

SINGAPORE PATENT AGENTS QUALIFYING EXAMINATION 2022

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



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**ADMINISTRATIVE INSTRUCTIONS ON THE SINGAPORE PATENT AGENTS
QUALIFYING EXAMINATION (QE) 2022**

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**ADMINISTRATIVE INSTRUCTIONS ON THE SINGAPORE PATENT AGENTS
QUALIFYING EXAMINATION (QE) 2022**

GENERAL

1. Introduction

- i. In accordance with section 104 and 105 of the Patents Act and the Patents (Patent Agents) Rules 2001, 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**, an **Examination Standard Assurance Panel** 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.
- (c) an **Examination Standard Assurance Panel** comprising newly qualified patent agents shall attempt the Qualifying Examination Papers under examination

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condition and provide feedback to ensure that the difficulty level of the Qualifying Examination is pegged to the standard of newly qualified patent agent. They may provide feedback on other matters relating to the examination paper and marking schedule, such as clarity and accuracy etc.

- (d) 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, the Examination Standard Assurance Panel 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, Examination Standard Assurance Panel 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. The Qualifying Examination shall normally be held once a year and 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.

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A. INSTRUCTIONS RELATING TO ENROLMENT

1. Pre-Requisite

- i. An individual who wishes to enrol for the Qualifying Examination must first meet one of the following pre-requisites:
- a) Passed the Graduate Certificate in Intellectual Property Law course (GCIP) conducted by the Faculty of Law, National University of Singapore;
 - b) Passed the modules under the Graduate Diploma in IP and Innovation Management (GDIPIM) or Master of IP and Innovation Management (MIPIM) conducted by the Singapore University of Social Sciences (SUSS) that correspond to the QE paper(s) they are enrolling in. These modules are:

QE Paper	Corresponding GDIPIM/ MIPIM modules
Paper A	IPM 527 Patent Claims and IPM 529 Patent Applications
Paper B	IPM 525 Patent Office Action
Paper C	IPM 531 Patent Infringement and Validity
Paper D	IPM 523 Patent Practice in Singapore

- c) Obtained approval from the Registrar to be exempted from complying with the requirement set out in Rule 6 of the Patents (Patent Agents) Rules 2001 to pass GCIP, GDIPIM or MIPIM.
- ii. Candidates are required to submit documentation showing they have met the pre-requisite to attempt QE. Candidates who are awaiting results of their GDIPIM/MIPIM modules at the point of submitting the Enrolment Form will have to submit their results by 27 Dec 2022, failing which their enrolment for the corresponding QE2022 papers will be considered as not having been made.
- iii. It is also advisable for candidates to have completed at least one year of full time training in patent agency work, or completed the internship, before enrolling for the Qualifying Examination.

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2. Enrolment for Candidacy

- i. The Qualifying Examination 2022 is 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.

DATE	TIME	PAPER	VENUE
9 January 2023	13.30	Paper A	
10 January 2023	13.30	Paper B	To be confirmed
11 January 2023	13.30	Paper C	by Dec 2022
12 January 2023	13.30	Paper D	

- ii. Where a candidate is attempting a paper for the first time, the candidate shall indicate this fact in his/her Enrolment Form.
- iv. Candidates are encouraged to sit only for the Paper(s) they are well prepared for. Statistics indicate that candidates who take up 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 to read the instructions stated in the Enrolment Form regarding the submission of the form and supporting documents, and payment of fees. Enrolment for QE 2022 comprises the following:
- (a) a duly completed Enrolment Form accompanied by documents to show compliance with a pre-requisite under Paragraph A1(i) or in a situation where candidates are awaiting results of their GDIPIM/MIPIM modules at the point of submitting the Enrolment Form, documents to be submitted by 27 Dec 2022;
 - (b) a non-refundable enrolment fee of S\$32.10 (inclusive of GST), and
 - (c) the relevant examination fees (Refer to **Annex B**).
- vi. The closing date for the enrolment to the Qualifying Examination is **16 September 2022**. 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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3. Notification

- i. Applicants are to make full payment of the enrolment fee and the examination fee(s) as specified in **Annex B** of these instructions. Upon successful submission of the Enrolment Form, applicants will receive a notification separately by email to make payment of the fees within 3 working days. 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 are generally not refundable.

- ii. When the full payment of the enrolment fee and examination fee(s) have been made by the said deadline, the Examination Secretariat shall allocate each candidate a distinctive index number which shall be used by the candidate in communications with the Examination Secretariat and 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. Except where Paragraph A3(iv) below applies, candidates who comply with Paragraph A2(v) [including meeting the pre-requisite under Paragraph A1(i)], will receive confirmation of their enrolment for the Qualifying Examination and their unique index number about two weeks after the closing date.

- iv. Candidates who are awaiting results of their GDIPIM/MIPIM modules at the point of submitting the Enrolment Form will receive a provisional confirmation of enrolment for the QE paper(s) indicated in the Enrolment Form. A candidate will be allowed to attempt the QE paper(s) only if the candidate submits supporting documents by 27 Dec 2022 showing that he/she has passed the corresponding GDIPIM/MIPIM modules. Otherwise, enrolment for the QE2022 paper(s) will be taken as not having been made, and the Examination Secretariat will inform the candidate as such and proceed to refund the examination fee(s) paid earlier.

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4. Summary of Events in the Processing of Enrolment Forms

Subject Matter	Date(s)	Fees	Comments
<p>1. Applicants submit the completed Enrolment Form to the Examination Secretariat (c/o IPOS) and make full payment of the enrolment and examination fee as indicated in Annex B of this document.</p>	<p>16 September 2022</p> <p>Closing date for submission of the Enrolment Form</p>	<p>1. Enrolment fee S\$32.10 inclusive of GST</p> <p>2. Examination Fee (Refer to Annex B)</p> <p>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 generally non-refundable.</u></p>	<p>The Enrolment Form will not be considered if submitted after the said closing date.</p> <p><u>Candidates are considered as enrolled only upon full payment of enrolment fee and examination fees by the fee payment deadline.</u></p>
<p>2. Notification to all enrolled candidates of the Examination Details including the furnishing of distinctive index numbers to each candidate.</p>	<p>Oct 2022</p>	<p>-</p>	<p>Candidates who are awaiting results of their GDIPIM/MIPIM modules at the point of submitting the Enrolment Form will have to submit their results by 27 Dec 2022, failing which their enrolment for the corresponding QE2022 papers will be considered as not having been made.</p>

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B. INFORMATION ON THE QUALIFYING EXAMINATION

1. Information on the Papers

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

2. 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.

3. 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**.

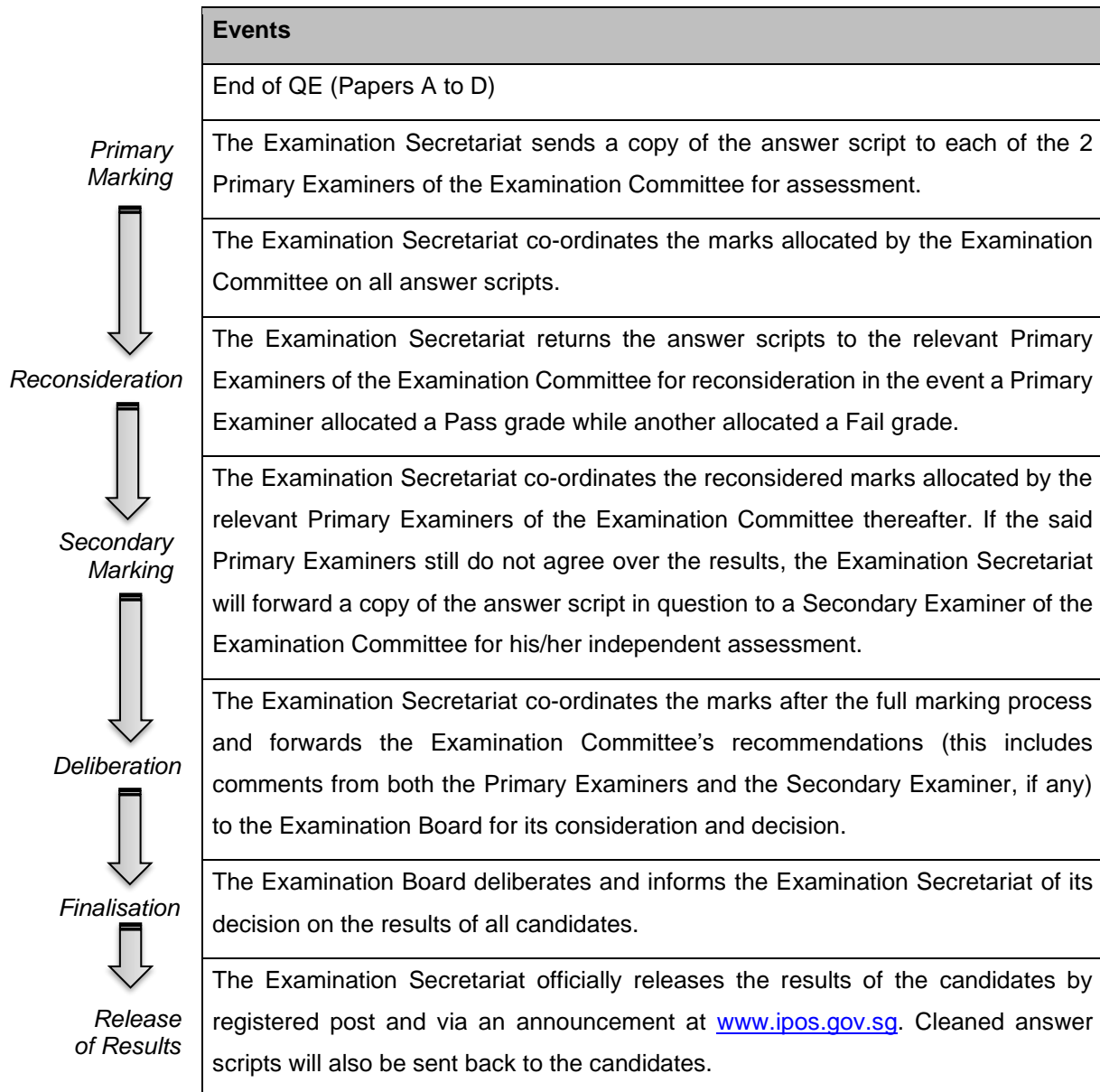
4. Examination Results

- 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

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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.



- iii. The Qualifying Examination results will be furnished to each candidate at the email provided in Enrolment Form. 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.

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5. 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.

6. 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. 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.

1. Attendance

- i. Candidates are expected to confirm the date(s), venue(s) and time(s) of the examination by referring to the enrolment confirmation notice sent by the Examination Secretariat.
- 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 will be allowed to leave the examination room during the examination for toilet breaks or other good reasons. 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). Refunds will not be issued for candidates who submit their withdrawal requests during or after the examination. Refer to **Section B3**.

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2. 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.

3. 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 2022, 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 submitted together with the Enrolment Form.** Requests submitted separately will not be considered.
- 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 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 and asked to leave the room immediately
- 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;

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- (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;
 - (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

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their identity prior the commencement of the examination; and

- (e) When the invigilator announces 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.
 - (f) When leaving the examination room after the examination has ended, candidates should ensure no belongings are left behind, in particular their identity cards or passports.
- xi. Candidates may bring along extra clothing to provide warmth if they so wish.

4. 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 2022) relevant to the Patents Law as decided by

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- 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 2022. The latest list of members to the various Organisation, Treaties and Conventions is taken to be that as of 30 June 2022.

- 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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5. Restrictions

- i. Candidates are NOT permitted to:
- (a) Have in their possession when in 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. All such devices are to be placed out of reach as indicated by the invigilator in charge on that day
 - (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

**The Examination Secretariat
Singapore
August 2022**

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ANNEX A

ANNEX A SYLLABUS FOR SINGAPORE PATENT AGENTS QUALIFYING EXAMINATION 2022

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; 	<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
	<ul style="list-style-type: none"> (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; (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 (vi) have dependent claims to provide a fall back position if the independent claim(s) fail. 		

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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 	<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>	<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.</p>

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ANNEX A

Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
	<ul style="list-style-type: none"> • 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>The written opinion could contain objections that:</p> <ol style="list-style-type: none"> a. the invention defined in any claim — <ol style="list-style-type: none"> (i) does not appear novel; (ii) does not appear to involve an inventive step; or (iii) does not appear to be capable of industrial application; b. the conditions specified in sections 13 and 25 (4) and (5) have not been complied with c. the application discloses — <ol style="list-style-type: none"> (i) any additional matter referred to in section 84 (1); or (ii) any matter extending beyond that disclosed in the application for the patent as filed 	<ul style="list-style-type: none"> • FE Global Electronics Pte Ltd and Others v Trek Technology (Singapore) Pte Ltd and Another Appeal [2006] 1 SLR 874; [2005] SGCA 55 • 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>One such situation is when a Singapore Patent Application has been filed and that a 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</p>

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Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
		<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 • A C Edwards Ltd v Acme Signs & Displays Ltd [1990] RPC 621 • Conor Medsystems Incorporated v Angiotech Pharmaceuticals Incorporated and others [2008] UKHL 4 	<p>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>

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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>

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		Peck Brothers Construction Pte Ltd [2000] 3 SLR 358 <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 	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. A copy of the subject patent specification and prior art will be provided to the candidates.

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<p>[2002] SGHC 238; [2003] SGCA 25</p> <ul style="list-style-type: none"> • FE Global Electronics Pte Ltd and Others v Trek Technology (Singapore) Pte Ltd and Another Appeal [2006] 1 SLR 874; [2005] SGCA 55 • 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 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		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 • Cargill International Trading Pte Ltd v Martek Biosciences Corporation [2009] SGIPOS 16; [2011] SGHC71 • MacDermid, Incorporated v Alpha Fry Limited [2009] SGIPOS 13	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<ul style="list-style-type: none"> • 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 Cheng v Maka GPS Technologies Pte Ltd [2018] SGCA 18 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<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 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		<ul style="list-style-type: none"> • Biogen Inc v Medeva Plc [1995] RPC 25 • 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 	

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Topic	Specific Instructional Objectives	Important reference(s)	Remarks
		and others (Respondents). Kirin-Amgen Inc and others (Respondents) v. Hoechst Marion Roussel Limited and others (Appellants) (Conjoined Appeals) [2004] UKHL 46 • 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 • etc. 	<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) • Latest list of members to the Budapest Treaty 	<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</p>

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Topic	Specific Instructional Objectives	References (not exhaustive)	Remarks
		<ul style="list-style-type: none"> • Latest list of members to the Paris Convention • Latest list of members to the Patent Cooperation Treaty • Decisions (dated before 30 Jun 2022) 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 2022.</p> <p>The latest list of members to the various Organisation, Treaties and Conventions is taken to be that as of 30 Jun 2022.</p>	<p>Act and Rules which may be incorporated in this Paper.</p>

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ANNEX B FEES FOR SINGAPORE QUALIFYING PATENT AGENTS EXAMINATION

Payable	Fees Inclusive of GST
Enrolment fee	S\$32.10
Examination Fee for each relevant Paper	S\$642