

SINGAPORE PATENT AGENTS QUALIFYING EXAMINATION 2021

**CONDUCTED BY
THE INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
PURSUANT TO PART II OF THE THIRD SCHEDULE TO THE
PATENTS (PATENT AGENTS) RULES 2001**



**INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE**

**1 Paya Lebar Link #11-03
PLQ 1, Paya Lebar Quarter
Singapore 408533**

Tel: (65) 6339 8616 • Fax: (65) 6339 0252

<http://www.ipos.gov.sg>

**ADMINISTRATIVE INSTRUCTIONS ON THE SINGAPORE PATENT AGENTS
QUALIFYING EXAMINATION (QE) 2021**

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**ADMINISTRATIVE INSTRUCTIONS ON THE SINGAPORE PATENT AGENTS
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GENERAL

1. Introduction

- i. With the commencement of the Patents (Patent Agents) Rules 2001 and section 14 of the Patents (Amendment) Act 2001, which relates to sections 104 and 105 of the Patents Act, an individual will have to meet the statutory requirements before the Registrar proceeds to register him/her as a patent agent. One such requirement is the passing of the Patent Agents Qualifying Examination (Papers A to D) that is conducted by the Intellectual Property Office of Singapore (IPOS).
- ii. The Registrar has thus established an **Examination Board**, an **Examination Committee** and an **Examination Secretariat**, in order to assist him in the conduct of the Qualifying Examination:
 - (a) an **Examination Board** comprising four members (including the Registrar, who shall preside as Chairman), each either being:
 - An advocate and solicitor; or
 - A patent agent or equivalent, either registered in Singapore or in the countries, territories or patent offices mentioned in the Fourth Schedule to the Patents (Patent Agents) Rules 2001.

The Examination Board shall deliberate and decide on all matters and issues submitted to its attention by the Examination Committee or Examination Secretariat. In addition, it shall consider the recommendations put forth by the Examination Committee on each candidate's performance subsequent to the marking of his/her answer scripts, and shall decide accordingly. When the performance of all the candidates has been duly considered, it shall proceed to inform the Examination Secretariat of the results of all the candidates.

- (b) one or more **Examination Committee member(s)** shall prepare and mark the Qualifying Examination Papers according to the requirements as specified by the Examination Board. Members of the Examination Committee include both Primary and Secondary Examiners.

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- (c) an Examination Secretariat which may include officials from IPOS shall assist the Examination Board in the conduct of the Qualifying Examination.
- iii. The contact address of the Examination Board, the Examination Committee and the Examination Secretariat is as follows:
- Intellectual Property Office of Singapore (IPOS)
1 Paya Lebar Link #11-03
PLQ 1, Paya Lebar Quarter
Singapore 408533
- iv. The Registrar shall determine the period of appointment of the members to the Examination Board, Examination Committee and Examination Secretariat and may, upon expiry of the duration, re-appoint one or more members for one or more subsequent periods.

2. The Patent Agents Qualifying Examination

- i. The purpose of the Qualifying Examination is to assess whether the candidate is sufficiently proficient in the law of patents and has the necessary knowledge and practical experience to carry out patent agency work.
- ii. It comprises the following Papers:
- Paper A: Preparation of a Patent Specification;
Paper B: Amendment of a Patent Specification;
Paper C: Infringement and Validity of Singapore Patent; and
Paper D: Knowledge of Patent Law and Patent Practice in Singapore
- Refer to **Annex A** for a brief description of each Paper.
- iii. The Qualifying Examination (Papers A to D) shall normally be held once a year.

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A. INSTRUCTIONS RELATING TO ENROLMENT

A1. Eligibility

- i. Any individual may enrol to sit for the Qualifying Examination. However, it is advisable for candidates to have passed any one of the approved courses mentioned in Rule 6(2)(b) of Part I of the Third Schedule in the Patents (Patent Agents) Rules 2001. The approved courses are:
 - Graduate Diploma in IP and Innovation Management (with a specialisation in patent agency) course conducted by the School of Business, Singapore University of Social Sciences;
 - Master of IP and Innovation Management (with a specialisation in patent agency) course conducted by the School of Business, Singapore University of Social Sciences; and
 - Graduate Certificate in Intellectual Property Law course conducted by the Faculty of Law, National University of Singapore.
- ii. It is also advisable for candidates to have completed one year of full time training in patent agency work, or completed the internship, before enrolling for the Qualifying Examination.
- iii. To be a patent agent in Singapore, one would have to meet the statutory requirements in place before one becomes registered. Hence, it must be noted that the passing of the Qualifying Examination would satisfy only one of the requirements. For details, reference to the legislation mentioned above would be necessary.

A2. Enrolment for Candidacy

- i. The Qualifying Examination 2021 is scheduled to be held in Singapore, as stated below, unless as otherwise specified by the Registrar. Details of the Qualifying Examination may be subjected to changes, and the Examination Secretariat will provide ample notice for all enrolled candidates.

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DATE	TIME	PAPER	VENUE
6 December 2021	13.30	Paper A	
7 December 2021	13.30	Paper B	To be confirmed by Nov 2021
8 December 2021	13.30	Paper C	
9 December 2021	13.30	Paper D	

- ii. Where the candidate has received a direction from the Registrar to sit for a Paper or a combination of Papers, s/he shall indicate this fact in his/her enrolment request.
- iii. Where the candidate is re-sitting Paper(s) in the Qualifying Examination, s/he shall indicate this fact in his/her enrolment request.
- iv. Candidates are encouraged to sit only for the Paper(s) they are well prepared for. Statistics, available at the IPOS website (www.ipos.gov.sg), indicate that candidates who take one to two Papers at one sitting of the Qualifying Examination tend to have a higher passing rate. Please refer to **Section B** (Information on the Qualifying Examination) for more information.
- v. Candidates are advised to read the instructions stated in the enrolment form regarding the submission of the form and payment of fees. Enrolment for QE 2021 comprises the following:
 - (a) an enrolment form for the Qualifying Examination, duly completed;
 - (b) a non-refundable enrolment fee of S\$32.10 (inclusive of GST), and
 - (c) the non-refundable relevant examination fees (Refer to **Annex B**).
- vi. The closing date for the enrolment to the Qualifying Examination is **17 September 2021**. Enrolment requests received after this date will not be considered.
- vii. It is the responsibility of the candidates to advise the Examination Secretariat, in writing, of a change of address and address for service of notice.

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A3. Notification

- i. Applicants are to make the relevant full payment of the enrolment fee and the examination fee(s) as specified in **Annex B** of these instructions no later than **17 September 2021** to the Examination Secretariat. Only enrolments with full payment of the enrolment fee and examination fee(s) by the said deadline will be accepted. Note that the enrolment fee and the examination fee(s) are inclusive of GST and not refundable.

- ii. When the full payment of the enrolment fee and examination fee(s) have been remitted to the Examination Secretariat by the said deadline, the Examination Secretariat shall allocate each intending candidate a distinctive index number which shall be used by the candidate throughout the examination (Papers A to D). This number is to be the only identifier on a candidate's answer scripts and candidates should not, in any circumstances, indicate their names or initials on the answer scripts. Candidates found doing so may be disqualified or suspended by the Examination Secretariat, immediately. This number is also the only identifier of the candidate in all matters placed before the Examination Board and before the Examination Committee. The Examination Secretariat shall have the custody of and shall keep in confidence the names and the index numbers of the candidates.

- iii. Candidates will receive confirmation of their enrolment for the Qualifying Examinations and their unique index number about two weeks after the closing date. Candidates who fail to receive the information by end November 2021 are to contact the Examination Secretariat by e-mail immediately.

A4. Summary of Events in the Processing of Enrolment Forms

Subject Matter	Date(s)	Fees	Comments
1. Applicants submit the completed Enrolment Form to the Examination Secretariat (c/o IPOS) and make full payment of the	17 September 2021 Closing date for submission of the Enrolment Form and full	1. Enrolment fee S\$32.10 inclusive of GST 2. Examination Fee (Refer to Annex B)	The Enrolment Form will not be considered if it is submitted after the said closing date.

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Subject Matter	Date(s)	Fees	Comments
enrolment and examination fee as indicated in Annex B of this document.	examination fees / Closing date for request to opt-out from laptop use for QE 2021	The above fees are to be paid upon notification by IPOS after submission of the Enrolment Form to the Examination Secretariat. <u>Note that payment of these fees is non-refundable.</u>	<u>Only enrolments with full payment of enrolment fee and examination fees by the said deadline will be accepted.</u>
2. Notification to all successful candidates of the Examination Details including the furnishing of distinctive index numbers to each candidate.	Oct 2021	-	The Examination Secretariat will email a notification to all successful candidates who have completed payment of the required fees.

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B. INFORMATION ON THE QUALIFYING EXAMINATION

B1. Information on the Papers

- i. A brief description of each of the four Papers (A to D) is set out in **Annex A**.

B2. Disqualification or Suspension from the Qualifying Examination

- i. If candidates fail to comply with these administrative instructions before or during the conduct of the examination, the Examination Secretariat may disqualify or suspend them from the examination and it shall inform the Examination Board of its decision as soon as feasible.
- ii. Plagiarism and cheating will result in the disqualification of the candidate. Candidates caught doing so will not be allowed to sit for the remaining Paper(s) and will not be allowed to participate in subsequent examinations.
- iii. No refund of the examination fee(s) paid by candidates will be allowed.





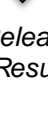
B3. Absence from the Qualifying Examination

- i. If a candidate is not present at the venue of examination to sit for the Paper(s), and does not fall under the case stated in **Section B2**, the candidate will be considered to be absent.
- ii. The candidate may request from the Registrar, in writing, to withdraw and seek refund of the examination fee(s) paid, with valid reason(s) supported by documentary evidence (if any). The Registrar reserves the right to allow or refuse withdrawal and any request for refund. Refer to **Section C1**.

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B4. Examination Results

- i. Upon receipt of the answer scripts of the candidates, the Examination Committee shall commence marking the answer scripts. The Examination Secretariat shall co-ordinate the administrative requirements of the process for the determination of the results of candidates. The Examination Board will decide on the results of the candidates and the decision of the Examination Board is **final**.
- ii. The marking process following the Qualifying Examination is provided below, which will take approximately six months in total to complete.

Events	
	End of QE (Papers A to D)
<i>Primary Marking</i> 	The Examination Secretariat sends a copy of the answer script to each of the 2 Primary Examiners of the Examination Committee for assessment.
	The Examination Secretariat co-ordinates the marks allocated by the Examination Committee on all answer scripts.
<i>Reconsideration</i> 	The Examination Secretariat returns the answer scripts to the relevant Primary Examiners of the Examination Committee for reconsideration in the event a Primary Examiner allocated a Pass grade while another allocated a Fail grade.
	The Examination Secretariat co-ordinates the reconsidered marks allocated by the relevant Primary Examiners of the Examination Committee thereafter. If the said Primary Examiners still do not agree over the results, the Examination Secretariat will forward a copy of the answer script in question to a Secondary Examiner of the Examination Committee for his/her independent assessment.
<i>Secondary Marking</i> 	
	The Examination Secretariat co-ordinates the marks after the full marking process and forwards the Examination Committee's recommendations (this includes comments from both the Primary Examiners and the Secondary Examiner, if any) to the Examination Board for its consideration and decision.
<i>Deliberation</i> 	
	The Examination Board deliberates and informs the Examination Secretariat of its decision on the results of all candidates.
<i>Finalisation</i> 	
	The Examination Secretariat officially releases the results of the candidates by registered post and via an announcement at www.ipos.gov.sg . Cleaned answer scripts will also be sent back to the candidates.
<i>Release of Results</i>	

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- iii. The Qualifying Examination results will be furnished to each candidate by **registered post**. An official announcement of the results will be published on the IPOS website. Requests from candidates to receive their results by hand will not be considered.

B5. Re-sitting the Qualifying Examination

- i. Candidates who have failed one or more Papers at any one sitting of a Qualifying Examination may apply to re-sit those Papers which s/he had failed. There is no restriction on the number of attempts to any Paper.
- ii. Refer to **Annex B** for the applicable examination fee.

B6. Grades

- i. The results of each Paper will be graded as follows:

- Pass - not less than 50% of the marks available
- Fail - less than 50% of the marks available

(The candidate's mark range will be indicated in the Result Slip)

- ii. Where a candidate has been disqualified or suspended from a Paper or Papers under **Section B2** (Disqualification or Suspension from the Qualifying Examination), the Paper(s) will be graded according to the following:

- Disqualified; or
- Suspended.

- iii. Where a candidate was not present at the venue of the examination to take a Paper, according to **Section B3** (Absence from the Qualifying Examination), the Paper will be graded as:

- Absent.

- iv. Where a candidate has been directed by the Registrar to sit for a Paper or a combination of Papers only, s/he must obtain not less than 50% of the marks for each Paper before s/he can be considered to have passed.

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- v. In order to pass the Patent Agents Qualifying Examination as required under the Patents (Patent Agents) Rules 2001, a candidate must obtain a pass grade for all Papers (Papers A to D).

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**C. INSTRUCTIONS RELATING TO THE
CONDUCT OF THE QUALIFYING EXAMINATION**

There shall be one or more invigilators appointed by the Examination Secretariat to assist in monitoring the conduct of the Qualifying Examination.

C1. Attendance

- i. Candidates are expected to confirm the date(s), venue(s) and time(s) of the examination by referring to the IPOS website.
- ii. Candidates should arrive at least 30 minutes before the start of the examination. It is the candidate's responsibility to ensure that s/he arrives on time.
- iii. Candidates who arrive late will not be provided additional time to complete the examination. Late arrivals must show consideration to other candidates. Do note that candidates may not be allowed to take the examination if they arrive more than 30 minutes late.
- iv. Candidates who need to leave the examination room during the examination for toilet breaks or other good reasons will be escorted. Candidates are not allowed to take anything out of the examination room during such absence(s).
- v. Candidates who have completed their Papers before the allocated time may choose to leave the examination room no earlier than 30 minutes from the commencement of the examination, provided they have submitted their answer scripts to the invigilator(s). Thereafter, candidates will not be permitted to return to the examination room again.
- vi. Candidates are not allowed to leave the examination room during the last 30 minutes of the examination.
- vii. Candidates may withdraw from the examination provided their withdrawal requests reach IPOS at least one week before the start of the examination. The Examination Secretariat reserves the right to approve the withdrawal and refund requests (if any).

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Refunds will not be issued for candidates who submit their withdrawal requests during or after the examination. Refer to **Section B3**.

C2. Discontinuation and Postponement of the Qualifying Examination

- i. The Examination Secretariat, before or during the course of examination, shall discontinue and postpone the examination to a later date, due to unforeseeable circumstances, such as a power failure or a fire in the examination venue. This decision will be made after having obtained approval from the Registrar.

C3. Use of Laptops for the Conduct of the Qualifying Examination

- i. Laptops will be provided by IPOS to conduct the Singapore Patent Agents Qualifying Examination. The use of laptops is required for all candidates.
- ii. The use of laptops is strongly preferred for candidates. However, for candidates who prefer to write for QE 2021, they may wish to write in with valid reason(s) supported by documentary evidence (if any) to request to opt out from using a laptop during the examination. Requests for opting out from laptop use will be considered on a case-by-case basis. **All laptop opt-out requests must be received by the Examination Secretariat by 6 September 2021.** Any further requests will not be considered after 20 September 2021.
- iii. Once approval has been given to opt out from laptop use, this decision will be final. Candidates who have chosen to opt out will not be allowed to request to change back to using laptops for the examination.
- iv. After candidates have taken their seats in the examination room, but before the commencement of the examination, they may ask questions orally regarding the conduct of the examination. Questions relating to the text of Papers will generally not be answered.
- v. Candidates found distracting other candidates during the course of the Qualifying Examination may be disqualified or suspended by the Examination Secretariat immediately.

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- vi. In the examination room, each candidate will be supplied with:
 - (a) A single laptop;
 - (b) A single softcopy of the relevant examination Paper in English;
 - (c) A single softcopy of the answer script;
 - (d) Any other softcopy or hardcopy document which may be required to be submitted together with the answer script; and
 - (e) A single hardcopy of the Question Paper will be provided for candidates as reference during the examination.

- vii. Candidates should ensure that they are able to view the examination Paper and type their answers in the answer script provided in their laptops.

- viii. In the event of a laptop failure during the examination, please inform the Examination Secretariat at once. A replacement laptop will be provided for the remainder of the examination.

- ix. When typing their answers, candidates are required to:
 - (a) Type their answers in the answer script in the fixed format provided to them for easier reading and marking;
 - (b) Regularly save their work every 10 – 20 minutes to minimise the need to re-type the answers again in case of a laptop failure as stated in **Section C3 (viii)**;
 - (c) Answer in English only.

- x. Candidates are requested:
 - (a) To occupy the seat they have been allocated in the examination room throughout the examination, unless otherwise advised;
 - (b) To place their belongings as indicated by the invigilator in charge on that day;

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- (c) To type in their given index number on the header of the answer scripts;
- (d) To place their identity cards or passports on their table for the invigilators to verify their identity prior the commencement of the examination; and
- (e) When the invigilator(s) announce to the candidates that the time is up, candidates are to:
 - (i) Stop typing immediately;
 - (ii) Indicate by typing 'This is the last page' at the end of their answers;
 - (iii) Ensure there are no blank pages;
 - (iv) Save their final work; and
 - (v) Confirm with the invigilator(s) that the final work has been submitted.
- xi. Candidates may bring along extra clothing to provide warmth if they so wish.

C4. Reference Materials

- i. Hardcopies of the following documents may be brought into the examination room by candidates:
 - (a) Singapore Statutory Provisions;
 - (i) Patents Act (Cap.221);
 - (ii) Patents Rules;
 - (iii) Patents (Patent Agents) Rules 2001;
 - (iv) Patents (Composition of Offences) Regulations 2001;
 - (b) Paris Convention;
 - (c) Budapest Treaty;
 - (d) Patent Cooperation Treaty (PCT);
 - (e) Patent Cooperation Treaty (PCT) Regulations;
 - (f) Latest list of members to the World Trade Organization (WTO);
 - (g) Latest list of members to the Budapest Treaty;
 - (h) Latest list of members to the Paris Convention;
 - (i) Latest list of members to the Patent Cooperation Treaty (PCT);
 - (j) Decisions (dated before 30 June 2021) relevant to the Patents Law as decided

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by the Singapore Courts; and

(k) Language and technical dictionaries.

N.B. References to the Act, Rules, Regulations, and Treaty include their corresponding amendments as well, implemented before 30 Jun 2021. The latest list of members to the various Organisation, Treaties and Conventions is taken to be that as of 30 June 2021.

ii. Annotations* in the Reference Materials are not allowed. However, cross-referencing and highlighting are permitted.

* Note:

- “Annotate” means to supply (a written work) with critical or explanatory notes.
- “Annotation” means 1. the act of annotating. 2. a note added in explanation, etc., esp. of some literary work. (*Source: Collins Concise Dictionary, 4th edition 1999*)
- Example of annotation: noting down details such as the prescribed fees, forms to file and time duration.
- Example of cross-referencing: noting down page numbers, relevant Sections or Rules without further explanatory notes.

iii. During the Examination, the invigilators will check and verify all the Reference Materials and retain the right to remove and confiscate any materials that do not satisfy the conditions stated above.

iv. The invigilators will not take away Reference Materials that are:

- (a) clean; or
- (b) cross-referenced; and/or
- (c) highlighted.

v. The above list of reference materials is not exhaustive. Candidates may wish to check with the Examination Secretariat if they are unsure of any reference materials which can be brought into the exam.

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C5. Restrictions

- i. Candidates are NOT permitted to:
- (a) Bring into the examination room any electronic and portable storage devices, such as tablets, personal laptops, mobile phones, flash drives, portable hard drives, Personal Digital Assistants (PDAs), alarm clocks and related devices. [If candidates have brought in any of the aforementioned, they are to surrender them to the invigilator(s) in charge. They may reclaim the surrendered items only at the end of the examination];
 - (b) Look at the Paper before the commencement of the examination, unless instructed to do so by the invigilator in charge;
 - (c) Cheat or attempt to cheat;
 - (d) Communicate with one another when they are in the examination room;
 - (e) Smoke in the examination room;
 - (f) Behave in a disorderly manner; and
 - (g) Leave the examination room without the consent of the invigilator in charge [Candidates will be escorted by an invigilator when they need to make use of the restroom facilities during the examination period].

**The Examination Secretariat
Singapore
August 2021**

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ANNEX A

SYLLABUS FOR SINGAPORE PATENT AGENTS QUALIFYING EXAMINATION 2021

Paper A : Preparation of a Patent Specification

Time allowed : 4 hours including reading time

Broad allocation of marks:

Independent Claim(s) : 50 – 60 marks

Dependent Claims : 20 – 30 marks

Description : 20 marks

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
Specification	<p>Candidates are required to draft a specification for filing in Singapore and that complies with the requirements of the Patents Act and the Patents Rules. More specifically, the specification must:</p> <ul style="list-style-type: none"> (a) disclose the invention in a manner which is clear and complete for the invention to be performed by a person skilled in the art.; and (b) include claim(s) that <ul style="list-style-type: none"> (i) define the matter for which applicant seeks protection; (ii) are clear and concise; (iii) are supported by the description; (iv) relate to one invention or to a group of inventions which are so linked as to form a single inventive concept; 	<p><u>The Patents Act (Cap.221)</u></p> <ul style="list-style-type: none"> • s 13, 14, 15, 16, 25(3), 25(4), 25(5), 113(1) <p><u>The Patents Rules</u></p> <ul style="list-style-type: none"> • r 19 	<p>Candidates are to assume that they have received a letter from their client which includes some drawings, a brief description of the invention for which the client wishes to obtain a patent in Singapore, together with references to the most pertinent prior art.</p>

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ANNEX A

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
	<p>(v) have at least one independent claim which offers the broadest possible protection and is novel, i.e. does not form part of the state of the art; involves an inventive step, i.e. is not obvious to a person skilled in the art; and is capable of industrial application, i.e. can be made or used in any kind of industry; and</p> <p>(vi) have dependent claims to provide a fall back position if the independent claim(s) fail.</p>		

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ANNEX A

Paper B : Amendment of a Patent Specification

Time allowed : 4 hours including reading time

Broad allocation of marks:

Draft Response to Written Opinion (including prior art analysis & argument) : 35 marks

Claim Amendments : 35 marks

Client Advice Letter : 30 marks

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
Amendment of patent specification	<p>Candidates are required to</p> <ul style="list-style-type: none"> • review the client’s reply • review any other information provided • draft advice to client • in the case that the situation contemplated by the examination involves responding to a Written Opinion, draft a response to the Written Opinion that addresses all points raised in the Written Opinion and by the client. The draft response must include amended claims, provide the basis for the amendments proposed to the claims, and give clear reasoning for the proposed amendments • in the case that the situation contemplated by the examination does not involve responding to a Written Opinion, draft amended claims, provide the basis for the amendments proposed to the claims, and give clear reasoning for the proposed amendments 	<p><u>The Patents Act (Cap.221)</u></p> <ul style="list-style-type: none"> • s 14, s 25(5), s 29, s 30, s 31, s 38, s 80, s 84, s 107, s 113(1) <p><u>The Patents Rules</u></p> <ul style="list-style-type: none"> • r 46, r 48, r 49, r 52, r 91 <p>Cases (not exhaustive)</p> <p>Singapore</p> <ul style="list-style-type: none"> • FE Global Electronics Pte Ltd and Others v Trek Technology (Singapore) 	<p>a) Except for situations covered in Paper C, any other situations in which amendment to the claims is contemplated may be tested, such as an amendment in response to a written opinion, an amendment after the conclusion of an examination, or a post-grant amendment. One such situation is when a Singapore Patent Application has been filed and that a</p>

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ANNEX A

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
	<p>The written opinion could contain objections that:</p> <p>a. the invention defined in any claim —</p> <p style="padding-left: 20px;">(i) does not appear novel;</p> <p style="padding-left: 20px;">(ii) does not appear to involve an inventive step; or</p> <p style="padding-left: 20px;">(iii) does not appear to be capable of industrial application;</p> <p>b. the conditions specified in sections 13 and 25 (4) and (5) have not been complied with</p> <p>c. the application discloses —</p> <p style="padding-left: 20px;">(i) any additional matter referred to in section 84 (1); or</p> <p style="padding-left: 20px;">(ii) any matter extending beyond that disclosed in the application for the patent as filed</p>	<p>Pte Ltd and Another Appeal [2006] 1 SLR 874; [2005] SGCA 55</p> <ul style="list-style-type: none"> • Ship's Equipment Centre Bremen GmbH v Fuji Trading (Singapore) Pte Ltd and others and another suit [2015] 4 SLR 781; [2015] SGHC 159 • Warner-Lambert Company LLC v Novartis (Singapore) Pte Ltd [2016] SGHC 106. Warner-Lambert Company LLC v Novartis (Singapore) Pte Ltd [2017] SGCA 45 <p>UK</p> <ul style="list-style-type: none"> • Southco Inc v Dzus Fastener Europe Ltd [1992] RPC 299 • Merrell Dow Pharmaceuticals v N H Norton [1996] RPC 76 	<p>Written Opinion has been issued. The Written Opinion has previously been sent to the client with the candidates' advice. The client has subsequently replied, clarifying the differences between the prior art and his invention.</p> <p>b) Candidates are to accept the facts as given in the Paper and not use any special knowledge that they may have. They are to assume that the prior art given is exhaustive.</p> <p>c) For the purpose of this Paper, candidates may not need to propose any amendments to the description of the Patent Application.</p>

ADMINISTRATIVE INSTRUCTIONS ON THE SINGAPORE PATENT AGENTS QUALIFYING EXAMINATION (QE) 2021

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Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
		<ul style="list-style-type: none">• A C Edwards Ltd v Acme Signs & Displays Ltd [1990] RPC 621• Conor Medsystems Incorporated v Angiotech Pharmaceuticals Incorporated and others [2008] UKHL 4	

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Paper C : Infringement and Validity of Singapore Patent

Time allowed : 4 hours including reading time

Broad allocation of marks:

Construction : 30 marks

Infringement : 20 marks

Validity : 30 marks

Miscellaneous Issues : 20 marks

Topic	Specific Instructional Objectives	Important reference(s)	Remarks
Advice on infringement and validity	<p>Candidates are required to</p> <ul style="list-style-type: none"> • advise the client on infringement and validity of his patent • advise the client on how the patent may be amended to improve the patentee’s position, and the impact that it may have on the advice already given • answer client’s questions • give clear and logical reasons • discuss with conclusions • cite and apply the relevant laws 	<p>The Patents Act</p> <ul style="list-style-type: none"> • s 66 – 82 • s 13, s 14, s 25(5), s 29, s 31, s 38, s 84, s 107, s 113(1) <p>Cases (not exhaustive)</p> <p>Singapore</p> <ul style="list-style-type: none"> • V-Pile Technology (Luxembourg) SA & Ors v 	<p>a) Candidates are to assume that they have received a letter from their client indicating a possible infringement of a Singapore patent. The client is concerned that the infringement has a significant effect on his company.</p> <p>b) Candidates are to accept the facts as given in the Paper and not use any</p>

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<p>Peck Brothers Construction Pte Ltd [2000] 3 SLR 358</p> <ul style="list-style-type: none"> • Merck & Co, Inc v Pharmaforte Singapore Pte Ltd [2002] 2 SLR 515; [2000] 3 SLR 717; • Genelabs Diagnostics Pte Ltd v Institut Pasteur & Anor [2000] SGHC 53; [2001] 1 SLR 121 • Bean Innovations Pte Ltd & Another v Flexon Pte Ltd [2001] 2 SLR (R) 116; [2001] SGCA 42; • Ng Kok Cheng v Chua Say Tiong [2001] 3 SLR 487 • Peng Lian Trading Co v Contour Optik Inc & Ors [2002] SGHC 238; [2003] SGCA 25 • FE Global Electronics Pte Ltd and Others v Trek Technology (Singapore) Pte Ltd and Another 	<p>special knowledge that they may have. They are to assume that the prior art given is exhaustive. A copy of the subject patent specification and prior art will be provided to the candidates.</p>

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<p>Appeal [2006] 1 SLR 874; [2005] SGCA 55</p> <ul style="list-style-type: none"> • Dextra Asia Co Ltd and Another v Mariwu Industrial Co (S) Pte Ltd and Another Suit [2006] SGHC 7; [2005] SGHC 85; • Main-Line Corporate Holdings Limited v United Overseas Bank Limited and First Currency Choice Pte Ltd (First Currency Choice Pte Ltd, Third Party) [2010] 1 SLR 189; [2009] SGHC 232 • Muhlbauer AG v Manufacturing Integration Technology Ltd [2010] SGCA 6 • Cargill International Trading Pte Ltd v Martek Biosciences Corporation [2009] SGIPOS 12; [2010] SGHC 135; [2010] SGCA 51 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<ul style="list-style-type: none"> • Cargill International Trading Pte Ltd v Martek Biosciences Corporation [2009] SGIPOS 16; [2011] SGHC71 • MacDermid, Incorporated v Alpha Fry Limited [2009] SGIPOS 13 • Dien Ghin Electronic (s) Pte Ltd v Khek Tai Ting trading as Soon Heng Digitax [2011] SGHC 36 • Towa Corp v ASM Technology Singapore Pte Ltd and another [2015] SGHCR 4 • Ship's Equipment Centre Bremen GmbH v Fuji Trading (Singapore) Pte Ltd and others and another suit [2015] 4 SLR 781; [2015] SGHC 159 • Lee Tat Cheng v Maka GPS Technologies Pte Ltd [2017] SGHC 48, Lee Tat 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<p>Cheng v Maka GPS Technologies Pte Ltd [2018] SGCA 18</p> <ul style="list-style-type: none"> • Sun Electric Pte Ltd v Sunseap Group Pte Ltd and ors [2017] SGHC 232 • Rohm and Haas Electronic Materials CMP Holdings, Inc v NexPlanar Corp and another [2017] SGHC 310 • ASM Technology Singapore Pte Ltd v Towa Corp [2018] 1 SLR 211 (Court of Appeal) <p>UK</p> <ul style="list-style-type: none"> • General Tire and Rubber Company v Firestone Tyre and Rubber Company Limited [1972] RPC 457 • Asahi Kasei Kogyo KK [1991] RPC 485 • Biogen Inc v Medeva Plc [1995] RPC 25 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<ul style="list-style-type: none"> • Merrell Dow Pharmaceuticals v N H Norton [1996] RPC 76 • Windsurfing International Inc v Tabur Marine (Great Britain) Ltd [1985] RPC 59 • Catnic Components Ltd and another v Hill and Smith Ltd [1982] RPC 183 • Improver Corp v Remington Consumer Products [1990] FSR 181 • Sabaf SpA v. MFI Furniture Centres Limited and others [2004] UKHL 45 • Kirin-Amgen Inc and others (Appellants) v. Hoechst Marion Roussel Limited and others (Respondents). Kirin-Amgen Inc and others (Respondents) v. Hoechst Marion Roussel Limited and others (Appellants) (Conjoined Appeals) [2004] UKHL 46 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<ul style="list-style-type: none"> • Thorn Security Limited v Siemens Schweiz AG [2008] EWCA Civ 1161 • Conor Medsystems Incorporated (Respondents) v Angiotech Pharmaceuticals Incorporated and others (Appellants) [2008] UKHL 49 • Actavis UK Ltd and others v Eli Lilly and Company [2017] UKSC 48 	

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ANNEX A

Paper D : Knowledge of Patent Law and Patent Practice in Singapore

Time allowed : 4 hours including reading time

Allocation of marks:

Each of the 5 questions to be answered : maximum of 20 marks each

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
Singapore Patent Law and Practice	<p>Candidates are required to display a thorough and practical knowledge of the Patents Law applicable in Singapore and this includes:</p> <ul style="list-style-type: none"> • International applications • pre and post patent grant prosecution in Singapore • patentability requirements • rights to a patent • who can be considered to be an inventor of an invention • amendments of patents and applications • infringement proceedings • revocation proceedings 	<ul style="list-style-type: none"> • Patents Act (Cap.221) • Patents Rules • Patents (Patent Agents) Rules 2001 • Patents (Composition of Offences) Regulation 2001 • Paris Convention • Patent Cooperation Treaty • Patent Cooperation Treaty Regulations • Latest list of members to the World Trade Organization (WTO) 	<p>a) This Paper comprises questions relating to different areas of the candidates' legal knowledge.</p> <p>b) Answers should be brief and to the point and supported by sections, rules or other legal basis where relevant.</p> <p>c) Candidates should take note of the recent changes in the Patents Act and Rules which may</p>

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Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
	<ul style="list-style-type: none"> • etc. 	<ul style="list-style-type: none"> • Latest list of members to the Budapest Treaty • Latest list of members to the Paris Convention • Latest list of members to the Patent Cooperation Treaty • Decisions (dated before 30 Jun 2021) relevant to the Patent Law as decided by the Singapore Courts. <p>Notes: References to the Act, Rules, Regulations, and Treaty include their corresponding amendments as well, implemented before 30 Jun 2021.</p> <p>The latest list of members to the various Organisation, Treaties and Conventions is taken to be that as of 30 Jun 2021.</p>	<p>be incorporated in this Paper.</p>

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FEEES FOR SINGAPORE QUALIFYING PATENT AGENTS EXAMINATION

Payable	Fees Inclusive of GST
Enrolment fee	S\$32.10
Examination Fee for each relevant Paper	S\$428.00