

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
PATENT AGENTS QUALIFYING EXAMINATION (QE) 2005

**PAPER D: KNOWLEDGE OF PATENT LAW AND PATENT PRACTICE IN
SINGAPORE**
13 October 2005, Thursday
1400 – 1730 hrs

Maximum Time: 3 Hours and 15 Minutes+ 15 Minutes of reading time

Maximum Marks: 100



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OFFICE OF SINGAPORE

INSTRUCTIONS TO CANDIDATES

1. This Paper consists of 8 pages, including this cover page.
2. 15 minutes of reading time is provided. Only notes made on loose sheets are allowed during that time.
3. You are required to answer all 5 questions. Each question carries 20 marks.
4. Write your answers in English. Answers in any other language will not be marked. Answers in illegible handwriting will not be taken into consideration
5. Only your answers and/or drawings to the question(s) written or glued in the Answer Booklet(s) provided by the Examination Secretariat will be considered. You are to write on one side of each sheet in the Answer Booklet (s). Answer one question per Answer Booklet.
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. Where relevant, you are also advised to include in your answers supporting references, for example, the Patents Act & Rules and the PCT provisions.

End

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Question 1

You have been asked by Mr. X on 10 November 2005 to advise on his patent. Mr. X explains that he was recently granted a patent in Singapore on 14 June 2005 which was based on a successful national phase entry of a PCT application (No. 123) designating Singapore. He explains that he had filed an application in the UK and was given a date of filing (25 July 2000) before he proceeded to file that PCT application (No. 123) for the same invention. This PCT application (No. 123) claims priority over the UK filing and was assigned an international date of filing of 1 June 2001. Mr. X wants to know when he needs to renew his patent in Singapore and was confused over which dates to base his renewal calculations on. He says that he had received some letter from IPOS reminding him to renew his patent but he is unable to locate this letter now. He thinks he might have discarded it. Realising that he needs expert help in this matter (he has been prosecuting the patent on his own so far but due to the recent increase in his other commitments, he is unable to focus on this patent) and has decided to engage a patent agent and hence, he is in your office today. Mr. X asks if he had missed the deadline to renew and if so, what he could do, what forms need to be filed and how much official fee, would he have to pay for now. If the renewal deadline is missed, Mr. X also asked whether he should take action now or wait till July 2006.

(20 Marks)

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Question 2

Mr Tan, a Managing Director of a local Singapore company, “*Aquarium Pte Ltd*” (“Aquarium”) goes to your office for a meeting on 1 September 2005. He informs you that Aquarium has developed a key product for their business, namely an aquarium filter, which a US company (“the US Company”) is interested in licensing on a non-exclusive basis. It has been selling like hotcakes in Singapore. Mr Tan had left all patent matters to his General Manager, who has since left Aquarium. Fortunately, he has a file of papers, which he passes to you to review and advise him, stating your reasoning. It transpires that Aquarium has filed, in its sole name two patent applications. It filed a Singapore patent application on 2 January 2005. It then filed a US application shortly thereafter on 15 January 2005, claiming priority based on the Singapore application. (*Note to candidates: you may assume that the Company only has US and Singapore patent applications*)

(a) On the possible licence with the US Company Mr Tan advises that one of the terms of licensing arrangement is that the US Company wants to record themselves as a non-exclusive licensee on the Patents Register at the Intellectual Property Office of Singapore whilst the patent application is pending, if possible. Mr Tan asks whether it can be done, whether there is any advantage to the US Company to do so, and what the procedure is for recordal of the licence.

(7 Marks)

(b) The Company may refuse the licence to the US Company as their offer is not very good, and he is selling in Singapore through his own outlets. He asks whether once his patent is granted, he can be forced to grant a licence to the US Company since he is not licensing to anyone. Please advise.

(6 Marks)

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(c) Mr Tan is worried about costs. He has heard there are different prosecution options for obtaining grant for Singapore patent applications. He is concerned about the costs for request for search and/or examination in Singapore, and asks whether there is any other option for prosecuting the Singapore application which does not involve either. Explain to him what he will need to lodge with the Registry to go by this route and the relevant deadline(s).

(7 Marks)

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Question 3

Today is 15 April 2005.

You act for AA, a US company. On behalf of AA, you have filed a Singapore patent application (filing date: 2 February 2004) claiming priority from US Patent Application X (filing date: 2 August 2003). Form PF 8 and all necessary documents to support the priority claim have been lodged. AA has decided to delay the prosecution of this application until the 28-month deadline.

Today you receive instructions from AA informing you that it has also filed a PCT application (international filing date: 2 August 2004) claiming priorities from US Patent Application X as well as US Patent Application Y (filing date: 2 April 2004).

AA instructs that the claims of the PCT application comprise the claims of its Singapore patent application, and further include additional claims which are improvements to the invention covered by US Patent Application Y.

(a) AA wishes its PCT application to enter National Phase in Singapore. AA has filed many PCT applications and is fully familiar with the procedural and documentary requirements for entering National Phase in Singapore, but it does not know if it is possible for its present PCT application to enter National Phase in view of the prior Singapore patent application. Please advise AA on this issue, and what steps, if any, AA needs to take in relation to this issue.

(13 Marks)

(b) AA further informs you that it wishes to have the invention of the PCT National Phase application searched and examined in Singapore. Please advise AA whether this is possible and what steps need to be taken, regardless of your advice to issue (a).

(7 Marks)

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Question 4

Alpha is an importer of semiconductor bonding machines to Singapore. Alpha's patent attorneys prepared a patent application that had claims to: **(a) an improved force sensor**, and **(b) a bonding apparatus comprising a plurality of force sensors between a bonding tool and a support surface for measuring force exerted by the bonding tool**. Alpha filed the patent application in the US on 1 Jan 2004 as US application no. X/X. Subsequently, a corresponding patent application was filed in Singapore under the Paris Convention with the same description, drawings and claims to **(a)** and **(b)**. The Singapore patent application claimed the US priority date of 1 January 2004.

During the US patent prosecution, the US Examiner objected to the patent application on the ground that the claims to **(a)** and **(b)** related to separate inventions. Claims to **(b)** had to be deleted from the patent specification, and only claims to **(a)** remained. Subsequently, claims to **(b)** were filed as a divisional US patent application no. Y/Y. US X/X was granted with claims to **(a)** only. The Singapore patent application was not amended. In Singapore, Alpha obtained the grant of patent no. SG Z with claims relating to both **(a)** and **(b)**, by filing prescribed information relating to the grant of US X/X.

Beta is a manufacturer of bonding machines in Singapore. Alpha found that Beta manufactured a bonding machine with force sensors positioned between its bonding tool and a support surface. After investigation, the bonding machines were found to infringe the claims to **(b)** but not the claims to **(a)**. Alpha writes to Beta as follows: "It has come to our attention that your BetaTM bonding machine infringes our Singapore patent number SG Z. Kindly confirm within seven (7) days that you will refrain from making bonding machines that infringe our said patent." Beta replies that its bonding machines do not infringe SG Z. Beta gives Alpha seven (7) days to withdraw the allegation, or Beta would consult lawyers and take appropriate legal action.

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Alpha approaches you for your advice. Advise Alpha on its legal position and any action Alpha should take to enforce its legal rights, assuming that Alpha's Singapore patent application was filed on 1 May 2004. What difference would there be if Alpha's Singapore patent application was filed on 31 December 2004?

(20 Marks)

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Question 5

- (a) Your client, Wolfe, calls you up on the telephone to ask you to prepare a patent specification for filing with IPOS as a Singapore national application on an urgent basis. He faxes you 3 drawings of a wooden paper holder and a written description. You do as instructed and rush to file the patent application, complying with all the requirements necessary to obtain a valid filing date. When the filing is completed, you report the filing to him and send him a copy of the patent application and specifications.

A week later, after receiving the filing report from you, Wolfe calls you again to say he forgot to fax 2 drawings to you and would like to have them inserted in the patent application now. He also says he has further modified the invention and is thinking of changing the description to state that the paper holder can be constructed using either wood or metal. He asks whether this is possible and what the implications will be if he amends the patent specifications now.

(11 Marks)

- (b) David, an 18 year old Polytechnic student has designed a clever way to play a game on the computer. He came up with the computer program together with two of his friends Ahmad and Siva and they decided they wanted to start a business selling this game after a few friends at the Polytechnic saw the game and asked if they could buy it from David. The three friends are advised to file a patent to protect their invention by some officers at SPRING to whom they spoke.

David comes to you on his own and asks you whether his game is patentable and to help him file the patent with IPOS. He says he is the sole inventor but describes the facts above. Advise David.

(9 Marks)