

Two Pieces Of Patents Legislation To Be Brought Into Force On 1 November 2016 [Circular No. 2/2016, dated 3 October 2016]

Please be informed that two pieces of patents legislation will be brought into force on 1 November 2016. These are:

- (a) Section 2(d) of the Patents (Amendment) Act 2012; and
- (b) the Patents (Medicinal Health Products) Rules 2016.

Section 2(d) of the Patents (Amendment) Act 2012

2 Section 2(d) of the Patents (Amendment) Act 2012¹ amends the definition of “medicinal product” and “marketing approval” in the Patents Act². It also introduces a new definition of “medicinal health product” into the Patents Act.

3 These Patents Act changes were introduced in 2012 because of Ministry of Health’s transfer of the regulatory regime for certain “medicinal products” from the Medicines Act to the Health Products Act. This transfer of the regulatory regime for “therapeutic products”³ will take place on 1 November 2016.

4 Hence, Section 2(d) of the Patents (Amendment) Act 2012 will be brought into force on 1 November 2016, via the Patents (Amendment) Act 2012 (Commencement) Notification 2016 (“**Notification**”).

Patents (Medicinal Health Products) Rules 2016

5 The Patents (Medicinal Health Products) Rules 2016 (“**MHP Rules 2016**”) is a new piece of Patents Act subsidiary legislation that will enter into force on 1 November 2016.

6 With effect from 1 November 2016, a health product, that is a “therapeutic product” within the meaning of the Health Products Act, will fulfil the definition of “medicinal product” in the Patents Act.

7 Both the Notification and the MHP Rules 2016 are currently pending publication in the Government Gazette. Copies will be made available on the legislation webpage of the IPOS website after they have been published in the Government Gazette.

Enquiries

8 Should you have any enquiries, please contact Ms Chung Ka Yee (chung_ka_yee@ipos.gov.sg).

¹ A copy of the Patents (Amendment) Act 2012 is available [here](#).

² The definition of “medicinal product” and “marketing approval” in the Patents Act makes reference to the provisions in the Medicines Act.

³ The category of “therapeutic products” is described in the Health Products Act (Amendment of First Schedule) Order 2016, which is available [here](#).