

INNOVATION PROGRAMME SEMINAR 2008

- What is a Patent?
- Why are Patents important?
- Getting a patent in Singapore

WHAT IS A PATENT ?

Patents protect Inventions!

But what is an **Invention**?

- Invent: to create something new
- Invention: an outcome of the creation process, i.e. the “something new”

What is a patent?

- A **monopoly** right that prevents others from using an invention without the owner's consent.
- The monopoly right is given in exchange for full public disclosure of the invention.
- Protection is for a limited period of time, generally **20 years**

What rights do I get from a Patent?

- Protection only within country in which patent was granted
- Prevents use of invention by others
- Receive compensation if unauthorised use of patent occurs

What is a Patentable Invention?

In Singapore, a patentable invention is one that:

- is **new** (or **novel**)
- has an **inventive step**
- is **industrially applicable**

An invention that encourages offensive, immoral or anti-social behaviour is not a patentable invention, e.g. a device that makes heroin.

- An invention is **new** or **novel** if it does not form part of the prior art, i.e. **it has not been done or disclosed before**
- **Prior art** = everything which is made available to the public before a patent application is filed

An invention has an inventive step if the invention is something not obvious to a person skilled in the art, i.e. “I would never have thought of it”.

A person skilled in the art = A person with an average knowledge of a technical field.

For example, for a newly-invented chair, a person skilled in the art may be a furniture maker.

The invention must be capable of being used or made in any kind of industry, i.e. **it has a practical use**

WHY ARE PATENTS IMPORTANT?

Material rewards:

- Prevent others from copying invention → Higher chance of commercial success
- Consent to use the invention may be given by the patent owner in return for monetary benefits.
- A patent can be sold
- Receive compensation if others use the invention without owner's consent, i.e. sue for infringement of the patent

- Publication of patent information:
 - ✓ No need to “reinvent the wheel”
 - ✓ Inventions fuels further inventions
- Through its rewards, the patent system encourages people to innovate. Society benefits because innovation improves the quality of human life.

GETTING A PATENT IN SINGAPORE

Who owns the Invention and Patent?

Generally, the rights to a patent belong to the inventor. However, in reality patent rights are often assigned by the inventor to companies.

What's in a patent?

A patent application contains:

- i. a **patent specification**, which itself is made up of:
 - a **description** of the invention;
 - one of more **claims**; and
 - any **drawing** referred to in the description or any claim
- ii. an **abstract**

The specification must disclose the invention **clearly and completely** so that the invention can be performed by a **person skilled in the art**.

The Description

- Sets out the technical **background** of the invention.
- Explain the **problem** that the invention **solves** and how the invention goes about solving the problem.

Claims

- A precise statement of the invention that you want to **protect**.
- The claims defines the legal protection of the patent.
- The claims must be fully supported by the description.

Example of a Claim:

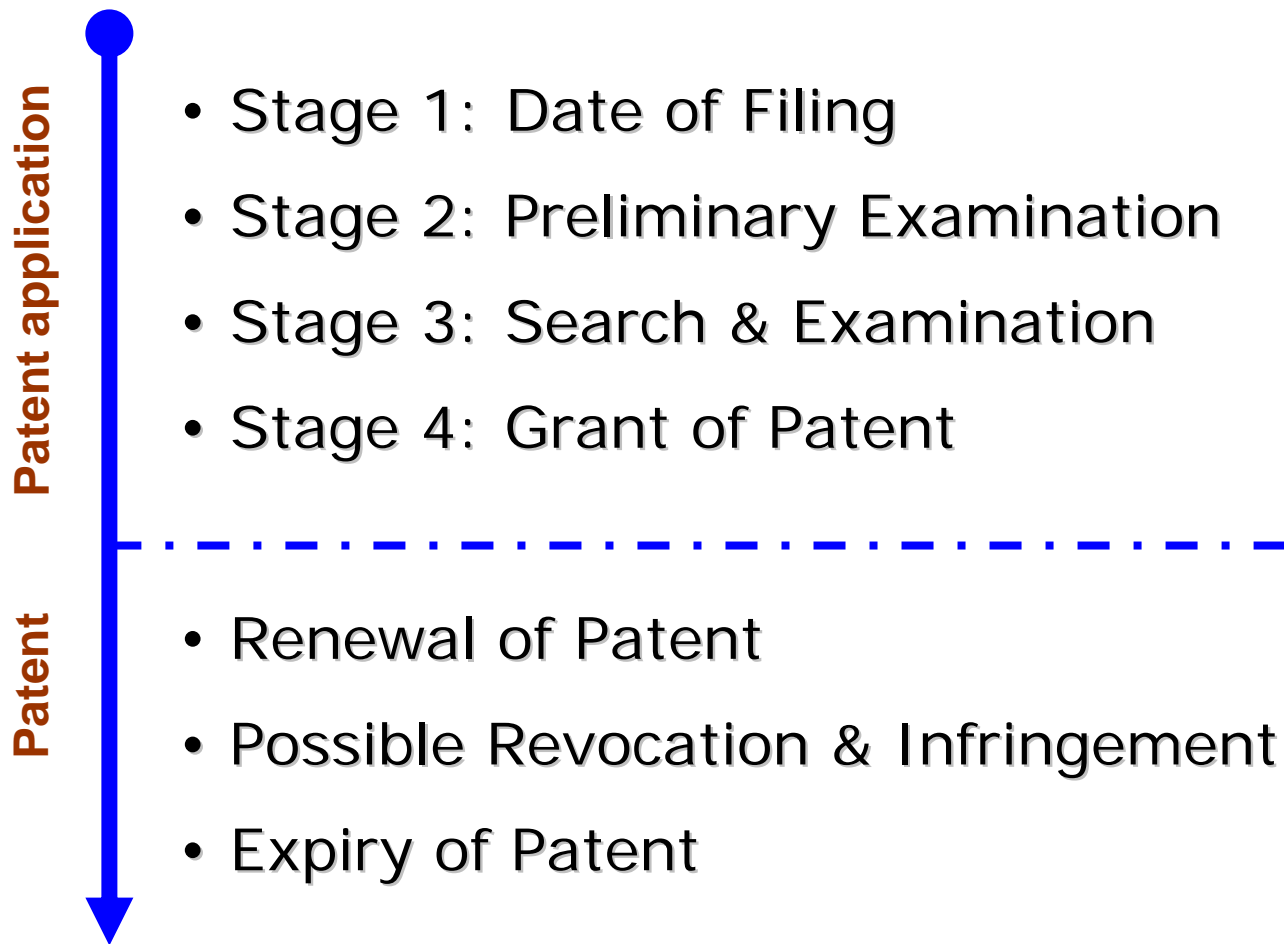
“A chair having a wooden top and ten legs, with each leg attached to the base of the wooden top”.

Drawings

- Drawings help better explain what's in the description
- Drawings are optional

Abstract

An abstract is a brief summary of the invention



A Date of Filing = Earliest date IPOS receives the following:

- A request for the grant of patent
- The identity of the applicant(s) and
- A description of the invention

The Date of Filing is the start date of a patent application.

Stage 2: Preliminary Examination

- ✓ The application is checked to see if formal requirements are met. Examples of formal requirements:
 - Page numbering
 - Page margins

- ✓ The application is also checked to see if any parts of the description or drawings are missing.


Stage 3: Search and Examination

The application will be subject to a **Search** and **Examination** process, where a person skilled in the art (a **Patent Examiner**) will perform...

- A **Search** to find any relevant prior art
- An **Examination** of the prior art to determine whether the invention has an inventive step and if it is industrially applicable.

Stage 4: Grant of the Patent

After search and examination is completed, an applicant may then request for the grant of a patent.

When the patent is granted, a Certificate of Grant will be issued to the owner 

**THE REGISTRY OF PATENTS
SINGAPORE**

**THE PATENTS ACT
(CHAPTER 221)**

CERTIFICATE OF GRANT OF PATENT

In accordance with section 35 of the Patents Act, it is hereby certified that a patent having the P-No. _____ has been granted in respect of an invention having the following particulars:

Title :

Application Number :

Date of Filing :

Priority Data :

Name of Inventor(s) :

Name(s)
and Address(es) of
Proprietor(s) of Patent :

Date of Grant :

Dated this day of .

Registrar of Patents
Singapore

- Patent renewal fees have to be paid annually. If no renewal fee is paid, a patent shall cease to have effect.
- Anyone can challenge the validity of a patent.
- Patent owner can take legal action against anyone who uses his invention without his consent.
- After a patent expires and anyone can use the invention without the owner's consent.

Considerations before applying for a patent

- Until you have filed your patent application, keep your invention **secret!**
- If you really need to disclose your invention before an application is filed, it should be done under the strictest of confidence.

- Will the invention make you money?
- Need to weight costs and benefits of applying for a patent.

- Before applying for a patent, do your own search for possible relevant prior art.
- You may think you have a new invention, but doing some homework first may save you money!



- **Public Awareness**

- HIP Alliance (Honour Intellectual Property)
- A public education campaign which aims to encourage the general public to RESPECT IP and say NO! to Piracy
- www.hipfriends.org.sg



- **Public Education**

- To teach students about IP in fun and interactive ways
- E-learning modules, school assembly talks, national IP camps and competitions
- www.iperckidz.gov.sg

- IPOS website (General Information, FAQs):
www.ipos.gov.sg
- IP Infosheets & Infopacks
- Singapore statutes: <http://statutes.agc.gov.sg>

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THANK YOU!