INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

QUALIFYING EXAMINATION FOR THE REGISTRATION OF PATENT AGENTS

PAPER D: KNOWLEDGE OF PATENT LAW AND PATENT PRACTICE IN SINGAPORE
28 November 2002, Thursday
1400 – 1700 hrs

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

LIGHTING UP YOUR CREATIVITY

INSTRUCTION TO CANDIDATES

1. This Paper consists of 3 sheets, including this cover sheet.

2. 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).

3. In Paper D, you are required to answer five (5) Questions only.

4. Each question carries 20 marks. Questions answered in excess of five will not be marked.

5. Write your answers in English. Answers in any other language will not be marked.

6. 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.

7. 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

Your client comes to see you one day, very excited and he explained that he filed a patent application by himself at the SG Patent Registry that very morning and he felt that with this experience, he can qualify as a patent agent in Singapore. After filing, he met some of his friends for coffee and he showed them a copy of the patent documents which he had filed with the Registry. All this occurred before he came to your Office. You learned that what he had furnished to the Patent Registry was merely a letter indicating his name only and some drawings with accompanying text on the drawings. No fees were furnished. Neither did the letter contain any other information. He mentioned by the way that his professor contributed the tools and ideas, which led him to the invention to which patent protection was sought in his patent application. He asks for advice in relation to his patent application, and if there are any deficiencies, how they may be remedied.

QUESTION 2

Your client who is a Malaysian Scientist comes to you with a petri dish one day seeking for a world patent (covering all countries including Malaysia). He claims to have isolated an existing micro-organism and had modified its genetic structure such as to create an absolutely new micro-organism (to which he had cloned a few and stored them in the petri dish) which can produce ozone. He claimed that this is the only solution to the world's problem i.e. ozone reduction. As he had never filed for a patent before, he would like to know how to go about seeking such patent protection and he would like to know what his options and the filing procedures are in this regard. In particular, he informs you that he would like to file his world patent application in Singapore. Finally, he would also like to know when he would get his world patent grant so that he can start publishing his invention in a science journal.

QUESTION 3

Your client is currently selling products having a patent number no. 001 affixed to it. He has not filed any patent applications before but he had placed this number onto his products because he thought that this could attract people into buying his products. It did, as his sales have been high since he started this practice of affixing the patent number onto his products. Just a week ago however, he had received a letter from Company X, drawing his attention to Company X's ownership of a Singapore patent application no. 123. Your client would like to inspect the file as he would like to oppose the grant of patent application no. 123, but he understands that the patent application no. 123 has not been published yet. He comes to you for advice.

QUESTION 4

On behalf of your client resident in Singapore, you have filed an International application on 3 June 2002 without any claims to priority. The application designates Singapore, USA, and the European Patent Office. You explain to your client that to obtain the grant of a patent in the designated states entry into the national and regional phases will be required.

What time limits apply to those steps?
What action, if any, is necessary to obtain the maximum time?

QUESTION 5

You are prosecuting a Singapore Patent Application. A written opinion has been received which states that claim 1 is not clear as required by Section 25(5)(b).
Your client suggests an amendment to the claim. On reviewing the amendment you reach the conclusion that it would introduce new subject matter into the claim which was not present when the application was filed.

Explain to the client the possible consequences of making the proposed amendment.
What further advice would you give the client?

QUESTION 6

A client comes to you today (28 Nov 2002). He tells you he has a patent in Singapore which he asserts is being infringed and asks you to take action against the infringer. You check the register of patents and you find that the patent is dated 5 November 1996. The register also shows that the renewal fee for the sixth year has not been paid. When you ask the client why the renewal fee was not paid, he says he has been very ill for some time and not able to look after his affairs. When you ask him why he was not alerted to the need to renew by the renewal reminder letter sent by IPOS, the client says that he never received the letter, possibly because he changed his address.

Advise the client, what, if anything, can be done and what evidence you will require. Give your reasons.

QUESTION 7

You are consulted by the managing director of Company A. He informs you that Company A are the exclusive licencees under a Singapore patent. The Patent claims a new process for producing a pharmaceutical product. He gives you a copy of the licence. The managing director tells you that Company Z is importing a product into Singapore which he believes has been made by the process of the Patent.

When you look into the case, you find that the Patent is in force but the licence has not been recorded in the Register of Patents. You also notice that the licence which has not been signed by Company A does not refer specifically to the Patent but is a licence for the technology relating to the patented process.

Advise the managing director giving reasons for your advice.