

**QE 2019 PAPER D - MARKING SCHEDULE**

SPA = Singapore Patents Act

SPR = Singapore Patents Rules

SG = Singapore

PF = Patents Form

PCT = Patent Cooperation Treaty

Art = Article

- Citation of section, rules etc. carries only a small portion of the total marks. Marks will be awarded if the correct section is cited or the summary of the section is provided. No candidates can pass merely by reciting the whole chunks of section and rules.
- If a candidate provides an explanation and analysis to the question, but does not state the legal basis that leads to the explanation and analysis, then the candidate will be penalised up to half the marks awarded for that question.
- Examiners should always bear in mind that what is being judged is the fitness of the candidate to advise the public and this may influence borderline cases one way or another.

### Question 1

S/N	Answer Guide	Mark
(A)(i)	PCT Rule 4.1(b)(ii)	0.5 mark
	To proceed with Kama's request, the PCT request of application (B) should include indications relating to an earlier search	0.5 mark
	PCT Rule 4.12(i)	0.5 mark
	In the PCT request of application (B), it should indicate that the ISA is to take into account the results of the Australian Patent Office and specify application (A).	0.5 mark
	PCT Rule 12 <i>bis</i> .1 (a)	0.5 mark
	PCT Rule 12 <i>bis</i> .1 (d)	0.5 mark
(A)(ii)	A copy of the results of the Australian Patent Office should be submitted during the filing of application (B) unless the results are available to the ISA from a digital library and an indication of the availability is sufficient.	1 mark
	PCT Article 33(1)	0.5 mark
	The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable. National examiners are not bound by the results of the IPRP.	0.5 mark
	PCT Article 33(5)	0.5 mark
	PCT Article 33(2)	0.5 mark
	PCT Article 33(3)	0.5 mark

S/N	Answer Guide	Mark
	The criteria, including those of PCT Article 33(2) for novelty and PCT Article 33(3) for inventive step, merely serve the purposes of international preliminary examination. Any Contracting State (i.e. in this case, USPTO & IPOS) may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not. In this case, the USPTO & IPOS have different views on novelty and inventive step with regard to the subject matter of claim 11.	0.5 mark
A(iii)	Section 26(11)	0.5 mark
	A divisional application (E) should be filed for claims 12 to 15 after filing application (D).	0.5 mark
	Section 29(11A)(a) and Rule 43(4)	0.5 mark
	Application (D) should be filed as soon as possible to enable the divisional application (E) to be filed before 1 <sup>st</sup> January 2020.	0.5 mark
	This is because supplementary examination is no longer available for a divisional application lodged on or after 1 <sup>st</sup> January 2020.	0.5 mark
	Section 2(1) and Rule 41	0.5 mark
	The patent offices prescribed for the purposes of the definitions of “corresponding application” and “corresponding patent” in section 2(1) includes Australia.	0.5 mark
	Section 29(1)(d)(i)(A)	0.5 mark
	As Kama is cost conscious and the IPRP is adverse, filing a supplementary examination request relying on the notice of allowance of the Australian application (A) is recommended for application (D).	0.5 mark

S/N	Answer Guide	Mark
	As Kama is cost conscious and the IPRP is adverse, filing a supplementary examination request relying on the notice of allowance of the Australian application (C) is recommended for application (E).	0.5 mark
	Rule 43(3)(a)(i)	0.5 mark
	The deadline to request for supplementary examination for application (D) is 54 <sup>th</sup> months from 27 August 2018, which is 27 February 2023.	0.5 mark
	Rule 43(3)(b)	0.5 mark
	The deadline to request for supplementary examination for application (E) is 54 <sup>th</sup> months from its lodgement date.	0.5 mark
	Section 29(1)(d)(ii)	0.5 mark
(B)	Voluntary amendments should be filed for application (D) to (i) amend claim 1 to be identical to claim 1 of application (A), and (ii) delete claims 11 to 15.	0.5 mark
	Section 29(11A)(b) and Rule 43(4)	0.5 mark
	Supplementary examination is available for a national phase application in Singapore with a filing date before 1 <sup>st</sup> January 2020.	0.5 mark
	Section 87(1)(a)	0.5 mark
	The filing date of application (X) is the filing date of application (Y), which is 2 September 2017. Hence, supplementary examination is still available to application (X).	0.5 mark

S/N	Answer Guide	Mark
	Section 29(1)(d)(i)(B)	0.5 mark
	As Kama is cost conscious, wants fast processing and no corresponding applications are filed yet, filing a supplementary examination request relying on the IPRP (Chapter 1) is recommended for application (X).	0.5 mark
	Rule 19(9)	0.5 mark
	Delete claim 3 as it is a disallowed Omnibus claim before filing the supplementary examination request.	0.5 mark
	Rule 43(3)(a)(ii)	0.5 mark
	The deadline to request for supplementary examination for application (X) is 54 <sup>th</sup> months from 2 September 2017, which is 2 March 2022.	0.5 mark
	<b>Total</b>	<b>20 marks</b>

### Question 2

S/N	Answer Guide	Mark
(a)	Section 34(1)	0.5 mark
	Since Mr. Kim was resident in SG during the time of making the invention and during the time of filing the first patent application for the invention in Korea	0.5 mark
	a written authority should have been obtained prior to the filing of the Korean application	0.5 mark
	Section 34(3)	0.5 mark
	Contravention of S34 is an offence and may be subject to a fine of not more than SGD5K, or a jail term of not more than 2 years, or both	0.5 mark
	Section 103(1)	0.5 mark
(b)	Written authority cannot be obtained retrospectively and the act should now be reported to IPOS and to seek a composition of the offence	1 mark
	Section 67(1)	0.5 mark
	Mr. Kim, as the proprietor of the Singapore patent, can commence infringement proceedings against Mr. Wok at the Singapore High Court	0.5 mark
	Section 67(3)	0.5 mark
	Mr. Kim can also, if Mr. Wok agrees, apply to the Patents Registrar to determine the issue of infringement	0.5 mark
	although the remedies which can be awarded by the Registrar will be limited to only damages and a declaration that the patent is valid and infringed	0.5 mark

S/N	Answer Guide	Mark
	Sections 66(1)(b) & (c)	0.5 mark
	The claimed invention is a process for making an improved iron plate, therefore the use of the process in the making of the iron plate in the Singapore factory is an infringement	0.5 mark
	Offering to sell and the selling the iron plate which is directly made from the claimed process in Singapore is also an infringement	0.5 mark
(c)	Section 68(1)	0.5 mark
	Since the claims of the Singapore patent are directed to a process for obtaining a new product, and the iron plate is an improved product i.e. not originally in existence in the market, the burden will be on Mr. Wok to prove that he did not make his iron plate with the claimed process.	0.5 mark
(d)	Sections 67(1) & (2)	0.5 mark
	Expected remedies include: (i) an injunction; (ii) an order for destruction of the improved iron plates; (iii) an election between damages or an account of profits; (iv) a declaration that the patent is valid and infringed	1 mark
	Sections 76(1) & (3)	0.5 mark
	Remedies will apply from the publication date	0.5 mark
	of the Singapore patent since the granted claims are identical to the claims as published	0.5 mark
(e)	Section 69(1)	0.5 mark
	Mr. Kim cannot claim damages or an account of profits from Mr. Wok if Mr. Wok can prove that during the period of infringement he was not	0.5 mark

S/N	Answer Guide	Mark
	aware, and had no reasonable grounds for supposing, that a Singapore patent for the process existed	
(f)	Section 82(1)(a) & (3)	0.5 mark
	Mr. Wok can file a counterclaim for the invalidity of the patent and seek to revoke the patent	0.5 mark
	based on only the grounds under S80(1) as a defence against an infringement suit	0.5 mark
	Section 80(1)(a)	0.5 mark
	It is likely that Mr. Wok may apply to revoke the patent on the ground that the invention is not a patentable invention because it lacks novelty in view of the use of the iron plate at Mr. Kim's during the 2018 New Year	0.5 mark
	and the publication of the photographs of the iron plate in the magazine before the priority date of the Singapore patent	0.5 mark
	Sections 14(1) & (2)	0.5 mark
	provides that prior use and prior publication are considered to be part of the state of the art and can be used to assess novelty	0.5 mark
	On the other hand, there is case law in Singapore which support that a prior use or prior publication must be an enabling disclosure in order to anticipate or destroy the novelty of an invention	0.5 mark
	<i>Merck &amp; Co v Pharmaforte Singapore Pte Ltd</i> [2000] 2 SLR(R) 708 (or another relevant case, if any)	0.5 mark (bonus)
	Since the claimed invention is a process, it may be arguable that it is not possible for anyone, simply by looking at the photographs in the	0.5 mark



S/N	Answer Guide	Mark
	<p>magazine or through the use of the iron plate (in Mr. Kim's own home), to perform the claimed process</p> <p>i.e. both the prior use and the prior publication do not enable a skilled person to carry out the claimed process and thus the invention should still be novel</p> <p>Section 14(4)(e)</p> <p>The exact date of publication of the photographs should be determined. If the Singapore patent application was filed within 12 months of the publication of the photographs and since the photographs were obtained directly from Mr. Kim, the publication may be disregarded for novelty assessment.</p> <p>OR</p> <p>Since the publication occurred on 14 January 2018 (the question states that the publication occurred 2 weeks from New Year's Day) and the Singapore patent application was filed within the 12 months grace period, and the photographs were obtained directly from Mr. Kim, the publication may be disregarded for novelty assessment.</p> <p>Since there is a non-disclosure agreement in place between the vendor and Mr. Kim, the disclosure of the process to the vendor cannot be considered to be novelty destroying</p>	<p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p>
	<b>Total</b>	<b>20 marks</b>

### **Question 3**

<b>S/N</b>	<b>Answer Guide</b>	<b>Mark</b>
(a)	Section 31 (1)	0.5 mark
	Since Mew is the applicant of the divisional application, she may of her own volition, amend the application or the specification.	0.5 mark
	Section 31(2)	0.5 mark
	Mew must make the request for amendment: (i) In the prescribed manner; and (ii) Within the prescribed period.	0.5 mark
	Rule 49(2)-(3)	0.5 mark
	Mew can request for amendments of the claims at any time before payment of the fee for the grant of the patent,	0.5 mark
	provided the amendments are not made:	0.5 marks
	a) at any time after the filing of a request for a search report under section 29(1)(a) and before the receipt of that report by the applicant;	[for mentioning at least (a)-(d)].
	(b) at any time after the filing of a request for a search and examination report under section 29(1)(b), unless the amendment is contained in a response filed under rule 46(3) in respect of that report;	
	(c) at any time after the filing of a request for an examination report under section 29(1)(c) or (3), unless the amendment is contained in a response filed under rule 46(3) in respect of that report;	
	(d) at any time after the filing of a request for a supplementary examination report under section 29(1)(d), unless the amendment is contained in a response filed under rule 46(3) in respect of that report; or	
	(e) at any time after a request for a review under section 29B(1) is made.	

S/N	Answer Guide	Mark
	Since no further action was made towards the divisional application and/or confirming this on IP2SG that a request for search and/or examination has not been filed, the applicant can procedurally file voluntary amendments to the claims.	0.5 mark
	However, since claim 1 of granted SG patent and proposed claim 1 for divisional application are identical, this should be considered the same invention (i.e. double patenting).	1 mark
	Section 80(1)(g)	0.5 mark
	Double patenting is ground of revocation of the parent patent.	0.5 mark
	Rule 46(1)(f)(ii)	0.5 mark
	For the pending divisional application, an Examiner would object to the grant of the pending patent application and issue a Written Opinion if double patenting arises.	0.5 mark
	Section 31(3)	0.5 mark
	The proposed amendments must now be determined whether they meet the conditions set out in Section 84.	0.5 mark
	Specifically, Section 84(2)	0.5 mark
	Need to determine whether Mew's proposed amendments to the divisional application would result in the application disclosing any matter extending beyond that disclosed in the application as filed.	0.5 mark
	In conclusion, provided claim 2 finds basis in the specification as originally filed, Mew's proposed claim 2 can be included in the divisional application.	0.5 mark
	To advise Mew against keeping her proposed claim 1	0.5 mark

S/N	Answer Guide	Mark
(b)	Claim 1 of SG patent 11201400222Y is not valid due to prior art cited in EP, JP and CN.	0.5 mark
	Since the infringing item is within the scope of claim 2 of SG patent 11201400222Y, claim 1 of the SG patent should be cancelled as it would not be considered valid.	0.5 mark
	Section 38(1)	0.5 mark
	Mew may request for claim 1 of SG patent 11201400222Y to be cancelled by filing for a request for post-grant amendments.	0.5 mark
	Section 38(2)	0.5 mark
	Since no post-grant amendments is allowed when there is any proceeding pending before the court or the Registrar, Mew should request for post-grant amendments before initiating any legal action against Company P.	0.5 mark
	Mew to consider whether deletion of claim 1 would meet requirements in Section 84(3)	0.5 mark
	Section 84(3)	0.5 mark
	Deletion of claim 1 does not result in the specification disclosing any additional matter; and	0.5 mark
	Deletion of claim 1 does not extend the protection conferred by the patent.	0.5 mark
	Mew should also consider additional discretionary factors when filing post-grant amendments,	0.5 mark
	which are: (1) whether relevant matters are sufficiently disclosed;	0.5 mark

S/N	Answer Guide	Mark
	(2) whether there was any unreasonable delay in seeking amendments; and	0.5 mark
	(3) whether the patentee has gained an unfair advantage obtained by delaying amendments which are known to be needed.	0.5 mark
	When filing the request for post-grant amendments, to advise Mew to: (a) meet requirement (1) above by disclosing any relevant matters pertaining to the request for post-grant amendments (i.e. the facts relevant to the reasons for the proposed amendments);	1 mark
	(b) meet requirement (2) above by filing the request for post-grant amendments as soon as possible, without delay (since corresponding patents in EP, JP, and CN were just granted last week, it is arguable that there was no undue delay);	1 mark
	(c) meet requirement (3) above by (either <u>one</u> of the following): (i) not approaching or initiating any action against Company P before ensuring the patent is valid; or (ii) not approaching or initiating any potential monetization of the patent in its unamended form; or (iii) if approaching any third party for potential monetization of the patent, to inform the third party of possible (likely) post-grant amendments.	1 mark

S/N	Answer Guide	Mark
	<p>Citing case laws for discretionary factors for post-grant amendments:  Singapore Shipping Association and Association of Singapore Marine Industries v Hitachi, Ltd. And Mitsubishi Shipbuilding Co., Ltd. [2019] SGIPOS 5; <b>OR</b>  Warner-Lambert Company LLC v Novartis (Singapore) Pte Ltd [2017] SGCA 45; <b>OR</b>  Ship's Equipment Centre Bremen GmbH v Fuji Trading (Singapore) Pty Ltd &amp; Ors [2015] SGHC 159; <b>OR</b>  Smith Kline and French Laboratories limited v Evans Medical Limited [1989] FSR 561.</p>	1 (bonus for any case law cited)
	<b>Total</b>	<b>20 marks + 1 bonus</b>

#### **Question 4**

<b>S/N</b>	<b>Answer Guide</b>	<b>Mark</b>
A(i)	Section 17(2) & Rule 9(1)	0.5 mark
	The priority date of an invention will be the date of filing of that earlier relevant application if a declaration is made at the time of filing the Singapore application.	0.5 mark
	Section 17(2A)(a)	0.5 mark
	For a valid claim to priority, the Singapore application should be filed within 12 months of the date of filing of the specified earlier relevant application.	0.5 mark
	Section 17(2A)(a) is no longer applicable as 1 November 2019 is more than 12 months after the filing date of the Thai patent application and no Singapore application had been filed.	0.5 mark
	Section 17(2B)	0.5 mark
	The applicant may make a request to the registrar for late declaration of priority.	0.5 mark
	Section 17(2A)(b) & Rule 9A(1)	0.5 mark
	If granted, the declaration may be made in respect of an application filed up to 14 months from the date of relevant application.	0.5 mark
	1 November 2019 is still within 14 months of filing date of Thai application thus it is possible to file a Singapore application and claim priority under Section 17(2A)(b)	0.5 mark
	Section 17(2C)	0.5 mark
	For a request under subsection (2B), the applicant shall indicate in the request whether his failure to file the application in suit within the period referred to in subsection (2A)(a) —	0.5 mark

S/N	Answer Guide	Mark
	<p>a) occurred in spite of due care required by the circumstances having been taken; or</p> <p>b) was unintentional.</p> <p>Indicate in the request that the failure to file the application in time was unintentional.</p> <p>David had instructed the filing of the Singapore application before the period referred to in subsection (2A)(a) (i.e. 12 months from the Thai application filing date) but it was not filed within such period as his instructions were not acted upon.</p> <p>Mention that the “unintended” criterion is less stringent than the “due care” criterion. The latter typically requires detailed explanation of internal processes/systems to have been put in place to ensure that deadlines are not missed.</p>	<p>0.5 mark</p> <p>0.5 mark</p> <p>1 mark (bonus)</p>
A(ii)	<p>Rule 9(3)</p> <p>Correction of mistake in declaration affecting declared priority date can be used to correct T1</p> <p>Rule 2(1)</p> <p>“declared priority date” is the date of filing of the earliest relevant application</p> <p>Filing date of T1 = declared priority date</p> <p>1 December 2019 is still within 16 months of actual filing date of T1 thus it is possible to correct declaration of T1 under Rule 9(3)</p> <p>However, the period to claim priority to the T1 application has exceeded 12 months, late priority is also required.</p> <p>The deadline for late declaration of priority is 14 months from 20 September 2018. Rule 9A(2)(a) read with 9A(1)</p>	<p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>1 mark</p>



S/N	Answer Guide	Mark
	<p>It is now 5 December 2019, hence it is not possible to request for declaration of late priority</p> <p>Form 57 \$120 (for correction of T1) \$250 (for late declaration of priority)</p> <p>Rule 91(1) – Correction of errors in patents and applications File CM4 (\$50) to request for correction of error in PF1 to correct the omission of priority declaration of T2</p>	<p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p>
B(i)	<p>Section 26(1)(c)(ii)(C) &amp; Section 17(2A)(a)</p> <p>File the Singapore application by 10 December 2019 claiming priority to GB application and indicate in the application form that the description of the invention for which the patent is sought is incorporated in the Singapore application by reference to, and is completely contained in, the earlier relevant application, as filed.</p> <p>There is no need to submit the incomplete description.</p> <p>Section 26(7) &amp; Rule 26(3)&amp;(4)</p> <p>Within 3 months of the date of filing of the Singapore application, file</p> <ul style="list-style-type: none"> <li>a written notice confirming that the description of the Singapore application is incorporated in the application by reference to the GB application;</li> <li>the description of the invention; and</li> <li>a copy of the GB priority application duly certified by the authority with which it was filed; or otherwise acceptable to the Registrar</li> <li>Patents Form 56 (No Fee)</li> </ul>	<p>1 mark</p> <p>1 mark</p> <p>0.5 mark</p> <p>1 mark</p> <p>0.5 mark</p> <p>1 mark</p>

S/N	Answer Guide	Mark
	<p><u>OR</u></p> <p>Section 26(8), Section 26(9)(a) &amp; Section 17(2A)(a)</p> <p>File the Singapore application by 10 December 2019 with a copy of the incomplete patent specification as provided by Alice and claim priority to the GB application.</p> <p>With a view to file the omitted last 10 pages of the description as missing part.</p> <p>Section 26(9)(b), Rule 26A(1)(a)(i), 26A(2), (5), (6) &amp; (7)</p> <p>Within 3 months of the date of filing of the Singapore application, submit</p> <ul style="list-style-type: none"> <li>• Last 10 pages of the description omitted from the application</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• a request to the Registrar for Section 26(8)(b) not to apply to the application</li> <li>• a statement that the missing part referred to in Section 26(8) is incorporated in the application by reference to, and is completely contained in, the earlier relevant application, as filed</li> <li>• details of the GB application (date of filing, application number, country)</li> <li>• a copy of the GB priority application duly certified by the authority with which it was filed; or otherwise acceptable to the Registrar</li> <li>• Patents Form 56 (No Fee)</li> </ul>	<p>1* mark</p> <p>1 mark</p> <p>0.5 mark</p> <p>1* mark</p> <p>0.5* mark</p> <p>1* mark</p>

S/N	Answer Guide	Mark
	<p>*To award full 5 marks if candidate state that the missing parts are submitted in response to a notification issued by the Registrar after preliminary examination. Marks in asterisk are awarded when the relevant provisions are cited/answers are accordingly adapted.</p> <p>Relevant provisions: Section 28(7), (8) &amp; (9), Rule 34(2)(a), (3), (5), (6), (7) &amp; (8).</p>	
B(ii)	<p>Section 26(12)(c)</p> <p>The application will be treated as having been abandoned if the above-mentioned documents are not submitted within 3 months of date of filing of the Singapore application</p> <p><b><u>OR</u></b></p> <p>Rule 26A(1)a(i) &amp; 26A(5)</p> <p>The omitted 10 pages will not be available, and it will not be possible to meet the deadline to file these 10 pages as missing part as well as to request for the later date of filing not to apply</p> <p>Rule 108(2)(c) <b><u>OR</u></b> Rule 108(2)(b)</p> <p>This/These deadline(s) cannot be extended.</p> <p>*To award mark if candidate's answer for Q4B(i) and this section is based on submission of missing part in response to a notification issued by the Registrar after preliminary examination.</p> <p>Relevant provisions: Rule 34(2)(a), (6)</p>	<p>0.5 mark</p> <p>0.5 mark</p> <p>0.5* mark</p> <p>0.5 mark</p> <p>0.5 mark</p> <p>0.5 mark</p>
	<b>Total</b>	<b>20 marks + 1 bonus</b>

### Question 5

S/N	Answer Guide	Mark
(a)	Both China and Singapore are contracting parties to the Paris Convention.	0.5 mark
	<b><u>OR</u></b> Both China and Singapore are members of the World Trade Organisation.	
	Paris Convention Art 4A	0.5 mark
	It is possible for an invention patent to claim priority from an earlier filed utility model.	0.5 mark
	Paris Convention Art 4C(1) The priority period for patents and utility models is twelve months from the date of filing of the first application.	0.5 mark
	Paris Convention Art 4C(2) The day of filing shall not be included in the priority period.	0.5 mark
	<b><u>OR</u></b> Section 17(2A)(a)	0.5 mark
	The priority period is the period of 12 months immediately following the date of filing of the specified earliest relevant application.	0.5 mark
	Priority period of the China invention patent application expires today, 5 December 2019.	0.5 mark
	Priority period of the China utility model application expires 5 June 2020.	0.5 mark
	Section 25(5)(d) and Rule 25	0.5 mark
		0.5 mark

S/N	Answer Guide	Mark
	In relation to the three aspects of technology which Quickheal would like to protect, it is likely that at least the invention relating to the mechanical patch may not form a single inventive concept with the invention relating to the composition of the compound or the improved composition.	
	Quickheal may consider taking one of the following options:	
	(I)	
	- To file a single Singapore patent application by 5 December 2019 claiming priority of the two China applications and covering the subject matter of:	0.5 mark
	(1) composition of the compound that expedites wound healing (i.e. China invention patent application);	0.5 mark
	(2) improved compound (i.e. recent development); and	
	(3) mechanical patch (i.e. China utility model application)	
	(II)	
	- To file multiple Singapore patent applications by 5 December 2019, each application claiming priority of the two China applications:	0.5 mark
	(a) SG patent application 1 covering subject matters (1) and (2) AND SG patent application 2 covering subject matter (3);	0.5 mark
	(b) Three SG patent applications, each covering one of the subject matters (1) to (3).	0.5 mark
	Rule 27(1)(b)	0.5 mark
	Quickheal may subsequently file a new application for each inventive concept to comply with the requirements	0.5 mark
	Section 26(1)(c)	0.5 mark
		0.5 mark

S/N	Answer Guide	Mark
	<p>The documents filed at the Registry to initiate the application must satisfy the following conditions:</p> <p>(a) the documents indicate that a patent is sought;</p> <p>(b) the documents identify the applicant for the patent; and</p> <p>(c) the documents contain (i) something which is or appears to be a description of the invention for which the patent is sought.</p>	
	<b>AND</b> claims are required upon filing	0.5 mark
	Section 26(12)(a), Rule 26(5)(a)	0.5 mark
	Section 26(2)(a)	0.5 mark
	It is immaterial whether the description is in a language accepted by the Registry. Therefore, it is acceptable to file the Singapore patent application in Chinese.	0.5 mark
	Rule 19(11)	0.5 mark
	However, an English translation will be required within 2 months from the date of notification by the Registry.	0.5 mark
	<p>An assignment to assign the earlier filed utility model and patent application from Quickheal's subsidiary company in China to Quickheal Pte. Ltd. shall be put in place</p> <p>prior to the Singapore patent filing(s).</p> <p><i>[Note: The above can be mentioned in part (b) as well (i.e. assignment shall be put in place prior to PCT filing). Maximum bonus mark awarded is 1 mark.]</i></p>	<p>0.5 mark (bonus)</p> <p>0.5 mark (bonus)</p>

S/N	Answer Guide	Mark
(b)	To minimize fees, a single PCT application can be filed claiming priority of the two China applications and covering all three subject matters: (1) composition of the compound that expedites wound healing (i.e. China invention patent application); (2) improved compound (i.e. recent development); and (3) mechanical patch (i.e. China utility model application)	0.5 mark
	Any lack of unity of invention issues may be addressed before the competent International Searching Authority ('ISA') or at a later stage during national phase.	0.5 mark
	PCT Rule 19.1(a) - IPOS is a competent Receiving Office ('RO') as Quickheal is a Singapore registered company.	0.5 mark
	Rule 116	0.5 mark
	With effect from 1 January 2017, IPOS in its capacity as the RO accepts Chinese as a language for International Application and PCT Request form. Therefore, the PCT application can be filed in Chinese.	0.5 mark
	PCT Rule 2.4(a)	0.5 mark
	However, to claim priority from both the earlier filed China applications, any subsequent applications must be filed within the priority period (of the earliest filed application) which ends today, 5 December 2019.	0.5 mark
	There is not enough time to file within the priority period if IPOS is selected as the RO.	0.5 mark
	PCT Rule 19.1(a)(iii)	0.5 mark  0.5 mark

S/N	Answer Guide	Mark
	Select the International Bureau ('IB') as the RO. IB is a competent RO irrespective of the Contracting State of the applicant.	
	PCT Rule 12.1 IB as the RO accepts a language that is accepted by a competent International Searching Authority ('ISA') and a language of publication	0.5 mark
	PCT Rule 48.3(a) Chinese is one of the languages of publication.	0.5 mark
	IPOS is a competent ISA that accepts Chinese as a language for International Applications.	0.5 mark
	IB is based in Geneva, which is about 6 to 7 hours behind Singapore, so there is time to prepare the PCT filing documents and complete the filing within the priority period.	0.5 mark
	The countries of interest are either in the same time zone as Singapore or ahead of Singapore time. Not possible to file patent applications directly in each of these countries within the priority period.	1 mark
	<b>Total</b>	<b>20 marks +1 bonus</b>