



Main Course

PUTTING QUALITY INGREDIENTS TOGETHER

GROOMING IP COOKS AND CONNOISSEURS

GETTING A PIECE OF THE GLOBAL PIE

COOKING IT RIGHT AT IPOS



PUTTING QUALITY INGREDIENTS TOGETHER

"Ingredients are not sacred. The art of cuisine is sacred. The holy icons of the chef's faith – fragrant truffles, rich foie gras, well-marbled meats and other luxurious ingredients – these are not God. Their synthesis and their miraculous transformation into a sum greater than its parts is creation, and this is what I find most worthy of reverence."

– Tanith Tyrr, 1997

Achieving Balance

As IP regulator and policy adviser for Singapore, IPOS keeps vigilant watch over IP developments around the world and ensures that our IP systems are current and relevant to the needs of our community. Maintaining a delicate balance between the needs of both industry and consumers, IPOS has helped to put in place a robust, nimble and pro-business IP regime that has consistently enjoyed high rankings internationally. The good showing is the result of a progressive IP legislative framework coupled with effective enforcement policies. In 2003, Singapore was once again rated the most IP-protective country in Asia by the Political & Economic Risk Consultancy (PERC).

In FY 03, IPOS further refined our Trade Mark and Patent registration systems to make them even more user-friendly and expedient. We implemented changes via the Trade Marks Amendment Rules 2003 allowing online amendments to be made to trade mark applications and online filing of recordal of assignments, and a series of Patents Amendment Rules 2003 to streamline and simplify filing procedures.

Ceaseless Quest for the Best

As IP laws need to support the rapid growth of industry and technology, they need to be constantly reviewed to ensure that an optimal framework exists to harness business opportunities. In FY 03, in tandem with Singapore's growth as a knowledge-based economy, IPOS undertook a massive review of all the IP laws in Singapore. The review also dovetailed with preparations for the new IP Chapter initiatives following the signing of the United States-Singapore Free Trade Agreement by Singapore Prime Minister Goh Chok Tong and US President George W. Bush on 6 May 2003.

Sourcing Far and Wide

For the review process, IPOS deliberated on the

different IP regimes of other countries to choose a best fit for our context. Besides looking at legal precedents, there were also many rounds of consultations with industry and professional bodies to ensure that the provisions met both the needs of industry and public interest. In particular, for Patents, the review in FY 03 was the culmination of two-and-a-half years of work which started back in late 2001. The final proposed amendments were a result of two roundtable discussions with industry experts in June 2002 and April 2003, and two public consultations in April 2003 and March 2004.

Getting Down to Business

To ensure that businesses in Singapore are engaged and involved in the change process, IPOS formed an IP Taskforce in June 2003 to serve as a platform for feedback and collaborative action between government and private sectors in this regard. Business groups represented on the IP Taskforce include the Association of Small and Medium Enterprises, CommerceNet Singapore, Designers Association of Singapore, Singapore Business Federation, Singapore Information and Technology Federation, Singapore Institute of Architects and Singapore International Chamber of Commerce. Collectively, these associations represent about 18,000 small, medium and large Singapore-based businesses.

The Taskforce also includes representation from various statutory boards namely the Infocomm Development Authority, International Enterprise Singapore, Singapore Economic Development Board, Media Development Authority and SPRING Singapore.

Putting It All Together

As a final stage of the review, four IP Bills were presented to the public for consultation in March 2004 before being finalised for tabling in Parliament. They were:

- Trade Marks (Amendment) Bill;
- Patents (Amendment) Bill;
- Plant Varieties Protection Bill (a brand new legislation); and
- Intellectual Property (Miscellaneous Amendments) Bill (covering copyright, designs and layout-designs of integrated circuits).

The proposed changes include:

Trade Marks

- An extended scope of protection for trade marks by removing the requirement that marks must be visually perceptible to be protected.
- Better protection for well-known marks, in particular protection against dilution of the distinctiveness of the well-known marks and protection vis-a-vis business identifiers.
- Greater flexibility for licensees in enforcing their rights.
- Grace period of six months after expiry of registration to renew the mark.

Patents

- The extension of a patent term on grounds of unreasonable delay in the granting of the patent, unreasonable delay caused by the foreign patent office in the issuance of a patent of a corresponding application and in the case of pharmaceutical product, unreasonable delay in obtaining marketing approval.
- A provision allowing generic drug producers to carry out activities covered by a patent without the consent of the patent owner, provided the activities are carried out to support an application for the marketing approval of a pharmaceutical product.

- A two-track registration system with differentiated timelines to suit the patenting needs of users.
- The provision for a post grant search and examination process.

Copyright

- The extension of protection term from the existing 50 years to 70 years.

Protection of New Plant Varieties

- A new regime for protection of plant varieties which conforms with the 1991 revision of the UPOV Convention (The International Union for the Protection of New Varieties of Plants).

Licences

- Greater flexibility for exclusive licensees of Trade Marks, Patents, Layout-Designs of Integrated Circuits and Industrial Designs to be able to commence legal action without having to join the owner as a party to the proceedings.

Smooth Systems

Besides putting in place a robust legal framework, we did not neglect the efficacy of our day-to-day IP registration services. In FY 03, IPOS continued to make strides in improving service levels.

SMART Organisation

IPOS earned the accolade of "Smart Organisation" at the inaugural MIS (Management Information Strategies) Innovation Awards 2003. Harnessing technology to make quantum leaps in service standards and productivity, IPOS' Trade Marks System (TMS) was picked as a winner in the "Smart Organisation" category from over 90 nominations from across Asia vying for 10 categories. The rigorous evaluation comprises three rounds and at least three separate assessments by a panel of 25 judges who are renowned in the regional IT sector.



The TMS allowed officers to better monitor and track the huge number of applications, reducing total processing time by an impressive 70 percent. Our customers also benefit as they now save up to 10 percent in fees through e-filing. The TMS has received compliments from users as well as visitors to our booth at exhibitions where we showcased the system.

Patenting Guide

With IP fast becoming a core competency for business, two officers from IPOS co-authored the book, "Patent Protection Regimes, A Comparative Guide" to help promote IP awareness and facilitate IP business in Singapore. The officers compiled a table comparing key features of patent regimes in Europe, USA, Japan, Australia, Malaysia and Singapore. The book has proved to be a boon for all patent owners, IP users and general business and academic communities.



Trade Mark Searches Goes Online

Since 30 January 2004, users have been able to conduct trade mark searches in the comfort of their homes or offices through eTrademarks, IPOS' online Trade Mark System. Previously, customers had to be physically present at IPOS to use the public search terminals when looking for information on trade marks. Services include searches for similar marks, marks belonging to a particular proprietor and detailed information about specific marks.



Patents – the e-Way

In FY03, the Registry of Patents moved from a manual based working environment to an electronic based workflow system. With this achievement, our backend system was integrated with ePatents, our online patent filing system, to provide a seamless interface. We also implemented the next phase of the ePatents project on 1 August 2003 when we



received the e-filing of applications for patents as well as other key patent forms.

Taking IDEAS to a New Level

FY 03 saw the Registry of Designs embarking on the final stages of enhancement to the electronic Designs Register and preparing for the Industrial Designs Application System (IDEAS) to go online as part of the Registry's new eDesigns system. Through eDesigns, users will enjoy the benefits of online filing and search facilities for design protection in Singapore. The system is targeted for completion by the end of the next financial year.

Improving Service

For FY 03, IPOS remained committed to improving service standards and the efficiency, effectiveness and expediency of its operations. Examples of some of our achievements are:

- **Greater Efficiency**
 - The turnaround time for the issuance of registration certificates for trade marks has been shortened from two months to under a month from the expiry of the statutory opposition period.
 - The turnaround time for the issuance of Registered Designs Certificates has been shortened from three months to within two months.
 - Pre-Hearing Reviews were fixed within two weeks and heard within one month after the close of pleadings in proceedings before the Registrar.
- **Greater Effectiveness**
 - The publication of guidelines by our internal ICGS Committee provided greater transparency and certainty in the proper classification of goods and services

contributing to a reduction in forms filed for amendments of specifications in trade mark applications by more than 40 percent.

- An applicant for restoration of a trade mark registration need no longer lodge a Statutory Declaration with his application form as he is now able to incorporate his grounds for restoration in the form itself.
- The Hearings and Mediation Department (HMD) was more pro-active in trying to resolve disputes. There was an increase of 15 percent in the number of pre-hearing reviews and an increase of 27 percent in the number of case management hearings heard in 2003. HMD also disposed of 50 percent more cases via full hearing in FY 03 than the preceding year.
- **Greater Expediency**
 - Recognising that trade mark registration certificates mean a lot to the owner and should reflect the mark that is protected, we have enhanced our system to allow our registration certificates to be printed in colour where the mark sought for registration is coloured.
 - We have relaxed the requirement to lodge translations of non-English patent priority documents.

Other Significant Developments

- Anticipating increased demand for our search and examination services because of the increase in patent filings worldwide, arrangements were made for the Danish Patent and Trademark Office to be appointed as the third examining authority under our Patent

system, joining the Australian Patent Office and the Austrian Patent Office.



Registry of Patents receiving visitors from the Danish Patent Office.

- A set of Search and Examination Guidelines was developed as a useful reference tool for our Patent Examiners as they highlight important aspects (legal and procedural) that should be considered when conducting search and examination of Singapore patent applications.
- The Third Qualifying Examination for Patent Agents held in November 2003 saw a 100 percent increase in the number of candidates enrolling for the examination over the preceding year. The number of candidates had increased from five in 2001, to nine in 2002, to 18 in 2003.