

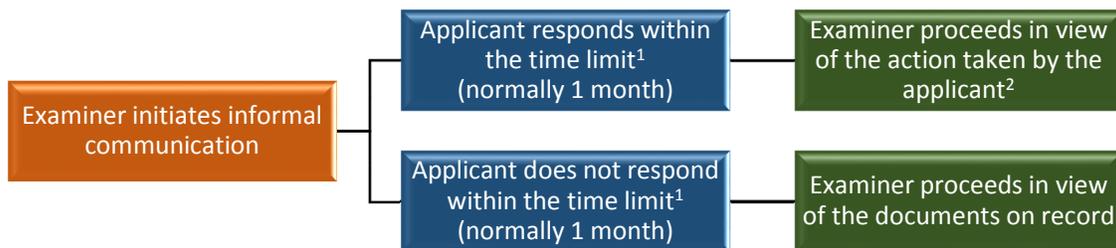
Examiner-initiated Informal Communications wef 15 September 2017

(Circular No. 6/2017, dated 22 August 2017)

As part of IPOS' ongoing efforts to improve the efficiency and reduce the cost for patent prosecution, IPOS will be rolling out the practice of examiner-initiated informal communications for national patent applications with effect from 15 September 2017.

Currently, communication between examiners and applicants is carried out by way of written opinions, examination reports, and submissions and/or amendments within a prescribed time period. Under the new practice, examiners may also communicate with the applicant in the form of email correspondences, phone or face-to-face interviews, etc. Such informal communications will be initiated via an email containing the purpose of the communication and proposed actions to be taken by the applicant.

An overview of the process for examiner-initiated informal communications is as follows:



Examples where an informal communication can be initiated by the examiner include:

- i. When the subject matter relates to an emerging technology and the examiner finds the applicant's explanation of the technology may benefit the prosecution, the examiner may invite the applicant to an interview.
- ii. When the application is found to be ready for grant except for some minor clarity issues in the pending claims, the examiner may invite the applicant to file necessary claim amendments in order to overcome the remaining clarity issues. The examiner may optionally offer the applicant an opportunity of an interview.
- iii. When no substantive progress has been made in the prosecution after several iterations and the examiner considers an interview to be useful for closing the gap in the prosecution, the examiner may initiate an interview with the applicant. In the event the outcome of the interview is promising, the examiner may invite the applicant to file a formal response for the examiner's consideration.

¹ For avoidance of doubt, the applicant may file a further response beyond the prescribed deadline, so long as the filing is made in response to an examiner-initiated communication and within the time limit set by the examiner. This practice is consistent with Rule 46(7), where the examiner can exercise his/her discretion on whether to take into account any response filed by the applicant after the examiner has commenced drawing up his/her opinion or report.

² The examiner does not need to take into consideration any response which are not pertinent to the communication.

In line with the purpose of improving the prosecution efficiency, the applicant should only file necessary amendments in relation to the specified claims in the communication.

Notwithstanding the mode of communication, all communications regarding the merits of an application forms part of the official file records. For phone or a face-to-face interview, an interview minute would be created and placed on file record to ensure transparency. Together with the launch of this initiative, the file record will be made available for inspection via Form CM10. However, it will not be available on Patents Open Dossier until further notice.

If you have any queries or feedback, please contact Ms Huang Qinyi (huang_qinyi@ipos.gov.sg) and Ms Jessy Ong (jessy.ong@iposinternational.com).