2 important points to note:-

- a) subsequent patent applications must be filed within the required 12 month priority period to claim priority of the earlier first patent filing of the same invention.
- b) the applicant must on the same day of filing a subsequent application within the required 12 month priority period, make a declaration of priority claiming priority of the earlier first patent filing of the same invention.

(c) Restoration of right of priority

With effect from 1 Apr 2007, applicants may apply to restore a declaration of priority of an earlier relevant application even though they had failed to file a subsequent patent application within 12 months from the date of the earlier application. They may also apply to add a claim of priority where they had failed to make a declaration of priority in a subsequent application which was filed within 12 months from the date of the earlier application.

To benefit from this new feature,

- a) for restoration of a declaration of priority, the subsequent patent application should be filed within 14 months from the date of the earlier relevant application.
- b) for addition of a declaration of priority (in an application which was filed within 12 months from the date of the earlier relevant application but which omitted a declaration of priority), the application for addition of a declaration of priority has to be filed within 16 months from the date of the earlier relevant application.

>> For the list of parties to the Paris Convention and members of the World Trade Organisation, please refer to the WIPO website www.wipo.int and the WTO website www.wto.org.

3.1.3 Naming of Inventors

An applicant who is not the inventor must identify the inventor or inventors of the invention and state how he derived the right to the invention, e.g. by assignment or by contract of employment.

3.1.4 Address for Service

An address for service in Singapore must be provided in all patent applications.

This is the address to which all correspondences from the Registry of Patents will be sent. Where there is a change in the address for service, the applicant will have to notify the Registry of Patents.

3.2 Estimated Patent Processing Time

There is no definite answer to this. It could range from two to four years. This is dependent on factors such as complexity of the invention, amendments to the application and the search and the examination processes.

It should be borne in mind that a patent once granted, may be challenged by any one on the grounds for revocation e.g. that the invention is not a patentable. Patent applicants are, therefore, encouraged to work within the time frame provided under the patent legislation and maximize the time given e.g. by making allowable amendments to the patent specification, to ensure that their patent application is in order before they ask for the grant of the patent.

>> More information on “Revocation” can be found on page 29 in this Infopack.

3.3 Engaging a patent professional

Although not a requirement in Singapore, an applicant should consider seeking the services of a practicing registered patent agent or a practicing advocate and solicitor (lawyer) to assist him in the prosecution of his patent application.

Patent applications contain technical and legal documents. Hence, it is very important for the patent application to be carefully drafted in order for it to be effective. In addition, the patent process involves several steps to be undertaken and failure to comply or failure to comply within the stipulated time periods may result in negative consequences.

Services provided by a registered patent agent or lawyer include giving advice on the making of any pre-application disclosure and on the patentability of an invention, conducting searches on existing inventions, drafting of the patent specification and prosecuting the patent application before the Registrar of Patents.

3.4 Submission of Documents

In our efforts towards greater efficiency, many processes have been computerised. With effect from 1 August 2003, the filing of patent applications can be done electronically via ePatents.

>> Please also refer to Practice Direction No. 2 of 2008 on electronic filing at www.ipos.gov.sg.

An applicant who wishes to file a patent application in Singapore has the following three options:

(a) ePATENTS - Online Submission via Online Internet Service (OIS)

Patent applications can be submitted online through a secured and encrypted channel via OIS. The OIS is recommended for the submission of applications and/or patents forms (attachments included) no larger than 5MB. Otherwise, the Electronic Patent Preparation (EPP) option should be used.

(b) ePATENTS - Electronic Media Submission using Electronic Patent Preparation (EPP) Software

The EPP is a tool for the preparation of patent applications in digital format and they are to be copied onto a recordable medium (such as a CD-ROM) to be sent over to the Registry by hand or mail. The EPP software is free and downloadable from ePatents www.epatents.gov.sg.

Applicants can bring their paper documents to the Self-Help Kiosk at IPOS to convert their documents into digital format before submitting them via OIS or EPP. There is a PC, a scanner, appropriate software and a CDR Writer at the Self-Help Kiosk.

>> Besides the patent application form, other patent forms can also be filed via ePatents. Details (including Fees) can be found in <http://www.epatents.gov.sg>.

Service Bureau (SB)

If a patent application is submitted in paper copies, it will be sent to the Service Bureau where the printed forms and documents will be converted into an electronic format for the application to be electronically processed by ePatents.

>> Details (including Fees) can be found in <http://www.epatents.gov.sg>.

(c) Manual / Paper Submission

Patent applications can also be submitted using paper copies. They will be sent to the Service Bureau where the patents forms and documents will be converted into a digital format for electronic processing.

The applications in paper copies can be sent to the Registry by hand or mailed to the address below:

Address: Registry of Patents
Intellectual Property Office of Singapore
51 Bras Basah Road
#04-01 Plaza By The Park
Singapore 189554

Business Hours*: Monday to Friday: 8:30am to 5:30pm
Saturday, Sunday and Public Holiday: CLOSED

Payment Hours*: Monday to Friday: 8:30am to 5:00pm

Customer Enquiry : (65) 6339 8616

Fax : (65) 6339 9230

Email : ipos_enquiry@ipos.gov.sg

*with effect from 1 Jun 09

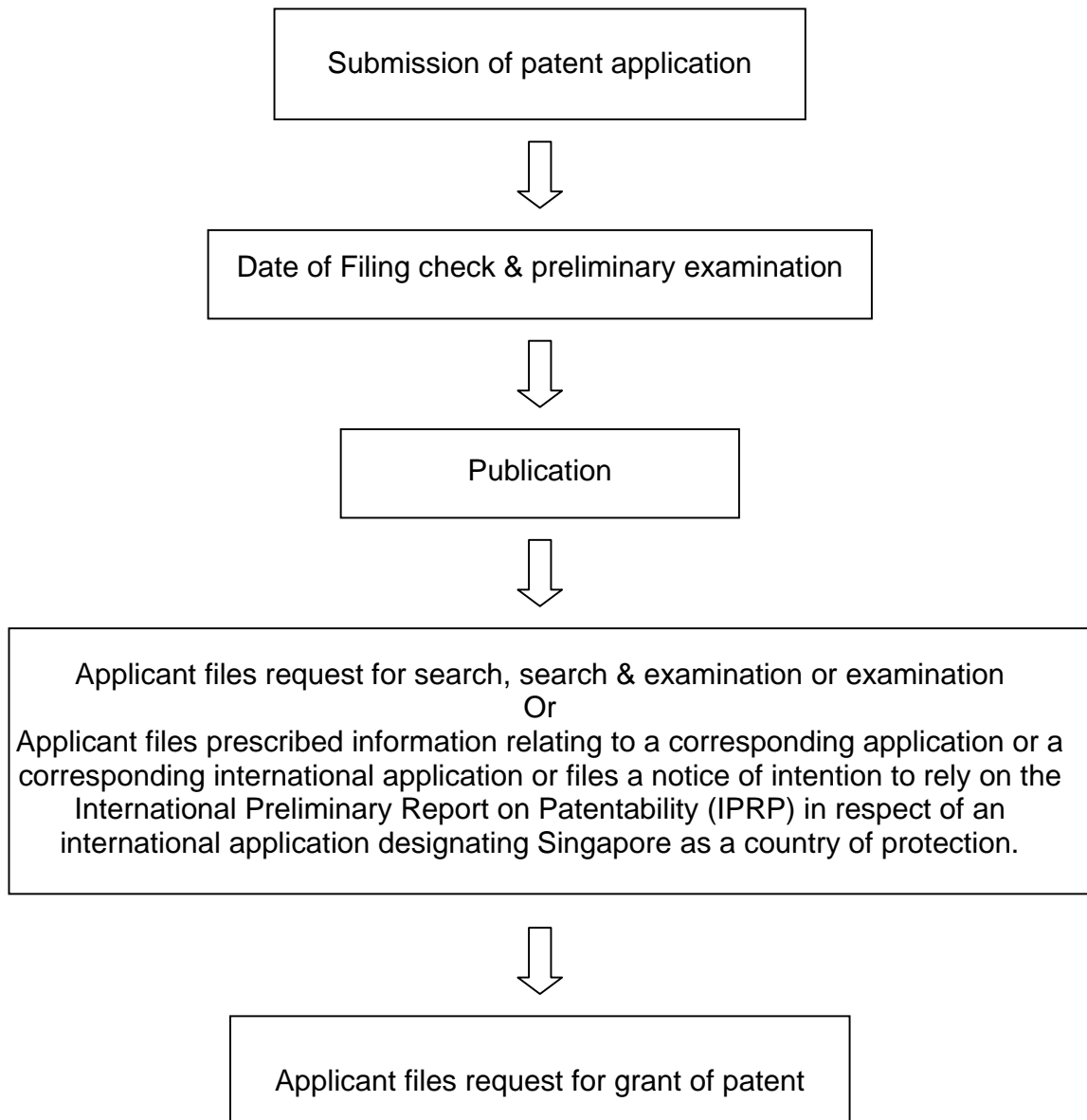
3.5 Payment Modes

Manual submission by hand	NETS or GIRO, cheque (crossed), money order and bank draft (in Singapore dollars) made out to Intellectual Property Office of Singapore
Manual submission by mail	Cheque / money order / bank draft / the request for GIRO payment
ePatents – OIS	Online payment by Credit Card or GIRO
ePatents – EPP	Online payment by Credit Card or GIRO
ePayments	Online payment by eNets Credit/Debit Card or eNets Internet Banking.

For submission by mail, the application form must be completed and duly signed together with all the required documents and the appropriate mode of payment.

Submission of documents can be done after the Registry's operating hours. A Patents Deposit Box is available outside the Registry (4th Floor) for applications to be deposited into. Depending on the time of deposit, with midnight as the cut-off time, the date of receipt will be the date of deposit in the Patents Deposit Box.

3.6 Patent Application Process after Submission (In a nutshell)



3.6.1 Date of Filing (DOF) check

In general, the Date of Filing of an application for a patent is the earliest date on which the documents filed at the Registry to initiate the application satisfy the following conditions:-

- (a) the documents indicate that a patent is sought;

- (b) the documents identify the applicant for the patent; and
- (c) the documents contain a description of the invention.

With effect from 1 April 2007, a limited safety net is provided for applicants to obtain a Date of Filing notwithstanding that the description of the invention is missing from the patent application, if they:-

- (a) make a reference to an earlier relevant application declared as priority;
- (b) provide the Date of Filing of this earlier application and the country in which it was filed; and
- (c) state that the missing description is completely contained in the earlier application.

3.6.2 Preliminary Examination

After the applicant has filed all the necessary documents within the time periods prescribed and the application is not withdrawn or treated as abandoned, the Registry of Patents will conduct a preliminary examination of the documents.

Preliminary examination is the stage where the Registry determines whether :-

- (a) the declaration of priority specifies a Date of Filing of an earlier relevant application which is more than 12 months before the Date of Filing of the Singapore patent application.
- (b) the application complies with all the formal requirements; and
- (c) any drawing or part of the description of the invention is missing from the application.

3.6.3 Search and Examination

After the application has passed the preliminary examination, the applicant may proceed to the next stage which is the search and examination process. The Registry of Patents in Singapore offers three approaches to the search and examination process namely:-

- (a) all-local approach;
- (b) all-foreign approach; or
- (c) a combination of local/foreign approaches.

The search process is essentially a search conducted for all materials and information which are relevant to the subject of the invention. The results of the search are reflected in a search report.

The examination process involves the consideration of the examiner as to whether the invention qualifies as new, involves an inventive step and is capable of industrial application. The results of the examination are reflected in an examination report.

(a) *“All-local approach”*

1. In the all-local approach, an applicant may request to undergo either a search-then-examination process or a combined search-and-examination process.

(b) *“All-foreign approach”*

2. In the all-foreign approach, the applicant furnishes the Registry of Patents the final search and examination results or copy of the grant of a corresponding or corresponding international application. Under this approach, the applicant does not need to file a further search and examination request with the Registry of Patents in respect of the same invention.

(c) *“Combination approach”*

3. In the combination approach, the applicant files an examination request with the Registry of Patents relying on the search results of a corresponding or corresponding international application.

Different approaches may be selected depending on the applicants' needs.

Applicants should seek the advice of their registered patent agents on the best option that is suitable for them.

3.6.4 Two -track Application System

To cater to the growing diversity and needs of businesses in Singapore, a new 2-Track Application System has been introduced for applications with a Date of Filing on or after 1 July 2004. This system comprises a default Fast Track system and a Slow Track system.

The prescribed periods under the Fast Track system shall apply by default when an application is first filed.

Block extension

The prescribed periods under the Fast Track system shall continue to apply until a request for block extension of periods is made within 39 months from the declared priority date or where there is no declared priority date, the Date of Filing of the application.

There are requirements to be met when seeking for such an extension and a fee is payable. Upon approval of this request by the Registrar, the prescribed periods under the Fast Track will be replaced by the later prescribed periods under the Slow Track system.

The following table provides an overview of the deadlines under the Fast Track and Slow Track.

Requests/Notice	Deadlines on or after 1 Jul 2004 from Date of Filing or declared priority date	
	Default Fast Track	Slow Track
Search Request	13 months	Not available
Exam Request	21 months	39 months
Combined Search & Exam Request	21 months	39 months
Notice of Reliance on a) Foreign final Search & Exam Results or b) International Search Report (ISR) & International Preliminary Report on Patentability (IPRP) of PCT applications	42 months*	60 months*
Request for the Grant Certificate	42 months	60 months
* Or at the time the request for grant and the grant fee are filed, whichever is the earlier.		

3.6.5 Examples of patent application processes

EXAMPLE 1

First Patent filing in Singapore

Who	Applicant	Registry of Patents (Registry)	Registry	Applicant	Registry	Applicant	Applicant
What	(1) Files a patent application.	(2) Conducts a check on Date of Filing (DOF) and accords DOF if requirements are met.	(3) Conducts a preliminary examination to see if formalities requirements are met.	(4) Files a request for search.	(5) Publishes the patent application if requirements are met.	(6) Files a request for examination or files a request for combined search & exam.	(7) Files request for grant of patent.
When	0 months	Within 1 – 2 months from (1)	Within 1 – 2 months from DOF	Within 13 months from DOF (fast track)	Soon after 18 months from DOF	Within 21 months from DOF (fast track) or within 39 months from DOF (slow track)	Within 42 months from DOF (fast track) or within 60 months from DOF (slow track)

* Note

1) Fast track provides the default timelines for all applications.

2) To move to the slow track, an application for a block extension of time must be filed.

EXAMPLE 2

Patent filing in Singapore claiming priority of an earlier filed patent application in eg. Australia 12 months ago

Who	Applicant	Applicant	Registry	Registry	Registry	Applicant	Applicant
What	(1) Files a patent application for invention XYZ in Australia.	(2) Files a patent application for invention XYZ in Singapore and claims priority of Australian application.	(3) Conducts a check on Date of Filing (DOF) and accords DOF if requirements are met.	(4) Conducts a preliminary examination to see if formalities requirements are met.	(5) Publishes the patent application if requirements are met.	(6) Relies on foreign search & examination results.	(7) Files request for grant of patent
When	E.g. 1 Aug 2007	Within 12 months of 1 Aug 2007 which is the priority date (PD).	Within 1 – 2 months of (2). DOF will be 1 Aug 2008 if requirements are met.	Within 1 – 2 months from DOF.	Soon after 18 months from DOF.	# Within 42 months from PD (fast track) or # within 60 months from PD (slow track).	Within 42 months from DOF (fast track) or within 60 months from DOF (slow track)

* Note

- 1) Fast track provides the default timelines for all applications.
- 2) To move to the slow track, an application for a block extension of time must be filed.
- 3) # Or at the time the request for grant and the grant fee are filed, whichever is earlier.

3.6.6 Publication of the Patent Application

The application will be published in the Patents Journal produced by the Registry of Patents 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 application.

One significant effect of this 18th month publication by the Registrar is that upon publication, the patent application is open for public inspection. Hence, if the patent applicant wishes to keep his invention a secret, he should withdraw his application in a prescribed manner and in the prescribed time before publication occurs.

In general, the applicant shall 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 application, to bring proceedings in the court or before the Registrar for damages in respect of any act which would have infringed the patent.

>> The Patents Journal is published monthly and they contain information of published patent applications. Recent publications of the Patents Journal are available for free at <http://www.epatents.gov.sg>.

3.6.7 Request for Extension of Time

There are prescribed periods within the patent process. If the applicant is unable to meet one or more of these periods, an extension of time for that specific period may be requested.

It is to be noted that not all the prescribed periods in the patent process can be extended and for those that can be extended, there are requirements to be met and fees are payable.

3.6.8 Grant of Patent

Upon the receipt of a search and examination report, the applicant would have to assess if it is worthwhile to proceed to obtain a grant of a patent and maintain the patent. If the applicant chooses to do so, he would then submit a request for grant. On grant, a certificate of grant would be issued, and this fact and date of grant will be published in the Patents Journal.

3.7 Patent Term and Renewal of Patent

The term of a patent is 20 years from the Date of Filing subject to the payment of annual renewal fees.

Annual renewal fees are payable starting from the end of the 4th year from the Date of Filing, and for every subsequent year thereafter, until the patent expires.

If a patent is granted after the 4th year from the Date of Filing, the annual renewal fees would be payable within 3 months from the date of grant, for the following year and for every subsequent year after that until the patent expires.

3.8.1 Patent Term Extension

For Patents granted on applications with a Date of Filing on or after 1 July 2004, a request can be made to the Registrar to extend the term of a patent beyond 20 years from its Date of Filing. The grounds on which such extensions may be granted on can be summarized as follows:

- there was an unreasonable delay by the Registrar in granting the patent;
- there was an unreasonable delay caused by a foreign patent office in the issuance of the patent relating to a corresponding application and the foreign patent office has extended the term of the corresponding patent on the basis of such delay;
- there was 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 a substance (which is included as part of the patent) as an active ingredient; and the term of the patent has not previously been extended on this ground.

3.8 Post-Grant Search and Examination

Any person may request the Registrar to conduct a post-grant search and examination for any claim or claims in the patent specification on the ground that, prior to grant-

- (a) at least one claim in the patent application, at the time of request for a grant, was not related to any claim in the application at the time the

examination report was issued which has been examined and which is referred to in the report ; or

- (b) the Examiner of the application did not consider all the relevant prior art before preparing the report.

3.9 Revocation

Any party, on application to the Registrar, may seek to revoke a patent on grounds including the following:

- the invention is not a patentable invention;
- the patent was granted to a person who is not entitled to the grant;
- the specification does not disclose the invention clearly and completely for it to be performed by a person skilled in the art;
- the matter disclosed in the specification extends beyond that disclosed in the patent application as filed;
- the amendment or correction to patent application or patent should not have been allowed;
- the non-disclosure/inaccurate disclosure of prescribed material information;
- the patent was obtained on any misrepresentation;
- the patent was obtained fraudulently;
- the patent is one of two or more patents for the same invention having the same priority date and filed by the same party or his successor in title.

3.10 Patents forms, fees and prescribed time periods

In the course of the patenting process and the post grant processes, patent users are advised to refer to the Patents Act and the Patents Rules for the applicable procedure, patents forms, fees and the prescribed time periods.

A complete list of the patents forms and fees is available at the Registry of Patents and is downloadable from the IPOS website www.ipos.gov.sg.

4 APPLYING FOR A PATENT OUTSIDE SINGAPORE

4.1 Filing overseas

Patent protection is territorial in nature. Separate applications will have to be made in each of the country/region where patent protection is desired. To obtain protection overseas, it is necessary to file applications in the countries concerned either individually or through the Patent Co-operation Treaty which facilitates the filing of International Applications.

Deciding which country to file your patent applications in depends very much on where you wish to seek patent protection in. It is ultimately a commercial decision that has to be taken. Further, patent requirements differ from country to country and costs including translation and professional fees have to be taken into account.

4.2 Written Authority Clearance (Section 34 Patents Act)

Person resident in Singapore

Whilst it is not mandatory to apply for patent protection in Singapore first before seeking patent protection overseas, any person resident in Singapore is required to obtain written authorisation from the Registrar of Patents for an invention, before he files or causes to be filed outside Singapore an application for a patent for that invention.

Alternative to seeking written authorization is for the person resident in Singapore to file a patent application for an invention first in Singapore. If no Direction prohibiting or restricting the publication or communication of information contained in the patent application has been issued by the Registrar of Patents within 2 months from that filing, he may then proceed to file or cause to file overseas a patent application for that invention.

Contravention of Section 34 is a criminal offence.

4.3 Seeking Registrar's Written Authority

Persons wanting such permission should apply directly, in writing, to the Registrar of Patents. The Section 34 application form is available at the Registry of Patents or IPOS website at www.ipos.gov.sg. A brief summary of the invention and the drawings, if any, should accompany the application for written authority.

For submission by hand, the applicants are advised to submit their requests at the IPOS' counter located at the 4th floor. For submission by fax or mail, the applicants are advised to inform the Registry's duty officer of the day of their intention. This would enable the officer to look out for the requests and deal with them expeditiously. To speak to the officer on duty, please call the Registry at Tel: (65) 6339 8616.

Upon receipt of the request, the Registry would respond in less than 5 working days from the date of receipt. For urgent cases, where the officers have been given prior notice, immediate action may be taken.

4.4 The Patent Co-operation Treaty (PCT)

The PCT is an international treaty to facilitate the filing of patent applications in different countries concurrently. The PCT system produces the same effect as if a national patent application has been filed with the national patent office in each country designated by the applicant. It facilitates 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.

The PCT system for filing of an international application is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) based in Geneva, Switzerland. An international application may be initiated by a resident or national of a PCT contracting country wanting to seek protection in other PCT Contracting States. To apply, an applicant would file an international application with the patent office in his home country or the International Bureau of WIPO in Geneva. The filing of a PCT request constitutes the automatic designation of all Contracting States that are bound by the PCT on the international filing date.

>> The list of PCT contracting countries and PCT Applicant's Guide are available at the WIPO website <http://www.wipo.int>
<http://www.wipo.int/http://www.wipo.int/pct/en/>

4.5 Advantages of using PCT

- (a) The PCT system offers convenience should the applicant wish to seek patent protection in more than one PCT contracting region or country. Being a file-once-apply-all system, the applicant does not need to file separate applications in each of the designated countries.
- (b) An international application benefits from the longer time period offered by the international phase of the PCT. This is the period from the time of filing to the time for entering the regional or national phase. During this period, the applicant can re-assess the commercial viability of the invention before incurring further costs associated with the national phases at the designated regions or countries. In the national phase, there may be expenses such as translation costs, agent fees and national fees that can amount to a considerable sum of money.

4.6 The PCT international application process after submission (in a nutshell)

EXAMPLE 3

PCT filing of invention XYZ in a PCT receiving Office with no prior filings				
Mth	Phase	Stage	Action	By
0	International Phase		Files PCT Application competent PCT receiving Office	Applicant
			Selects competent International Searching Authority (ISA)	Applicant
		Chapter I	Checks application and accords International Filing Date when requirements are met	PCT receiving Office
			Sends copy of the International application to (a) the ISA and (b) the International Bureau (IB)	PCT receiving Office
			Issues an International Search Report (ISR) & an International Preliminary Report on Patentability Chapter I (IPRP (I))	ISA
18			Publishes International	IB

PCT filing of invention XYZ in a PCT receiving Office with no prior filings				
Mth	Phase	Stage	Action	By
			Application with ISR	
		Chapter II (optional)	Files a demand with a competent Internal Preliminary Examination Authority (IPEA)	Applicant
			Dialogue between Applicant & Examiner	Applicant & Examiner
			Issues an International Preliminary Report on Patentability Chapter II (IPRP (II))	IPEA
30	National Phase in Singapore		After completing Chapter I or Chapter II (if this option was taken), he files a request to enter national phase e.g. in Singapore	Applicant
			Checks national phase entry requirements and confirms Date of Filing (Identical to International Filing Date) when requirements are met	The Registry of Patents, IPOS
42 or 60*			Relies on ISR & IPRP (I or II) and asks for the grant certificate to be issued	Applicant
			Issues a Certificate of Patent Grant if the requirements are met	The Registry of Patents, IPOS
<p>* Fast track provides the default timelines for all applications. To move to the slow track, an application for a block extension of time must be filed.</p>				

Upon submission, the international application undergoes the international phase and where an applicant decides to do so subsequently, the regional or national phase.

The international phase consists of two chapters: Chapter I & Chapter II. The applicant has the option of entering the national phase upon completion of Chapter I or II. On entering the national phase, each designated office would evaluate the application and decide on grant or refuse the patent application according to its national laws.

In Chapter I of the PCT, the international application will be subject to a search by an International Searching Authority (ISA).

A written opinion will also be issued by the ISA according to the international search procedure. Details of the international application and the International Search Report, will be published by the International Bureau. This concludes Chapter I of the PCT. If the applicant chooses to enter the national phase at this juncture, the written opinion by the ISA will be converted by the International Bureau into the International Preliminary Report on Patentability (Chapter I) (IPRP (Chapter I)).

Where the applicant decides to proceed with the international phase, he will file a demand for an international preliminary examination under Chapter II of the PCT.

The examination gives the applicant a preliminary and non-binding opinion on the patentability of the invention. For the purposes of the examination, the written opinion issued in Chapter I of the international phase may be used. Upon completion of the examination, an International Preliminary Report on Patentability (Chapter II) (IPRP (Chapter II)) will be established. This concludes Chapter II of the PCT.

>> As Singapore is a PCT Contracting State, an international application may be filed by a resident or national of Singapore with the Registry of Patents at IPOS in Singapore as the receiving office. PCT Forms and fees at available at [http:// www.wipo.int](http://www.wipo.int). <http://www.wipo.int/pct/en/>

4.7 Filing an International Application in Singapore as a PCT Receiving Office

An applicant, who is a resident or national of Singapore, may file an international application under the PCT directly with the Registry of Patents in Singapore or the International Bureau at WIPO in Geneva, Switzerland. (See Example 3)

Where applicable, the necessary Section 34 National Security Clearances should be obtained.

In Singapore, the Registry of Patents accepts international applications in a type-written format; or a printed cum digital format by using the PCT-SAFE software

provided by WIPO. PCT-SAFE also provides a feature for the preparation of documents for electronic filing of PCT applications.

However, please note that the Registry of Patents in Singapore is not ready to accept PCT applications filed electronically.

4.8 International Application Entering National Phase in Singapore

The requirements for national phase entry into Singapore can be found in the Patents Act and Rules.

Singapore has acceded to both Chapter I and Chapter II of the PCT. An applicant, in his international application with respect to Singapore, has a choice whether to enter the national phase in Singapore under Chapter I or Chapter II.

Such international applications are treated the same as any patent application filed in Singapore.

The following example illustrates some key features under the PCT.

Example 4: PCT application no. 123	
International Phase	National Phase entry into SG
International Filing Date accorded = 1 Aug 2007	<i>[PCT Filing Date is recognised]</i> Date of Filing accorded = 1 Aug 2007
Declaration of Priority Date = 1 Aug 2006	<i>[PCT Priority Claim is recognised]</i> Declaration of Priority Date = 1 Aug 2006
18 th month Publication under the PCT = 1 Feb 2008	<i>[18th month PCT publication is recognised]</i> 18 th month Publication under the PCT treated as having been published in SG = 1 Feb 2008

4.8.1 Entering National Phase in Singapore under Chapter I

On entering the national phase in Singapore under Chapter I, the applicant may proceed to file a request for examination relying on the search results obtained earlier during the international phase. On receipt of the examination report from the Registry of Patents in Singapore, the applicant may proceed to pay the fee for the grant of a patent. This grant is subject to the application meeting the necessary statutory requirements.

Alternatively, on or after 1 July 2004, applicants may instead of requesting for an examination report in Singapore, rely on their IPRP (Chapter I) established during the international phase to meet the search and examination requirements under the Patents Act. If this option is chosen, the applicant may proceed directly to pay the fee for the grant of a patent. The grant is subject to the application meeting with all the statutory requirements of the Patents Act and Rules.

4.8.2 Entering National Phase in Singapore under Chapter II

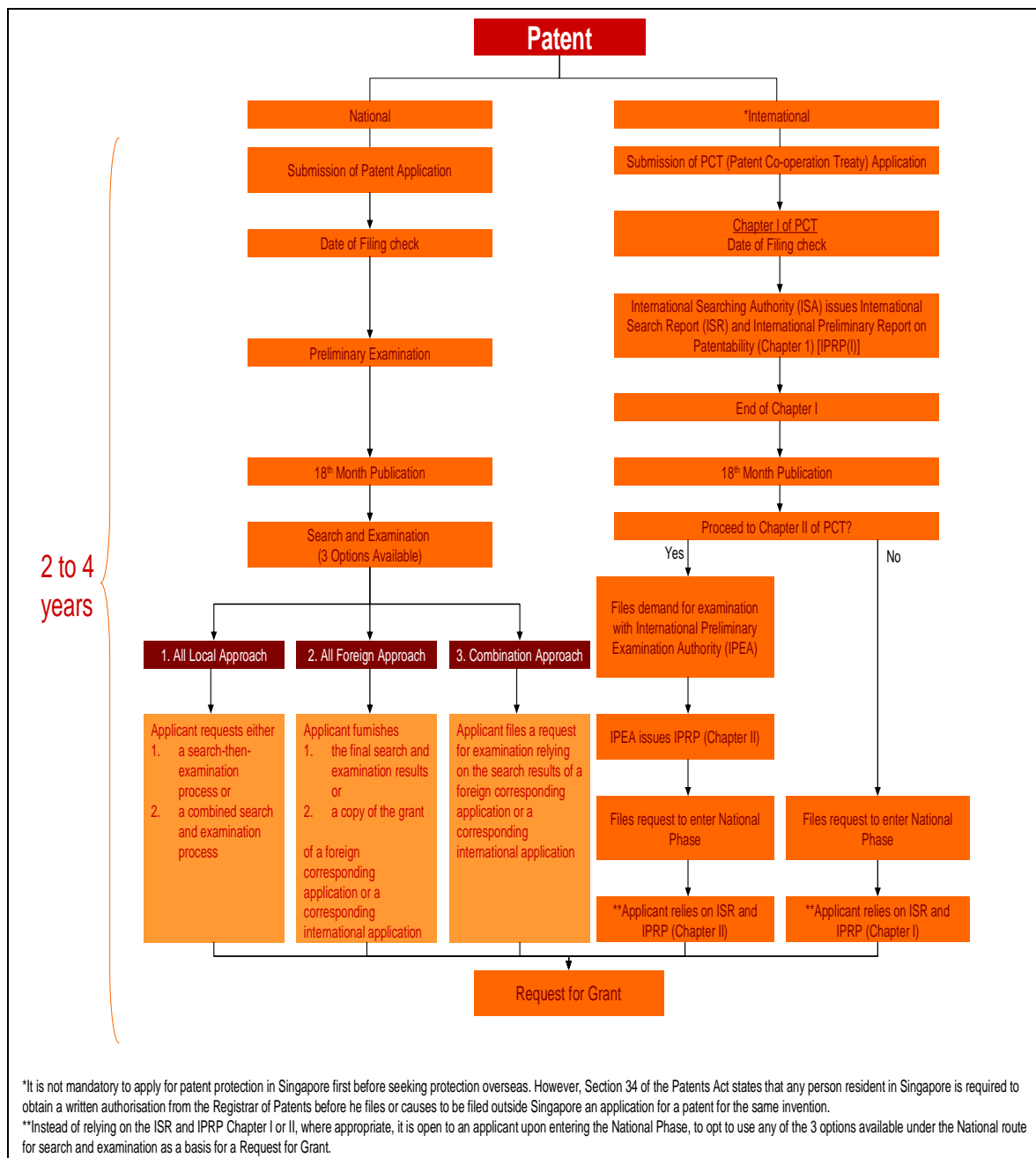
On entering the national phase in Singapore under Chapter II, the applicant may proceed to pay the fee for the grant of a patent relying on the reports established during its international phase (i.e. International Search Report and International Report on Patentability (IPRP) Chapter II) in lieu of having to file a further search and examination request with the Registry of Patents in respect of the same invention. The grant is subject to the application meeting with all the statutory requirements of the Patents Act and Rules.

4.8.3 Patents forms, fees and prescribed time periods

Upon entry into the national phase in Singapore, in the course of the patenting process and the post grant processes, patent users are advised to refer to the Patents Act and the Patents Rules for the applicable procedure, patents forms, fees and the prescribed time periods.

A complete list of the patents forms and fees is available at the Registry of Patents and is downloadable from the IPOS website www.ipos.gov.sg

5 OVERVIEW OF NATIONAL AND INTERNATIONAL ROUTES



6 FREQUENTLY USED PATENT TERMINOLOGY

Abstract	The abstract is a summary of the invention. It does not form part of the specification, but is used in the publication of the patent application.
Claim(s)	The claim(s) define the scope of protection sought by the applicant. They should be supported by the description, be well crafted, clear and concise as they set out the protection limits and boundaries under the patent.
Description	The description shall describe at least one way for carrying out the invention claimed, with examples where appropriate, and with reference to the drawings, if any.
Drawing(s)	Drawing(s) illustrate the invention and provide support for the description and claim(s).
Date of Filing	The date issued by the Registry of Patents upon receipt of documents that (1) indicate that a patent is sought; (2) identify the applicant(s) and (3) contain a description of the invention.
Examination	The process where the invention is examined to determine if it is new, involves an inventive step and is capable of industrial application.
First to File	The applicant who is the first to file for a patent will have priority over others for the same invention.
Inventive Step	An improvement that is non-obvious to a person who is skilled in the art in the technological field of the invention
Inventor	The person who is the actual deviser of the invention.
Industrial Application	Having practical application in any industrial field.
New/Novel	Not known to anyone in any form, anywhere in the world.
Patent Professional	A person who provides professional advice on the measures to take in making any pre-application disclosures, advises on searches on existing inventions, on the patentability of an invention, attends to the drafting of the patent application and the prosecution of

the patent application before the Registrar of Patents.

This patent professional may be a practising registered patent agent or a practising advocate and solicitor (lawyer). If he describes himself as such, he must also be registered as a patent agent with IPOS and have a practising certificate issued by IPOS.

Preliminary examination Preliminary examination is the stage where the Registry determines (a) whether the declaration of priority specifies a Date of Filing of an earlier relevant application which is more than 12 months before the Date of Filing of the Singapore patent application (b) whether the application complies with all the formal requirements; and (c) whether any drawing or part of the description of the invention is missing from the application.

Priority Date Simply put, if there are no earlier filings, the priority date of an invention to which an application for a patent relates, is the Date of Filing the patent application made in a Paris Convention country or a World Trade Organization member country.

Search The process of searching for any relevant information and materials related to the invention.

Specification The specification contains a description of the invention, a claim(s) and any drawing(s) referred to in the description or any claim(s). It shall disclose the invention in a manner which is clear and complete for the invention to be performed by a person skilled in the art.



INTELLECTUAL PROPERTY
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The Intellectual Property Office of Singapore or IPOS (<http://www.ipos.gov.sg>) is the lead government agency that formulates and regulates intellectual property (IP) laws, promotes IP awareness and provides the infrastructure to facilitate the greater development of IP in Singapore. With IP fast becoming a critical resource in today's new economy, IPOS' vision is to foster a creative Singapore where ideas and intellectual efforts are valued, developed and exploited. Formerly known as the Registry of Trade Marks and Patents, IPOS was established as a statutory board of the Ministry of Law on 1 April 2001.