

**INTELLECTUAL PROPERTY OFFICE OF SINGAPORE QUALIFYING EXAMINATION
FOR THE REGISTRATION OF PATENT AGENTS**

**PAPER D: Date of Examination = 28 Mar 2002
TITLE: KNOWLEDGE OF PATENT LAW AND PATENT PRACTICE IN SINGAPORE**

**Maximum Time: 3 Hours + 15 Minutes of reading time
Maximum Marks: 100 Points**

INSTRUCTION TO CANDIDATES

1. 15 minutes of reading time is provided. You are advised to spend this time reading the instructions and the question(s) before you attempt to answer the question(s).
2. In Paper D, you are required to answer five (5) Questions only.
3. Each question carries 20 marks. Questions answered in excess of five will not be marked.
4. Write your answers in English. Answers in any other language will not be marked.
5. Only your answers to the question(s) written or pasted in the Answer Booklet (that is provided by the Examination Secretariat) would be considered. You are advised to write on one side of each sheet in the Answer Booklet and to commence your answer to each question (where applicable) on a fresh sheet.
6. In the following question(s) to this Paper, you are to assume that the dates mentioned (including the deadlines that are or would be due) are not excluded days specified in Rule 99 of the Patent Rules. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 1:

1. You are consulted by the widow of an inventor (a Singapore citizen and resident). Going through his papers she has just found some papers to do with patents. She is in your office today i.e. 28 Mar 2002, and she asks you to look through the papers and let her know if anything needs to be done.

You find the following details concerning patents and patent applications in the name of the late husband:

- (a) A pending Singapore patent application (SG application no. 111111) which has a declared priority date of 21 Jun 2000. This application was filed in the name of the inventor (who was the sole inventor) only. You also find a Notification dated 8 Apr 2001 from the Intellectual Property Office of Singapore (IPOS) informing you that the application has been examined in accordance with section 28 of the Patents Act and that it satisfies the formal requirements of the Patents Act and Rules.
- (b) An International application (PCT application no. PCT/SG 00/22222) filed on 28 Sep 2000 without claim to priority designating all contracting states. There is a search report from the International Searching Authority (Austrian Patent Office) containing a number of category "Y" references.
- (c) A pending Singapore patent application (SG application no. 333333) on which a written opinion dated 28 Dec 2001 has been received. The written opinion states that the invention claimed in claim 1 lacks novelty.
- (d) A granted Singapore patent (SG patent no. 0444) having a date of filing, dated 28 Dec 1997. The patent was granted on 10 Jan 01. It does not appear that any renewal fee has been paid.

Write notes on the points you need to explain to the widow. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 2:

2. You receive the following letter:

“About three years ago I invented an artificial ligament for repairing damaged knee joints. I have obtained a patent for the invention. I showed the invention to a healthcare company “A”. They were very interested and offered me employment in their research department. I accepted this employment because I was rather short of money at the time. I also agreed that they could manufacture my invention although nothing was put in writing at the time.

I have now developed an improved method of implanting my artificial ligament into a knee joint. My employers say that they intend to obtain a patent for this improvement. They assert that the patent rights to the improvement belong to them as do the rights to my first invention and they have asked me to sign a document confirming their ownership of both inventions.

Should I sign?”

Explain, with reasons, the advice you would give. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 3:

3. Your clients, a Singapore company, come to you with the following problem:

"We are manufacturing a compound "X" in Singapore. Quite recently we discovered that Mega Corp. have a Singapore patent for compound "X".

On examining our records we find that we began importing compound "X" from an undisclosed source before the date of filing of the Mega Corp patent. However manufacture of compound "X" by us in Singapore only started after the priority date of the Mega Corp patent.

Can Mega Corp stop us from making compound "X" in Singapore?

By the way we do not think that Mega Corp are making compound "X" in Singapore but are importing it from the United States of America. Not only that, they are selling compound "X" at unreasonably high prices here! "

Advise the clients giving the reasons for your advice. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 4:

4. Your clients send the following letter:

"We are manufacturers of detergents. About a year ago we were approached by Chemico who asked us if we would like to manufacture under licence a detergent composition for which they have a patent. We investigated this composition and it had very good commercial potential. As a result we negotiated a licence for manufacture in Singapore, the licensed product has been successful.

Under the terms of the licence we are obliged to purchase from Chemico some of the raw materials for manufacture of the detergent composition. We did not like this condition but were told by Chemico that if we did not agree to it they would not grant us the licence.

A few weeks ago we noticed that a competitor had started selling the same detergent composition in Singapore. We wrote to the competitor telling them to stop infringing the patent under which we are licensed failing which we would start proceedings for an injunction and damages. We have not received any reply and the infringement continues."

What advice do you give the clients? Give appropriate reasons for your advice. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 5:

5. You receive instructions from US to prepare to file an International patent application on behalf of your US based clients, in Singapore as a PCT receiving Office. This relates to invention "ABC".

Your clients ask whether this could be a problem and they also want to find out what the procedure will be concerning the International search and examination of the application.

They mentioned also that they have yet to decide on their markets and business plans and would like to delay incurring expenses for as long as possible.

Explain to the client what options are available and what the financial consequences are. Give appropriate reasons for your advice. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 6:

6. You have filed a Singapore patent application (SG application no. 55555) for a German applicant. The applicant decided to rely on the final results of the search and examination in corresponding applications in the USA (US application no. 3434) and UK (UK application no. 5656). The Singapore application (SG application no. 55555) has proceeded to grant.

You now learn from the client that there was also a corresponding application filed at the European Patent Office (EP application no. 1212). In that application a highly relevant International Application (PCT/IB99/987) was cited which discloses all the claims of the granted Singapore patent. The International Application has a priority date earlier than the granted Singapore patent but was not published until after the priority date of the granted Singapore patent.

What advice do you give? Support your advice with reasons. Give appropriate reasons for your advice. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).

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QUESTION 7:

7. Your clients come to you with the following information:

“We have received a letter from company Z informing us that they have a patent for the product A that we are importing into Singapore and selling here. Company Z had demanded that we stop the importation and sale. We did not bother to reply because being unaware of Company Z’s patent we did not see how we could infringe it.

Now Z have started infringement proceedings against us”.

You check the register of patents and you find that the registered proprietor for the patent is not Z but another company Y. You also check the status of corresponding patents in other jurisdictions from which you note that the corresponding European Patent was revoked following opposition. The successful ground of opposition was lack of novelty based on a publication, disclosing product A.

Give reasoned advice to the client. You are also advised to include in your all answers, supporting references to the relevant corresponding provisions to the Patents Act & Rules and the PCT provisions (where appropriate).