

ASEAN Patent Examination Co-operation Programme

1 ASEAN Patent Examination Co-operation (ASPEC)

- 1.1 The ASEAN Patent Examination Co-operation (“ASPEC”) is the first regional patent cooperation project which commenced on 15 June 2009. It is a programme for IP Offices from participating ASEAN member states (“AMS”) to utilise the search and examination (“S&E”) results from another participating AMS IP Office as reference in its own S&E work.
- 1.2 There are 9 participating AMS IP Offices and they are from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.
- 1.3 The participating AMS IP Office may consider the S&E documents it receives under the ASPEC. It is not obliged to adopt any of the findings or conclusions reached by the other IP Office. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.
- 1.4 When an ASPEC request is filed at a participating AMS IP Office in accordance with the requirements at that Office, processes at the Office will be advanced out of turn from the time of filing the ASPEC request until grant.
- 1.5 The objectives of the programme are:
 - **Reduced work and faster turnaround time.** Reference to earlier work could help an examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.
 - **Better search and examination** – The other patent authorities might have access to databases unavailable to the examiner (e.g. specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these search and examination results could provide the examiner with information on and assessment of prior art which he or she would otherwise not have access to.

2 NEW: ASPEC Acceleration for Industry 4.0 Infrastructure (“ASPEC AIM”)

- 2.1 ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (“ASPEC AIM”) prioritises Industry 4.0 patent applications and enables first office actions to be issued within 6 months. The pilot will run for a period of 2 years starting from 27 August 2019 to 26 August 2021, and is limited to 50 applications a year.
- 2.2 A list of IPC codes which can qualify under ASPEC AIM is provided in [Appendix 1](#).
- 2.3 The eligibility criteria in paragraph 4 and the procedures in paragraph 5 apply.

3 NEW: Patents Cooperation Treaty-ASPEC (“PCT-ASPEC”)

- 3.1 The scope of ASPEC has been broadened to include Patents Cooperation Treaty (“PCT”) reports issued from an ASEAN International Searching Authority and International Preliminary Examining Authority (“ASEAN ISA/IPEA”¹). The PCT-ASPEC will run for a period of 3 years starting from 27 August 2019 to 26 August 2022, and is limited to 100 applications a year.
- 3.2 The eligibility criteria in paragraph 4 and the procedures in paragraph 5 apply.

4 Eligibility criteria for requesting ASPEC, ASPEC AIM or PCT-ASPEC

- 4.1 A patent application in a participating AMS IP Office where the ASPEC Request Form is filed (“second IP Office”) is required to be a corresponding patent application in the other participating AMS IP Office (“first IP Office”). The ASPEC Request relies on the S&E documents of this corresponding application.
- 4.2 To qualify for PCT-ASPEC and ASPEC AIM, the following eligibility criteria are required:
- **PCT-ASPEC:** to rely on an international preliminary examination report or a written opinion issued by an ASEAN ISA/IPEA as the first IP Office
 - **ASPEC AIM:** the first IP Office needs to determine that the patent application is an industry 4.0 invention and it contains IPC codes provided in [Appendix 1](#)
- 4.3 A patent application in the first IP Office is a corresponding application if it is:

¹ Singapore and the Philippines are among the 23 IP Offices around the world that are appointed as ISAs and IPEAs. ASEAN ISA/IPEA refers to both the Singapore and Philippines IP Offices.

- a) linked by a Paris Convention priority claim to the patent application in the second IP Office, and vice-versa, or
- b) the patent applications in both the first IP Office and second IP Office have the same priority claim from another Paris Convention member country, or
- c) the patent applications in both the first IP Office and second IP Office are national phase entry applications from the same PCT application.

4.4 The diagrams representing scenarios of corresponding patent applications are available in **Annex A**.

5 Procedure for requesting for ASPEC, ASPEC AIM and PCT-ASPEC

5.1 Requesting for ASPEC and ASPEC AIM

5.1.1 The patent applicant is to file a completed ASPEC Request Form or if the ASPEC Request Form is not mandatory², to enclose a separate cover letter indicating the intent to use ASPEC with the second IP Office.

5.1.2 For ASPEC AIM request, please indicate that it is an ASPEC AIM request in the ASPEC form. In addition, applicants are also required to email the monitoring authority (aspec@ipos.gov.sg) and respective ASPEC AIM focal point listed in **Annex B**. Information to be provided will include:

- i. Application no. from first IP Office;
- ii. Desired second IP Office and application no. in the Second IP Office;
- iii. Date of request; and
- iv. Applicant

5.1.3 It shall be accompanied by the following documents:

- (a) a copy of the search report and the examination report (“minimum documents”) of a corresponding application from the first IP Office; and
- (b) a copy of the claims referred to in the minimum documents submitted, with at least one claim determined by the first IP Office to be allowable/patentable.

5.2 Requesting PCT-ASPEC

5.2.1 The patent applicant is to file a completed ASPEC Request Form or if the ASPEC Request Form is not mandatory, to enclose a separate cover letter indicating the intent to use in PCT-ASPEC with the second IP Office. In the

² It is mandatory to submit an ASPEC request form to the IP Offices of Brunei Darussalam, Cambodia, Indonesia, Lao PDR., Malaysia, Philippines & Thailand.

ASPEC Request Form, please indicate that it is a PCT-ASPEC. It shall be accompanied by the following documents:

- (a) a copy of the written opinion/international preliminary examination report (“WO/ISA, WO/IPEA or IPER”) established by an ASEAN International Searching Authority/International Preliminary Examining Authority (“ASEAN ISA/IPEA”) (“minimum documents”) relating to a corresponding application from the first IP Office; and
- (b) a copy of the claims referred to in the minimum documents submitted, with at least one claim determined by the first IP Office to be allowable/patentable.

The international search report³ should also be provided where applicable.

5.2.2 For PCT-ASPEC request, applicants are also required to email the monitoring authority (aspec@ipos.gov.sg) and respective PCT-ASPEC focal point listed in **Annex B**. Information to be provided will include:

- i. PCT application no;
- ii. Desired second IP Office and application no. in the second IP Office;
- iii. Date of request; and
- iv. Applicant.

5.3 Other relevant information on the procedures

5.3.1 All documents for the purposes of ASPEC must be in English. The documents in must be accompanied by an English translation if they are not originally in English, at the time of filing the ASPEC Request Form.

5.3.2 The ASPEC Request Form and the documents referred to in the paragraphs above may be filed at any time before the final decision of grant or refusal.

5.4 Other Supporting Document(s)

5.4.1 Claim Correspondence Table

5.4.2 The ASPEC Request Form may be accompanied by a claim correspondence table showing relatedness of the claims examined in the corresponding application to the claims in the current application, a copy of the written opinion(s) and the list of prior art, if available (“additional documents”).

³ Supplementary international search report is not applicable to PCT-ASPEC.

5.4.3 Cited Documents

5.4.4 A copy of each of the documents cited in the minimum documents is not required at the time of filing the ASPEC Request Form. Intellectual Property Office of Singapore (“IPOS”) may however, require the applicant to furnish a copy of any document cited in the minimum documents subsequently. Cited Documents may be filed in their original language. However, IPOS may subsequently request for an English translation of a document or a part of a document if a patent family member in English is not available.

5.4.5 Translations

5.4.6 The English translation of any document must be verified by a translator or by the patent agent appointed to act on behalf of the patent applicant before IPOS, if it is requested.

6 **Mode of Submission at IPOS**

6.1 The ASPEC Request Form, the minimum documents, the additional documents, the cited documents, and the translations are to be filed via one of the following modes:

- (i) electronically via [IP²SG](#) when filing for
 - A request for search report (PF10); or
 - A request for search and examination report (PF11); or
 - A request for examination report (PF12);
- (ii) electronically via [E-ASPEC](#);
- (iii) by hand; or
- (iv) post.

6.2 For a copy of the ASPEC form, please download from [here](#).

7 **Enquiries**

7.1 For enquiries relating to the ASPEC programme, please email aspec@ipos.gov.sg. Alternatively, you are welcome to contact IPOS at (65) 6339 8616.

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

DATE: 15 June 2009

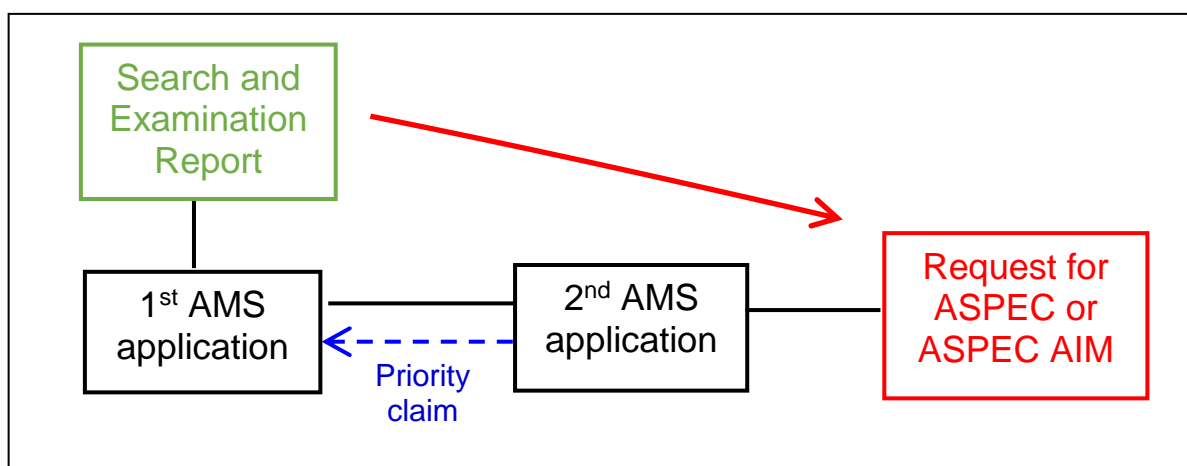
REVISION DATE: 25 February 2020

ANNEX A

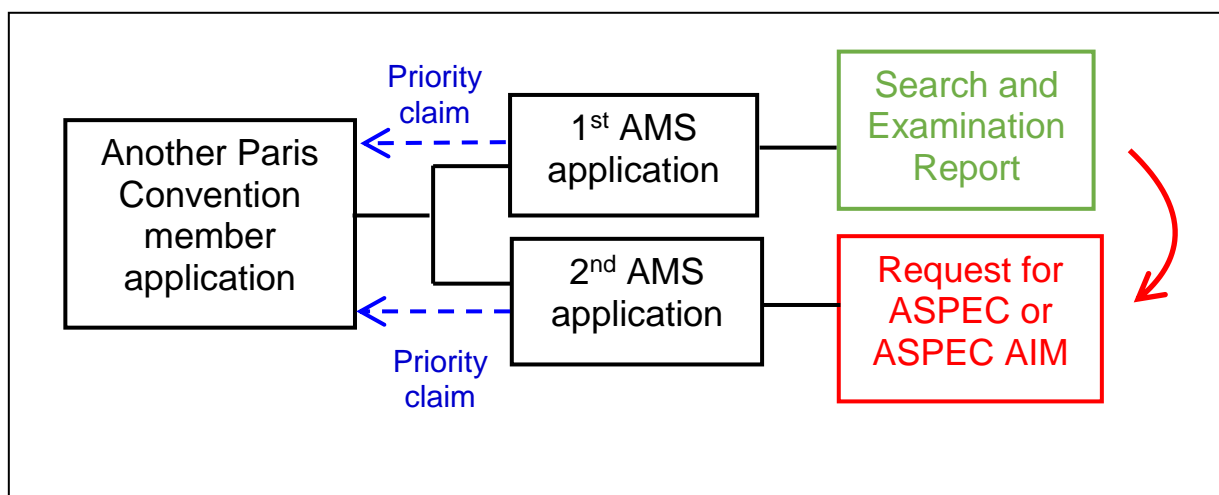
SCENARIOS FOR CORRESPONDING PATENT APPLICATIONS

ASPEC and ASPEC AIM: Scenarios for corresponding patent applications

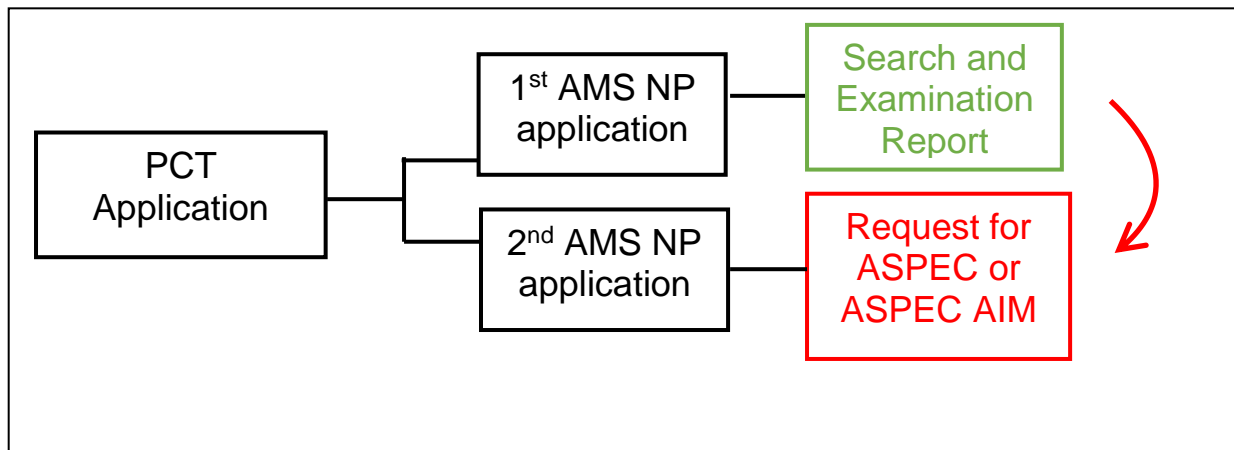
Scenario (1): The second AMS application (“2nd AMS application”) validly claims priority from the first AMS application (“1st AMS application”). The ASPEC or ASPEC AIM request is filed in the 2nd AMS and relied upon the examination results of the 1st AMS.



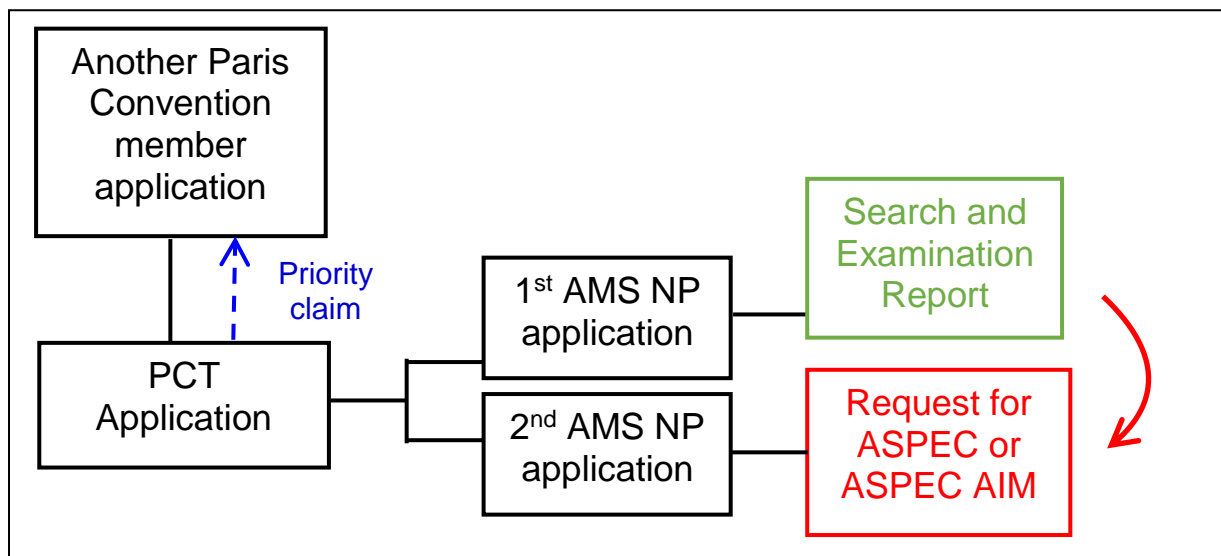
Scenario (2): The first and second AMS applications (“1st AMS application” and “2nd AMS application”) validly claim priority from another Paris Convention member application. The ASPEC or ASPEC AIM request is filed in the 2nd AMS and relied upon the examination results of the 1st AMS.



Scenario (3): The first and second AMS applications (“1st AMS NP application” and “2nd AMS NP application”) are a national phase entry of the PCT application. The ASPEC or ASPEC AIM request is filed in the 2nd AMS and relied upon the examination results of the 1st AMS.

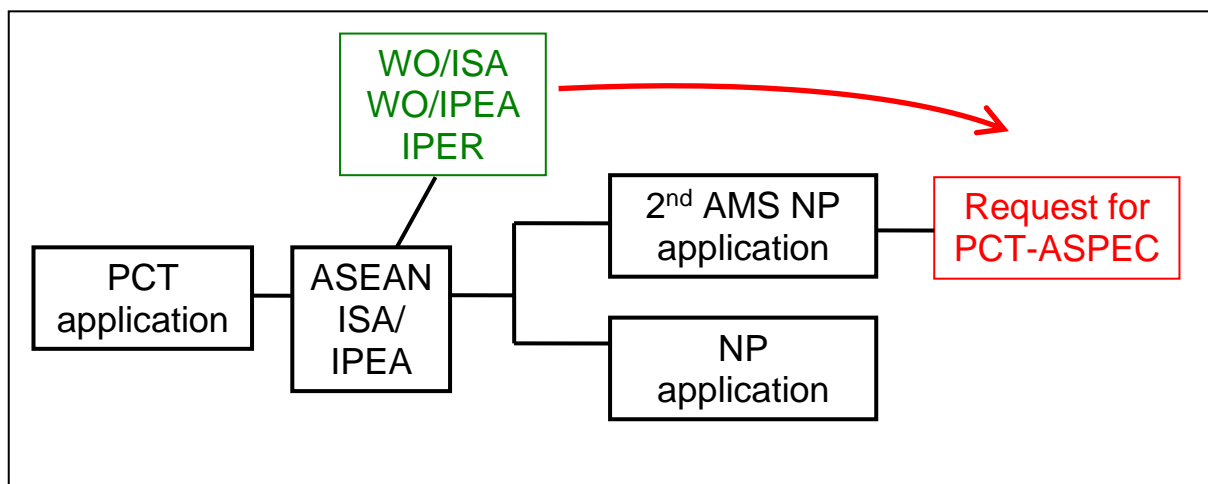


Scenario (4): The first and second AMS applications (“1st AMS NP application” and “2nd AMS NP application”) are a national phase entry of the PCT application which validly claim priority from another Paris Convention member application. The ASPEC or ASPEC AIM request is filed in the 2nd AMS and relied upon the examination results of the 1st AMS.

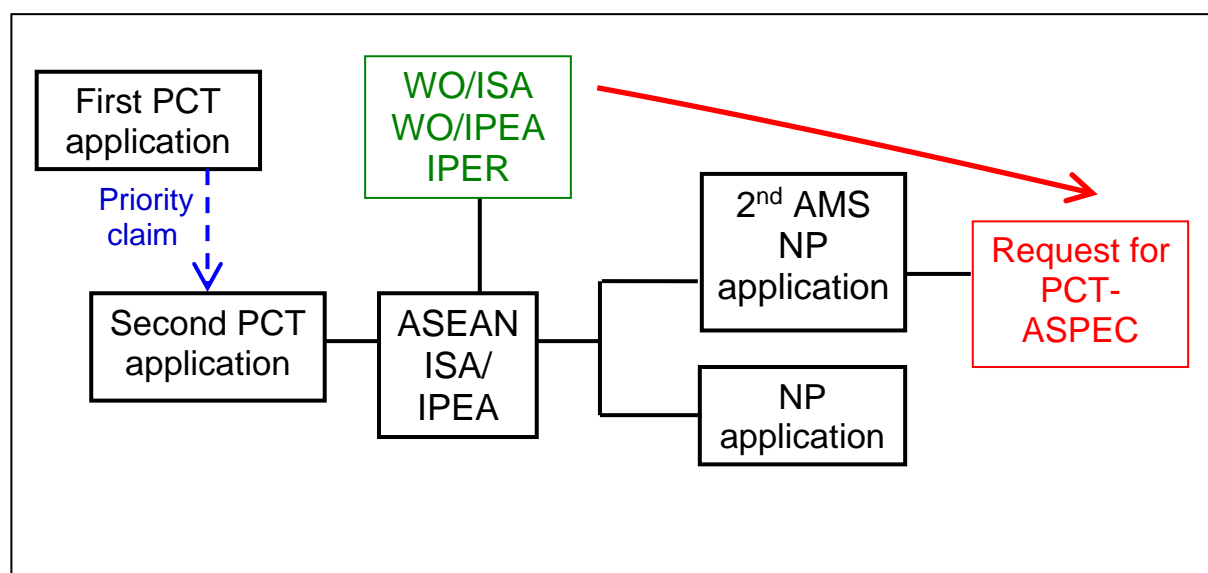


PCT-ASPEC: Scenarios for corresponding patent applications

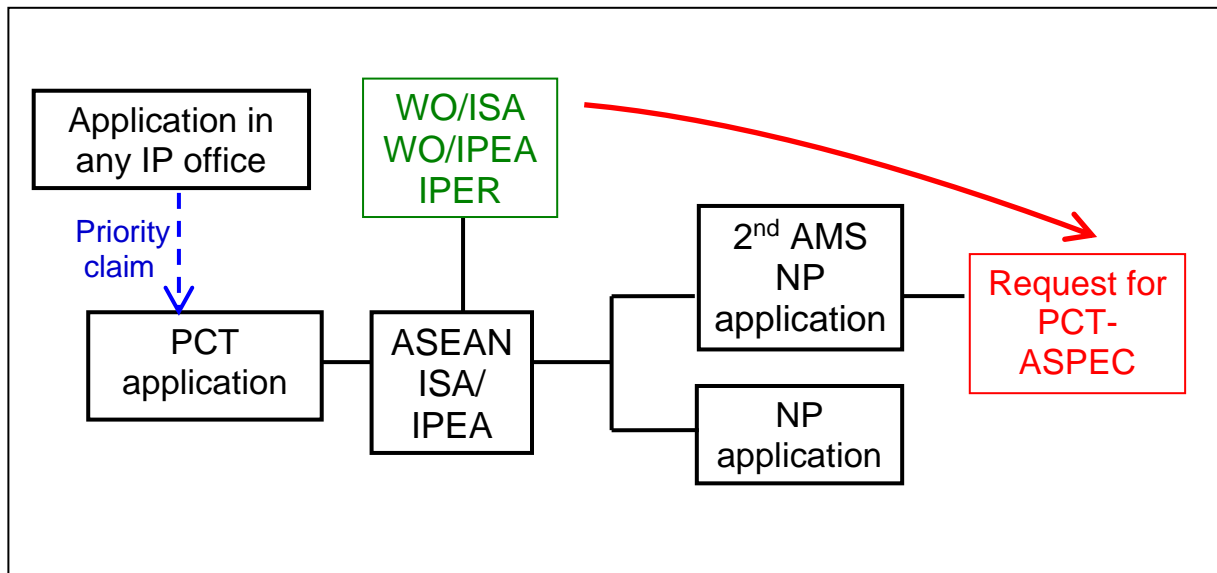
Scenario (5): The second AMS application (“2nd AMS NP application”) is a national phase entry of the PCT application. The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



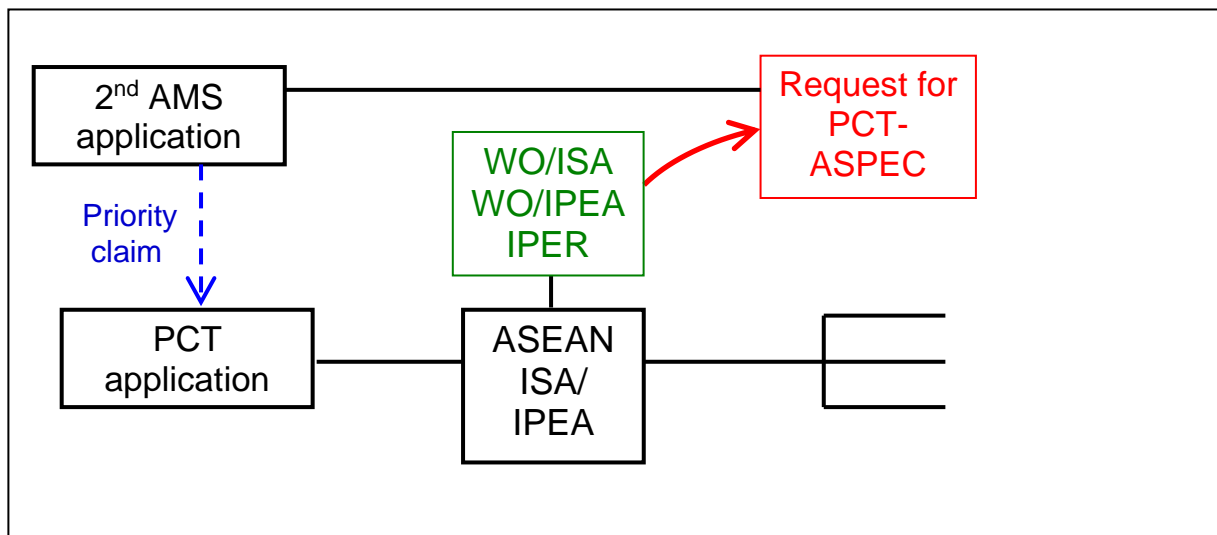
Scenario (6): There are two PCT applications, the second application validly claiming priority from the first application. The second AMS application (“2nd AMS NP application”) is a national phase entry of the second PCT application. The second PCT Application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



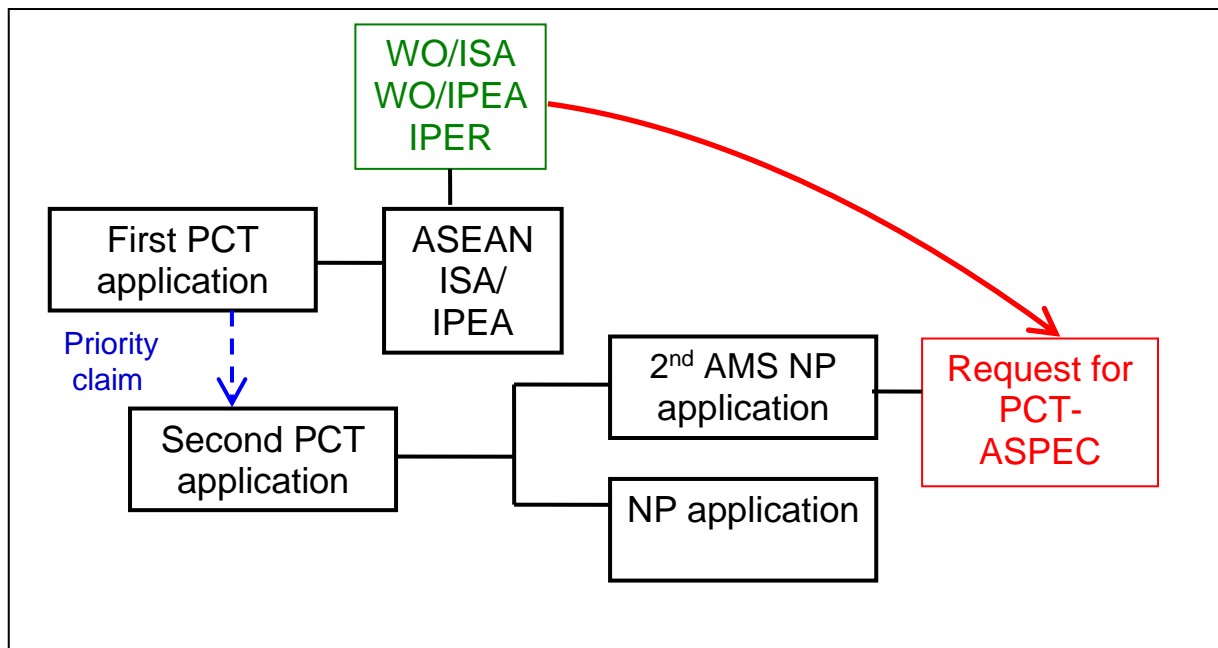
Scenario (7): There is a first application filed in any IP office. The PCT application validly claims priority from the first application. The second AMS application (“2nd AMS NP application”) is a national phase entry of the PCT application. The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



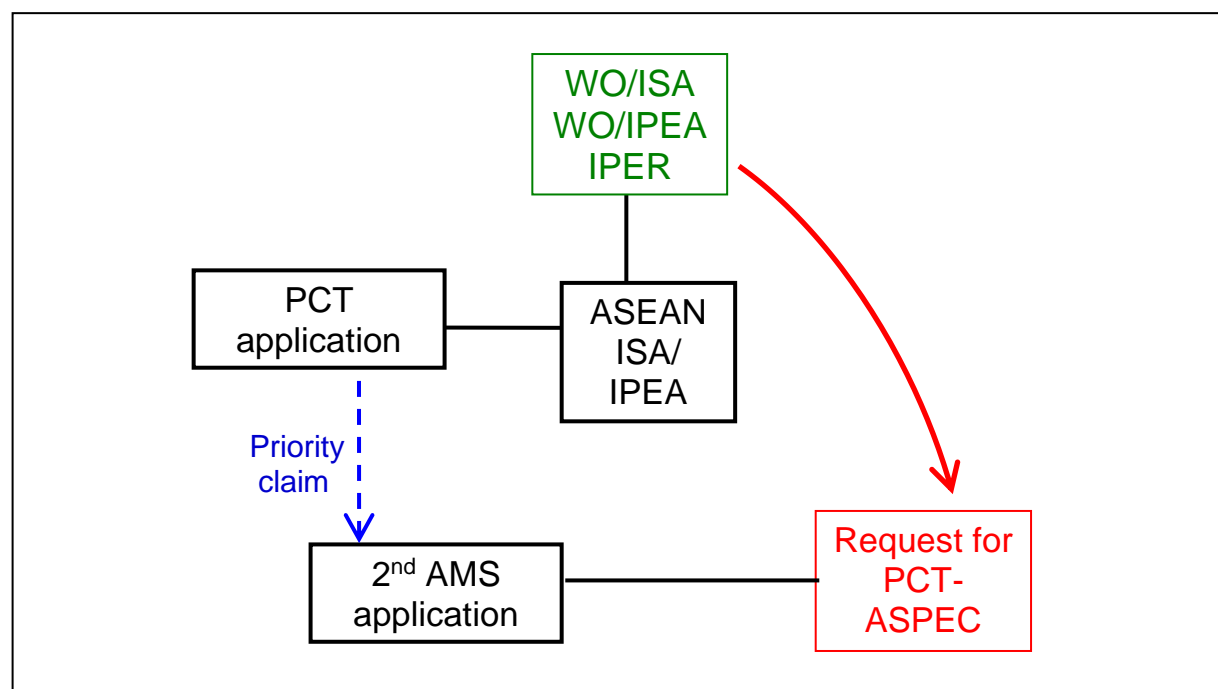
Scenario (8): The PCT application validly claims priority from the second AMS application (“2nd AMS application”). The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



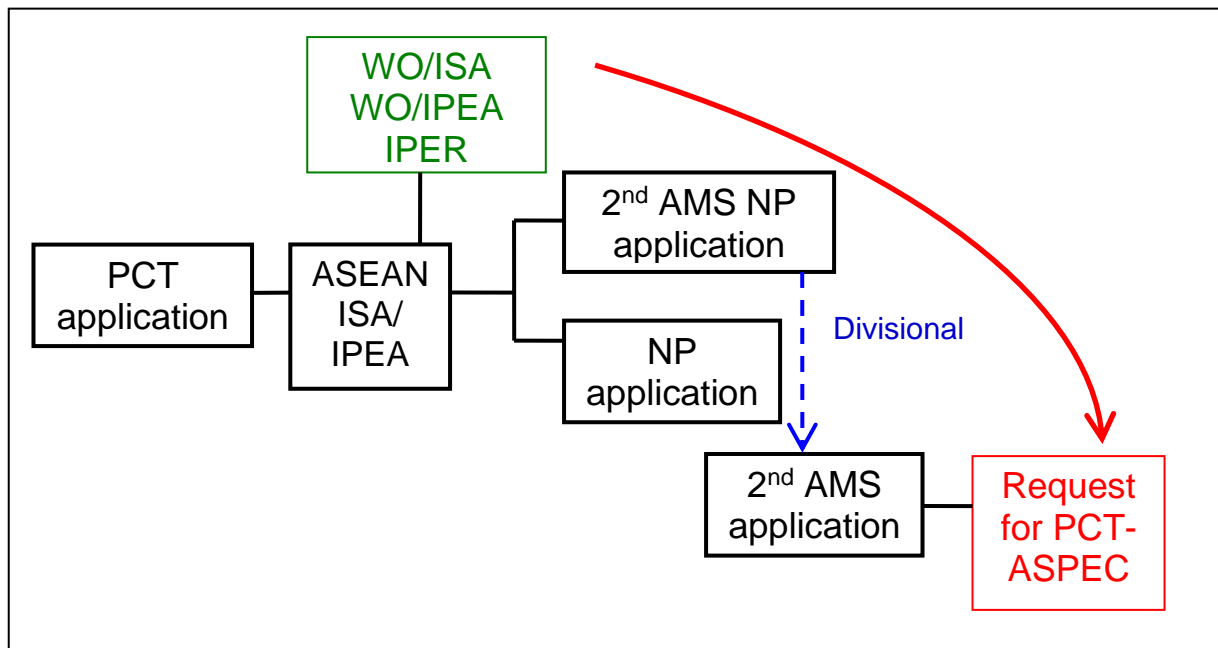
Scenario (9): There are two PCT applications, the second application validly claims priority from the first application. The second AMS application (“2nd AMS NP application”) is a national phase entry of the second PCT application. The first PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



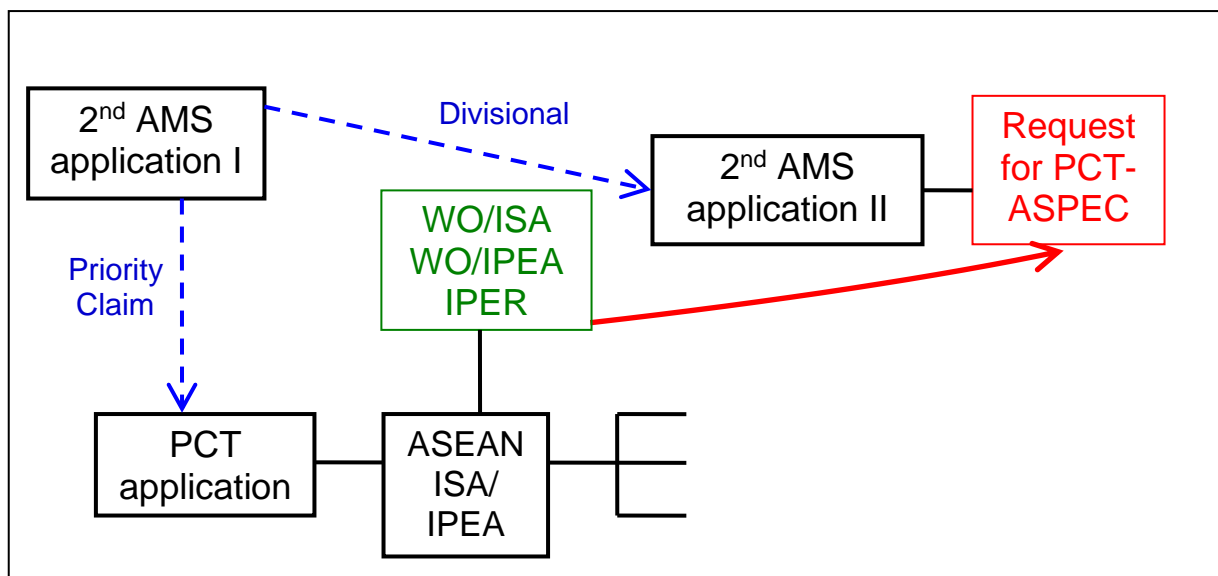
Scenario (10): The second AMS application (“2nd AMS application”) validly claims priority from the PCT application. The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



Scenario (11): The second AMS application (“2nd AMS application”) is a divisional application of another second AMS application (“2nd AMS NP application”) that is a national phase entry of a PCT application. The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



Scenario (12): The second AMS application (“2nd AMS application II”) is a divisional application of another second AMS application (“2nd AMS application I”). The PCT application validly claims priority from 2nd AMS application I. The PCT application is being relied upon for the PCT-ASPEC request and it is examined by an ASEAN ISA/IPEA.



ANNEX B

LIST OF FOCAL POINTS TO ASPEC, ASPEC AIM AND PCT-ASPEC REQUESTS

Country	Email
Brunei Darussalam	nuralain.abdullah@agc.gov.bn zunaidah.ramli@agc.gov.bn muiz.ramlee@bruipo.gov.bn
Cambodia	chheanpiseth@yahoo.com rein_bbu@yahoo.com
Indonesia	miayusanti@yahoo.com.au masnugroho@yahoo.com nandie93@yahoo.com thomy_ryan@yahoo.com
Lao PDR	aphivath@yahoo.com s.solasin@gmail.com dip.laopdr@gmail.com sooraphonhkongsap@yahoo.com
Malaysia	aspec@myipo.gov.my
Philippines	aspec@ipophil.gov.ph
Singapore	aspec@ipos.gov.sg
Thailand	toranin@gmail.com (ASPEC AIM only) napapatchai@gmail.com (PCT-ASPEC only) slaton21@gmail.com putchakan2@gmail.com porsche.dip@gmail.com
Viet Nam	nguyendoanduc.noip@gmail.com (ASPEC AIM only) khoanguyen76@gmail.com (PCT-ASPEC only) huuduong.gttb@gmail.com nguyenthuhien@noip.gov.vn hoangduykhanh@noip.gov.vn thuhuong@noip.gov.vn