

**PUBLIC CONSULTATION PAPER
ON
THE PROPOSED 2007 AMENDMENTS OF THE PATENTS RULES**

ANNEX B

FOR DISCUSSION - PROPOSED AMENDMENTS TO THE EXISTING PROVISIONS	EXPLANATION
<p>Definitions R 2. —(1) In these Rules, unless the context otherwise requires — ... <u>"the initiation date" shall be the date the new application was initiated by documents containing the information mentioned in any of paragraphs (a) to (c) of section 26(1) being filed at the Registry;</u> ... <p style="text-align: right;">[UK Patents rule 2]</p> </p>	<p><u>A. Why make changes?</u> Consequential to the proposed changes in rules 27A & 28</p> <p><u>B. What are the changes in brief?</u> See proposed changes in rules 27A & 28</p> <p><u>C. What effects would these changes bring?</u> See proposed changes in rules 27A & 28</p> <p><u>D. Transitional & Savings Provisions & Implementation Date</u> This is in line with the implementation of new section 26.</p> <p><u>E. Purpose of this Consultation</u> IPOS would like to invite views from the patent users: As to the proposed amendments to rule 2.</p>
<p>Declaration of priority R 9. —(1) A declaration claiming priority for the purpose of section 17 shall be made within the same day of filing the application for a patent ("the application in suit") and shall state the date of filing of any application specified in the declaration and the country in or for which</p>	<p><u>A. Why make changes?</u> Consequential to the proposed changes in section 17. Ref:- new PCT Rules 26bis3</p>

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<p>it was filed.</p> <p><u>(1) Subject to paragraph (2) and rule 9A(4), a declaration for the purposes of section 17(2) shall be made at the time of filing the application for a patent.</u></p> <p style="text-align: center;">[UK Patents rule 6(1)] [Part of SG pre-amended Patents rule 9(1)]</p> <p>(2) Subject to rule 28, where the application in suit is for a patent under the Act, the applicant shall, within 16 months from the declared priority date, furnish to the Registry in respect of every application specified in the declaration its file number.</p> <p style="text-align: center;">[Moved to proposed SG Patents rule 9B(1)]</p> <p>(2A) Where the Registrar, by notice sent to the applicant or proprietor, requires him to furnish to the Registry, in respect of any application specified in the declaration, a copy of that application which is—</p> <p style="padding-left: 40px;">(a) duly certified by the authority with which it was filed; or</p> <p style="padding-left: 40px;">(b) otherwise acceptable to the Registrar,</p> <p>the applicant or proprietor, as the case may be, shall comply with the Registrar's requirement within 2 months from the date of the notice.</p> <p style="text-align: center;">[Moved to proposed SG Patents rule 9B(2)]</p> <p><u>(2) Subject to rule 9A(4), a declaration for the purposes of section 17(2) may be made after the date of filing provided that –</u></p>	<p>B. What are the changes in brief?</p> <p>See proposed changes in section 17.</p> <p>C. What effects would these changes bring?</p> <p>See proposed changes in section 17.</p> <p>D. Transitional & Savings Provisions & Implementation Date</p> <p>This is in line with the implementation of new section 17.</p> <p>E. Purpose of this Consultation</p> <p>IPOS would like to invite views from the patent users: As to the proposed amendments to rules 9 – 9C.</p> <p>In particular, IPOS welcomes any alternative proposals on the time periods that would meet the objectives of the amendments and yet be aligned with the other time periods.</p>

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<p><u>(a) it is made on Patents Form XXXX and its corresponding fee is paid;</u></p> <p><u>(b) it is made before the end of the period of sixteen months starting immediately following the date of filing of the earlier relevant application (or if there is more than one, the earliest of them) specified in that declaration; and</u></p> <p><u>(c) the condition in paragraph (3) is met.</u></p> <p style="text-align: right;">[UK Patents rule 6(2)]</p> <p><u>(3) The condition is that –</u></p> <p><u>(a) the applicant has not made a request under section 27(2) to publish the application during the period prescribed for the purposes of that section; or</u></p> <p><u>(b) any request made was withdrawn in accordance with rule 29.</u></p> <p style="text-align: right;">[UK Patents rule 6(3)]</p> <p><u>(4) A declaration for the purposes of section 17(2) shall specify –</u></p> <p><u>(a) the date of filing of each earlier relevant application; and</u> <u>(b) the country in or for which it was made.</u></p> <p style="text-align: right;">[UK Patents rule 6(4)] [Part of SG pre-amended Patents rule 9(1)]</p> <p><u>(5) In the case of a new application to which section 26(9) applies, no declaration shall be made which has not also been made in or in</u></p>	

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<p>connection with the earlier application.</p> <p style="text-align: right;">[UK Patents rule 6(5)]</p> <p>(6) For the purposes of rules 6B and 6C, "priority application" means an earlier relevant application specified in the declaration.</p> <p style="text-align: right;">[UK Patents rule 6(6)]</p> <p>(3) — Where an application specified in the declaration is an application for a patent under the Act or an international application for a patent which is filed at the Registry, the applicant or proprietor may file —</p> <p style="padding-left: 40px;">(a) a request that a copy of the application specified in the declaration be prepared for use in the Registry; and</p> <p style="padding-left: 40px;">(b) Patents Form 26 requesting the Registrar to certify the same.</p> <p style="text-align: center;">[Moved to proposed SG Patents rule 9B(5)]</p> <p>(4)(7) Where the application in suit is an international application for a patent (Singapore) which is to be treated as an application for a patent under the Act, the requirements of paragraphs (1) and (2)(4) shall be treated as having been complied with to the extent that the requirements of rule 4.10 (a) and (b), read subject to rules 26bis.1 and 26bis.2 (b), of the Regulations under the Patent Co-operation Treaty have been fulfilled.</p> <p style="text-align: center;">[Part of SG pre-amended Patents rule 9(4)] [Other part is moved to proposed SG Patents rule 9B(3)]</p> <p>(5) — Where —</p>	

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<p>(a) a copy of an application is filed under paragraph (2A), (3) or (4);</p> <p>(b) that application is in a language other than English; —</p> <p>(c) the validity of the claim to priority is relevant to determining whether the invention concerned is patentable; and</p> <p>(d) the Registrar, by notice sent to the applicant or proprietor, requires him to furnish to the Registry an English translation of that application,</p> <p>the applicant or proprietor, as the case may be, shall comply with the Registrar's requirement within 2 months from the date of the notice.</p> <p style="text-align: center;">[Moved to SG proposed Patents rule 9C(1)]</p> <p>(6) The translation referred to in paragraph (5) shall be verified to the satisfaction of the Registrar as corresponding to the original text.</p> <p style="text-align: center;">[Moved to SG proposed Patents rule 9C(2)]</p> <p>(7) If —</p> <p>(a) the applicant fails to comply with paragraph (2); or</p> <p>(b) the applicant or proprietor fails to comply with any requirement under paragraph (2A) or (5),</p> <p>within the time specified or as extended under rule 108, the claim to priority shall be deemed to be relinquished.</p> <p style="text-align: center;">[Moved to SG proposed Patents rules 9B(1), 9B(2) & 9C(3)]</p>	

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<p><u>Request to the comptroller for permission to make a late declaration under section 17(2B)</u></p> <p><u>R 9A.</u> - (1) <u>The period prescribed for the purposes of section 17(2A)(b) shall be the period of two months.</u></p> <p style="text-align: center;">[UK Patents rule 6A(1)]</p> <p><u>(2) A request under section 17(2B) may only be made where -</u></p> <p style="padding-left: 40px;"><u>(a) it is made on Form XXXX and its corresponding fee is paid;</u></p> <p style="padding-left: 40px;"><u>(b) it is made before the end of the period allowed under section 17(2A)(b);</u></p> <p style="padding-left: 40px;"><u>(c) it is supported by evidence of why the application in suit was not filed before the end of the period allowed under section 17(2A)(a); and</u></p> <p style="padding-left: 40px;"><u>(d) the condition in paragraph (3) is met.</u></p> <p style="text-align: center;">[UK Patents rule 6A(2)]</p> <p><u>(3) The condition is that –</u></p> <p style="padding-left: 40px;"><u>(a) the applicant has not made a request under section 27(2) to publish the application during the period prescribed for the purposes of that section; or</u></p> <p style="padding-left: 40px;"><u>(b) any request made was withdrawn in accordance with rule 29.</u></p> <p style="text-align: center;">[UK Patents rule 6A(3)]</p>	<p>See new rule 9</p>

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<p><u>(4) Where an applicant makes a request under section 17(2B), he shall make the declaration for the purposes of section 17(2) at the same time as making that request.</u></p> <p style="text-align: center;">[UK Patents rule 6A(4)]</p>	
<p><u>Filing of priority documents to support a declaration under section 17(2)</u></p> <p><u>R 9B.</u> - (1) <u>In respect of each priority application to which this paragraph applies the applicant shall, before the end of the period of sixteen months starting on the declared priority date, furnish to the Registry the file number of that application; otherwise the declaration made for the purposes of section 17(2), in so far as it relates to the priority application, shall be deemed to be relinquished.</u></p> <p style="text-align: center;">[UK Patents rule 6B(1)] [SG pre-amended Patents rule 9(2)]</p> <p><u>(2) Where the Registrar, by notice sent to the applicant or proprietor, as the case may be, requires him to furnish to the Registry, in respect of any application specified in the declaration, a copy of that application which is —</u></p> <p style="padding-left: 40px;"><u>(a) duly certified by the authority with which it was filed; or</u></p> <p style="padding-left: 40px;"><u>(b) otherwise acceptable to the Registrar,</u></p> <p><u>the applicant or proprietor, as the case may be, shall comply with the Registrar's requirement within two months from the date of the notice. Otherwise the declaration made for the purposes of section 17(2), in so far as it relates to the priority application, shall be deemed to be</u></p>	See new rule 9

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<p>relinquished.</p> <p style="text-align: center;">[UK Patents rule 6B(2)] [SG pre-amended Patents rule 9(2A)]</p> <p>(3) Paragraph (1) applies to every priority application except where the application in suit is an international application for a patent (SG) and the file number of the priority application was indicated in compliance with rule 4.10(a) and (b) of the Regulations made under the Patent Co-operation Treaty.</p> <p style="text-align: center;">[UK Patents rule 6B(3)] [Part of SG pre-amended Patents rule 9(4)] [Other Part in proposed SG Patents rule 9(7)]</p> <p>(4) Paragraph (2) applies to every priority application except where the application in suit is an international application for a patent (SG) and a certified copy of the priority application was filed in compliance with rule 17.1 of the Regulations made under the Patent Co-operation Treaty.</p> <p style="text-align: center;">[UK Patents rule 6B(4)] [SG pre-amended Patents rule 9(4)]</p> <p>(5) Where an application specified in the declaration is an application for a patent under the Act or an international application for a patent which is filed at the Registry, the applicant or proprietor may file —</p> <p style="padding-left: 40px;">(a) a request that a copy of the application specified in the declaration be prepared for use in the Registry; and</p> <p style="padding-left: 40px;">(b) Patents Form 26 requesting the Registrar to certify the same.</p>	

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[SG pre-amended Patents rule 9(3)]	
<p><u>Translation of priority documents</u></p> <p><u>R 9C.</u> (1) Where —</p> <p style="padding-left: 40px;"><u>(a) a copy of the priority application is filed under rule 9B(2);</u></p> <p style="padding-left: 40px;"><u>(b) that application is in a language other than English;</u></p> <p style="padding-left: 40px;"><u>(c) the validity of the claim to priority is relevant to determining whether the invention concerned is patentable; and</u></p> <p style="padding-left: 40px;"><u>(d) the Registrar, by notice sent to the applicant or proprietor, requires him to furnish to the Registry an English translation of that application,</u></p> <p><u>the applicant or proprietor, as the case may be, shall comply with the Registrar's requirement within two months from the date of the notice.</u></p> <p style="text-align: center;">[UK Patents rule 6C(1)] [SG pre-amended Patents rule 9(5)]</p> <p><u>(2) The translation referred to in paragraph (1) shall be verified to the satisfaction of the Registrar as corresponding to the original text.</u></p> <p style="text-align: center;">[SG pre-amended Patents rule 9(6)]</p> <p><u>(3) If the applicant or proprietor fails to comply with any requirement under paragraph (2), the declaration made for the purposes of section 17(2), in so far as it relates to the priority application, shall be deemed to be relinquished.</u></p>	See new rule 9

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<p>[UK Patents rule 6C(4)] [Part of SG pre-amended Patents rule 9(7)]</p>	
<p>Applicant for grant of patent</p> <p>R 19. —(1) A request for the grant of a patent shall be made on Patents Form 1.</p> <p><u>(1A) Where the documents filed at the Registry to initiate an application for a patent did not include the applicant's name and address, the Registrar shall notify the applicant that his name and address are required.</u></p> <p style="text-align: center;">[UK Patents rule 16(1A)]</p> <p><u>(1B) Where the applicant has been notified under paragraph (1A), he shall, before the end of the period of two months starting on the date of the notification, file his name and address;</u> <u>otherwise the Registrar may refuse his application.</u></p> <p style="text-align: center;">[UK Patents rule 16(1B)]</p> <p>(2) – (9) <i>[No change]</i></p> <p><u>(10) Where—</u></p> <p style="padding-left: 40px;"><u>(a) the documents filed at the Registry to initiate an application for a patent include something which is or appears to be a description of the invention in a language other than English; and</u></p>	<p><u>A. Why make changes?</u></p> <p>Consequential to the proposed changes in section 26.</p> <p><u>B. What are the changes in brief?</u></p> <p>See proposed changes in section 26.</p> <p><u>C. What effects would these changes bring?</u></p> <p>See proposed changes in section 26.</p> <p><u>D. Transitional & Savings Provisions & Implementation Date</u></p> <p>This is in line with the implementation of new section 26.</p> <p><u>E. Purpose of this Consultation</u></p> <p>IPOS would like to invite views from the patent users: As to the proposed amendments to rule 19.</p> <p>In particular, IPOS welcomes any alternative proposals on the time periods that would meet the objectives of the amendments and yet be</p>

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<p><u>(b) the applicant has not filed—</u> <u>(i) a translation into English of that thing; or</u> <u>(ii) a description of the invention in English, with a declaration that it is a complete and accurate translation into English of that thing.</u></p> <p><u>the Registrar shall notify the applicant that a translation or a description with a declaration is required.</u></p> <p style="text-align: center;">[UK Patents rule 16(5)]</p> <p><u>(11) Where the applicant has been notified under paragraph (10), he shall, before the end of the period of two months starting on the date of the notification, file either a translation or a description with a declaration; otherwise the Registrar may refuse his application.</u></p> <p style="text-align: center;">[UK Patents rule 16(6)]</p>	<p>aligned with the other time periods.</p>
<p>Date of filing application <u>References under section 26(1)(c)(ii)</u></p> <p>R26. — (1) Where a date of filing cannot be accorded under section 26 (3), the Registrar shall send a notification to the applicant specifying the requirements set out in section 26 (1) which have not been satisfied.</p> <p><u>(1) A reference made under section 26(1)(c)(ii) shall include—</u></p> <p style="padding-left: 40px;"><u>(a) the date of filing of the earlier relevant application;</u></p> <p style="padding-left: 40px;"><u>(b) its application number; and</u></p> <p style="padding-left: 40px;"><u>(c) the country in or for which it was made.</u></p>	<p><u>A. Why make changes?</u></p> <p>Consequential to the proposed changes in section 26.</p> <p><u>B. What are the changes in brief?</u></p> <p>See proposed changes in section 26.</p> <p><u>C. What effects would these changes bring?</u></p> <p>See proposed changes in section 26.</p>

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<p style="text-align: center;">[UK Patents rule 22A(1)]</p> <p>(2) The applicant shall, within one month from the date of the Registrar's notification sent to him, correct the deficiencies.</p> <p><u>(2) Subject to paragraph (3), the copy of the application provided under section 26(10)(b)(ii) shall—</u></p> <p style="padding-left: 40px;"><u>(a) be duly certified by the authority with which it was filed; and</u></p> <p style="padding-left: 40px;"><u>(b) where it is in a language other than English, be accompanied by—</u></p> <p style="padding-left: 80px;"><u>(i) a translation into English of that application; or</u></p> <p style="padding-left: 80px;"><u>(ii) a declaration that the description filed under subparagraph (i) of section 26(10)(b) is a complete and accurate translation into English of the description contained in the application provided under subparagraph (ii) of that provision.</u></p> <p style="text-align: center;">[UK Patents rule 22A(2)]</p> <p><u>(3) Where an application or a copy of the application is kept at the Registry, the applicant files —</u></p> <p style="padding-left: 40px;"><u>(a) a request that a copy of the application be prepared for use in the Registry and</u></p> <p style="padding-left: 40px;"><u>(b) Patents Form 26 requesting the Registrar to certify the same.</u></p>	<p><u>D. Transitional & Savings Provisions & Implementation Date</u></p> <p>This is in line with the implementation of new section 26.</p> <p><u>E. Purpose of this Consultation</u></p> <p>IPOS would like to invite views from the patent users: As to the proposed amendments to rules 26, 26A, 27, 27A & 28.</p> <p>In particular, IPOS welcomes any alternative proposals on the time periods that would meet the objectives of the amendments and yet be aligned with the other time periods.</p>

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<p style="text-align: center;">[SG Patents rule 9(3)]</p> <p>(3) Where any drawing has been filed later than the date which by virtue of section 26 (1) is to be treated as the date of filing the application, the Registrar shall send a notification to the applicant informing him of the date which is to be treated as the date of filing the application.</p> <p>(4) The applicant shall, if he wishes the date on which the drawing is filed be treated as the date of filing the application, make a request as such within one month from the date of the Registrar's notification sent to him, and —</p> <p style="padding-left: 40px;">(a) if the applicant makes any such request, the date of filing the drawing shall be so treated; but</p> <p style="padding-left: 40px;">(b) otherwise any reference to the drawing in the application shall be treated as omitted.</p> <p>(5) The prescribed period for the purposes of section 26 (8) shall be —</p> <p style="padding-left: 40px;">(a) if the application contains no declared priority date, the period of 12 months from its date of filing; or</p> <p style="padding-left: 40px;">(b) if the application contains a declared priority date, the period of 12 months from the declared priority date or the period of one month from its actual date of filing, whichever is the later.</p> <p>(6) Notwithstanding paragraph (11), where a new application is filed under section 20 (3), 26 (6) or 47 (4) after the period referred to in paragraph (5) (a) or (b), as the case may be, the prescribed period for</p>	

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<p>the new application for the purposes of section 26 (8) shall be the period of 2 months from the actual date of filing of the new application.</p>	
<p><u>Missing parts</u></p> <p><u>R26A(1).</u> Subject to paragraph (2), the period prescribed for the purposes of section 26(5)(b) and (6) shall be the period starting on the date of filing of the application for a patent and ending on the date of the preliminary examination.</p> <p style="text-align: center;">[UK Patents rule 23(1)]</p> <p><u>(2) Where the applicant is notified under section 28(9) that a drawing or part of the description of the invention has been found to be missing, the period prescribed for the purposes of section 26(5)(b) and (6) shall be the period of two months starting on the date of the notification.</u></p> <p style="text-align: center;">[UK Patents rule 23(2)]</p> <p><u>(3) An applicant may only withdraw a missing part by giving written notice to the Registrar.</u></p> <p style="text-align: center;">[UK Patents rule 23(3)]</p> <p><u>(4) A request made under section 26(7)(b) shall be made in writing and shall—</u></p> <p style="padding-left: 40px;"><u>(a) include sufficient information to identify where in the earlier relevant application or applications the contents of the</u></p>	<p>Ref:- new PCT Rule 20.5</p> <p>See new rule 26</p>

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<p><u>document filed under section 26(5)(b) were included; and</u></p> <p><u>(b) be made before the end of the period prescribed for the purpose of section 26(5)(b).</u></p> <p style="text-align: center;">[UK Patents rule 23(4)]</p> <p><u>(5) Any request under section 26(7)(b) shall be considered never to have been made where—</u></p> <p><u>(a) the earlier relevant application or applications do not contain every missing part filed under section 26(5);</u></p> <p><u>(b) the applicant fails to furnish to the Registry copies of all earlier relevant applications, duly certified by the authority with which they were filed, before the end of the relevant period.</u></p> <p style="text-align: center;">[UK Patents rule 23(5)]</p> <p><u>(6) Paragraph (5)(b) does not apply where an application or a copy of the application is kept at the Registry and, the applicant files —</u></p> <p><u>(a) a request that a copy of the application be prepared for use in the Registry and</u></p> <p><u>(b) Patents Form 26 requesting the Registrar to certify the same.</u></p> <p style="text-align: center;">[SG Patents rule 9(3)]</p> <p><u>(7) The relevant period shall be the first to expire of—</u></p> <p><u>(a) the period of sixteen months starting on the declared priority</u></p>	

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<p><u>date; or</u></p> <p><u>(b) the period of four months starting on the date the request was made under section 26(7)(b).</u></p> <p style="text-align: right;">[UK Patents rule 23(7)]</p>	
<p>Applications under section 26 (6) R 27. —(1) Subject to paragraphs (1A), (2) and (3), a new application for a patent which includes a request that it be treated as having as its date of filing the date of filing of an earlier application may be filed in accordance with section 26 (6) —</p> <p style="padding-left: 40px;">(a) of the applicant's own volition; or</p> <p style="padding-left: 40px;">(b) to comply with the requirements of section 25 (5) (d), at any time after the filing of the earlier application.</p> <p><u>New Applications under section 26 (9)</u></p> <p><u>R 27. —(1) Subject to paragraphs (1A), (2) and (3), a new application for a patent which includes a request that it be treated as having as its date of filing the date of filing of an earlier application may be filed in accordance with section 26 (9) —</u></p> <p style="padding-left: 40px;"><u>(a) of the applicant's own volition; or</u></p> <p style="padding-left: 40px;"><u>(b) to comply with the requirements of section 25 (5) (d), at any time after the filing of the earlier application.</u></p> <p style="text-align: right;">[UK Patents rule 24(1)]</p>	<p>See new rule 26</p>

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<p>(1A) Such new application shall in any event be made —</p> <p style="padding-left: 40px;">(a) before the earlier application has been refused, withdrawn or treated as having been abandoned; and</p> <p style="padding-left: 40px;">(b) before all the conditions in section 30 (2) and (3) are satisfied.</p> <p>(2) Where possible, the description and drawings of the earlier application and the new application shall respectively relate only to the matter for which protection is sought by that application.</p> <p>(3) Where it is necessary for an application to describe the matter for which protection is sought by another application, it shall include a reference by number to that other application.</p>	
<p><u>Periods prescribed under section 26(10)</u></p> <p><u>R27A.-(1) Subject to paragraph (4), the period prescribed for the purposes of section 26(10)(a) and (b)(i) shall be the relevant period.</u></p> <p style="text-align: center;">[UK Patents rule 25(1)]</p> <p><u>(2) Subject to paragraph (4) and rules 86(8) and 86(8A)(b), the period prescribed for the purposes of section 26(10)(c) and (d) shall be the relevant period.</u></p> <p style="text-align: center;">[UK Patents rule 25(2)]</p> <p><u>(3) Subject to paragraph (4), the period prescribed for the purpose of section 26(10)(b)(ii) shall be the period of four months starting on the</u></p>	<p>See new rule 26</p>

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<p>date of filing.</p> <p style="text-align: right;">[UK Patents rule 25(3)]</p> <p>(4) Where a new application is filed under section 20 (3), 26 (9) or 47 (4) after the relevant period has expired—</p> <p style="padding-left: 40px;">(a) subject to sub-paragraph (b), the period prescribed for the purposes of section 26(10)(a) to (c) shall be the period of two months starting on the initiation date; or</p> <p style="padding-left: 40px;">(b) where it is filed less than six months before the period prescribed by rule 47 is due to expire (including the expiry of any extension of that period), the period prescribed for the purposes of section 26(10)(a) to (c) shall end on the initiation date.</p> <p style="text-align: right;">[UK Patents rule 25(4)]</p> <p>(5) The relevant period is –</p> <p>(a) where there is no declared priority date, the period of twelve months starting on the date of filing of the application; or</p> <p style="padding-left: 40px;">(b) where there is a declared priority date, the last to expire of—</p> <p style="padding-left: 80px;">(i) the period of twelve months starting on the declared priority date; or</p> <p style="padding-left: 80px;">(ii) the period of two months starting on the date of filing of the application.</p> <p style="text-align: right;">[UK Patents rule 25(5)]</p>	

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<p>Extension of period for filing new applications.</p> <p>R 28. —(1) Where a new application is filed under section 20 (3), 26 (6) <u>(9)</u> or 47 (4) <u>after the expiry of the periods prescribed by rule 9B or rule 15(1) (or after the expiry of any extensions of those periods)</u> —</p> <p style="padding-left: 40px;">(a) subject to this rule, the requirements of rule 9 (1) and (3) <u>rules 9, 9A, 9B and rule 18</u> shall be complied with <u>on the initiation date</u> at the time of filing the new application;</p> <p style="padding-left: 40px;">(b) after the period of 16 months prescribed in rules 9 (2) and 18, then, subject to this rule, the requirements of rules 9 (2) and 18 shall be complied with at the time of filing the new application; and</p> <p style="padding-left: 40px;">(c) <u>(b)</u> the requirements of paragraph 1 (2) (a) (ii) and (3) of the Fourth Schedule, in a case to which they apply, shall be complied with on <u>the initiation date</u> or before the time ascertained under the said paragraph 1 (3) or the time of filing the new application, whichever is the later.</p> <p style="padding-left: 40px;">(2) Where a new application is filed under section 20 (3), 26 (6) or 47 (4), the requirement of paragraph (2A) or (5) of rule 9, if applicable, shall be met no later than the time prescribed in that paragraph.</p> <p>(3) Where a new application is filed under section 26 (6) <u>(9)</u> after the period prescribed in rule 9 (2) or 18 <u>rules 9, 9A, 9B or rule 18</u>, but within any extension of that period under rule 108 (3) or (4) in respect of the earlier application, the requirements of rule 9 (2) or 18 <u>rules 9, 9A, 9B or rule 18</u>, as the case may be, shall be complied with before the end of the extended period.</p>	<p>See new rule 26</p>

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<p>Written opinion of Examiner, etc.</p> <p>R 46. —(1) – (3) [No change]</p> <p>(3A) Subject to paragraph (3B), where an amendment of the specification of the application is filed under paragraph (3) —</p> <p style="padding-left: 40px;">(a) it shall be in the form of a copy of the specification with the amendment indicated in the following manner:</p> <p style="padding-left: 80px;">(i) by striking through any text, figure or other matter to be replaced or deleted; and</p> <p style="padding-left: 80px;">(ii) by underlining any replacement text, figure or other matter; and</p> <p style="padding-left: 40px;">(b) the words “replacement sheet”, followed by the date of signing of the Patents Form 13A, shall be stated at the top right hand margin of each sheet of the copy of the specification.</p> <p>(3B) – (10) [No change]</p>	<p><u>A. Why make changes?</u></p> <p>This will simplify the filing of replacements sheets to the Registry.</p> <p><u>B. What are the changes in brief?</u></p> <p>Currently, replacement sheets are dated but it can take a lot of time. With the advent of the electronic filing of documents capturing its corresponding date of lodgment, IPOS agrees that this requirement is no longer as significant as before.</p> <p><u>C. What effects would these changes bring?</u></p> <p>This simplifies the filing procedures for applicants.</p> <p><u>D. Implementation Date</u></p> <p>The changes would come into force on 1 April 07.</p> <p><u>E. Purpose of this Consultation</u></p> <p style="background-color: #00FFFF;">IPOS would like to invite views from the patent users: As to the proposed amendments to rules 46, 47, 48, 52 & 91.</p> <p style="background-color: #00FFFF;">In particular, IPOS welcomes any alternative proposals on the time periods that would meet the objectives of the amendments and yet be</p>

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	aligned with the other time periods.
<p>Putting application in order</p> <p>R 47. —(1) – (4A) <i>[No change]</i></p> <p>(5) The copy of the specification to be filed under paragraph (4) shall be dated, at the top right hand margin of each sheet, with the date of signing of the Patents Form 14.</p> <p>(5A) Paragraph (5) shall not apply to the copy of the specification if it is to be filed using the electronic online system, and the copy shall instead comply with practice directions issued by the Registrar in place of the requirement in that paragraph.</p> <p>(6) – (7) <i>[No change]</i></p>	See new rule 46
<p>Application for amendment before grant</p> <p>R 48. —(1) - (2) <i>[No change]</i></p> <p>(3) The words “replacement sheet”, followed by the date of signing of the Patents Form 13, shall be stated at the top right hand margin of each sheet of the copy of the document referred to in paragraph (2).</p> <p>(4) <i>[No change]</i></p>	See new rule 46
<p>Amendment of specification after grant</p> <p>R 52. —(1) – (6) <i>[No change]</i></p>	See new rule 46

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<p>(6A) The words "replacement sheet", followed by the date of signing of the Patents Form 17, shall be stated at the top right hand margin of each sheet of the copy of the specification referred to in paragraph (6).</p> <p>(7) – (8) [No change]</p> <p>(8A) The copy of the new specification to be filed under paragraph (8) shall be dated, at the top right hand margin of each sheet, with the date of compliance with paragraph (8).</p> <p>(8B) (8A) No amendment or correction (other than an amendment or correction introduced in order to comply with rule 19, 21 or 23) may be introduced in the new specification to be filed under paragraph (8).</p> <p>(9) – (10) [No change]</p>	
<p>Treatment of international applications</p> <p>R 86. —(1) – (4) [No change]</p> <p>(5) For the purposes of section 86 (3) and (6), to the extent that the application or any amendment made under Article 19 of the Patent Co-operation Treaty, or in a case where Singapore has been elected in accordance with Chapter II of the Treaty, any amendment annexed to the international preliminary examination report under Chapter II of the Treaty are not in English, a translation into English of the application as originally filed or, as the case may be, of the application as originally filed and of the amendment is necessary; however, the translation —</p> <p style="padding-left: 40px;">(a) shall exclude the request and abstract unless —</p>	<p><u>A. Why make changes?</u></p> <p>1st change: Review of current procedures - If a copy of the application has been published by PCT, it is proposed that there is no need for the applicants to give IPOS a translation of the request and abstract even if PCT has not sent the documents to IPOS.</p> <p>2nd change: The proposed insertion of section 17(2B) is to correspond with PCT rule 49 ter.2(b) which will come into effect on 1 Apr 07</p> <p><u>B. What are the changes in brief?</u></p> <p>See above.</p>

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<p>(i) the applicant expressly requests the Registrar to proceed earlier than the expiry of the period prescribed in paragraph (1); and</p> <p>(ii) a copy of the application <u>has not yet been</u> published by the International Bureau has not yet been sent to the Registry in accordance with the Treaty;</p> <p>(b) shall include any textual matter in the drawings in a form which complies with rule 49.5 (d) of the Regulations under the Patent Co-operation Treaty;</p> <p>(c) where a title has been established by the International Searching Authority under rule 37.2 of the Regulations under the Patent Co-operation Treaty which differs from the title included in the application as originally filed, shall include the former title in place of the latter; and</p> <p>(d) may exclude any textual matter contained in a sequence listing forming part of the description if such textual matter complies with rule 12.1 (d) of the Regulations under the Patent Co-operation Treaty and the description complies with rule 5.2 (b) of those Regulations.</p> <p style="text-align: right;">[UK Patents rule 85(5)]</p> <p>(6) - (7) <i>[No change]</i></p> <p>(8) In the case of an international application for a patent (Singapore) in respect of which the conditions specified in section 86 (3) (a) are satisfied, the period prescribed for the purposes of sections <u>17(2B)</u>, 24 (2) and 28 (1) shall be two months from the time limit for entering the national phase.</p>	<p><u>C. What effects would these changes bring?</u></p> <p>This simplifies the filing procedures for applicants.</p> <p><u>D. Transitional & Savings Provisions & Implementation Date</u></p> <p>1st change:- The changes would come into force on 1 April 2007.</p> <p>2nd change:- The changes would apply to PCT applications that enter national phase into Singapore which qualify for an international date of filing on or after 1 April 2007.</p> <p><u>E. Purpose of this Consultation</u></p> <p>IPOS would like to invite views from the patent users: As to the proposed amendments to rule 86.</p>

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<p style="text-align: center;">[UK Patents rule 85(7)]</p> <p><u>(8A) In the case of an international application for a patent (Singapore) in respect of which the conditions specified in section 86(3)(b) are satisfied, the period prescribed-</u></p> <p style="padding-left: 40px;"><u>(a) for the purposes of section 24(2), shall be the period prescribed by rule 18(1) or two months from the date on which the said conditions are satisfied, whichever expires the later;</u></p> <p style="padding-left: 40px;"><u>(b) for the purposes of sections 17(2B) and 28(1), shall be the period prescribed by rule 27A(2) or two months from the date on which the said conditions are satisfied, whichever expires the later.</u></p> <p style="text-align: center;">[UK Patents rule 85(7A)]</p> <p>(9) – (15) <i>[No change]</i></p>	
<p>Correction of errors in patents and applications</p> <p>R 91. —(1) - (1A) <i>[No change]</i></p> <p>(1B) The words “replacement sheet”, followed by the date of signing of the Patents Form 23, shall be stated at the top right hand margin of each sheet of the copy of the document referred to in paragraph (1A).</p> <p>(1C) <u>(1B)</u> Paragraphs (1A) and (1B) shall not apply if the request is to be filed using the electronic online system; and the request shall instead comply with practice directions issued by the Registrar in place of the requirements in those paragraphs, including the filing of such other</p>	See new rule 46

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<p>document prepared in such manner as may be specified therein.</p> <p>(2) – (9) [No change]</p> <p>(10) – The copy of the new specification to be filed under paragraph (9) shall be dated, at the top right hand margin of each sheet, with the date of compliance with paragraph (9).</p> <p>(11) (10) No amendment or correction (other than an amendment or correction introduced in order to comply with the formal requirements) may be introduced in the new specification to be filed under paragraph (9).</p>	