

**IPOS' GUIDE**  
**on the 2007 patent amendments**  
**relating to priority claims**

**I?OS IPOS' Guide on the 2007 patent amendments  
relating to priority claims**

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<b>PUBLICATION HISTORY OF THIS GUIDE</b>	
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# IPOS' Guide on the 2007 patent amendments relating to priority claims

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## **What is in this Guide?**

This Guide replaces and updates Section 1 on “Declaration of Priority” in the IPOS' Guide to Patent Law Amendments 2007 (2007 Guide).

As far as possible, we have provided markings on the left margin in this Guide to reflect the changes to the corresponding text in the 2007 Guide.

## **Purpose of this Guide**

The purpose of this Guide is to provide users with a better understanding of the patent provisions relating to the declaration of priority in the patent process.

Do take note that this Guide is neither exhaustive nor authoritative. Please refer to the Patents Act and Rules for details.

IPOS does not provide legal or other specific advice in relation to Patents or any other matters on this Guide. The information contained in this Guide is not intended to be advice, and is only for general information.

## **Feedback if any**

This Guide is prepared by the Patent Quality Management Unit (PQMU).

If you have any suggestions or feedback in relation to this Guide, please drop us an e-mail ([ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg)) and attention it to this Unit.

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## Priority Claims

### Getting Started

In addition to the Patents Act and Rules, you are advised to have the following documents (hereinafter referred to as the “Apr 2007 amendments”) before you proceed to read the rest of this section in this Guide:-

- Statutes (Miscellaneous Amendments) Act 2007
- Patents (Amendment No. 2) Rules 2007
- Patents Form 57 (also referred to as “PF 57” in this Guide)

### Basic Concepts

Sections  
17(2);  
17(2A)(a)

#### Filing the application in suit within 12 months

In general, an applicant must file his Singapore patent application (application in suit) within 12 months from the Date of Filing of the earlier relevant application (or where there is more than one relevant application, the earliest of them) which is the subject of a priority declaration in the application in suit. The “priority date” of an invention to which an application for a patent relates will then be the Date of Filing of that earlier relevant application (or where there is more than one relevant application, the earliest of them).

Further, the term “declared priority date” is defined in the Rules and is used in the calculation of time periods referred therein.

Rule 9(1)

#### Making a declaration of priority under section 17(2)

A declaration of priority for the purposes of section 17(2) shall be made by the applicant at the time of filing the Singapore patent application.

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## **1** What's new? - Late Declaration of Priority under section 17(2B) (Restoration of Right of Priority)

Section 17(2A)(b) 1.1 In general, applicants must file their application in suit within 12 months from the Date of Filing of the earlier relevant application which is the subject of a priority declaration in the application in suit.

Rules  
9A(1);  
86(3A);  
117(6)

With the “Apr 2007 amendments” in place, applicants will have a chance to make a priority declaration based on the earlier relevant application even though they failed to file the Singapore patent application within the 12 month period referred to in section 17(2A)(a). It should be noted that in the PCT, this feature is known as the “Restoration of Right of Priority”.

This feature is also available for applications before IPOS as a PCT receiving Office as well as a PCT national Office.

Section 17(2B) 1.2 This new feature provides applicants with a limited safety net – making it possible for applicants to “restore” a right of priority of an earlier relevant application made when the application in suit is filed after 12 months but within 14 months from the Date of Filing of the earlier relevant application (or where there is more than one relevant application, the earliest of them) which is the subject of a priority declaration in the application in suit.

Rule  
9A(1)

Rules 1.3 Briefly, to benefit from this feature, applicants have to:-

9A(2);  
9A(3);  
86(3A)

- file a request in Patents Form 57,
- file the request within 14 months from the declared priority date (for national filings) or within 1 month from the date the national phase entry of the application begins (for PCT applications),
- ensure that the non-publication requirement in rule 9A(3) is met (in the case of national applications),
- pay a fee of \$250/-, and
- indicate in the request whether the failure to file the Singapore patent application within the required time period under section 17(2A)(a) —
  - was unintentional (hereinafter referred to as “unintentional”) or

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- had occurred in spite of due care required by the circumstances having been taken by the applicants (hereinafter referred to as “due care”).

1.4 To facilitate the consideration process, applicants should also state the reasons for the failure to file the application in suit within the prescribed period. If the “Unintentional” box is ticked in Patents Form 57, reasons submitted should support this indication of “Unintentional”.

This should apply *mutatis mutandis* for an indication of “Due Care”.

[See extract of Paragraph 6 of Patents Form 57 below].

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6. REASON FOR THE FAILURE TO FILE THE APPLICATION IN SUIT WITHIN THE PERIOD REFERRED TO IN SECTION 17(2A)(a)  
(see note 5) (Note: Only one checkbox may be crossed.)

- Occurred in spite of due care required by the circumstances having been taken
- Unintentional

Detailed explanation of the reason is to be indicated in the box provided below.

- 1.5 If the applicant wants the Registrar to:
- a) first consider if the reasons support a finding on the ground of “Due Care” and only where this ground is not met,
  - b) before proceeding to consider if reasons support a finding on the ground of “Unintentional”,

he should reflect this clearly as such in the “Detailed Explanation” Box found in Paragraph 6 of Patents Form 57 (See extract below).

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6. REASON FOR THE FAILURE TO FILE THE APPLICATION IN SUIT WITHIN THE PERIOD REFERRED TO IN SECTION 17(2A)(a)  
(see note 5) (Note: Only one checkbox may be crossed.)

- Occurred in spite of due care required by the circumstances having been taken
- Unintentional

Detailed explanation of the reason is to be indicated in the box provided below.

## **Take Note!**

Rules 1.6  
9A(4);  
9A(5);  
9A(6)

**!**The practice in this Guide applies only to patent applications where the provisions of the Patents Act and Rules apply.

Under the PCT, National Offices in designated states are not bound by the receiving Office's finding of "Unintentionality" whereas the receiving Office's finding on the stricter test of "Due Care" would in general be effective in all designated States.

### **Extract taken from the PCT Applicant's Guide – International Phase on 14 Oct 08**

#### **98D. What are the criteria for restoration applied by the receiving Office?**

There are two possible criteria for restoration: either the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken or the failure to file the international application within the priority period was unintentional. All Offices to which these Rules are applicable (see paragraph 98A) must apply at least one of these criteria. If a receiving Office wishes, it may apply both criteria for restoration and leave the choice to the applicant as to which criterion is sought to be applied in a specific case, noting that it would be advantageous for the applicant to obtain a positive finding by the receiving Office on the stricter criterion of "due care" since such a finding would in general be effective in all designated States, unlike a finding on the less strict "unintentionality" criterion. Furthermore, a receiving Office will be free to apply, upon request of the

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applicant, first the “due care” criterion and then, if the receiving Office finds that that criterion is not complied with, the “unintentionality” criterion.

## **Extract taken from the PCT receiving Office Guidelines [PCT/GL/RO/6; DATE: June 16, 2008]**

166H. The receiving Office restores the right of priority if the Office finds that a criterion applied by it is satisfied. Since a positive finding of due care in effect encompasses a finding of unintentional conduct, if the receiving Office applies both criteria, and unless the applicant requests otherwise, it should generally first apply the due care criterion, and only if this standard has not been complied with, apply the unintentionality criterion.

IPOS under the Patents Act and Rules, allows the request for the restoration of the right of priority to be considered on both grounds i.e. Unintentionality” or “Due Care”, like the PCT provisions.

Sections  
17(2C),  
17(2D)

1.7

For PCT applications, Singapore has notified the International Bureau (IB) (<http://www.wipo.int/pct/en/texts/restoration.html>) that either of these two criteria would be available for applicants to choose in respect of requests for restoration of the right of priority made before Singapore as the receiving Office and as the designated Office.

Rule  
9A(3)

1.8

Note that such a request for restoration can only be made for national filings if the application has not been published under section 27 of the Patents Act. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

For PCT national phase entries, this non-publication requirement does not apply.

*(For more information on the requirements specified by the various patent offices [e.g. fee payable] on the restoration of right of priority in relation to PCT applications, please refer to the WIPO website at [www.wipo.int](http://www.wipo.int).)*

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## 1.9 Example 1

### Step 1

Details of Singapore patent application as filed:-

- Declared priority date = 4 Mar 2006
- Date of Filing = 4 Apr 2007

Note that the Singapore patent application was filed beyond the prescribed period of 12 months from the Date of Filing of the earlier relevant application.

### Step 2

Applicant requests to restore a priority claim on 10 Apr 2007 (earliest priority date will be 4 Mar 2006) to the patent application.

### Step 3

Details of Singapore patent application after the request for restoration of priority (on 10 April 2007) is made successfully and the request is approved by the Registrar:-

- Declared priority date = 4 Mar 2006 (restored)
- Date of Filing = 4 Apr 2007

Rules  
9A(5);  
9A(6);  
102

1.10 In the event where the reason given for the failure to file the Singapore patent application on time is deemed not satisfactory by the Registrar, the Registrar will send a notification to the applicants. Applicants are required to reply within 2 months from the date of the Registrar's notification by making observations or by filing evidence to overcome the Registrar's said objection.

*(Refer to the Patents Rule 102 for details on what constitutes evidence)*

1.11 Restoring a priority claim is not restricted to the earliest priority claim of the application in suit. It is possible to request for permission to make a late declaration of any priority claim as long as the request satisfies the conditions referred to in section 17(2D) of the Patents Act.

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## 1.12 Example 2

### Step 1

Details of Singapore patent application as filed:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details (Restoration earlier sought under PF 57 and restored)	4 Mar 2006 0123,4567; US
2 <sup>nd</sup> Priority Details (Yet to seek restoration )	5 Mar 2006 0123,4568; US

### Step 2

Applicant files another PF 57, requesting to restore the 2<sup>nd</sup> priority claim on 15 Jun 2007 to the Singapore patent application.

### Step 3

The request to restore the 2<sup>nd</sup> priority claim would not be allowed as PF 57 (which is filed on 15 Jun 2007) is filed beyond the prescribed period of 14 months.

Details of Singapore patent application now:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details (Restoration earlier sought under PF 57 and restored)	4 Mar 2006 0123,4567; US
2 <sup>nd</sup> Priority Details (Yet to seek restoration)	5 Mar 2006 0123,4568; US

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## **Take Note!**

Rule 108(2) 1.13 ! Applicants must be careful not to miss the 14 month period to file the application in suit and they should comply with all the requirements given under section 17(2D) if a request for the restoration of right of priority is made. This period is not extendable.

1.14 ! All relevant deadlines will be affected when a request for restoration of priority claim is allowed.

### 1.15 Transitional and Savings Provisions

These new features will apply to an application for a patent that qualifies for a Date of Filing on or after 1st April 2007, and section 17 of the Patents Act and rule 9 of the Patents Rules in force immediately before that date shall continue to apply to an application for a patent that qualifies for a Date of Filing before that date.

The said transitional and savings provisions apply equally to PCT national phase entries as section 87(1)(a) states that “*Where an international application for a patent (Singapore) is accorded a filing date under the Patent Co-operation Treaty - that date or, if the application is re-dated under the Treaty to a later date, that later date shall be treated as the date of filing the application under this Act*”.

### 1.16 **Example 3**

#### Step 1

Details of Singapore patent application as filed:-

Date of Filing	4 Mar 2007
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#### Step 2

Applicant files PF 57, requesting to restore the priority claim on 10 Apr 2007 to the Singapore patent application. Priority date given on PF 57 – 1 Mar 2006

#### Step 3

The request to restore the right of priority would not be allowed as the Date of Filing of this application is before 1 Apr 2007.

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## 2

### What's new? - Declaration of Priority made after the Date of Filing (Addition of Priority Claim)

Rule 9(2) 2.1 Notwithstanding the general principle in rule 9(1), it is now possible to make a declaration under certain circumstances, after the Date of Filing.

Rules 9(2); 108(2) 2.2 To make such a declaration successfully, it has to be done:-

- on Patents Form 57
- with a fee of \$120/-

within 16 months from the declared priority date. The 16 months time period is not extendable.

*(Note that in general, the application in suit is still required to be filed within 12 months from the declared priority date.)*

Rule 9(4) 2.3 Such a declaration can only be made if the application has not been published under section 27 of the Patents Act. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

#### **Take Note!**

Rule 9(2) 2.4 ! Declaration of priority via Patents Form 57 after the Date of Filing of the Singapore patent application can only be used for the earliest priority claim.

2.5 ! All relevant deadlines will be affected when the declaration of priority is added to the Singapore patent application.

2.6 A right of priority to an earlier application can be restored **only** if the earlier application has been declared in accordance with rule 9. If the said application is the intended earliest relevant application and it was not declared when filing the application in suit, you will need to, at the same time as making the request for restoration, make a declaration after the Date of Filing under rule 9(2).

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## 2.7 Example 4

Application in suit is filed within 12 months from declared priority date

### Step 1

Details of Singapore patent application as filed:-

- Declared priority date = NIL
- Date of Filing = 4 Apr 2007

### Step 2

Applicant makes a declaration of priority on 10 Apr 2007 (earliest priority date = 4 Apr 2006) to the patent application. Fee payable for this case would be \$120.

### Step 3

Details of Singapore patent application after the declaration of priority (on 10 April 2007) is made successfully:-

- Declared priority date = 4 Apr 2006
- Date of Filing = 4 Apr 2007

## 2.8 Example 5

Application in suit is filed within 14 months from declared priority date

### Step 1

Details of Singapore patent application as filed:-

- Declared priority date = NIL
- Date of Filing = 4 Apr 2007

### Step 2

Applicant files PF 57, making a declaration of priority and requesting to restore the priority claim at the same time on 10 Apr 2007 (earliest priority date = 4 Mar 2006). As 2 items are selected in PF 57, total fee of (\$120 + \$250) \$370 is payable.

### Step 3

Details of Singapore patent application after the declaration of priority and restoration of the priority claim is made successfully and approved by the Registrar:-

- Declared priority date = 4 Mar 2006
- Date of Filing = 4 Apr 2007

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## 2.9 Transitional and Savings Provisions

These new features apply to an application for a patent that qualifies for a Date of Filing on or after 1st April 2007, and rule 9 of the Patents Rules in force immediately before that date shall continue to apply to an application for a patent that qualifies for a Date of Filing before that date.

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## 3

### What's new? - Correction of Priority Claim

Rule 9(3) 3.1 With the “Apr 2007 amendments”, the correction of a mistake in a declaration affecting the declared priority date within the period prescribed, will involve less administrative steps.

Rules 9(3); 108(2) 3.2 To do so, applicants would have to

- file Patents Form 57
- pay a fee of \$120/-

within 16 months from the declared priority date so changed. The 16 months time period is not extendable.

*(Note that in general, the application in suit is still required to be filed within 12 months from the declared priority date.)*

Rule 9(4) 3.3 Such a correction under this rule can only be made if the application has not been published under section 27 of the Patents Act. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

#### 3.4 **Example 6**

##### Step 1

Details of Singapore patent application as filed:-

- Declared priority date = 10 Apr 2006
- Date of Filing = 4 Apr 2007

##### Step 2

Applicant makes a request to correct declaration of priority on 10 Apr 2007 from 10 Apr 2006 to 15 Apr 2006.

##### Step 3

Details of Singapore patent application after the request to correct the declaration of priority (on 10 April 2007) is allowed:-

- Declared priority date = ~~10 Apr 2006~~ 15 Apr 2006
- Date of Filing = 4 Apr 2007

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Rule 91 3.5 If the applicants miss the 16 months deadline and still wish to correct a mistake in a declaration, they may file Patents Form 23. Submissions are required to show and prove that an error has occurred.

Rule 91 3.6 For mistakes that are not related to the declared priority date, applicants may file Patents Form 23 to request for a correction. There is a need to provide submissions to prove that an error has occurred.

3.7 When does one use PF 57?

### Example 7

#### Step 1

Details of Singapore patent application as filed:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details	4 Apr 2006 0123,4567, US
2 <sup>nd</sup> Priority Details	4 May 2006 0124,4567, US

#### Step 2

Applicant files PF 57, requesting to correct the declared priority date (to 5 Apr 2006) on 10 Apr 2007 to the patent application.

#### Step 3

Details of Singapore patent application after the request to correct the declaration of priority (on 10 April 2007) is allowed:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details	<del>4</del> 5 Apr 2006 0123,4567, US
2 <sup>nd</sup> Priority Details	4 May 2006 0124,4567, US

For this example, PF 57 should be used.

3.8 When does one use Patents Form 23 (also referred to as “PF 23” in this Guide)?

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## Example 8

### Step 1

Details of Singapore patent application as filed:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details	4 Apr 2006 0123,4567, US
2 <sup>nd</sup> Priority Details	4 May 2006 0124,4567, US

### Step 2

Applicant files PF 23, requesting to correct the 2<sup>nd</sup> priority date (to 5 Apr 2006) on 10 Apr 2007 to the patent application.

### Step 3

Details of Singapore patent application after the request to correct the 2<sup>nd</sup> priority date (on 10 April 2007) is allowed:-

Date of Filing	4 Apr 2007
1 <sup>st</sup> Priority Details	4 Apr 2006 0123,4567, US
2 <sup>nd</sup> Priority Details	<del>4 May 2006</del> <u>5 Apr 2006</u> 0124,4567, US

For this example, PF 23 should be used.

- 3.9 The table below summarises when the applicants should use PF 57 to correct the declared priority date:-

For applications with filing date before 1 Apr 2007	For applications with filing date on or after 1 Apr 2007		
	If request to correct made within 16 months		If request to correct made after 16 months
For all cases	If application published	If application not published	For all cases
PF 23	PF 23	<b>PF 57</b>	PF 23

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## **Take Note!**

3.10 ! All relevant deadlines will be altered when a request to correct the earliest declared priority date is allowed.

3.11 **Example 8**

Application in suit is filed within 14 months from declared priority date

### Step 1

Details of Singapore patent application as filed:-

- Declared priority date = 4 Apr 2006
- Date of Filing = 4 Apr 2007

### Step 2

Applicant files PF 57, requesting to correct the declared priority date and to restore the priority claim at the same time on 10 Apr 2007 (earliest priority date = 4 Mar 2006). As 2 items are selected in PF 57, total fee of (\$120 + \$250) \$370 is payable.

### Step 3

Details of Singapore patent application after the requests to correct the declared priority date and to restore the right of priority are allowed:-

- Declared priority date = ~~4 Apr 2006~~ 4 Mar 2006
- Date of Filing = 4 Apr 2007

3.12 **Transitional and Savings Provisions**

These new features apply to an application for a patent that qualifies for a Date of Filing on or after 1st April 2007, and rule 9 of the Patents Rules in force immediately before that date shall continue to apply to an application for a patent that qualifies for a Date of Filing before that date.

## **4** Frequently Asked Questions

- 4.1 **Q1: Can I request for the restoration of right of priority for more than one earlier relevant application?**

A1: Yes, if one can meet the requirements.

- 4.2 **Q2: If I want to correct my Declared Priority Date (DPD) within 16 months, why do I have to file PF 57 when under the pre-Apr 2007 provisions, I could have filed PF 23?**

A2: PF 57 is required only where the correction relates to the DPD. And because it relates to the DPD, it provides certainty to applicants, as they know that their request will be granted if requirements are met, as opposed to a PF 23 where the Registrar will look at the merits of the request under rule 91.

This is similar to the PCT international phase provisions as well which says that a mistake is not rectifiable under PCT rule 91 if the mistake is in a priority claim or in a notice correcting or adding a priority claim under Rule 26*bis*.1(a), where the rectification of the mistake would cause a change in the priority date [See PCT rule 26.1*bis* read with PCT rule 91.1(g).]

- 4.3 **Q3: What if I want to request for the restoration of right of priority for more than one earlier relevant application? Do I pay multiple fees?**

A3: Yes. File one PF 57 for each priority claim. Multiple fees apply.

- 4.4 **Q4: Why would the new provision only allow one to add a declaration of a priority claim which would alter the DPD? What if one wishes to make another declaration but that declaration would not alter the DPD?**

A4: Rule 9(1) provides that in general any declaration of priority has to be done at the same time the application in suit is filed. This has always been the case.

The new rule 9(2) will provide for a limited scenario where one can

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make a declaration later, but only if the requirements are met. This feature is new and it serves as a safety net to applicants where the DPD would be altered.

## 4.5 **Q5: Why doesn't IPOS incorporate the request for restoration into PF 1(2004)?**

A5: For OIS (on-line filing) PF 57 is linked with PF 1(2004).

## 4.6 **Q6: For PF 57, why is there a requirement that the application must not be published?**

A6: Once the application is published, the DPD will be made known to the public. Also other search authorities may have done their search based on the incorrect DPD. Hence to avoid these possibilities from occurring, the requirement of non-publication is included.

Likewise, under the PCT, request for restoration and addition/correction cannot be made if a request is made for early publication, unless the early publication request is withdrawn before preparation for publication is completed.

## 4.7 **Q7: What kind of evidence is the Registrar looking for when we file a request for restoration?**

A7: On the interpretation of words "due care" and "unintentional", these words are extracted from the PCT amendments which came into force on 1 Apr 2007. The new PCT rule 26.3bis will apply to receiving Offices (includes IPOS) and IPOS (as receiving Office) will be guided by the receiving Office guidelines from the PCT. As a national office, IPOS can also refer to the PCT guidelines as well when deciding whether the requirements of "due care" or "unintentional" are met.

If one were to apply the ordinary meaning on "unintentional", it would suggest the establishment of an intention to file the application in suit within the 12 month period mentioned in section 17(2A)(a) and that failure to do so was unintentional.

Unintentional: e.g. letter showing instructions to the agent from the applicant or correspondences to the agent from the applicant which indicate the applicant's intention to file the Singapore patent application within 12 months and that the failure to do so

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was unintentional.

As for the requirement of "... due care...", if one applies the ordinary meaning, this suggests failure occurring despite having exercised due diligence (e.g. having a tracking and alert system in place) – that is to say, diligence expected of applicants to ensure filing the application in suit within the 12 month period mentioned in section 17(2A)(a).

Due care: e.g. detailed explanation of the kind of system put in place by the applicants/ agents to monitor relevant timelines relating to their patent applications with proper reminder mechanism and that the failure to do so occurred in spite of due care required by the circumstances having been taken by the applicants. This should preferably be supported by print-outs (from the system).

## 4.8 **Q8: Why is the transitional for restoration of priority for SG National Phase entry cases different from that provided for under PCT Rule 49ter.2?**

A8: Essentially, this is so as to provide consistent treatment of non PCT (section 17, which has a transitional of Filing Date on or after 1 Apr 2007) cases and PCT national phase entry cases. This also provides a clean slate across the board as the new provisions will only apply to applications with a Filing Date on or after 1 Apr 2007.

IPOS had informed PCT of the incompatibility of PCT Rule 49ter.2 in 2006 with the Singapore patent laws and this notification of incompatibility will continue to apply.

## 4.9 **Q9:- I had filed an application in suit and it is more than 12 months but within 14 months from an earlier relevant application that is the subject of priority declared in the application in suit (only 1 earlier relevant application has been declared). I realized subsequently that there were clerical errors (the correction sought will cause a change to the declared priority date) to the priority declaration made earlier. What should I do in addition to applying to restore the right of priority?**

A9: A right of priority to an earlier application will be restored when the details of the earlier relevant application have been correctly declared in accordance with rule 9. If for example, there is an error in the Date of Filing of the earlier relevant application, you will need to, at

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the same time as the request for restoration, request for a correction to the date of declared priority application under rule 9(3).

4.10 **Q10: If under the PCT, a receiving Office were to restore the right of priority on the finding of “Unintentionality”, will IPOS accept such a finding when the PCT application enters national phase in Singapore?**

A10: Yes, if the restoration was made in accordance with the PCT. Section 87(1)(b) of the Patents Act states as follows:

**Adaptation of provisions in relation to international application**

**87.** —(1) Where an international application for a patent (Singapore) is accorded a filing date under the Patent Co-operation Treaty —

(b) any declaration of priority made under the Treaty shall be treated as made under section 17 (2), and where in accordance with the Treaty any extra days are allowed, the period of 12 months referred to in section 17 (2A) (a) shall be treated as altered accordingly.

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### Overview – PF 57

	Restoration of right of priority	Addition of priority claim	Correction of priority claim	Addition of priority claim and Restoration of right of priority	Correction of priority claim and Restoration of right of priority
<b>Use</b>	<ul style="list-style-type: none"> <li>▪ When the Singapore patent application is filed beyond the prescribed period of 12 months from the Date of Filing of the earlier relevant application; and</li> <li>▪ The applicant still wishes to claim priority on this earlier relevant application</li> </ul>	<ul style="list-style-type: none"> <li>▪ When the applicant did not make a priority claim (declaration of priority) at the time of filing the Singapore patent application; and</li> <li>▪ It relates to the earliest priority claim</li> </ul>	<ul style="list-style-type: none"> <li>▪ When the applicant wants to correct the earliest priority claim</li> </ul>	<ul style="list-style-type: none"> <li>▪ When the applicant wishes to make a priority claim (declaration of priority) after the Date of Filing of the Singapore patent application; and</li> <li>▪ It relates to the earliest priority claim</li> <li>▪ Due to this addition, the Singapore patent application is now filed more than 12 months from the Date of Filing of this earlier relevant application</li> </ul>	<ul style="list-style-type: none"> <li>▪ Used when the applicant wants to correct the earliest priority claim; and</li> <li>▪ Due to this correction, the Singapore patent application is now filed more than 12 months from the Date of Filing of this earlier relevant application</li> </ul>
<b>Priority Period</b>	<ul style="list-style-type: none"> <li>▪ The Singapore patent application is filed within 14 months (but more than 12 months) from the declared priority date</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Singapore patent application is filed within 12 months from the declared priority date</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Singapore patent application is filed within 12 months from the declared priority date as changed</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Singapore patent application is filed within 14 months (but more than 12 months) from the declared priority date</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Singapore patent application is filed within 14 months (but more than 12 months) from the declared priority date as changed</li> </ul>
<b>When to file request?</b>	<ul style="list-style-type: none"> <li>▪ PF 57 needs to be filed within 14 months from the declared priority date</li> </ul>	<ul style="list-style-type: none"> <li>▪ PF 57 needs to be filed within 16 months from the declared priority date</li> </ul>	<ul style="list-style-type: none"> <li>▪ PF 57 needs to be filed within 16 months from the declared priority date as changed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Request for restoration needs to be filed together with the request for an addition of priority claim</li> <li>▪ PF 57 needs to be filed within 14 months from the</li> </ul>	<ul style="list-style-type: none"> <li>▪ Request for restoration needs to be filed together with the request for a correction of the earliest priority date</li> <li>▪ PF 57 needs to be filed</li> </ul>

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	Restoration of right of priority	Addition of priority claim	Correction of priority claim	Addition of priority claim and Restoration of right of priority	Correction of priority claim and Restoration of right of priority
				declared priority date	within 14 months from the declared priority date as changed
<b>Publication</b>	For national filings only:- <ul style="list-style-type: none"> <li>▪ No early publication or</li> <li>▪ Request for an early publication is withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>▪ No early publication or</li> <li>▪ Request for an early publication is withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>▪ No early publication or</li> <li>▪ Request for an early publication is withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>▪ No early publication or</li> <li>▪ Request for an early publication is withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>▪ No early publication or</li> <li>▪ Request for an early publication is withdrawn</li> </ul>
<b>Fee Payable</b>	<ul style="list-style-type: none"> <li>▪ \$250/-</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$120/-</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$120/-</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$370/- (\$120/- + \$250/-)</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$370/- (\$120/- + \$250/-)</li> </ul>
<b>Others</b>	<ul style="list-style-type: none"> <li>▪ State reason for the failure to file the Singapore patent application within the said 12 month period</li> <li>▪ Such failure should be unintentional or have occurred in spite of due care required by the circumstances having been taken</li> </ul>	-	-	<ul style="list-style-type: none"> <li>▪ State reason for the failure to file the Singapore patent application within the said 12 month period</li> <li>▪ Such failure should be unintentional or have occurred in spite of due care required by the circumstances having been taken</li> </ul>	<ul style="list-style-type: none"> <li>▪ State reason for the failure to file the Singapore patent application within the said 12 month period</li> <li>▪ Such failure should be unintentional or have occurred in spite of due care required by the circumstances having been taken</li> </ul>

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## **Feedback if any**

This Guide is prepared by the Patent Quality Management Unit (PQMU).

If you have any suggestions or feedback in relation to this Guide, please drop us an e-mail ([ipos\\_enquiry@ipos.gov.sg](mailto:ipos_enquiry@ipos.gov.sg)) and attention it to this Unit.

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