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IPOS: Patent system is robust

You can challenge patent's validity in different ways

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WE refer to Tan Choon Hong's letter, "Weaknesses in patent system?" (The New Paper, 10 Jun). Singapore's patent system provides a balance between the interests of patent owners and the public at large.

A patent owner is given a limited term to exploit the patented invention.

In return for this patent protection, the published patent specification is made accessible to the public.

Full public access to the use of the invention is available when the patent term expires. An invention must meet several requirements before it is considered patentable.

Firstly it must be new.

In other words, the invention must not form part of the state of the art made available to public in Singapore or elsewhere by written or oral description or by use.

In addition, a patent must also involve an inventive step and be industrially applicable.

In a typical patent application process, a search is conducted to uncover prior art.

The invention is examined to

determine whether it is novel and has an inventive step in the light of prior art.

Prior art refers to information that has been made publicly available anywhere in the world before a given date that may be relevant to the patent application.

The patent system recognises that it is practically impossible to search for every single piece of publicly available information in the world relevant to an invention, and therefore allows others to challenge a patent's validity.

One way to challenge a patent's validity is to initiate revocation proceedings, as provided for under the Patents Act.

A patent can be challenged and revoked if it is established that it is not novel, does not have an inventive step or is not industrially applicable.

Another way to challenge a patent's validity is when a patent owner commences infringement proceedings in court.

As a defence in the infringement proceedings, the validity of the patent can be questioned.

These avenues to challenge a patent serve as necessary checks in balancing the interests of all parties, and make the patent system rigorous and robust.

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Therefore, when faced with potential patent infringement action, whether in Singapore or elsewhere, it is prudent to engage a patent lawyer or patent agent to advise on the merits of the case and the appropriate course of action.

IPOS provides a free service on its ePatents website (www.epatents.gov.sg/PE/) for members of the public to conduct a search on patent specifications published in Singapore.

We would like to thank the writer for the feedback.