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These guidelines will be updated at regular intervals and are based on IPOS’s interpretation of the currently applicable law and practice of patents. The contents of this document do not constitute, and should not be relied on as, legal advice. You should approach a legal professional if you require legal advice.

Any feedback from readers drawing attention to errors as well as suggestions for improvement will be greatly appreciated and this may be sent by email to: IPOS_Enquiry@ipos.gov.sg.
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1 INTRODUCTION

1.1 About the Manual

1.1.1 A patent is a right granted to the owner of an invention that prevents others from making, using, importing or selling the invention without his permission. A patentable invention can be a product or a process that gives a new technical solution to a problem. It can also be a new method of doing things, the composition of a new product, or a technical improvement on how certain objects work. Once it is granted, the term of a patent is 20 years from the Date of Filing, subject to the payment of annual renewal fees.

1.1.2 The Registry of Patents processes patent filings received at the Intellectual Property Office of Singapore (IPOS). This Formalities guideline aims to provide the applicant with a better understanding on the requirements and procedures of the patent prosecution process in accordance with the Singapore Patents Act and Rules. These guidelines refer to the Singapore Patents Act and Rules in effect after 14 Feb 2014 and the amendments in force on 30 Oct 2017, unless otherwise specified.

1.2 Filing of Requests

1.2.1 is a one-stop solution designed to facilitate online IP related searches and transactions in Singapore. IP²SG services include –

a. Search, view basic bibliographic information for any patent application or patent filed in Singapore;
b. Download of register for any patent application or patent that has been published in Singapore;
c. Download of specification for any patent application or patent that has been published (where available) in Singapore;
d. View and download recent copies of the Patents Journal;
e. Filing of patent forms;
f. Correspond with IPOS electronically.

1.2.2 IPOS strongly encourages all our customers to transact with us using the IP²SG customer portal for all matters relating to Trade Marks, Patents and Registered Designs. Applicants may register for an account at https://www.ip2.sg to enjoy the benefits of corresponding with IPOS and monitoring transactions electronically.

1.3 ISO 9001:2015 Quality Management

1.3.1 The Intellectual Property Office of Singapore has been ISO 9001:2015 certified for the management of national patent search and examination process, and payment.

Quality Policy: We strive to work effectively with all interested parties to provide quality products and services to the satisfaction of our customers and meet the applicable requirements. We are committed to continually improve our systems and processes for enhancing the validity, reliability and timeliness of our products and services.
2 REQUEST FOR GRANT OF PATENT

2.1 Application for Grant of Patent

2.1.1 A complete application for a patent contains –

a. A request for grant of a patent, accompanied by the prescribed fee;

b. A description of the invention. The description should describe at least one way of carrying out the invention claimed, with examples, where appropriate, and with reference to the drawings, if any;

c. One or more claim(s). The claims define the scope of protection you are seeking for your invention and should be supported by the description;

d. Any drawing(s) referred to in the description or any claim(s);

e. An abstract of the invention. This is a summary of the invention and is used in the publication of the patent application.

Section 25

2.1.2 A request for grant of a patent shall be made on Patents Form 1/8. Rule 19(1)

2.1.3 For the purpose of securing a filing date, it is possible to submit a letter or document indicating that a patent is sought, in place of Patents Form 1/8. The document includes what appears to be a description of the invention for which the patent is sought. Details of the applicant should also be indicated. However, the application must be followed by Patents Form 1/8 and the filing fees within 1 month from the date of filing of that document. Otherwise, the patent application will be treated as abandoned.
### 2.2 Making of Application

#### Form and Presentation of Description

2.2.1 The description should commence with a title. The title is the same as the title provided on Patents Form 1/8.  

**Rule 19(4)**

2.2.2 The description may contain chemical or mathematical formulae or tables, but it should not contain any drawings, flow sheets or diagrams.  

2.2.3 The pages of the description should be numbered consecutively in Arabic numerals placed at the top or bottom of the sheet. Please refer to Rule 23 of the Patents Rules for more information on the presentation of the description.  

**Rule 23**

2.2.4 The description shall first state the title of the invention as appearing in the request and shall —  

a. Specify the technical field to which the invention relates;  

b. Indicate the background art which, as far as it is known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention;  

c. Disclose the invention as claimed in such terms that the technical problem, even if not expressly stated as such, and its solution can be understood,
and shall state the advantageous effects, if any, of the invention with reference to the background art;
d. Briefly describe the figures in the drawings, if any;
e. Set forth at least one mode for carrying out the invention claimed, with examples where appropriate, and with reference to the drawings, if any; and
f. Indicate explicitly, when it is not otherwise obvious from the description or the nature of the invention, the way(s) in which the invention is industrial applicable.

Form and Presentation of Claims

2.2.5 The claims should commence on a new sheet of paper which is placed after the description to form one set of documents. It should be numbered consecutively in Arabic numerals. For example, if the description is on page 1 to 10, the claims should begin on page 11.

2.2.6 The applicant is encouraged to keep the number of claims reasonable in consideration of the nature of the inventions claimed. Claims in excess of 20 claims are payable at $40 per claim at the search and/ or examination phase and for the purposes of issuance of certificate grant of patent. Please refer to Rule 23 of the Patents Rules for more information on the presentation of the claims.

2.2.7 The definition in the claim of the matter for which protection is sought shall be in terms of the technical features of the invention which may be expressed in structural, functional or mathematical terms.

2.2.8 Claims shall be written —

a. in 2 parts, the first part consisting of a statement indicating those technical features of the invention which are necessary in connection with the definition of the claimed subject matter and which, in combination, appear to be part of the prior art and the second part preceded by the words “characterised in that”, “characterised by”, “wherein the improvement comprises”, or other words to the same effect, followed by a statement stating concisely the technical features which, in combination with the features stated in the first part, define the matter for which protection is sought; or

b. in a single statement containing a recitation of a combination of several elements or steps, or a single element or step, which defines the matter for which protection is sought.

2.2.9 Claims shall not rely, in respect of the technical features of the invention, on references to the description or drawings, unless such a reference is necessary for the understanding of the claim or enhances the clarity or conciseness of the claim.
2.2.10 In Singapore, claim(s) are not required to be furnished at the time of filing a patent application in order to obtain a Date of Filing. This is similar in concept to a “Provisional Application” which is available in some countries. The applicant may submit the claims to the Registry within 12 months from the priority date, or if there is no declared priority date, the date of filing of the application. For divisional applications, the claims are required to be submitted within 2 months from the lodgement date of Patents Form 1/8. Otherwise, the application will be treated as abandoned. The time period to submit the claims is non-extendable.

2.2.11 A provisional application allows the applicant to secure an early filing date for the invention with simplified filing requirement and lower patenting cost. There is a 12 months period to assess the patentability and commercial viability of the invention before committing to higher cost of patent prosecution.

2.2.12 In general, the Date of Filing of an application for a patent or a provisional application is the earliest date on which the documents filed at the IPOS to initiate the application satisfy the following conditions –
   a. The documents indicate that a patent is sought;
   b. The documents identify the applicant for the patent; and
   c. The documents contain something which is or appears to be a description of the invention.

2.2.13 Where the above requirements have been complied with, a Date of Filing Notification will be issued. If Patents Form 1/8 and fees were not submitted together with the above documents, these should be submitted within one month to complete the provisional application. Otherwise, the application will be treated as abandoned.

Form and Presentation of Drawings

2.2.14 Drawing is submitted as a separate set of documents from the above. It shall commence on a fresh sheet of paper and pages should be numbered consecutively in Arabic numerals.

2.2.15 Each drawing or figure should also be clearly numbered consecutively in Arabic numerals, independent of the numbering of the sheet. For example, page 1 of the drawings may contain Figure 1 and 2, while page 2 of the drawing may contain Figure 3, 4 and 5.

2.2.16 Generally, the drawing should be in black, white or grayscale (no colour). It should not contain any textual matters. Instead, the features should be denoted by reference signs mentioned in the description or claims.

2.2.17 The drawings should also be scalable, such that a reduction in size to 2/3 would enable all details to be distinguished without difficulty. For more information on the presentation of the drawings, please refer to Rule 21 and 23 of the Patents Rules.
Form and Presentation of Abstract

2.2.18 The abstract is submitted as a separate set of documents. However, it forms the same series as the description with claims and is placed immediately after the claims. The abstract should be numbered consecutively following the claims. For example, if the claims end on page 14, the abstract should be on page 15.

2.2.19 The abstract shall be as concise as the disclosure permits and shall normally not contain more than 150 words.

2.2.20 If the specification contains any drawings, the applicant must indicate on the abstract the figure which is intended to be published with the abstract. If there is no suitable figure, the applicant should indicate “No Figure”.

2.2.21 If more than one figure is indicated on the abstract, the formalities officer will clarify with the applicant to select the most appropriate figure for publication.

2.2.22 For applications lodged on or after 14 Feb 2014, the requirement for the abstract to commence with a title of invention has been removed.

Form and Presentation of Sequence Listing

2.2.23 Although the Patents Act and Rules do not provide for formalities of sequence listing, it may be submitted as part of the description; separated from description and still form part of the specification; or as a separate document to be placed on record for reference purposes.

2.2.24 If the sequence listing is intended to form part of the description, it should be placed immediately after the description and before the claims. The sequence listing should be numbered independently from the description and claims. For example, pages 1-10 description, pages 1-5 sequence listing, followed by pages 11-20 claims. The page count for each items should be indicated under the Checklist in Patents Form 1/8.

2.2.25 If the sequence listing is intended to form part of the specification and to be submitted as a separate document, a new document type “sequence listing” is made available for the attachment of sequence listing to Patents Form 1/8. In this scenario, the sequence listing should be numbered independently of the specification. The page count for each items should be indicated under the Checklist in Patents Form 1/8.

2.2.26 If applicants wish to submit the sequence listing as a separate reference document, not forming part of the specification, such document can be submitted using the mentioned “sequence listing” document type to Patents Form 1/8. For clarity, a cover letter should be attached to indicate that the sequence listing will serve as a reference document only.
2.2.27 On the other hand, the sequence listing as a separate reference document can be submitted using eCommunications.

**Language**

2.2.28 If it appears to the Formalities officer that the documents filed at the Registry is in a language other than English, the Formalities officer will notify the applicant to provide the English translation and Verification of English translation (VET) within 2 months. If the applicant fails to comply, the application will be refused.

**Disclosure of Invention Prior to Filing**

2.2.29 An invention could be considered as not new if it has already been made available to the public. Such disclosure may be novelty destroying and forms one of the grounds for the revocation of a patent. In certain cases, it may be necessary to disclose the invention before the application for a patent is made.

2.2.30 For patent applications with date of filing before 30 Oct 2017, the applicant may write in to inform the Registry by attaching the relevant supporting documents during the filing of Patents Form 1/8 if he wishes for the disclosure to be disregarded as part of the state of the art. The invention should be disclosed at an officially recognised International Exhibition falling within the terms of the Convention on International Exhibitions within 12 months from the date of filing of the patent application. The list of officially recognised International exhibitions is available from the Bureau International des Exhibitions (www.bie-paris.org).

2.2.31 Further, the applicant is required to file a certificate issued by the authority responsible for the exhibition stating the following within 4 months from the date of filing the application –
   a. The invention was exhibited there;
   b. The opening date of the exhibition, or if the first disclosure did not take place on the opening date, the date of the first disclosure;
   c. An identification of the invention, duly authenticated by the authority.

2.2.32 For patent applications filed on or after 30 Oct 2017, the grace period provisions listed in Section 6.1.17 to 6.1.23 applies.

### 2.3 Guide to Completing Patents Form 1/8

#### Part 1: Claiming the Filing Date of an Earlier Singapore Application

2.3.1 It is possible to claim the filing date of an earlier Singapore application as the filing date of this application under Section 20(3), 26 or 47(4).
2.3.2 For a divisional application filed under Section 26, the first box under Part 1 of the form should be crossed. For an application filed in response to an order by the Registrar after determination of a question regarding the entitlement of an earlier Singapore application under Section 20(3) or 47(4), the second box should be crossed instead.

2.3.3 Once the parent application number is entered, the parent application details such as the title of invention, declared priority date(s), and inventor names will be auto-populated by the system. For both types of applications, the number of the earlier application and its filing date should be indicated. Claiming of an earlier filing date must be made at the point of filing the application. A divisional application may, but need not, claim the declaration of a priority which was made on the parent application. It is possible to edit the auto-populated information such as removing the priority claim. Nevertheless, it is not possible for a divisional application to make a claim of priority which was not claimed in the parent application.

**Part 2: Reference No.**

2.3.4 While reference number is optional, applicants are encouraged to provide one. A good reference number will assist the applicant in identifying the patent application to which a correspondence relates to. This is especially useful when the applicant has filed a number of patent applications with the Registry.

**Part 3: Title of Invention**

2.3.5 The title is a formal requirement and should be provided. It should be short, precise and indicate the matter to which the invention relates. The Registrar may reframe the title if it fails to comply with these requirements. This is usually done by the Examiners during search and examination. As the title will be published in the Patents Journal upon issuance of filing date, the applicant may also wish to avoid disclosing too much details about the invention by being too specific in naming the title of invention.

**Part 4: Details of Applicant**

2.3.6 Any person (either individual or corporate) may make an application for a patent either alone or jointly with others. The right to the patent belongs primarily to the inventor or inventors. However, it can also belong to any person who is entitled to the patent by virtue of any rule of law or any enforceable agreement entered into with the inventor at the time of the making of the invention. For example, if the invention has been developed in the course of work, it may belong to the employer.
2.3.7 Singapore companies or applicants who have prior filings with the Registry are encouraged to provide their UEN or company code respectively. This will facilitate them in managing their intellectual property portfolio with the Registry. For example, the UEN or company code will allow the Registry to retrieve the existing applicant's information and facilitate the form filing during electronic submission. In another example, it will allow the applicant to perform centralised update of name and address in the future.

2.3.8 Name - Where the applicant is an individual, the name should be indicated in full. The address, nationality and country of residency should also be furnished in the space provided.

2.3.9 Where the applicant is a body corporate, it should be designated by the corporate name, country of incorporation and, where appropriate, the state of incorporation within that country should be provided. The address of the body corporate should also be furnished.

2.3.10 Where the applicant is a sole proprietor or partnership, the details of the sole proprietor or all partners must be provided. The name of the sole proprietor, or each partner should be indicated in full.

2.3.11 Singapore companies are also encouraged to indicate whether they are small and medium enterprise. This is to facilitate profiling of our applicants, and planning for future engagement programs. Small and medium-sized enterprises in Singapore are defined as businesses with annual sales turnover of not more than $100 million or employing no more than 200 staff.

Part 5: Declaration of priority(s) under Section 17(2)

2.3.12 Singapore, like many countries, allows priority claims to be made in a patent application. If an applicant has an application filed earlier in a Paris Convention country or a World Trade Organization member country, the earlier filed application may be claimed as a priority application in the subsequent Singapore patent application, provided that the Singapore application is made within 12 months from the Date of Filing of the earlier filed application.

2.3.13 A declaration should be made in Part 5 if the applicant is claiming priority on one or more earlier relevant applications. For each of the earlier applications, its filing date and the country in which it was filed must be furnished. If the application number of the earlier application is available at the time of filing this form, it should preferably be provided. Where an earlier application is an International Application or a regional patent application (e.g. European patent application), one of the countries designated in that application should be identified and the country should be entered in the space provided. A copy of the earlier application and any necessary translation is not required to be filed at this stage.
2.3.14 With effect from 1 Apr 2007, the applicant may apply to restore a declaration of priority of an earlier relevant application even though they had failed to file the subsequent patent application within 12 months from the date of the earlier application.

2.3.15 This should be done by filing Patents Form 57 within 14 months from the date of the earlier relevant application. If the subsequent patent application is filed after the end of 14 months from the earlier relevant application, the applicant will be requested to relinquish the priority claim, and it may be done by way of letter.

2.3.16 The applicant may also apply to add a claim of priority where they had failed to make a declaration of priority in an application which was filed within 12 months from the date of the earlier application i.e. the priority application. This should be done by filing Patents Form 57 within 16 months from the date of the earlier relevant application.

2.3.17 A request to correct a mistake in the declared priority date may be done on Patents Form 57 within 16 months from the declared priority date if it causes the declared priority date to be changed to a different date. For more details on addition, correction or late declaration of priority, refer to Chapter 11.2.

2.3.18 A request to remove the declared priority date may be submitted in writing via eCommunications. The Registrar would make some considerations on the request. One consideration is that the removal of the declared priority date should not revive an abandoned application.

2.3.19 For the list of parties to the Paris Convention and members of the World Trade Organisation, please refer to the WIPO website (www.wipo.int) and the WTO website (www.wto.org). For the purpose of assessing the validity of a priority claim, IPOS’ views are that a “Convention application” is one that was filed in a relevant country which had already become a Convention country as at the date of the filing of the Convention application in the Convention country.

**Part 6: Inventor(s)**

2.3.20 An inventor is the actual person or an individual who devises the invention, and therefore, it cannot be a corporate entity. An applicant who is not the inventor must identify the inventor(s) of the invention and state how he has derived the rights to the invention, e.g. by assignment or by contract of employment.

2.3.21 If all the individual applicants named in Part 4 of the form are also the inventors, the “Yes” box in A should be crossed and then select either “Yes” or “No” box in B. If one or more of the applicants is not an inventor, the “No” box in A should be crossed.
Part 7: Details of Inventor

2.3.22 If one or more of the inventors is not an applicant, the details of the inventors should be indicated in Part 7. Otherwise, a Statement of Inventorship and of Right to the Grant of a Patent should be filed on Patents Form 8 within 16 months from the earliest priority date, or in the case of divisional application, on the day of filing Patents Form 1/8, whichever is later. If the details are not indicated on Patents Form 1/8 and Patents Form 8 is not submitted within the timeline, the application may be treated as abandoned.

Part 8: Derivation of Right from Inventor

2.3.23 The applicant should indicate how the rights have been derived from the inventor(s) i.e. by contract of employment, assignment of invention, or others.

Part 9: Micro-Organism Deposited under the Budapest Treaty

2.3.24 Part 9 should be selected if the specification of the application refers to one or more micro-organisms deposited with an International Depository Authority under the Budapest Treaty.

2.3.25 If the invention relates to and/or used a micro-organism, the name of the international depositary authority, the date when the culture was deposited, and the accession number of the deposit should be given in the specification of the application.

2.3.26 If the details are not available at point of filing of application, it should be provided within 16 months from the declared priority date, or the date of filing the application where there is no declared priority date; where, on a request made by the applicant, the Registrar publishes the application before the end of the timeline for the purposes of Section 27(1), before the date of the request.

Part 10: Description Incorporated by Reference to an Earlier Relevant Application

2.3.27 Part 10 should be completed only if a patent description is not filed with this form but instead are relying on incorporating the description of an earlier relevant application declared in Part 5.

2.3.28 Where the application for a patent has a date of filing by incorporation by reference, the following information should be provided within the timeline:  
   a. A written notice confirming that the description of the invention is incorporated in the application by reference, and is completely contained in, the earlier application, as filed;  
   b. The description;  
   c. A copy of the earlier application, and its English translation, if any;  
   d. Patents Form 56.
Part 11: Contact Details

2.3.29 A person to any proceedings before the Registrar must furnish an address for service in Singapore for correspondence purposes. Having an eCommunication account with IPOS is not a replacement for maintaining an address for service in Singapore.

2.3.30 For corporate applicant, the applicant may also wish to indicate the name of a staff under the representative or C/O field to ensure that the correspondence is promptly brought to his or her attention.

2.3.31 The applicant may also be represented by an advocate, solicitor or a registered patent agent ("agent"). If an agent is appointed, the agent should select the box for agent and indicate his UEN and name.

2.3.32 The applicant can also indicate his telephone and email contact. This will be used when we require immediate clarification, or as a last resort when mail to the applicant at the address for service indicated cannot reach the intended recipient.

Part 12: Declaration

2.3.33 The request for the grant of a patent must be signed in this part of the form. It must be signed by the applicant, or if there is more than one applicant, by each applicant, or by the authorised agent. Where the application has been filed electronically, the application may be signed with a text string signature.

Part 13: Checklist

2.3.34 In order to facilitate the Registry in ensuring that there is no missing pages or documents in the application, applicant must complete the checklist. The number of sheets of request form, description, claim, drawing, sequence listing and abstract should be indicated under Checklist A.

Part 14: Attachment

2.3.35 For electronic submission, the applicant should attach the description, claims and drawings (if any) at this part. Generally, the documents must be converted into the electronic format known as the Portable Document Format (PDF) prior to submission.

2.3.36 If the attachment(s) exceed the total allowable file size (100 MB), applicant should check the box to submit the form without any attachment. All the attachment(s) must be followed on portable media. Please refer to the Practice Direction on Electronic Submission for the latest information how to submit the attachments via portable media (e.g. CD-ROM).
Part 15: Filing Fee

2.3.37 For the purpose of securing a filing date, fees are not required. The applicant is given a 1 month grace period to decide whether to proceed with the patent application. For electronic submission, the applicant can choose to defer payment by unchecking the box for payment in Part 15.

2.3.38 However, the filing fees must be paid within 1 month from the date of submission of Patents Form 1/8. Otherwise, the patent application will be treated as abandoned.

2.3.39 Payment of application fees can be effected via Inter-bank GIRO, eNETS Debit Card, Mastercard or VISA Credit Card.

2.3.40 For deferred payment via IPSG, the applicant can select the option for payment of application fee for Patents Form 1/8 and indicate the application number allocated before proceeding to payment. The task will be activated for the Formalities officer to proceed with the preliminary examination of the application if all other requirements are met.

2.4 Allocation of Patent Application Number and Entity Code

2.4.1 Upon submission of Patents Form 1/8, an application number will be allocated and displayed on the acknowledgment. With effect from 14 Feb 2014, the application number follows the format TTYYYYXXXXXC where
a. TT denotes the type of application, where 10 represents national application;
b. YYYY denotes the year in which the application is filed;
c. XXXX denotes running numbers;
d. C denotes check alphabet for verification purposes.

(Note: The application number format differs for application lodged before 14 Feb 2014.)

2.4.2 In the event that the applicant named in Patents Form 1/8 does not have an UEN or entity code previously issued by IPOS, a new entity code will be allocated by the system after the application is filed.

2.5 Date of Filing Checks

2.5.1 Once a request for grant of patent is filed, the Formalities Examiner will perform the following formalities check before a Date of Filing is allocated –
2.5.2 If any of the requirements have not been complied with, the Formalities officer will issue a clarification letter, and the applicant will have 2 months to make observation and/or file the missing documents. If the issue has not been rectified by the timeline, a reminder will be issued.

a. The missing documents (e.g. description) may be submitted via ad-hoc correspondence in the customer portal.

b. To make amendment(s) on Patents Form 1/8 (e.g. remove/ amend details of parent application), the applicant may file Patents Form 13.

c. To correct obvious error(s) on forms/ documents/ Register, the applicant may file Form CM4 Correction of Error and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.

d. To add or correct a priority claim in the divisional application, the applicant should file Patents Form 57 within 16 months from the priority date. For more details on priority claim changes, refer to Chapter 11.2.

2.5.3 If the applicant requires more time to respond to the clarification, an extension of time may be requested. Otherwise, the application shall be treated as having been abandoned. The application status will be updated as abandoned (Extension of Time (EOT) possible).
2.5.4 If the requirements have been met, the Formalities officer will issue a filing date for the application. For example,

a. The filing date will be the earliest date when all documents satisfy the requirements in Chapter 2.5.1. If any of the required documents are submitted later, the date of filing of the application may be shifted to the date which these documents were submitted. For example,

Example 1:

| Lodgement date of Patents Form 1/8 identifying the applicants | 1 Jan 2016 |
| Lodgement date of description                                 | 1 Jan 2016 |
| Filing date                                                   | 1 Jan 2016 |

Example 2:

| Lodgement date of Patents Form 1/8 identifying the applicants | 1 Jan 2016 |
| Lodgement date of description                                 | 1 Feb 2016 |
| Filing date                                                   | 1 Feb 2016 |

b. For a divisional application, the date of filing will be the filing date of the earlier application.

2.5.5 If the applicant is able to overcome the objection raised on the ground that the document does not appear to be a description, the filing date will remain unchanged.

2.5.6 The event will be entered on the Register and published in the coming Patents Journal. The applicants will also receive a Date of Filing Notification. This notification will be sent to the address for service indicated on the Patents Form 1/8 or request letter.

2.5.7 If the applicant selects the box in Part 14 of Patents Form 1/8 to indicate that attachments exceed 100 MB, the request will be put on hold until the documents/CD-ROM have been received. The lodgement date will be the date that the documents are received at the Registry.
Micro-organism

2.5.8 If “Micro-Organism Deposited under the Budapest Treaty” (Part 9) of Patents Form 1/8 was selected, the following information should be provided to the Registry –

a. The name of the international depositary authority;
b. The date when the culture was deposited;
c. The accession number of the deposit should be given in the specification of the application

at point of filing of application or –

i. within 16 months from the declared priority date, or the date of filing the application where there is no declared priority date;

ii. where, on a request made by the applicant, the Registrar publishes the application before the end of the timeline for the purposes of section 27(1), before the date of the request;

iii. where the Registrar sends notification to the applicant that, in accordance with Section 108(4), he has received a request by any person for information and inspection of documents under subsection (1) of that section, before the end of 1 month after his sending to the applicant notification of his receipt of the request, whichever is the earliest.

Filing Fee

2.5.9 Filing fee shall be paid within 1 month from the date of submission of Patents Form 1/8. The time period for payment of filing fee is non-extendable.

2.5.10 If the filing fee is not paid within the timeline, the application will be abandoned. There will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been abandoned.

2.5.11 If payment is made after the timeline, the applicant will be informed via eCommunications and a refund will be initiated.

Priority Application Number

2.5.12 Where there is a declared priority date, the applicant has up to 16 months from the earliest priority date, to furnish the application or file number of each priority application.

2.5.13 If the application or file number of each priority application was not indicated on Patents Form 1/8, the formalities officer will inform the requestor to provide the application number within the timeline in the Filing Date notification/ Filing Date clarification letter. The applicant will have up to 16 months from the declared priority date to furnish the application number of each priority application.
application. The applicant is encouraged to furnish the application number using Patents Form 13 by amending Part 5 of Patents Form 1/8, otherwise applicant may do so using eCommunications.

2.5.14 If the application number is not furnished within the timeline, the priority claim will be removed and the applicant will be notified via eCommunications.

2.5.15 The applicant may request for multiple extension of time up to 6 months from the original timeline to furnish the application or file number of each priority application. Any request for extension of time should be made on Patents Form 45 before the end of 6 months from expiry of the original timeline. It is also possible to request for extension beyond the 6 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

**Patent Claims**

2.5.16 The patent claims have to be filed within 12 months from earliest priority date or if there’s no priority date, from its filing date. For divisional application, the period is the same or 2 months from the date of lodgement of the divisional application, whichever is later. The period for filing of claims is non-extendable.

2.5.17 The applicant may submit the patent claims via eCommunications in the customer portal, with the document type “Claim Only”. The reminder for claims can be found in the annex of the Filing Date notification letter.

2.5.18 If the claims are not submitted within the timeline, the application will be abandoned. A notification letter will be issued and there will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been abandoned.

**English Translation**

2.5.19 Where any document or part of a document filed at the Registry to initiate an application for a patent is not in English, an English translation should be submitted together with the document.

2.5.20 If the applicant receives a notification from the Registrar to submit an English translation of a document, the English translation and the Verification of English translation (VET) should be submitted within 2 months from the date of the letter.

2.5.21 If the translated documents are not provided within the timeline, the formalities officer will proceed to refuse the application. A notification letter will be issued and there will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been refused.
2.5.22 The applicant may submit the translation documents via eCommunications in the customer portal. The documents will be reviewed by the formalities officer during preliminary examination.

2.5.23 The applicant may request for multiple extension of time up to 18 months from the original timeline to submit the translation. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

**Incorporation by Reference**

2.5.24 The applicant has up to 3 months from the date of filing of the application of a patent or from the initiation date for a divisional application to submit Patents Form 56.

2.5.25 If Patents Form 56 is not filed within the timeline, the application will be abandoned. A notification letter will be issued and there will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been abandoned.

**2.6 Preliminary Examination**

2.6.1 The formalities officer will check for the following requirements during preliminary examination -

- a. Patents Form 1/8 is filed;

- b. A Singapore address for service is furnished;

- c. Address of each applicant is furnished. State of incorporation for a US corporate applicant is not required;

- d. Declaration of priority specifies a Date of Filing of an earlier relevant application which is less than 12 months before the Date of Filing of the Singapore patent application;
2.6.2 Where any of the above requirements are not met, the formalities officer will issue a Formalities Examination Adverse Report to the applicant. The
applicant may proceed to make amendments using Patents Form 13 within 2 months from the date of the letter.

2.6.3 In Patents Form 13, the applicant should select the option "In response to the Registrar’s formalities examination adverse report" and complete the mandatory fields in the form. An explanation for the amendment(s) should be provided in the section under "Summary Explanation of the Amendments Sought". If amendments were made to documents such as description, claims, abstract, or drawings, replacement sheet(s) are to be submitted with the form.

2.6.4 Some examples of changes that may be amended using Patents Form 13:
   a. Amendment(s) of abstract, description, claims, or drawings;
   b. Amendment(s) on option(s) selected on Part(s) of Patents Form 1/8;
   c. Amendment(s) on the number of sheets indicated on Patents Form 1/8.

2.6.5 The applicant may request for multiple extension of time up to 18 months from the original timeline to respond to the Formalities Examination Adverse Report. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

2.6.6 If the formal requirements are not met by the timeline, the formalities officer will issue a Notice of Refusal of Application. The application status will be updated as “Refused (EOT possible)”. There will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been refused. If the application does not meet the priority and missing part checks, the applicant will be informed that the priority or missing part will be disregarded.

2.6.7 When all formal requirements have been met, a Formalities Examination Report will be issued to the applicant. An entry will be made in the Register to the effect. The applicant may proceed to request for Search (Patents Form 10), Search and Examination (Patents Form 11), Examination (Patents Form 12) or Supplementary Examination (Patents Form 12A) if it has not been requested.

2.6.8 For applications which the Formalities Examination Report is issued after the timeline for Search and/ or Examination procedures (Patents Form 10, 11, 12, 12A), the applicant may request for an extension of time via writing-in for the Registrar to consider invoking Rule 100 to extend the timeline to file Search and/ or Examination or Supplementary Examination requests (Patents Form 10, 11, 12, 12A) on a case-by-case basis. Some examples are –
   a. Delay in the issuance of the Formalities Examination Adverse Report by the Registry;
   b. Delay in issuing subsequent correspondences related to the Formalities Examination Adverse Report by the Registry.
National Application

Stage 1: Filing Date Notification & Formalities Examination

1. Request for grant of Patent (Patents Form 1) [$160]
   - Formalities Cleared

   Date of Filing notification

   Preliminary Examination Cleared

   Formalities Examination Clear Report

Stage 2: Search and Examination procedures

2a. Request for Search (Patents Form 10) within 13 months* [$1550] + Request for Examination (Patents Form 12) within 36 months* [$1350]

2b. Request for Search & Examination (Patents Form 11) within 36 months* [$1950*]

2c. Request for Examination (Patents Form 12) within 36 months* [$1350*]

2d. Request for Supplementary Examination (Patents Form 12A) within 54 months* [$80]

Patent examiner reviews request

Registrar issues exam report

- One or more unresolved objections
  - Registrar issues Notice of Intention to Refuse

- No unresolved objections
  - Registrar issues Notice of Eligibility

Stage 3: Payment of Fee for Grant of Patent

2e. Request for Examination Review (Patents Form 12B) within 2 months [$1350]

- One or more unresolved objections
  - Registrar issues Notice of Refusal of application

- Certificate of Grant

3. Payment of fee for Grant of Patent (Patents Form 14) within 2 months [$200*]

* Due date is calculated from the declared priority date, or where there is no declared priority, the Date of Filing of the application. For divisional application, the due date is calculated from the lodgement date of the divisional application.

* Additional $45 per claim will be charged in excess of 20 claims at the point of filing the form if the excess claim fee has not been previously paid for.
3 NATIONAL PHASE ENTRY

3.1 Patent Cooperation Treaty (PCT)

3.1.1 The Patent Cooperation Treaty (PCT), administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) based in Geneva, Switzerland, is an international treaty to facilitate the applicant in seeking patent protection for his invention in several countries simultaneously by filing an international application with a single office, in one language and a single set of forms and fees.

3.1.2 The filing of a PCT request constitutes the automatic designation of all Contracting States that are bound by the PCT on the international filing date. On completion of the international phase, the applicant will be required to enter national phase into the countries which they wish to get a patent granted.

3.1.3 An applicant may enter national phase in Singapore by filing Patents Form 37 to obtain patent protection in Singapore.

3.1.4 The international phase of the application refers to the period from the filing of the international application in accordance with the PCT until the national phase of the application begins –

a. For normal national phase entry, national phase begins upon expiry of 30 months from priority date, or if there is no declared priority date, the filing date of the application; or

b. For early national phase entry, national phase begins when Patents Form 37 is filed.

3.1.5 Furnishing of the corresponding front page of the PCT Gazette at the time of filing Patents Form 37, is no longer required. To facilitate the processing of

Last updated Nov 2018
national phase entry applications, applicants are reminded to indicate the following details in the request –

a. Whether the applicants are seeking for an early entry into national phase in Singapore;

b. Any changes in names of the applicant(s), or addresses of the applicant(s)/inventor(s) which had been recorded with the PCT. In such instances, PCT/IB/306 should be furnished to evidence such a recordal before the PCT.

3.2 Allocation of Patent Application Number and Entity Code for National Phase Entry Applications

3.2.1 Upon submission of Patents Form 37, an application number will be allocated and displayed on the acknowledgment. With effect from 14 Feb 2014, the application number follows the format TTYYYYYXXXXC where

a. TT denotes the type of application, where 11 represents international application entering national phase in Singapore;

b. YYYY denotes the year in which the application is filed;

c. XXXXX denotes running numbers;

d. C denotes check alphabet for verification purposes.

(Note: The application number format differs for application lodged before 14 Feb 2014.)

3.2.2 In the event that the applicant named in Patents Form 37 does not have an UEN or entity code, an entity code will be allocated by the system.

3.3 Retrieval of Information from WIPO

3.3.1 Upon successful filing of the Patents Form 37, the system will retrieve the following information and documents from WIPO if the PCT application is published –

1. Details of Applicant
2. Details of Inventors
3. International Filing Date
4. Details of Priority
5. International Publication Number
6. Filing and Publication language
7. Chapter I or II entry
8. Whether PCT application has been withdrawn
9. Specification
11. Article 19 amendments
3.3.2 For non-published PCT application, the system will retrieve PCT data from WIPO as soon as the PCT application is published.

3.4 Date of Filing

3.4.1 A Date of Filing will be accorded if the following requirements have been met:

- a. Fee has been paid;
- b. A Singapore address for service is furnished;
- c. Applicant details in Patents Form 37 are autopopulated in Patents Form 37 or correspond with the applicant details in WIPO;
- d. Early national phase entry is requested or Normal national phase entry is made between 29.5 to 30 months from the earliest declared priority date or filing date if there is no declared priority date;
- e. PCT application is published at WIPO in English language;
- f. If PCT application is not published and early national phase entry is requested, a copy of the PCT request form, specification and abstract are enclosed together with any necessary English translation;
- g. For non-English PCT applications, an English translation and a verification of the English translation (VET) should be enclosed. VET may be submitted within 2 months from national phase entry due date or during initiation of early national phase entry.

i. **English translation:**
   - The English translation of the specification is submitted with Patents Form 37. Otherwise, an extension of time for national phase entry is requested if the translation of the specification is submitted after the national phase entry due date. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he
has continuing underlying intention to proceed with the application before the extension of time is allowed.

- The translation fulfils the following requirements –
  - The drawings are executed in black, sufficient dense and dark strokes (no colour);
  - The documents are legible and suitable for direct reproduction;
  - The documents commence on a new sheet, sheets are numbered consecutively, with drawings numbered as a separate series.

ii. Verification of English translation:
- The VET should contain the following information –
  - States the document being translated;
  - Verifies that the translation corresponds to the original text of the document or part;
  - States the name of the translator and contains a statement that he/she is well versed in English and the relevant foreign language;
  - Signature of the translator and date of declaration.

- The applicant may request for request for extension of time to submit the VET via a written request under Rule 108(1) through eCommunications.

iii. If amendment(s) was made during the international phase (e.g. Article 19 or 34):
- An English translation of the amendment and the VET are submitted with Patents Form 37;  
- If one but not both necessary translations of the application as originally filed and of the amendment to it is submitted, a notice will be issued to the applicant to furnish the required translation within 2 months from the date of notification;
- The applicant may request for multiple extension of time up to 18 months from the date of notification to submit the translation. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.
3.4.2 The following is an example of the Verification of English Translation (VET) –

Verification of English Translation (VET)

I, [Name of translator] of [Address of translator], do hereby state that I am a translator competent in the [Foreign] and English languages and that to the best of my knowledge and belief, the attached document is an accurate and complete translation of [Application number] as filed on [Date].

Date: ______________________ Signature: ____________________

3.4.3 Where early national phase entry is not requested and Patents Form 37 is filed before 29.5 months from the earliest declared priority date or filing date if there is no declared priority date, the request will be put on hold until 29.5 months has reached.

3.4.4 If the applicant selects the box in Part 11 of Patents Form 37 to indicate that attachments exceed 100 MB, the request will be put on hold until the documents/CD-ROM have been received. Lodgement date of the application will be the date which the attachments are received.

3.4.5 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, reminder will be issued.

a. To make changes in the specification i.e. description/ claims/ drawings, the applicant may file Patents Form 13 (In response to the Registrar's formalities examination adverse report) or a Form CM4 (Correction of Specification of a Patent or of an Application for a Patent).

b. To make changes in the abstract, the applicant may file Patents Form 13 (In response to the Registrar’s formalities examination adverse Report) or Form CM4 (Correction of any other document relating to a Patent or an Application for a Patent) and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91).

c. To rectify errors on the Patents Form 37, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.

d. To submit documents such as English translation of amendments, or clarification letters in response to our letter, the applicant may reply via eCommunication.
3.4.6 If the following conditions were not met by the timeline, the application will be treated as withdrawn –

a. Submission of English translation of the application which is published in a language other than English in PCT; and
b. Payment of prescribed fee.

3.4.7 The applicant may request for multiple extension of time up to 18 months from the original timeline to respond to the Formalities Examination Adverse Report. Any request for extension of time should be made on Patents Form 45 before the end of 18 months from expiry of the original timeline. It is also possible to request for extension beyond the 18 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

3.4.8 If all the above requirements have been met, the applicant will be issued with a Date of Filing Notification to inform them of the filing date. There will be an entry made in the Register and the next Patents Journal to the effect that the patent application has been filed in Singapore (provided that the PCT application has been published).

3.4.9 Once the Date of Filing has been issued, the formalities check for Patents Form 37 is completed. The applicant may proceed to request for Search and Examination (Patents Form 11), Examination (Patents Form 12) or Supplementary Examination (Patents Form 12A) if it has not been requested.

3.5 Recordal of Changes

3.5.1 If there are requests made for the recordal of change under Rule 92bis of the PCT Regulations, the International Bureau will issue PCT/IB/306 and publish the changes in WIPO. Changes are required to be made in the international phase in order for them to be taken into account in the national phase.

3.5.2 If the changes are made in the international phase, the applicant may submit PCT/IB/306 to the Registrar via eCommunications for record purposes. Upon receiving such requests, the formalities officer will update the changes accordingly.

3.5.3 If the changes are made after the international phase or after early national phase entry, the applicant may file the relevant forms to make the changes in the national phase application –

a. File Common Form CM 2 to change Name, Address and Singapore Address for Service of Agent, Applicant, Proprietor or Other Interested Person e.g. change in applicant’s own name/ address, or change in inventor’s name/ address.

Rule 108(4)
Rule 108(5)
Rule 56
b. File Common Form CM 4 to request for Correction of Error and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8. For example –
   i. Correction of applicant’s name from Applicant A to Applicant B.
   ii. Correction of applicant’s name that results in change in legal entity e.g. ABC LLP to ABC LLC.
   iii. Correction of inventor’s name from Inventor A to Inventor B.

   Rules 58, 91

c. File Common Form CM 8 to register Transfer of Ownership e.g. change in applicant’s name from Applicant A to Applicant B.

d. File Patents Form 13 to amend application before grant e.g. amendment of specification.

Rule 57
Rule 48

3.5.4 For non-English PCT applications, the applicant may write in via eCommunications if he intends to use the title of invention stated in the English translated specification. The Formalities officer will update the title of invention accordingly.

3.5.5 The following examples illustrate the different approaches for changes to be recorded in the national phase application –

Example 1:

**International Phase**
Applicants: A (Found in the PCT Gazette) → B
PCT was notified of change and PCT/IB/306 was issued to record the change.

**National Phase (SG)**

<table>
<thead>
<tr>
<th>Patents Form 37 filed by Applicant A</th>
<th>Patents Form 37 filed by Applicant B</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Filing Date notification will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.</td>
<td>An application number will be accorded, and the applicant will be informed of the discrepancy via a clarification letter.</td>
</tr>
</tbody>
</table>

Applicant B subsequently files Form CM 4 enclosing PCT/IB/306 – explaining that the PCT application should have been in their name, and that they would like to correct the form filed earlier. If Applicant B furnishes PCT/IB/306 supporting their claim and the Registry is satisfied that all is in order, the Filing Date notification will be issued in the name of Applicant B.
<table>
<thead>
<tr>
<th>Patents Form 37 filed by Applicant A</th>
<th>Patents Form 37 filed by Applicant B</th>
</tr>
</thead>
<tbody>
<tr>
<td>If satisfied that all is in order, the Registry would proceed to update the database/file accordingly in the name of Applicant B. There will be no further action taken by the Registry in this regard.</td>
<td>The database will be updated and the application will be published in the name of Applicant B.</td>
</tr>
</tbody>
</table>

Example 2:

**International Phase**

Applicants: A (Found in the PCT Gazette) → B

PCT was not notified of change (e.g. assignment of rights)

**National Phase (SG)**

<table>
<thead>
<tr>
<th>Patents Form 37 filed by Applicant A</th>
<th>Patents Form 37 filed by Applicant B</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Filing Date notification will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.</td>
<td>An application number will be accorded, and the applicant will be informed of the discrepancy via a clarification letter.</td>
</tr>
<tr>
<td>Applicant B subsequently informs IPOS that the PCT application should have been in their name. However, they have not notified PCT of the change.</td>
<td>Applicant B explains to IPOS that the PCT application should have been in their name due to an assignment during the International Phase. However, they have not notified PCT of the change.</td>
</tr>
<tr>
<td>If, for example, the change was an assignment, Form CM8 should be furnished for IPOS to record the assignment.</td>
<td>If, for example, the change was an assignment, Form CM8 should be furnished for IPOS to record the assignment.</td>
</tr>
<tr>
<td>The recordal of the assignment will be published in the Journal.</td>
<td>If the Registry is satisfied that all is in order, the Filing Date notification will be issued in the name of Applicant A with the statement “Pending the recordal of the assignment to Applicant B.”</td>
</tr>
</tbody>
</table>
### Example 3:

**International Phase**

Applicants: A (Found in the PCT Gazette) → B  
PCT was not notified of change (e.g. change of name)

**National Phase (SG)**

<table>
<thead>
<tr>
<th>Patents Form 37 filed by Applicant A</th>
<th>Patents Form 37 filed by Applicant B</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Filing Date notification will be issued in the name of Applicant A. The application will also be published in the name of Applicant A.</td>
<td>An application number will be accorded, and the applicant will be informed of the discrepancy via a clarification letter.</td>
</tr>
<tr>
<td>Applicant B subsequently informs IPOS that the PCT application should have been in their name. However, they have not notified PCT of the change.</td>
<td>Applicant B explains to IPOS that the PCT application should have been in their name due to a change of name during the International Phase. However, they have not notified PCT of the change.</td>
</tr>
<tr>
<td>If, for example, there was only a change in name, Form CM2 should be furnished for IPOS to record the change in name.</td>
<td>If, for example, there was only a change in name, Form CM2 should be furnished for IPOS to record the change in name.</td>
</tr>
<tr>
<td>If satisfied that all is in order, the Registry would proceed to update the database/file accordingly in the name of Applicant B. There will be no further action taken by the Registry in this regard.</td>
<td>If the Registry is satisfied that all is in order, the Filing Date notification will be issued in the name of Applicant A with the statement “Pending the recordal of the change in name to Applicant B.”</td>
</tr>
<tr>
<td>Patents Form 37 filed by Applicant A</td>
<td>Patents Form 37 filed by Applicant B</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>No additional/ further Filing Date notifications will be issued when recordal is made.</td>
<td></td>
</tr>
<tr>
<td>The recordal of the change will be published in the Journal.</td>
<td></td>
</tr>
</tbody>
</table>
National Phase Entry Application

Stage 1: Filing Date Notification

1. Entry into National Phase (Patents Form 37) [S$200]

Date of Filing notification

Stage 2: Search and Examination procedures

2a. Request for Search (Patents Form 10) within 13 months* [S$1950*] + Request for Examination (Patents Form 11) within 36 months* [S$1350*]

2b. Request for Search & Examination (Patents Form 11) within 36 months* [S$1950*]

2c. Request for Examination (Patents Form 12) within 36 months* [S$1350*]

2d. Request for Supplementary Examination (Patents Form 12A) within 54 months* [S$50]

Registrar issues exam report

Patent examiner reviews request

One/ more unresolved objections

Registrar issues Notice of Intention to Refuse

No unresolved objections

Registrar issues Notice of Eligibility

Stage 3: Payment of Fee for Grant of Patent

2e. Request for Examination Review (Patents Form 12B) within 2 months [S$1350]

One/ more unresolved objections

Registrar issues Notice of Refusal of application

3. Payment of fee for Grant of Patent (Patents Form 14) within 2 months [S$200*]

Certificate of Grant

* Due date is calculated from the declared priority date, or where there is no declared priority, the Date of Filing of the international application.
* Additional S$40 per claim will be charged in excess of 20 claims at the point of filing the form if the excess claim fee has not been previously paid for.
4 PUBLICATION

4.1 Publication of Patent Application

4.1.1 If the patent application has been accorded a Date of Filing, it will be published in the Patents Journal as soon as possible after 18 months from the declared priority date or, where there is no declared priority date, the Date of Filing of the patent application.

4.1.2 Applications that are treated as withdrawn, abandoned or refused earlier than 1 month before the 18-month publication period will not be published. Hence, if the applicant wishes to keep his invention a secret, he should withdraw his application via Form CM9 earlier than 1 month before the expiry of the 18 months from the declared priority date or, where there is no declared priority date, the Date of Filing of the patent application.

4.1.3 In general, where a patent application is published, the applicant will have, as from the publication and until the grant of the patent, the same right as he would have had, if the patent had been granted on the date of the publication of the patent application, to bring proceedings in the court or before the Registrar for damages in respect of any act which would have infringed the patent.

4.1.4 The Patents Journal is published monthly, usually on the last Friday of each month. Besides, the above publication, it also contains particulars of applications for and grant of patents and other proceedings under the Act. Patents Journal A consists of bibliographic information on actions before the Registry) and Patents Journal B consists of abstract publication of patent applications.

4.1.5 Each issue of the Journal will be available online at IP2SG for 3 months. To obtain copies of past issues, please write to ip2sg@ipos.gov.sg. Each past issue will be charged at $10 for Journal A and $36 for Journal B and produced in CD-Roms only. Payment can be made over the counter by NETS, Visa and MasterCard services which include credit cards, debit cards and contactless payments such as Visa payWave, MasterCard Contactless, Apple Pay, Samsung Pay and Google Pay.

4.1.6 Information on published patent applications may also be searched via the IP2SG Public Search and Enquiry/ eAlert.
4.2 Request for Early Publication

4.2.1 The applicant can request for early publication for strategic reasons by filing Patents Form 9.

4.2.2 Once the request is received, the Formalities officer will review the following requirements –

- a. Fee has been paid;
- b. Filing Date has been accorded;
- c. National security clearance has been issued, if applicable;
- d. The application is not published;
- e. The application is not refused, abandoned or withdrawn. If the patent application is refused or abandoned, the applicant can request for extension of time if he is still within the allowable time limit;
- f. There is no pending request for withdrawal (Form CM 9);
- g. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved.

4.2.3 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors on the form, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.
4.2.4 If all requirements are met, the Formalities officer will approve the request and the applicant will be notified via letter. The event will be entered in the Register and published in the next Patents Journal.

4.2.5 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter.

### 4.3 Publication of Translation of International Application and/or any Amendment to International Application

4.3.1 A PCT patent application entering national phase in Singapore is treated as published if it has been published in accordance with the Patent Co-operation Treaty in English. If the patent application was published in a language other than English, the applicant can pay a fee for publication of the translation by filing [Patents Form 38](#). The public will then have access to the invention contained in the patent application in our working language.

4.3.2 Once the request is received, the Formalities officer will review the following requirements –

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fee has been paid;</td>
</tr>
<tr>
<td>b. The application must be a patent application</td>
</tr>
<tr>
<td>entering national phase in Singapore;</td>
</tr>
<tr>
<td>c. Filing Date has been issued;</td>
</tr>
<tr>
<td>d. The application has been published at WIPO</td>
</tr>
<tr>
<td>in non-English language;</td>
</tr>
<tr>
<td>e. The translation filed is in order;</td>
</tr>
<tr>
<td>f. Representation details and/or address for</td>
</tr>
<tr>
<td>service on this form correspond with that on</td>
</tr>
<tr>
<td>record. Otherwise, Form CM1 or 2 is filed and</td>
</tr>
<tr>
<td>approved.</td>
</tr>
</tbody>
</table>

4.3.3 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors on the form, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to [Chapter 11.8](#).
b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

4.3.4 If all requirements are met, the Formalities officer will approve the request and the applicant will be notified via letter. The event will be entered in the Register and published in the next Patents Journal. If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter.

5 AMENDMENT BEFORE GRANT

5.1 The applicant may make voluntary amendments to the application or specification before grant provided that the amendment does not disclose any additional matter. This gives the applicant the opportunity to refine his application without prejudicing the rights of third parties. Section 31, 84

5.2 The amendments should be requested using Patents Form 13 any time before grant, except – Rule 48(1), 49

a. After the request for Search (Patents Form 10) is filed and before search report is sent to the applicant;

b. After the request for Search and Examination (Patents Form 11), Examination (Patents Form 12) or Supplementary Examination (Patents Form 12A) is filed;

c. After the request for Examination Review (Patents Form 12B/13) is filed.

5.3 Voluntary amendments can also be contained in Patents Form 13A, in response to written opinion during Search and Examination, Examination or Supplementary Examination. Rule 46(3)

5.4 Besides voluntary amendments, the applicant may also make the following pre-grant amendments using Patents Form 13 –

a. Amendments in response to the Registrar’s formalities examination clarification letter issued by Patents Form 1/8 or 37 requests;

b. Amendments to the specification to comply with the formal requirements after the applicant receives the Notice of Eligibility;

c. Amendments to the specification after the applicant receives a Notice of Intention to Refuse and files a request for Examination Review via Patents Form 12B/13;

5.5 From 1 Apr 2017, both marked-up and clean copies of the amended sheets will be required for online submission. Applicants are required to submit and attach these documents according to the correct document type. In the event that there is a discrepancy between the clean and marked-up copies, the clean
copy would be relied upon. Amendments should be made based on the latest set of specifications on record.

5.6 From 18 Apr 2016, a new option ‘Related to Rule 47(6) with the date of filing on or after 14 Feb 2014’ was added under Part 4 of the form. The purpose of this option is to allow for amendments or corrections to be made in order to comply with formal requirements according to Rule 47(6) after the issuance of the Notice of Eligibility. Refer to Rule 33 for the definition of formal requirements. Any other form of corrections that does not fall under this rule may be addressed with Form CM4. For more details on correction of error, refer to Chapter 11.8.

5.7 Once the request is received, the system will automatically review the following requirements –

- **a.** The application is not granted. Otherwise, Patents Form 17 should be used;

- **b.** The application is not refused, abandoned or withdrawn. If the patent application is refused or abandoned, the applicant can request for extension of time if he is still within the allowable time limit. If the application is abandoned after Patents Form 13 is filed, Patents Form 13 will still be processed;

- **c.** The form is filed within the timelines set out above;

- **d.** Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved.

- **e.** Both marked-up and clean copies of the amendments are submitted.

5.8 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. If Patents Form 10, 11, 12 or 12A has not been filed, the applicant can opt to re-file a second Patents Form 13 for the intended amendments, taking into account the deficiency highlighted. The applicant will also be advised to withdraw the deficient Patents Form 13. The second Patents Form 13 will be processed independently, while the original deficient Patents Form 13 will be refused after the response time has lapsed or if the applicant chooses to withdraw. Relevant marked-ups shall be made on the latest provided or approved version of the specifications. Withdrawal of Patents Form 13 shall not be permitted for approved cases, even by system. Withdrawal may only be permitted for Patents Form 13 in processing or received.

b. If Patents Form 10, 11, 12 or 12A has been filed, the applicant should file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.

5.9 If all the requirements are met, the Formalities officer will approve the request. The event will be entered in the Register. The amendments will be considered by the examiner during examination. For more information, please refer to the Examination Guidelines for Patent Applications.

5.10 If the objections cannot be overcome or there is no response from the applicant, the request will not be accepted and the applicant will be notified via letter.
5.11 The following examples illustrate some methods to indicate marked-up and clean copies of amendment or correction to patent documents and specifications –

## Amendment/ Correction

### Example 1:

<table>
<thead>
<tr>
<th>Original</th>
<th>Marked-up copy</th>
<th>Clean copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa</td>
<td>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaabbbbbbaa aaaa</td>
<td>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa bbbbbbbbbbaa</td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

### Example 2:

<table>
<thead>
<tr>
<th>Original</th>
<th>Marked-up copy</th>
<th>Marked-up copy</th>
<th>Clean copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa</td>
<td>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaabbbbbbbbbb bbbbbbbbbbaa</td>
<td>aaaa</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>10a</td>
<td>10</td>
</tr>
</tbody>
</table>

Clean copy:

<table>
<thead>
<tr>
<th>aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa aaaaaaaaaaaaa bbbbbbbbbbb bbbbbbbbbbb bbbbbbbbaaa</th>
<th>10</th>
</tr>
</thead>
</table>
Example 3:

Original

aaaaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa

10

Marked-up copy

aaaaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa

10

Marked-up copy

aaaaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa

10

Clean copy

aaaaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa

10

Example 4:

Original

aaaaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa aaaa

10

Claims

1. aaaa
2. bbbb
3. cccc

11

4. dddd
5. eeee

12
6 SEARCH AND EXAMINATION

6.1 Search and Examination Routes

6.1.1 After complying with the formal requirements, the patent application is required to undergo the search and examination process to determine if the invention is patentable in Singapore. The applicant may select from one of the following approaches to the search and examination process –

a. Request for Search (Patents Form 10) followed by request for Examination (Patents Form 12);

b. Request for Search and Examination (Patents Form 11);

c. Request for Examination (Patents Form 12) by relying on –

i. local search report issued by IPOS;

ii. final international search results of the international application which has entered national phase; or

iii. final search results of a corresponding application, corresponding international application or related national phase application;

d. Request for Supplementary Examination (Patents Form 12A) by relying on –

i. final results of a search and examination of the international application which has entered national phase; or

ii. final search and examination results in one corresponding application, corresponding international application or related national phase application

Please refer to the Annex for the definition and examples of corresponding application, corresponding international application or related national phase application.

6.1.2 The search process involves a worldwide search for all materials and information which are relevant to the subject of the invention. The examination process involves the consideration by the Patent Examiner as to whether the invention qualifies as new, involves an inventive step and is capable of industrial application, among other requirements.

6.1.3 For supplementary examination, the Patent Examiner will only review the following grounds – support, relatedness of claims, morality, methods of medical treatment or diagnosis, double patenting, and no added matter. From 30 Oct 2017, the examiner will also determine whether the invention defined in each claim of the specification of the application constitutes an invention. If the invention is determined not to be a patentable subject matter, the Examiner will state fully his reasons in a written opinion.

6.1.4 To strengthen our patent regime and improve the quality of the patents granted in Singapore, applicants would no longer be able to request for supplementary examination for –

Section 29

Rule 36, 42

Rule 37

Rule 42

Rule 42A

Rule 2A(3)

Rule 46(1A)

Section 29(11A)

Rule 43(4)
a. Normal and PCT applications with date of filing on or after 1 Jan 2020; 
b. Divisional applications with lodgement date on or after 1 Jan 2020.

**Reliance on Foreign Search Results/ International Search Report (ISR)**

6.1.5 Where the applicant relies on the foreign search results or ISR, a copy of the search results should be submitted. If the search results are not in English, a copy of the translated search results is required. All cited documents referred to in the search results are to be submitted by the applicant. Translation of non-English cited documents is not required at the point of filing the request for Examination. However, the Patent Examiner may request for a translated copy where necessary.

**Reliance on Foreign Final Search and Examination Results/ Granted Patent/ International Preliminary Report on Patentability (IPRP)**

6.1.6 Where the applicant relies on foreign final search and examination results, a copy of the result and the list of allowed patent claims referred to in the final results should be submitted. If the results and list of allowed claims are not in English, a translation of these documents with VET is required.

<table>
<thead>
<tr>
<th>Prescribed Patent Office</th>
<th>Final Search and Examination Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>IP Australia</td>
<td>Notice of Acceptance</td>
</tr>
<tr>
<td>Canadian Intellectual Property Office</td>
<td>Notice of Allowance</td>
</tr>
<tr>
<td>European Patent Office</td>
<td>Notice of Intention to Grant/ Decision to Grant</td>
</tr>
<tr>
<td>Japan Patent Office</td>
<td>Decision to Grant</td>
</tr>
<tr>
<td>Korean Intellectual Property Office</td>
<td>Notice of Allowance</td>
</tr>
<tr>
<td>Intellectual Property Office of New Zealand</td>
<td>Notice of Acceptance of Complete Specification</td>
</tr>
<tr>
<td>United States Patent and Trademark Office</td>
<td>Notice of Allowance and Fee(s) Due &amp; Notice of Allowability</td>
</tr>
<tr>
<td>UK Intellectual Property Office</td>
<td>Notice of Intention to Grant/ Notification of Grant</td>
</tr>
</tbody>
</table>

6.1.7 Where the applicant relies on foreign granted patent, a copy of the foreign granted patent and specification should be submitted. A declaration of download is required if the applicant has downloaded the granted patent from an online source. If the granted patent and specification are not in English, a translation of these documents with VET is required.
6.1.8 The declaration should indicate that the applicant declares the copy of the granted patent being submitted is a valid copy which the applicant wishes to rely on. A sample of the declaration is shown below –

**Declaration on a Downloaded Copy of a Granted Patent**

I, _____(name)_____, hereby declare that the attached document, Patent Number/ Application Number: ____________ is downloaded by myself from ____(source)____ and that the copy of granted patent being submitted is a valid copy which the applicant wishes to rely upon.

Date: __________________________ Signature: _______________

6.1.9 Where the applicant relies on International Preliminary Report on Patentability (IPRP) Chapter I or II, a copy of the report should be submitted. If the results and list of allowed claims are not in English, a translation of these documents with VET is required.

6.1.10 The applicant is also required to submit a claims correspondence table setting out how each claim in the Singapore patent application is related to the claims in the corresponding application, corresponding international application, related national phase application, or the application in suit during its international phase. Each claim in the application in suit should be related to at least one claim in that corresponding application, corresponding international application, related national phase application, or the application in suit during its international phase. Section 29(1)(d)(ii)

6.1.11 The applicant shall indicate the relation of the claims and also explain how the claims are related to each other. Indicating “related” is not sufficiently informative. An example of an acceptable claims correspondence table is as follows –

<table>
<thead>
<tr>
<th>Claim in Singapore Application No. &lt;number&gt;</th>
<th>Relates to claim(s) in &lt;jurisdiction&gt; Application No. &lt;number&gt;</th>
<th>Remarks (explaining relatedness)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Identical</td>
</tr>
<tr>
<td>2</td>
<td>2, 3</td>
<td>Identical, except …</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>Identical</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>Identical</td>
</tr>
</tbody>
</table>

6.1.12 According to those results mentioned above, each claim in the application in suit should appear to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility). Section 29(1)(d)(iii)
6.1.13 Supplementary examination requests relying on utility model/patent applications are not acceptable. The grounds for supplementary examination under Rule 46(1A) are limited in scope (in comparison to the grounds under Rule 46(1)) because the assumption is that the patent application for which a request for a supplementary exam report has been made, has been examined and “appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility”).

Timelines

6.1.14 Forms shall be filed within their specific timelines as shown in the table below, otherwise the application will be treated as abandoned –

<table>
<thead>
<tr>
<th>Request</th>
<th>Application lodged on or after 14 Feb 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search (Patents Form 10)</td>
<td>13 months</td>
</tr>
<tr>
<td>Search and Examination (Patents Form 11) or Examination (Patents Form 12)</td>
<td>36 months</td>
</tr>
<tr>
<td>Supplementary Examination (Patents Form 12A)</td>
<td>54 months</td>
</tr>
<tr>
<td>Examination Review (Patents Form 12B/13)</td>
<td>2 months from Notice of Intention to Refuse</td>
</tr>
</tbody>
</table>

Excess Claim Fees and Discounts

6.1.15 From 1 Apr 2017, the number of claims in excess of 20 at the point of filing the request for Search and Examination (Patents Form 11) or request for Examination (Patents Form 12) would be charged at $40 per claim. This is to encourage applicants to file a more concise claim set. For example,

| No. of claims when filing Patents Form 1/8 or 37 | 20          |
| No. of claims after Patents Form 13 amendments  | 25          |
| No. of claims when filing Patents Form 11 or 12 | 25          |
| No. of excess claims when filing Patents Form 11 or 12 | 5          |
| Excess claim fee when filing Patents Form 11 or 12 | $40 x 5 = $200 |

Last updated Nov 2018
6.1.16 In addition, if there is an International Search Report (ISR) or International Preliminary Examination Report (IPRP) which has been established by IPOS under the Patents Co-operation Treaty, there would be a reduction of $300 for request for search and examination (Patents Form 11) filed on or after 1 Apr 2017.

Disclosure of Invention Prior to Filing

6.1.17 An invention could be considered as not new if it has already been made available to the public. Such disclosure may be novelty destroying and forms one of the grounds for the revocation of a patent. In certain cases, it may be necessary to disclose the invention before the application for a patent is made e.g. publication in scientific journal, early disclosure to source for investments.

6.1.18 For applications with date of filing on or after 30 Oct 2017, the grace period provision has been extended to cover the following types of disclosures made within 12 months prior to the date of filing –
   a. Disclosure made to the public by the inventor, or by a person who obtained the matter directly or indirectly from the inventor;
   b. Disclosure due to the publication by an intellectual property administrator of an application for an intellectual property right.

6.1.19 The applicant may wish to inform the Registry to disregard the disclosure as part of the state of the art by selecting the checkbox on Patents Forms 11, 12, 13A and 12B/13 and attach a Statutory Declaration or Affidavit (mandatory) with supporting documents (if any).

6.1.20 For international exhibitions, the Statutory Declaration should state the following information –
   a. State that the invention was exhibited at an international exhibition;
   b. State the opening date of the exhibition, and where the first disclosure did not take place on the opening date, the date of the first disclosure;
   c. Enclose one or more supporting documents identifying the invention that was displayed at the exhibition.

6.1.21 For erroneous publication of application, an acknowledgment from intellectual property office stating the following information should be submitted –
   a. The publication was erroneous;
   b. Reason for erroneous publication; and
   c. The earliest date on which the application ought to have been published.

6.1.22 The new grace period provision only applies to disclosures made on or after 30 Oct 2017. If the disclosure was made prior to 30 Oct 2017, the disclosure will not be disregarded as part of the state of the art even if the patent application was filed on or after 30 Oct 2017.
6.1.23 Although provisions for grace period is available in Singapore, individuals and businesses are strongly encouraged to keep their inventions confidential until an application for a patent has been filed because –
   a. Not all jurisdictions have a broad grace period;
   b. Third parties can still claim prior user rights.

**Formalities Check**

6.1.24 Once the request (Patents Form 10/11/12/12A) is received, the Formalities officer will review the following requirements –

a. Fee has been paid (if applicable);

b. Filing Date has been accorded;

c. Preliminary examination has cleared;

d. National security clearance has been issued, if applicable. Otherwise, held in abeyance;

e. The application is not abandoned, withdrawn, refused or granted;

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

g. There are no other pending related requests –

   i. Patents Form 13 (Request to amend application before grant);
   ii. Form CM4 (Request for correction of error);
   iii. Patents Form 56 (Filing of drawing(s), description or part of description);
   iv. Patents Form 57 (Addition, correction or late declaration of priority);
   v. Form CM9 (Request for withdrawal of application).

   Otherwise, the form will be put on hold until these requests are processed;

h. The form is filed within the timelines in Chapter 6.1.14 above. Otherwise, request for extension of time (Patents Form 45) is filed and approved;

i. For PCT national phase entry applications, amendments (e.g. Article 19/34) made in the international phase will be taken into consideration –
i. If the amendments are not in English, an English translation of the amendments should be submitted with the VET;

ii. Otherwise, the Formalities officer will send a clarification letter to inform and invite the applicant to submit the English translation and VET within 2 months from the date of the letter;

iii. If the documents are not submitted within the timeline, the amendments will not be considered in the national phase application;

iv. The VET should contain the following information –
   - States the document being translated;
   - Verifies that the translation corresponds to the original text of the document or part;
   - States the name of the translator and contains a statement that he/she is well versed in English and the relevant foreign language;
   - Signature of the translator and date of declaration.

j. If ASPEC or PPH request is indicated on the form or letter or it fulfils other criteria for acceleration, the request will be expedited and processed in accordance to Chapter 7;

k. For request for Search and Examination (Patents Form 11), the following additional checks will be conducted –

i. The number of claims indicated on the form should tally with the latest number of claims on record;

ii. The option “International Search Report (ISR)/ International Preliminary report on Patentability (IPRP) is established by IPOS” is correctly indicated on the form.

iii. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing this application, the criteria and required documents referred to in Chapter 6.1.17 to 6.1.23 are met.

l. For request for Examination (Patents Form 12), the following additional checks will be conducted –

i. All required documents referred to in Chapter 6.1.5 are submitted; Rule 45(3)

ii. For divisional application, a written notice in the form of a cover letter should be submitted if the applicant intends to rely on a search report issued from the parent application;

iii. For examination requests relying on foreign search results or ISR, the application is a valid corresponding application, corresponding international application, related national phase application (only applicable for patent application lodged on or after 14 Feb 2014), or its application in suit during the international phase;
iv. For requests relying on foreign search results, the foreign patent application is from one of the prescribed patent offices.

v. The number of claims indicated on the form tallies with the latest number of claims on record;

vi. The option selected on the form corresponds to the type of search results which the applicant is relying upon.

vii. If the applicant indicates that there has been a disclosure of matter of the invention 12 months prior to the date of filing this application, the criteria and required documents referred to in Chapter 6.1.17 to 6.1.23 are met.

---

m. For request for Supplementary Examination (Patents Form 12A), the following additional checks will be conducted –

i. The application must be lodged on or after 14 Feb 2014;

ii. All required documents referred to in Chapter 6.1.6 to 6.1.13 are submitted;

iii. For examination request relying on foreign search and examination results, granted patent or IPRP, the foreign application is a valid corresponding application, corresponding international application, related national phase application, or its application in suit during the international phase;

iv. For request relying on foreign search and examination results/granted patent, the foreign patent application is from one of the prescribed patent offices;

v. The option selected on the form corresponds to the type of result which the applicant is relying upon.

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Clariﬁcation of Requests

6.1.25 If any of the above form requirements are not met, the Formalities Ofﬁcer will send a clarifiﬁcation letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectiﬁed by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may ﬁle Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.

i. Select “Correction of Form lodged” for errors on the form e.g. wrong option or number of claims was indicated on the form selected on the form;

ii. Select “Correction of Speciﬁcation of a Patent or of an Application for a Patent” for errors on the speciﬁcation;

iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents such as missing pages or parts in the copy of ﬁnal Search and Examination
result or granted patent submitted with the request, or errors in the claim correspondence table.

b. For overpayment due to wrong selection(s) on the form e.g. discount for ISR or IPRP established by IPOS is applicable or additional number of claims are indicated on the form, the Formalities officer will automatically refund the overpayment after the applicant corrects the relevant part or number of claims on the form via Form CM4.

c. For underpayment due to wrong selection(s) on the form e.g. discount for ISR or IPRP established by IPOS is not applicable or fewer number of claims are indicated on the form, the applicant should correct the relevant part or number of claims on the form and pay the extra fees via Form CM4.

d. If the final Search and Examination result/ granted patent is not provided or a wrong copy was submitted, an extension of time is required to re-submit the documents if the time period to request for supplementary examination has expired.

e. If the list of allowed claims is not provided, an extension of time is required to submit the documents if the time period to request for supplementary examination has expired.

f. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

g. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunication.

6.1.26 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. A refund will be given.

6.1.27 When the applicant has complied with the above requirements, the request will be forwarded to the Patents Examiner to conduct a Search, Examination or Supplementary Examination accordingly. The applicant will be notified via letter. The event will be entered in the Register.

6.1.28 More details on the search and examination procedures performed by the Patent Examiner may be found in the Examination Guidelines for Patent Applications.

Request for More Documents

6.1.29 During the course of preparing the report/ opinion, the Patent Examiner may request the Registrar for more documents/ information to facilitate/ complete the report/ opinion.
6.1.30 If additional documents are needed to be submitted by the applicant, the processing officer shall request the applicant to submit the documents. If applicant does not respond after 2 months, a reminder letter will issued. The applicant may reply via eCommunications.

**Issuance of Search Report, Written Opinion, Examination Report or Supplementary Examination Report**

6.1.31 Upon completion of the Search, Examination or Supplementary Examination, the Patent Examiner will prepare and forward a copy of the search, examination or supplementary examination report to the Registry.

6.1.32 If it appears to the Patent Examiner during the Examination or Supplementary examination that one or more matter has not been complied with, the Patent Examiner will issue a Written Opinion in the first office action instead.

6.1.33 A copy of each cited document will also be forwarded to the Registry. If the document cited by the Patent Examiner is a non-patent literature, the cited document will not be provided due to copyright issues. The details of the non-patent literature will be provided for the applicant to obtain a copy of the cited document.

6.1.34 Once the Registry receives the Search report from the Patent Examiner, the Formalities officer will perform following formalities check –

- a. No omitted/ wrong cited document;
- b. Correct Filing date or Priority date;
- c. No missing pages in report;
- d. Correct application number;
- e. Boxes are checked if the section is mentioned in the report.

6.1.35 Once the Registry receives the Written Opinion, Examination Report or Supplementary Examination Report from the Patent Examiner, the Formalities officer will perform formalities check –
6.1.36 If there are formalities issues with the report/opinion, the Formalities Officer will request the Patent Examiner to provide a corrected report/opinion.

6.1.37 If there are no formalities issues with the report, the Formalities Officer will check whether the title and/or abstract has been reframed and update the Registry's records before sending a copy of the report/opinion and cited documents to the applicant.

6.2 Request for Supplementary Search

6.2.1 The Search report may indicate that the application relates to 2 or more invention but they are not so linked as to for a single inventive concept ("lack of unity"). As a result, the current search may be restricted to the first invention specified in the claims of the application.

6.2.2 If the applicant wants a search to be conducted for the second or subsequent invention, he may file Patents Form 10 for each invention within 2 months from the date of issuance of the search report by the Registrar.

6.2.3 Upon receipt of the supplementary search requests, the Formalities officer will review the following requirements –

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Not more than 1 Written Opinion issued;</td>
</tr>
<tr>
<td>b. Correct claims are searched/examined;</td>
</tr>
<tr>
<td>c. Amendments are considered. Otherwise, an explanation is provided;</td>
</tr>
<tr>
<td>d. Correct Filing Date/Priority Date;</td>
</tr>
<tr>
<td>e. Examination Report is not issued instead of Written Opinion (vice versa);</td>
</tr>
<tr>
<td>f. No missing pages in report;</td>
</tr>
<tr>
<td>g. Correct application number;</td>
</tr>
<tr>
<td>h. No error in the basis of report;</td>
</tr>
<tr>
<td>i. Compatible format of electronic documents;</td>
</tr>
<tr>
<td>j. No observation errors;</td>
</tr>
<tr>
<td>k. Sufficient reasoning;</td>
</tr>
<tr>
<td>l. Boxes are checked if the section is mentioned in the report.</td>
</tr>
</tbody>
</table>
6.2.4 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
b. To extend the time, the applicant may file Patents Form 45.
c. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.
d. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

6.2.5 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. The Patents Form 10 fees will be refunded to the applicant.

6.2.6 If the requirements are met, the request will be forwarded to the Patents Examiner for review. The applicant will be notified via letter. The event will be entered in the Register.

6.2.7 Once the supplementary search report is received from the Patent Examiner, the Formalities officer will perform formalities checks listed in Chapter 6.1.34 before issuing the search report.

6.2.8 If a divisional application is subsequently filed under Section 26(11), the applicant may write in to inform the Registrar that he intends to rely on the supplementary report established for this application.
6.3 **Response to Written Opinion**

6.3.1 During the examination process, the Patent Examiner may issue a Written Opinion if there are any unresolved objections regarding the patent application. The applicant will be invited to respond and/or amend the specification.

6.3.2 For request for Search and Examination/ Examination, the applicant may respond to the Written Opinion by submitting a written submission and/or amendments to the specification within 5 months from the date of invitation to respond to the Written Opinion. For request for Supplementary Examination, the period to respond to the Written Opinion is 3 months from the date of invitation. Both timelines are nonextendable.

6.3.3 A response to Written Opinion shall be submitted with **Patents Form 13A**. Any response that is not submitted within the timeline and/or submitted without the form will be disregarded.

6.3.4 Any amendment to abstract made during the response to Written Opinion will not be accepted by the Registry. Amendment of abstract cannot be filed during the following time periods –
   a. After Patents Form 10 is filed and before search report is sent to the applicant;
   b. After Patents Form 11, 12 or 12A is filed, unless it is withdrawn or refused.

6.3.5 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required for online submission. Applicants are required to attach these documents according to the correct document type. In the event that there is a discrepancy between the clean and marked-up copies, the clean copy would be relied upon. Amendments should be made based on the latest set of specifications on record.

6.3.6 Once the request is received, the system will automatically review the following requirements –

   a. Date of filing of the patent application or patent is on or after 1 July 2004. Otherwise, Patents Form 13 should be used;

   b. Invitation to Respond to Written Opinion has been issued;

   c. Amendment of specification and/or written submissions is/are selected and filed;
6.3.7 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 1 month from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form or wrong explanation of the amendments made;
   ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;
   iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents e.g. written submission or the documents submitted to support the reasons of the amendments made or in support of the written submission.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunication.

6.3.8 If all requirements are met, the system or Formalities officer will accept the Response to Written Opinion request and forward it to the examiner. The applicant will be notified via letter. The event will be entered in the Register.
6.3.9 If the objections cannot be overcome or there is no response from the applicant within the timeline, a Notice of Intention to Refuse will be issued automatically with the negative Examination Report that was established without response to Written Opinion. The timeline to respond to Written Opinion is non-extendable.

No Response to Written Opinion

6.3.10 If the applicant does not respond to the Written Opinion, the system will automatically establish the "Examination Report without response to Written Opinion" and "ER cover sheet (no response to WO) bypass examiner" cover page with the latest Written Opinion. A Notice of Intention to Refuse will also be issued.

Withdrawal

6.3.11 If the applicant intends to withdraw the request and switch to other routes, he may write in to notify via eCommunications before the Examination report and Notice of Eligibility/ Notice of Intention to Refuse are issued to the applicant. The Formalities officer will notify the applicant on the withdrawal outcome. Any amendments filed in response to Written Opinion will still be taken into account. The fees for Patents Form 11 will only be refunded to the applicant if the request has not been forwarded to the Patent Examiner or the Patent Examiner has not commenced any work.

6.3.12 If the Patent Examiner retracts a Written Opinion that has been issued to the applicant, any Patents Form 13A filed in response to this written opinion will be considered as void.

6.3.13 In cases where there is a change of mind regarding the set of amendments filed, the withdrawal of Patents Form 13A will not be allowed. Applicants may, if the forms can still be filed within the allowable time period, file another set of amendments to replace the former approved Patents Form 13A.

Notice of Eligibility

6.3.14 If the Examination/ Supplementary Examination Report contains no objections or unresolved issues, a Notice of Eligibility will be issued to the applicant with the report. The applicant may proceed to request for grant of Patent by filing Patents Form 14 within 2 months from the date of the notification.

6.3.15 If Patents Form 14 is not filed within the timeline, the system will automatically abandon the patent application. The event is entered in the Register and published in the Patents Journal.
Notice of Intention to Refuse

6.3.16 If the Examination/Supplementary Examination Report contains unresolved objections, a Notice of Intention to Refuse will be issued to the applicant with the report. The applicant may proceed to request for Examination Review by filing Patents Form 12B/13 within 2 months from the date of the notification.

6.3.17 If Patents Form 12B/13 is not filed within the timeline, the system will automatically refuse the patent application at the end of 2 months from the Notice of Intention to Refuse. The status of application will be updated as “Refused – EOT possible”. The event is entered in the Register and published in the Patents Journal.

6.4 Request for Examination Review Report

6.4.1 A Notice of Intention to Refuse may be issued with a negative examination report from a Patents Form 11, 12 or 12A request. The applicant may request the Patent Examiner to review the Search and Examination, Examination or Supplementary Examination report by filing Patents Form 12B/13 within 2 months from the date of Notice of Intention to Refuse.

6.4.2 The applicant may submit written submissions in response to the Examiner’s opinion (mandatory) and/or amendments to specification (optional) with Patents Form 12B/13. From 30th Oct 2017, instead of filing Patents Form 13 separately, applicants who wish to make amendments to the specification when requesting for an examination review could submit the proposed amendments along with Patents Form 12B/13.

6.4.3 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required. Applicants should submit and select these attachments according to the correct document type. In the event that there is a discrepancy between the clean and marked-up copies, the clean copy would be relied upon.

6.4.4 Once the request is received, the Formalities officer will review the following requirements –

a. The application must be lodged on or after 14 Feb 2014;

b. Notice of Intention to Refuse was issued;

c. The form is filed within the timelines mentioned in Chapter 6.1.14. Otherwise, request for extension of time (Patents Form 45) is filed and approved;

d. Written submission is submitted;

Section 29A(3)  
Rule 46A(2)  
Section 29A(4)(b)  
Section 29B  
Rule 46A  
Rule 46A(2)
6.4.5 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form or wrong explanation of the amendments made;
   ii. “Correction of Specification of a Patent or of an Application for a Patent” for errors made in the specification;
   iv. “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents e.g. written submission or the documents submitted to support the reasons of the amendments made or in support of the written submission.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunication.

6.4.6 If all requirements are met, the Formalities officer will accept and forward the Examination review request to the Patents Examiner for Review and the applicant will be notified via letter. The event will be entered in the Register.

6.4.7 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter.
Examination Review Report

6.4.8 Once the Registry receives the Examination Review Report from the Patent Examiner, the Formalities officer will perform formalities check before issuing it to the applicant –

- Amendments are considered. Otherwise, an explanation is provided;
- Correct Filing Date/ Priority Date;
- No missing pages in report;
- Correct application number;
- No error in the basis of report;
- Compatible format of electronic documents;
- No observation errors;
- No citations and Explanations error;
- Sufficient reasoning;
- Boxes are checked if the section is mentioned in the report.

6.4.9 If there are formalities issues with the Examination Review Report, the Formalities Officer will request the Patent Examiner to provide a corrected report.

6.4.10 If the Examination Review Report contains no objections or unresolved issues, Section 29B(5)(b)(i) a Notice of Eligibility will be issued to the applicant with the report. The applicant may proceed to request for grant of Patent by filing Patents Form 14 within 2 months from the date of the notification. If Patents Form 14 is not filed by the timeline, the system will automatically abandon the patent application. The event is entered in the Register and published in the Patents Journal.

6.4.11 If there are any unresolved issues, a Notice of Refusal of the patent application will be issued with the negative Examination Review Report. The refusal of the patent application will take effect at the end of 2 months from the date of notification. The status of application will be updated as “Refused”. The event is entered in the Register and published in the Patents Journal.

6.4.12 If the applicant intends to withdraw the request, he may write in to notify via eCommunications. The Formalities officer will notify the applicant on the withdrawal outcome. The fees for Patents Form 12B/ 13 will only be refunded to the applicant if the request has not been forwarded to the Patent Examiner or the Patent Examiner has not commenced any work.
Communication with the Registry or Patent Examiner

6.4.13 If the applicant would like to raise issue(s) with the report, he may write in via eCommunications or contact the Formalities officer via the contact number listed on the cover letter which was sent with the report. If the error identified is valid, a corrected report will be issued to the applicant with revised timelines, if applicable. The report containing the error will be disregarded.

6.4.14 If the applicant would like to clarify regarding the Patent Examiner’s comments in the report, he may write in to clarify with the Registry via eCommunications. To arrange for direct communication with the Patent Examiner, refer to Chapter 11.7.

Examiner-Initiated Informal Communication

6.4.15 As part of IPOS’s ongoing efforts to improve the efficiency and reduce the cost for patent prosecution, IPOS has launched the practice of examiner-initiated informal communications for patent applications with effect from 15 Sep 2017.

6.4.16 Examiners may 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.

6.4.17 The applicant may be invited to file a further response to written opinion (Patents Form 13A) or correction of error (Form CM4). Amendments filed with Patents Form 13A after an informal communication with the examiner should be made within the time period for filing a response to written opinion.

6.4.18 Examples where an informal communication can be initiated by the examiner include:
   a. 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.
   b. 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.
   c. 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.
6.4.19 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.

6.4.20 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.
Request for Search

Patents Form 10
(Patent application lodged on or after 14 Feb 2014)

Request for Search
(Patents Form 10)

Registry conduct Formalities Check

Clarification
Response

 Applicant

Formalities Cleared

Search Report
No unity issue

Patent Examiner

Search Report*
Contains unity issue

Registry conduct Formalities Check

Applicant

within 2 months

Request for Supplementary Search
(Patents Form 10)

Applicant

Registry conduct Formalities Check

Patent Examiner

* Search report containing unity issue may also be established from a Request for Search and Examination (Patents Form 11) in the first office action.

Last updated Nov 2018
First Office Action

Patents Form 11/12/12A
(Patent application lodged on or after 14 Feb 2014)

Request for Search and/or Examination/Supplementary Examination (Patents Form 11/12/12A)

Registry conduct Formalities Check

Clarification
Response

Applicant

Search and/or Written Opinion
Contains unresolved issues

Registry conduct Formalities Check

Formalities Cleared

Invitation to respond to Written Opinion

Applicant

Search and/or Exam Report
No unresolved issues

Registry conduct Formalities Check

Formalities Cleared

Notice of Eligibility

No Patents Form 14 filed within 2 months

Abandoned

Applicant

Within 2 months

Payment of Fee for Grant of Patent (Patents Form 14)

Certificate of Grant

Requirements Cleared

Last updated Nov 2018
No Response to Written Opinion

Patents Form 11/12/12A
(Patent application lodged on or after 14 Feb 2014)

Invitation to respond to Written Opinion

Applicant

Within 5 months
(Search and/Examination request)/
3 months (Supplementary Examination request)

No Response to Written Opinion
or Response received after timeline

Examination Report
Contains unresolved issues

Registry conduct Formalities Check

Request for Examination Review
(Patents Form 12B)

No Patents Form 12B filed

Notice of Intention to Refuse

Patent Examiner

Formalities cleared

Clariﬁcation

Response

Applicant

Within 2 months

Notice of Refusal

Within 2 months
Subsequent Office Actions

Patents Form 11/12/12A
(Patent application lodged on or after 14 Feb 2014)

Response to Written Opinion (Patents Form 13A)

Written Opinion
Contains unresolved issues

Invitation to respond to Written Opinion

Applicant

Examination Report
Contains unresolved issues

Notice of Intention to Refuse

Applicant

Written Opinion
Contains unresolved issues

Invitation to respond to Written Opinion

Applicant

Examination Report
No unresolved issues

Notice of Eligibility

Applicant

Notice of Refusal
No Patents Form 12B filed
Within 2 months

Applicant

Request for Examination Review (Patents Form 12B)

Applicant

Payment of Fee for Grant of Patent (Patents Form 14)

Requirements Cleared

Patent Granted
7 SCHEMES TO EXPEDITE SEARCH AND/OR EXAMINATION REQUESTS

7.1 ASEAN Patent Examination Co-operation (ASPEC) request

7.1.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent work-sharing programme among 9 participating ASEAN Member States (AMS) IP Offices of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand, and Viet Nam.

7.1.2 The participating AMS IP Offices may refer to and consider the search and examination results it receives under the ASPEC programme. AMS IP Offices are not obliged to adopt any of the findings or conclusions reached by another IP Office. AMS IP Offices will proceed with and conclude its search and/or examination work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.

7.1.3 The objectives of the programme are:
   a. 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.
   b. 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.
7.1.4 A patent application in a participating AMS IP Office where the ASPEC Request Form is filed ("second IP Office") is required to be a pending corresponding/related national phase entry patent application in the other participating AMS IP Office ("first IP Office"). The ASPEC Request relies on search and examination documents of this patent application.

7.1.5 A patent application in the first IP Office is a corresponding/related national phase entry patent application if it is:
   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.

7.1.6 ASPEC may be requested at any time before the final decision of grant or refusal. An ASPEC request can be electronically at the e-ASPEC platform available at the ASEAN IP Portal. More details on the ASPEC programme is available at IPOS website.

7.1.7 Applicants intending to file ASPEC request(s) at another AMS IP Office based on search and examination results issued by IPOS should note that only final search and examination results established under the local or mixed search and examination routes (i.e. final search and examination results from Patents Form 11 (Request for Search and Examination) or Patents Form 12 (Request for Examination)) can be used for the purposes of the ASPEC Programme.

7.1.8 The applicant may submit an ASPEC request to expedite local Search, Search and Examination, or Examination request at IPOS. These requests with ASPEC requests made will be expedited and processed with priority. The applicant should also indicate that they are submitting ASPEC documentation on Patents Form 10 (Request for Search), Patents Form 11 (Request for Search and Examination), Patents Form 12 (Request for Examination), or Patents Form 13A (Response to Written Opinion).

7.1.9 Once the ASPEC request is received, the Formalities officer will review the following requirements –
a. ASPEC option on the form is selected or a written notice is submitted;

b. Search and examination result of a corresponding/ related national phase entry patent application from the first IP Office is submitted;

c. List of claims referred to in the results is submitted, with at least one claim determined by the first IP Office to be allowable/ patentable;

d. English translation of the above documents is submitted if they are not in English. 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.

e. The following additional documents may also be submitted –

i. Claim correspondence table showing relatedness of the claims examined in the corresponding application to the claims in the current application may be submitted;

ii. Written opinion(s) and the list of prior art with English translation if they are not in English;

iii. Cited documents referred to in the results.

7.1.10 The following table is a summarises the requirements and services at the AMS First IP Offices –

<table>
<thead>
<tr>
<th>AMS First IP Office</th>
<th>Are Search &amp; Examination Reports Issued in English</th>
<th>Are English translation (and verification) services of non-English ASPEC documents provided for at the AMS First IP Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>Yes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Yes</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Indonesia</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Lao PDR</td>
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<td>No</td>
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<tr>
<td>Malaysia</td>
<td>Yes</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Philippines</td>
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<td>Not Applicable</td>
</tr>
<tr>
<td>Singapore</td>
<td>Yes</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Thailand</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>No</td>
<td>Yes, upon request</td>
</tr>
</tbody>
</table>
7.1.11 The following table is a summarises the requirements and services at the AMS Second IP Offices –

<table>
<thead>
<tr>
<th>AMS Second IP Office</th>
<th>When can the ASPEC Request be filed by the applicant at the AMS Second IP Office</th>
<th>Will the AMS Second IP Office request the AMS First IP Office for English translation of non-English ASPEC documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>At any time before the final decision of grant or refusal</td>
<td>No</td>
</tr>
<tr>
<td>Cambodia</td>
<td></td>
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<td>Indonesia</td>
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<td>Viet Nam</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7.2 Patent Prosecution Highway (PPH) request

7.2.1 The Patent Prosecution Highway (PPH) is a work-sharing programme between IP Offices where the examination of a patent application in one IP Office can be accelerated by referencing the examination results from another IP Office. This allows applicants to obtain patents faster and more efficiently at no additional cost.
7.2.2 IPOS has PPH pilot programmes with the State Intellectual Property Office of the People's Republic of China (SIPO), the Mexican Institute of Industrial Property of the United Mexican States (IMPI), and the European Patent Office (EPO). IPOS is also a participating office of the Global Patent Prosecution Highway (GPPH) pilot programme. The GPPH network has 20 other participating offices.

7.2.3 The following table is a list of GPPH participating offices and their participation as International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) –

<table>
<thead>
<tr>
<th>GPPH Participating Offices</th>
<th>Acts as ISA and IPEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>IP Australia</td>
<td>Yes</td>
</tr>
<tr>
<td>Austrian Patent Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Canadian Intellectual Property Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Danish Patent and Trademark Office</td>
<td>No</td>
</tr>
<tr>
<td>Estonian Patent Office</td>
<td>No</td>
</tr>
<tr>
<td>National Board of Patents and Registration of Finland</td>
<td>Yes</td>
</tr>
<tr>
<td>German Patent and Trademark Office</td>
<td>No</td>
</tr>
<tr>
<td>Hungarian Intellectual Property Office</td>
<td>No</td>
</tr>
<tr>
<td>Icelandic Patent Office</td>
<td>No</td>
</tr>
<tr>
<td>Intellectual Property Office of New Zealand</td>
<td>No</td>
</tr>
<tr>
<td>Israel Patent Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Japan Patent Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Korean Intellectual Property Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Nordic Patent Institute</td>
<td>Yes</td>
</tr>
<tr>
<td>Norwegian Industrial Property Office</td>
<td>No</td>
</tr>
<tr>
<td>Patent Office of the Republic of Poland</td>
<td>No</td>
</tr>
<tr>
<td>Portuguese Institute of Industrial Property</td>
<td>No</td>
</tr>
<tr>
<td>Russian Federal Service for Intellectual Property</td>
<td>Yes</td>
</tr>
<tr>
<td>Intellectual Property Office of Singapore</td>
<td>Yes</td>
</tr>
<tr>
<td>Spanish Patent and Trademark Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Superintendence of Industry and Commerce</td>
<td>No</td>
</tr>
</tbody>
</table>
7.2.4 The examination results relied upon for acceleration are the patent search and examination results (national work products) of the PPH/ GPPH partnering IP Office. For the European Patent Office and the IP Offices in the GPPH network which are also functioning as International Authorities under the Patent Cooperation Treaty (PCT), the international search and/or examination results (PCT work products) can also be relied upon for acceleration.

7.2.5 The types of PPH requests available are –
   a. Traditional (PPH request is made in the Office of Second Filing);
   b. Mottainai (PPH request is made in the Office of Later Examination); or
   c. PCT-PPH (PPH request is based on the PCT work products from an International Searching Authority (ISA) or International Preliminary Examining Authority (IPEA)).

<table>
<thead>
<tr>
<th>PPH</th>
<th>Type of PPH</th>
<th>National and/ or PCT</th>
<th>Applications to be linked by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global PPH</td>
<td>Mottainai</td>
<td>National and PCT</td>
<td>Same earliest date</td>
</tr>
<tr>
<td>IPOS-EPO</td>
<td>Mottainai</td>
<td>National and PCT</td>
<td>Same earliest date</td>
</tr>
<tr>
<td>IPOS-SIPO (China)</td>
<td>Traditional</td>
<td>National (PCT to be introduced)</td>
<td>Priority</td>
</tr>
<tr>
<td>IPOS-IMPI (Mexico)</td>
<td>Traditional (to be changed to Mottainai)</td>
<td>National (PCT to be introduced)</td>
<td>Priority</td>
</tr>
</tbody>
</table>

7.2.6 The applicant may rely on PPH/ GPPH to expedite local Search and Examination, or Examination request at IPOS. These requests with PPH/ GPPH will be expedited and processed with priority. PPH/ GPPH may be requested at the point of filing the request for Search and Examination, or Examination. The applicant can indicate that they are relying on PPH/ GPPH on Patents Form 11 (Request for Search and Examination) or Patents Form

<table>
<thead>
<tr>
<th>Swedish Patent and Registration Office</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom Intellectual Property Office</td>
<td>No</td>
</tr>
<tr>
<td>United States Patent and Trademark Office</td>
<td>Yes</td>
</tr>
</tbody>
</table>
12 (Request for Examination) by selecting the checkbox “ASPEC/PPH” in the form, and submitting the relevant documents.

7.2.7 PPH request can still be made after the Patents Form 11 or 12 is filed, if examination has not begun. The applicant should make the request by –

a. Ad-hoc correspondence through IP2SG and submitting the relevant documents; and
b. Letter and notify IPOS by sending an email to pph@ipos.gov.sg.

Both submissions must be made on the same day. More details on the PPH/GPPH programme is available at IPOS website.

7.2.8 Once the PPH/GPPH request is received, the Formalities officer will review the following requirements –

a. PPH checkbox on the form is selected;

b. Both the IPOS application and the application forming the basis of the PPH/GPPH request are corresponding applications or, where applicable, related applications sharing the same earliest date (whether this is a priority date or a filing date);

c. All office actions of the application being relied upon are submitted;

d. List of allowable/patentable patent claims is submitted, with at least one claim determined by the other IP Office to be allowable/patentable;

e. For GPPH only, if the documents listed in (c) and (d) are available in the IP Office’s Dossier Access System, they need not be submitted. An English translation of these documents is submitted if they are not in English. A Verified English Translation (VET) of documents is not required;

f. All claims in the IPOS application have to sufficiently correspond to one or more claims found allowable/patentable by the other IP Office. A claims correspondence table showing the relatedness of the allowable/patentable claims is submitted;

g. Cited documents referred to in the results may be submitted at the point of filing the request (not mandatory unless requested by the Registry). If the documents are not in English, an English translation may be requested.
7.2.9 The following table is a summary of the IP Office’s Dossier Access System –

<table>
<thead>
<tr>
<th>Office</th>
<th>Office Dossier Access System</th>
</tr>
</thead>
<tbody>
<tr>
<td>IP Australia</td>
<td>AusPat</td>
</tr>
<tr>
<td>Danish Patent and Trademark Office</td>
<td>PVS online</td>
</tr>
<tr>
<td>European Patent Office (EPO)</td>
<td>European Patent Register</td>
</tr>
<tr>
<td>Estonian Patent Office</td>
<td>Estonian Patent Office Database</td>
</tr>
<tr>
<td>German Patent and Trademark Office</td>
<td>DEPATISnet</td>
</tr>
<tr>
<td>Hungarian Intellectual Property Office</td>
<td>Hungarian Intellectual Property Office E-Dossier</td>
</tr>
<tr>
<td>Israel Patent Office</td>
<td>ILPATSEARCH</td>
</tr>
<tr>
<td>Japan Patent Office</td>
<td>AIPN</td>
</tr>
<tr>
<td>Korean Intellectual Property Office</td>
<td>K-PION</td>
</tr>
<tr>
<td>Norwegian Industrial Property Office</td>
<td>Norwegian Industrial Property Office Database</td>
</tr>
<tr>
<td>Finnish Patent and Registration Office</td>
<td>PatInfo</td>
</tr>
<tr>
<td>Swedish Patent and Registration Office</td>
<td>Swedish Patent Database</td>
</tr>
<tr>
<td>United Kingdom Intellectual Property Office</td>
<td>IPSUM</td>
</tr>
<tr>
<td>United States Patent and Trademark Office</td>
<td>Public PAIR</td>
</tr>
<tr>
<td>World Intellectual Property Organisation</td>
<td>Patentscope</td>
</tr>
<tr>
<td></td>
<td>WIPO CASE</td>
</tr>
</tbody>
</table>

7.2.10 Where an English translation of the documents are required, machine-translation is acceptable. If the examiner finds that the machine translation is of poor quality and difficult to understand, the applicant may be required to submit a manual translation. The manual translation does not have to be certified.
7.2.11 The requirements for Patents Form 11 or Patents Form 12 have to be met, regardless whether a PPH/ GPPH request is made.

7.2.12 The applicant may rely on the search and examination results of more than one related application i.e. Office of first filing (OFF)/ Office(s) of Earlier Examination (OEE) for PPH/ GPPH. All relevant documents and multiple sets of claim(s) correspondence tables are also required to be furnished accordingly.

7.2.13 Allowed claims from a utility model or a petty patent cannot be used to form the basis for requesting PPH in IPOS as they are not required to meet the same patentability criteria as a standard patent, and typically are not subjected to substantive examination.

7.3 **Patent Cooperation with Cambodia**

7.3.1 Under the cooperation between IPOS and the Ministry of Industry and Handicraft (MIH) of Cambodia, patent owners or applicants in Singapore are able to re-register their Singapore patents at the MIH or submit an IPOS-issued Search and Examination report to MIH for the grant of a Cambodia related patent application. The Singapore application should be related to the Cambodian application i.e. there is a priority linkage.

7.3.2 For the re-registration of Singapore patents in Cambodia, a Singapore patent can be re-registered in Cambodia subject to the following conditions –

a. The Singapore patent must be in force at the time of the lodgement of the re-registration request at the MIH;
b. The Singapore patent must have a filing date on or after 22 January 2003; and
c. The Singapore patent must meet the Cambodian requirements for patentability, i.e. the patent relating to the Singapore patent must not be of a pharmaceutical nature.

7.3.3 For the submission of IPOS-issued Search and Examination (S&E) Reports to the MIH, patent applicants in Singapore who have a Cambodian related patent application can submit a written request to IPOS for IPOS to transmit a copy of the final Search and Examination Report and the final specifications of the Singapore related patent application to the MIH for the grant of the Cambodia related patent application. Applicants can also request for the specifications of the Cambodia related patent application to be amended accordingly to the final specifications of the Singapore related patent application. More details on the [*Patent Cooperation with Cambodia*](#) is available at IPOS website.
7.3.4 The following documents are required to be submitted for Re-registration in Cambodia –

a. Official Request Form;
b. Patent Application Fees;
c. Certified copies of Singapore certificate of grant;
d. Final specifications of Singapore patent;
e. Copy of Abstract of Singapore patent;
f. Certified Khmer translations of abstract and final specifications of Singapore patent (within 6 months of submission);
g. Power of Attorney, if an agent is appointed.

7.3.5 The table below illustrates the difference between PPH, ASPEC and Cambodia Cooperation –

<table>
<thead>
<tr>
<th>PPH</th>
<th>ASPEC</th>
<th>Cambodia Cooperation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report from the Office of first filing (OFF)/Office of Earlier Examination (OEE)</td>
<td>S&amp;E report(s) from any participating AMS IP Office</td>
<td>• Granted Patent from Singapore/Cambodia (IPOS acts as S&amp;E authority)</td>
</tr>
<tr>
<td>Expedited examination of PPH applications (typical PPH)</td>
<td>Expedited S&amp;E work as an IP Office can refer to the S&amp;E work of another participating AMS IP Office</td>
<td>Expedited registration of patent in Cambodia based on SG patent/final S&amp;E results</td>
</tr>
<tr>
<td>• Advanced out-of-turn</td>
<td>• Advanced out-of-turn until grant</td>
<td></td>
</tr>
<tr>
<td>PPH request is required to be filed at a specific point in time</td>
<td>ASPEC request can be filed at any time before the final decision of grant or refusal</td>
<td>• Re-registration request at Cambodia can be filed anytime, subject to an SG patent with a filing date ≥ 22 Jan 2003</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sharing of final SG S&amp;E results with Cambodia can be done any time</td>
</tr>
</tbody>
</table>

7.4 First Filings in Singapore

7.4.1 To empower creators to make business decisions or advance their business interests by providing early official assessment on the merits of inventions,
76

patent applications that are first filed in Singapore will generally be expedited and issued within 60 days from the date of filing of the Search and Examination request (Patents Form 11).

7.4.2 By obtaining IPOS search and/ written opinion or examination results within a shorter time frame, applicants may rely on these results to expedite their patent application overseas.

7.4.3 To be considered as a first filing, the patent application should fulfil all of the following criteria –

a. The Singapore application is not a national phase entry application i.e. Patents Form 1/ 8 is filed;
b. The Singapore application has no declared priority date;
c. The Singapore application is not a divisional application; and
d. Patents Form 11 (Request for Search and Examination report) is filed on the same day as Patents Form 1/ 8.

7.5 Obtaining a Patent Grant within 12 months

7.5.1 For applicants who are keen to obtain patent protection in Singapore within a short time frame, IPOS has a set up a performance pledge to facilitate applicants in obtaining a grant of their Singapore application within 12 months from the filing of the application.

7.5.2 The patent application should fulfil all of the following criteria –

a. The Singapore application is first filed at IPOS, i.e. IPOS is the first office of filing with no earlier priority claim, or the Singapore application filed at IPOS validly claims priority under section 17 of the Singapore Patents Act (Cap.221) from an earlier patent application, i.e. IPOS is the second or subsequent office of filing;
b. Patents Form 1/ 8 (Request for Grant of Patent), prescribed fee and complete patent specification is filed;
c. Patents Form 11 (Request for Search and Examination Report) and prescribed fee is filed on the same day as Patents Form 1/ 8;
d. Formalities examination is issued and there are no deficiencies;
e. The first action of the examiner during Search and Examination is a positive Search and Examination report;
f. Patents Form 14 (Payment of Fee for Grant of Patent) is filed within 2 months from the Notice of Eligibility to proceed to the grant of the patent;
g. Patents Form 9 (Request for Early Publication) is filed on the same day Patents Form 14 is filed for Singapore applications first filed at IPOS;
h. The patent applicant adheres to specific time limits for action.
8  GRANT OF PATENT

8.1 The grant of a patent completes the patent application process, and grants the applicant the rights to prevent others from making, using, importing or selling the invention without his permission.

8.2 For applications lodged on or after 14 Feb 2014, the Registrar will issue a Notice of Eligibility to proceed to grant if there are no unresolved objections from Search and Examination, Examination, Supplementary Examination or Examination Review request.

8.3 The applicant may proceed to request issuance of certificate of patent within 2 months from the date of notification. Otherwise, the application will be abandoned.

8.4 To request for the grant of a patent, the applicant may file Patents Form 14 together with a clean copy of the specification incorporating any amendment or correction or missing part. For PCT national phase entry applications where the specification has been amended with the amendments annexed to the International Preliminary Examination Report (IPER) and these amendments have NOT been incorporated in the specification of the application, the applicant is required to furnish a copy of the specification incorporating all amendments (consolidated specification) at the time of filing Patents Form 14.

8.5 With effect from 1 Apr 2017, excess claims fees would be charged if –
   a. Number of claims at grant > number of claims at Search and/or Examination request (Patents Form 11/12); and
   b. Number of claims at grant > 20 claims.

8.6 If the excess claims fees have been paid during the Search and/or Examination request (Patents Form 11/12) (refer to Chapter 6.1.15), there will be no excess claim fees at grant if there are no additional excess claims added.

Example 1:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of claims when filing Patents Form 1</td>
<td>25</td>
</tr>
<tr>
<td>No. of claims after Patents Form 13 amendments</td>
<td>23</td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 11</td>
<td>23</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 11</td>
<td>23 – 20 = 3</td>
</tr>
<tr>
<td>Excess claim fee when filing Patents Form 11</td>
<td>$40 x 3 = $120</td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 14</td>
<td>23</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 14</td>
<td>0</td>
</tr>
<tr>
<td>Excess claim fee when filing Patents Form 14</td>
<td>$0</td>
</tr>
</tbody>
</table>
Example 2:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of claims when filing Patents Form 1</td>
<td>25</td>
</tr>
<tr>
<td>No. of claims after Patents Form 13 amendments</td>
<td>20</td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 12</td>
<td>20</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 12</td>
<td>0</td>
</tr>
<tr>
<td><strong>Excess claim fee when filing Patents Form 12</strong></td>
<td><strong>$0</strong></td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 14</td>
<td>26</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 14</td>
<td>26 - 20 = 6</td>
</tr>
<tr>
<td><strong>Excess claim fee when filing Patents Form 14</strong></td>
<td><strong>$40 \times 6 = $240</strong></td>
</tr>
</tbody>
</table>

Example 3:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of claims when filing Patents Form 1</td>
<td>22</td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 11</td>
<td>22</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 11</td>
<td>22 - 20 = 2</td>
</tr>
<tr>
<td><strong>Excess claim fee when filing Patents Form 11</strong></td>
<td><strong>$40 \times 2 = $80</strong></td>
</tr>
<tr>
<td>No. of claims when filing Patents Form 14</td>
<td>24</td>
</tr>
<tr>
<td>No. of excess claims when filing Patents Form 14</td>
<td>24 - 22 = 2</td>
</tr>
<tr>
<td><strong>Excess claim fee when filing Patents Form 14</strong></td>
<td><strong>$40 \times 2 = $80</strong></td>
</tr>
</tbody>
</table>

8.7 During the patent application process, the title of invention may have been amended by the applicant or examiner. The title of invention which will be reflected on the certificate of grant is as follows –

a. For PCT national phase applications proceeding to grant, the Registry will rely on the title of invention which is published on the PCT Gazette if there are no amendments made;

b. For PCT national phase applications proceeding to grant that are not originally filed in English, IPOS will rely on the title of invention which is found on the PCT Gazette as published if there are no amendments made. If applicants wish to retain the translated title of invention as originally filed, the applicant may write in via eCommunications to inform or indicate the preference on Part 2 of Patents Form 14;

c. For national applications that are searched and examined by IPOS examiners (i.e. via the filing of Patents Form 10 or 11) and are proceeding to grant, the title of the invention will follow that which has been approved or amended by the examiners.
8.8 The following examples illustrate the title of invention which will be reflected on the certificate of grant –

a. PCT national phase applications filed in English –

Example 1:

PCT application (originally filed):
Title of invention = A

PCT Gazette (publication):
Title of Invention = B

PCT application enters national phase in SG:
Title of invention given on cover letter/ in consolidated specification = A

The title of invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicants wish to retain the title of invention as originally filed, this preference must be clearly indicated on a cover letter accompanying Patents Form 14.

Example 2:

PCT application (originally filed):
Title of invention = A

PCT Gazette (publication):
Title of Invention = B

PCT application enters national phase in SG:
Title of invention given on cover letter/ in consolidated specification = C

The title of invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicants wish to change the title of the invention, they may file Patents Form 13 to amend the title from B to C.
b. PCT (SG) Applications that are not originally filed in English –

Example 1:

Translation of the PCT Application (originally filed):
Title of invention = A

PCT Gazette (publication):
Title of Invention = B

PCT application that enters national phase in SG and subsequently reflects:
Title of Invention given on cover letter/ in consolidated specification = A

The title of the invention will follow that which is indicated on the PCT gazette [B]. In the event that the applicants wish to retain the translated title of invention as originally filed, this preference must be clearly indicated on their cover letter accompanying Patents Form 14.

Example 2:

Translation of the PCT Application (originally filed):
Title of invention = A

PCT Gazette (publication)
Title of Invention = B

PCT application that enters national phase in SG and subsequently reflects:
Title of Invention given on cover letter/ in consolidated specification = C

The title of the invention will follow that which is indicated on the PCT gazette [B]. In the event the applicants wish to change the translated title of invention, they may file Patents Form 13 to amend the title from B to C.
c. National applications that are searched and examined by local examiners

Example 1:

National application (originally filed):
Title of invention = A

Amendment by Patent Examiner:
Title of Invention = B

Applicant subsequently file the following:
Title of Invention given on cover letter/ in consolidated specification = A

The title of invention will follow that which is amended by the examiners, i.e. [B]. In the event that the applicants wish to retain the title of invention as originally filed, this preference must be clearly indicated on a cover letter accompanying Patents Form 14.

Example 2:

National Application (originally filed):
Title of invention = A

Amendment by Patent Examiner:
Title of Invention = B

Applicants subsequently file the following:
Title of Invention given on cover letter/ in consolidated specification = C

The title of invention will follow that which is amended by the examiners, i.e. [B]. In the event that the applicants wish to change the title of invention of the application, they may file Patents Form 13 to amend the title from B to C.

8.9 Once the request is received, the Formalities officer will review the following requirements –
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Fee has been paid;</td>
</tr>
<tr>
<td>b.</td>
<td>Filing Date has been accorded;</td>
</tr>
<tr>
<td>c.</td>
<td>Preliminary examination has cleared;</td>
</tr>
<tr>
<td>d.</td>
<td>National security clearance has been issued, if applicable;</td>
</tr>
<tr>
<td>e.</td>
<td>The application is not abandoned, withdrawn, refused or granted;</td>
</tr>
<tr>
<td>f.</td>
<td>Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;</td>
</tr>
<tr>
<td>g.</td>
<td>Examination report has been established from request for Search and/or Examination (Patents Form 11/ 12), Supplementary Examination (Patents Form 12A), or Examination Review (Patents Form 12B/ 13);</td>
</tr>
<tr>
<td>h.</td>
<td>The Examination report does not contain unresolved objections on lack of unity;</td>
</tr>
<tr>
<td>i.</td>
<td>Notice of Eligibility has been issued;</td>
</tr>
</tbody>
</table>
| j. | The form is filed within 2 months from the date of issuance of Notice of Eligibility or extension of time is approved;  
*Rule 47(1),(2)* |
| k. | A set of specification incorporating all the amendments, corrections and missing part ("consolidated specification") is filed if the specification has been amended, corrected, or had missing part(s); Extension of time is required if the consolidated specification is filed after the timeline listed in (j);  
*Rule 47(4)* |
8.10 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong number of claims indicated on the form;
   ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the consolidated specification;
   iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b. If there is overpayment due to additional number of claims indicated on the form, the Formalities officer will refund the overpayment after the applicant files Form CM4 to correct the number of claims on the form.

c. If there is underpayment due to insufficient number of claims indicated on the form, the underpayment will be calculated and paid with Form CM4.

d. If the title of invention on record is different from the consolidated specification –
   i. Due to variation in translation or changes by examiner, the Formalities officer will clarify with the applicant on the preferred title and update accordingly;
   ii. Due to voluntarily changes to the title on record, the applicant can file Form CM4 correction of specification to correct the title of invention to the original title. Voluntary amendments to the title of invention is not possible;
   iii. Due to error in the consolidated specification, the applicant should file Form CM4 correction of specification to correct the title of invention.

e. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly;
f. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

8.11 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. If the prescribed time period for putting the application in order (Chapter 8.9) has passed, the patent application status will be updated to “Abandoned (EOT possible)”. The event will be entered in the Register and published in the Patents Journal.

**Issuance of Certificate of Grant**

8.12 If all the above requirements are met, the Formalities officer will proceed to update and review the following before issuing the Certificate of Grant –

- a. Ensure that the information reflected in the certificate of grant is correct and the presentation is neat (Font: Times New Roman, Font size: min 10).
- b. Information such as title, applicant, inventor, priority details etc should be updated if necessary.
- c. In the event that the certificate runs into more than one page, ensure that the details of the applicant is on the same page as the signature.

8.13 With effect from 14 Feb 2014, the Registry of Patents has changed to an electronic format for the certificate of grant. For IP2SG account holders, the soft copy of the certificate of grant will be sent to their eCommunications inbox in the IP2SG system. For non-account holders, the Registry will send a hard copy of the certificate of grant. The Registry will do so by printing the soft copy on plain paper and sending it to the applicant.

8.14 Upon issuance of the Certificate of Grant to the applicant, the status of the patent application will be updated to “Patent in Force”. The event will be entered in the Register and published in the upcoming Patents Journal. Publication of the notice on the grant of a patent will be done via Patents Journal A.

8.15 Previously, a patent application would be given an application number upon the filing of the application, and when it is published, it would be given another number that would be used as the publication number. When the patent application is granted, the publication number would also be used as the P-No. To simplify matters, this publication number / P-No. is no longer being issued or used with effect from 14 Feb 2014. All patent applications and subsequent patent grants will be referred to by their application numbers.
8.16 With effect from 1 November 2009, where a Certificate of Grant of Patent is sent to the proprietor, the Certificate will not be accompanied by the patent specification as granted. A copy of the granted patent specification can be downloaded from the IP2SG Public Search and Enquiry. Certificates of Grant of patent issued on 31 Jan 2010 onwards will in addition, bear the Singapore National Coat of Arms (State Crest).

**Regeneration of Certificate**

8.17 If there is an error in the certificate, the applicant may request for regeneration of certificate via eCommunications. The formalities officer will assess the request and regenerate the certificate if there is an error on our part. The regenerated certificate will be sent to the applicant via eCommunications.

8.18 If there were changes/ corrections filed after the certificate of grant is issued, the applicant may file Form CM12 to request for a revised copy of certificate of grant. There should be a note on the form to highlight that it is a request for revised certificate of grant.
9  POST-GRANT

9.1  Patent Renewal

9.1.1 The term of a patent is 20 years from the Date of Filing of the patent application or, in the event that a patent term extension is granted, up to the end of the extended term, subject to the payment of annual renewal fees. For more information on patent term extension, please refer to Chapter 9.2 below.

9.1.2 The proprietor is required to renew the patent annually, starting from the fourth anniversary. This allows the proprietor to review and determine whether it is of commercial interest to maintain the patent. The patent will lapse if the renewal fee is not paid within the prescribed period. This allows public access to the invention disclosed in the patent.

9.1.3 The patent may be renewed using Patents Form 15. If the patent has been endorsed with License as of Right (LOR), the patent can be renewed with Patents Form 53, with renewal fees halved. Bearing in mind that once a request to cancel the LOR is approved, the balance of the previously halved renewal fees will have to be paid to the Registry. For more information on licence of right, please refer to Chapter 11.5 below.

9.1.4 For patent renewals done via the electronic online system, the Acknowledgement Advice that is generated at the end of the online transaction shall be taken to be the Notification of Renewal for the renewing period. An online renewal transaction shall be considered successful when the required fees are successfully deducted. In the event that the deduction is not successful, the user will be notified immediately of the matter. The Acknowledgement Advice shall then be taken to be void.

9.1.5 Anyone can renew a patent. If the proprietor or his authorised agent is renewing the patent, Part 4 of the Patents Form 15 or 53 should be left empty. Otherwise, the person should indicate his details in this Part. The authorised agent should indicate his details in Part 6 of the form. It is not necessary for the agent to lodge a separate declaration of authorisation in Form CM 1.

9.1.6 A patent can be renewed 3 months before the renewal due date. If a patent is not renewed by the renewal due date, it may be renewed within 6 months with additional late payment fees. The status of the patent will be updated as “Lapsed (late renewal possible)”. If the patent is renewed within 6 months from the renewal due date with late payment fees, it is treated as if it has never lapsed.
First Renewal

9.1.7 The first renewal of a granted patent is due on the 4th anniversary from the date of filing of the patent. This renewal is intended to maintain the patent in force for the upcoming year, i.e. the 5th year. For example,

<table>
<thead>
<tr>
<th>Date of Filing</th>
<th>1 Jun 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>5th year renewal due date</td>
<td>1 Jun 2017</td>
</tr>
</tbody>
</table>

9.1.8 In the event that patent was granted after 45 months from date of filing, the first renewal will only be payable within 3 months from the date of grant. For example,

<table>
<thead>
<tr>
<th>Date of Filing</th>
<th>1 Jun 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>45th month</td>
<td>1 Mar 2017</td>
</tr>
<tr>
<td>Grant Date</td>
<td>1 Apr 2017</td>
</tr>
<tr>
<td>5th year renewal due date</td>
<td>1 Jul 2017</td>
</tr>
</tbody>
</table>

Subsequent Renewal

9.1.9 Subsequent renewal will be due on the anniversary of the Date of Filing. Using the examples listed above, the renewal for the 6th year will be due on 1 Jun 2018.

9.1.10 If patent term extension is granted after the expiry of the term of patent, the proprietor would have 3 months from the date of certificate of the patent term extension to renew the patent for the upcoming year. For example,

<table>
<thead>
<tr>
<th>Date of Filing</th>
<th>1 Jun 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patent term expiry date</td>
<td>1 Jun 2033</td>
</tr>
<tr>
<td>Patent term extension grant date</td>
<td>1 Jul 2033  (after 20th year expiry date)</td>
</tr>
<tr>
<td>21st year renewal due date</td>
<td>1 Oct 2033  (1 Jul 2033 + 3 months)</td>
</tr>
</tbody>
</table>
9.1.11 In the event that the patent term extension is granted before the expiry of the term of patent but there is less than 3 months available for the proprietor to renew the patent without additional fees, the Registry would issue Rule 100 to give the proprietor sufficient time, i.e. 3 months to renew the patent. For example,

| Date of Filing | 1 Jun 2013 |
| Patent term expiry date | 1 Jun 2033 |
| Patent term extension grant date | 1 May 2033 (before 20th year expiry date) |
| 21st year renewal due date | 1 Jun 2033 |
| 21st year renewal with Rule 100 | 1 Aug 2033 (1 May 2033 + 3 months) |

9.1.12 Once the renewal request is received, the system will perform the following checks –

a. Renewal fee has been paid;

b. The application has proceeded to grant;

c. The patent status is in force or lapsed (late renewal possible);

d. The form is filed within 3 months before the renewal due date or within 6 months after the renewal due date;

e. Renewal fee and any additional fee are correct. For patent endorsed with licence as of right, the renewal fee is halved;

f. The patent has not been renewed for the same year;

g. If renewal is for 21st year or above, patent term extension has been approved.

9.1.13 If application satisfies the above criteria, the patent will be automatically renewed by the system. The event will be entered on the Register of Patents, and published in the coming month of the Patents Journal. If the patent status is “Lapsed (late renewal possible)”, the patent status will be updated to “In Force”.

9.1.14 If any of the above requirements are not met for the system to approve Patents Form 15/53 automatically, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. correction of the year of renewal and/or number of months of late fees sought. If there is overpayment due to miscalculation of the renewal fees payable, the overpayment would be refunded to the applicant if Form CM4 is filed to correct the error.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

9.1.15 If the patent is not due for renewal or has already been renewed, the Formalities officer will refuse the renewal. Upon refusal, a refund request will be initiated.

9.1.16 If the patent has lapsed due to non-payment of renewal fees, the Formalities officer will refuse the application and invite the applicant to Request for Restoration by filing Patents Form 19 together with a Statutory Declaration. Upon refusal, a refund request will be initiated.

9.1.17 If there is insufficient payment due to miscalculation of the renewal fees payable, the Formalities officer will refuse the application and invite the applicant to put in a new request with the correct fees as soon as possible. Upon refusal, a refund job will be initiated.

Renewal Reminders

9.1.18 The system will automatically issue a notification to the proprietor and also send a copy to the last person who renewed the patent to inform that the window for renewal is open.

9.1.19 This is not intended to be a replacement of the proprietor’s tracking system, but rather as an additional service introduced to assist the proprietor in case of a breakdown of their own tracking system. The absence of this letter is not a valid reason for the proprietor to miss the renewal and Rule 100 of the Patents Rule will not be invoked to allow payment of renewal fee with no additional fees after the prescribed period.

9.1.20 If the renewal payment is overdue, the system will automatically issue a second notification to the proprietor and also send a copy to the last person who renewed the patent to inform that the payment is overdue, and the consequences of non-payment. He will be invited to renew the patent with late fees. At the same time, the status of the patent will be updated as lapsed (late renewal possible). In the event that the second renewal reminder mentioned above was not issued within 1 month from the renewal due date, the Registry...
will invoke Rule 100 of the Patents Rule to allow payment of the renewal fees within 2 months with no additional fees.

**Patent Lapsed**

9.1.21 The system will update the status of the patent as “Lapsed (restoration possible)” at the end of 6 months following the renewal date. The event will be entered into the Register, and published in the Patents Journal. A notification will be sent to the proprietor or his authorized agent on record to notify and invite him to request for restoration.

9.1.22 At the end of 18 months (for renewal due on or after 14 Feb 14) from the renewal due date, if the patent has not been restored and no restoration request is pending, the patent status will be updated to “Lapsed”. Please refer to Chapter 9.4 for more information on restoration.

**Patent Expiry**

9.1.23 The term of patent is 20 year from the date of filing. For example, a patent with a date of filing of 1 Apr 2001 will have a term of protection up to and inclusive of 31 Mar 2021.

9.1.24 It is possible to request for patent term extension under certain circumstances. Refer to Chapter 9.2 for more information on patent term extension. In the event that patent term extension is approved, the patent will only expire at the end of the extended term of protection. Using the example above, if the patent term is extended by 3 months, the patent will only expire on 31 Jun 2021.

9.1.25 Once the patent term is up, system will update the status of the patent as expired. The event will be entered on the Register of Patents, and published in the coming month of the Patents Journal. Using the example above, the patent will be updated as expired at midnight on 1 April 2021.

9.1.26 The system will not update the status of the patent if there is restoration, patent term extension or surrender request pending. Upon successful patent term extension or surrender, the patent status will be updated accordingly and the expiry will not take place. In all other circumstances, the expiry will only be entered on the register after the request is completed. However, the expiry would be effective as of the original expiry date.

9.1.27 Similarly, where the term of patent has been extended and it is still possible to renew the patent, the patent will not be updated as expired until the patent is renewed or the end of the prescribed period for payment of renewal fee and any late fees. This is to avoid confusion to the public who would otherwise see that a patent is renewed after expiry.

9.1.28 With effect from 1 January 2010, the Registry of Patents no longer issues a notice to the proprietor or his authorised agent on record. This is implemented
in response to feedback from stakeholders that they are not interested to be informed since the patent has expired.

Unsolicited IP Services

9.1.29 There may be cases of unsolicited mails on Intellectual Property (IP) protection and renewal services being received by IP holders.

9.1.30 They may take the form of an official notification, inviting recipients to make payment for the registration or renewal of their IP on record. To our information and belief, these mails could appear to originate from private business establishments, which are neither related to nor connected with IPOS or WIPO. IP holders are reminded to treat these notifications with caution if they receive any of such mails from entities other than IPOS, WIPO or their appointed IP agent.

9.1.31 IP holders may contact IPOS or their IP agents to verify the authenticity of a communication which they have received. For samples of unsolicited mails, please refer to a similar notice issued by the WIPO.

9.2 Extension of the Term of Patent

9.2.1 The term of a patent is 20 years from the Date of Filing of the patent application or, in the event that a patent term extension is granted, up to the end of the extended term, subject to the payment of annual renewal fees. The patent will lapse if the renewal fee is not paid within the prescribed period.

9.2.2 For patents granted for applications with a Date of Filing on or after 1 July 2004, the proprietor may request to extend the term of a patent beyond 20 years from its Date of Filing by filing Patents Form 54.

9.2.3 The grounds on which such extensions may be granted on are as follows –

   a. There was an unreasonable delay by the Registrar in granting the patent;
   b. Where the patent was granted on the basis of any prescribed documents relating to the corresponding application or related national phase application under a request for Supplementary Examination report (Patents Form 12A), that –

      i. there was an unreasonable delay in the issue of the corresponding patent or related national phase patent (as the case may be); and
      ii. the patent office that granted the corresponding patent or related national phase patent (as the case may be) has extended the term of the corresponding patent or related national phase patent (as the case may be) on the basis of such delay;
c. Where the subject of the patent includes any substance which is an active ingredient of any pharmaceutical product, that –

i. there was an unreasonable curtailment of the opportunity to exploit the patent caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient; and

ii. the term of the patent has not previously been extended on this ground.

9.2.4 The applicant may request for extension of patent term within the following time periods –

a. For unreasonable delay by the Registrar in granting the patent, unreasonable delay in the issuance of the corresponding patent or related national phase patent, or extension of term of patent for the corresponding patent or related national phase patent –

   i. within 6 months from the date of the grant of the patent

b. For unreasonable curtailment of the opportunity to exploit the patent caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient –

   i. within 6 months from the date of the grant of the patent, or the date marketing approval was obtained, whichever is the later;

   ii. not later than 6 months before the end of the period of 20 years referred to in Section 36(1); and

   iii. while the patent is still in force.

Unreasonable Delay by the Registrar in Granting the Patent

9.2.5 A delay by the Registrar in granting a patent shall not be treated as an unreasonable delay by the Registrar in granting the patent unless –

a. The interval between the date of filing of the application for the patent and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 4 years; or

b. The interval between the date on which the applicant –

   i. filed a request for a search and examination report in (Patents Form 11); or

   ii. filed a request for an examination report (Patents Form 12),

and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 2 years.
9.2.6 The period “attributable to an act or omission of the applicant” includes (without prejudice to the generality of the expression) any of the following periods which is applicable –

a. The period taken by the applicant to pay the filing fee for Patents Form 1/8 under Section 25(1)(b), calculated from the date of filing of the application for the patent to the date on which the filing fee is paid;

b. The period taken by the applicant to make observations under Section 26(3)(b)(i) which satisfy the Registrar that the documents filed at the Registry to initiate the application satisfy all of the conditions for date of filing of application to be allocated under Section 26(1)(a), (b) and (c)(i) or (ii), calculated from the date of the Registrar’s notification to the applicant under Section 26(3)(a) to the date on which the applicant makes the observations;

c. The period taken by the applicant to file the documents related to the earlier relevant application under Section 26(7)(a), (b) and (c), calculated from the date of filing of the application for a patent to the date on which the applicant files the documents;

d. The period taken by the applicant to comply with Section 26(9)(b), if the applicant, after filing at the Registry any missing part of the application, makes a request to the Registrar for Section 26(8)(b) not to apply to the application (i.e. retain original date of filing), calculated from the date on which the applicant filed at the Registry the missing part of the application to the date on which the applicant complies with Section 26(9)(b);

e. The period taken by the applicant to make a new application (divisional application) for a patent under Section 26(11)(a), calculated from the date of filing of the earlier application for a patent referred to in Section 26(11) to the date on which the new application is made;

f. The period taken by the applicant to file one or more claims under Section 26(12)(a)), calculated from the date of filing of the application for the patent to the date on which the applicant files the claim or claims;

g. The period taken by the applicant to –
   i. make observations to comply with the formal requirements during preliminary examination under Section 28(4)(a); or
   ii. amend his application to comply with all the formal requirements during preliminary examination under Section 28(4)(a), calculated from the date of the Registrar’s notification under Section 28(4) to the date on which the applicant makes the observations or the earliest date on which the application, as amended by the applicant, complies with all the formal requirements.

h. The period taken by the applicant to comply with Section 28(9)(b), if the applicant, after filing any drawing or part of the description of the invention...
which is missing from the application, makes a request to the Registrar for Section 28(8)(b) not to apply to the application (i.e. retain original date of filing), calculated from the date of the Registrar’s notification under Section 28(7) to the date on which the applicant complies with Section 28(9)(b);

i. The period taken by the applicant to –
   i. file a request for a Search report under Section 29(1)(a) and pay the prescribed fee for that report; or
   ii. file a request for a Search and Examination report under Section 29(1)(b) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the request and pays the fee.

j. The period taken by the applicant to file the prescribed documents and a request for an Examination report under Section 29(1)(c) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the documents and request and pays the fee;

k. The period taken by the applicant to file the prescribed documents and a request for a Supplementary Examination report under Section 29(1)(d) and pay the prescribed fee for that report, calculated from the date of the Registrar’s notification under Section 28(11) to the date on which the applicant files the documents and request and pays the fee;

l. The period taken by the applicant to file a request for an Examination report under Section 29(3), calculated from the date of the Registrar’s letter forwarding a copy of the search report under Section 29(2)(b) to the date on which the applicant files the request;

m. The period taken by the applicant to respond to a written opinion under Section 29(9)(a), calculated from the date of the Registrar’s letter forwarding a copy of the written opinion under Section 29(7) or (8) to the date on which the applicant responds to the written opinion;

n. The period taken by the applicant to amend the specification of the application under Section 29(9)(b), calculated from the date of the Registrar’s letter forwarding a copy of the written opinion under Section 29(7) or (8) to the date on which the applicant makes the amendment;

o. The period taken by the applicant to apply for a review of the Examination report, Search and Examination report or Supplementary Examination report under Section 29A(4)(a), calculated from the date of the Registrar’s notice under Section 29A(3) to the date on which the applicant files the request;
p. The period taken by the applicant to amend the specification of the application for a request for Examination review report under section 29B(2), calculated from the date of the Registrar's notice under section 29A(3) to the date on which the applicant makes the amendment;

q. The period taken by the applicant to satisfy the conditions for payment of grant fee under Section 30(a) and (c), calculated from the date of the Notice of eligibility to proceed to the grant of a patent under Section 29A(1) or 29B(5)(b)(i) that is received by the applicant to the date on which the applicant satisfies the conditions under Section 30(a) and (c);

r. Where the application is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3), the period taken by the applicant to cause the application to enter the national phase in Singapore, calculated from the date of the filing of the application in accordance with the Patent Co-operation Treaty to the date on which the national phase of the application begins under section 86(3);

s. The period taken by the applicant to rectify any failure to comply with any requirement under the Act or these Rules, such period –
   i. to be calculated from the date by which the applicant is required to comply with the requirement to the date on which the applicant rectifies the failure to comply with the requirement; and
   ii. to include any period taken by the Registrar or the Registry to detect or to notify the applicant of the applicant's failure to comply with the requirement.

t. The period taken by the applicant to respond to any request by the Registrar for any document, information or evidence, calculated from the date of the Registrar's notification to the applicant of the request to the date on which the applicant responds to the request;

u. Any extension or alteration of any period to do anything that is granted by the Registrar or the court at the request or on the application of the applicant.

Subject of the patent includes any substance which is an active ingredient of any pharmaceutical product

9.2.7 A curtailment of the opportunity to exploit a patent, the subject of which includes a substance which is an active ingredient of any pharmaceutical product, caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient, shall not be treated as an unreasonable curtailment unless –
a. The marketing approval was obtained after the date of issue of the certificate of grant; and
b. The interval between the date the application for marketing approval was filed and the date marketing approval was obtained, excluding any period attributable to an act or omission of the applicant for marketing approval, exceeds 2 years.

9.2.8 The applicant should submit to the Registrar a certificate from the relevant authority stating –

a. The date the application for marketing approval was filed;
b. The date marketing approval was obtained; and
c. For each period attributable to an act or omission of the applicant for marketing approval, the dates on which the period started and ended.

9.2.9 The period “attributable to an act or omission of the applicant” includes (without prejudice to the generality of the expression) any of the following periods which is applicable –

a. The period taken by the applicant for marketing approval to correct deficiencies in his application for marketing approval, calculated from the date of the relevant authority’s notification to the applicant for marketing approval of the deficiencies to the date on which the applicant for marketing approval corrects the deficiencies;
b. The period taken by the applicant for marketing approval to respond to any request by the relevant authority for clarification or information, calculated from the date of the relevant authority’s request to the date on which the relevant authority receives the response of the applicant for marketing approval; and
c. Any extension of any period to do anything that is granted by the relevant authority at the request or on the application of the applicant for marketing approval.

9.2.10 The Registrar shall extend the term of the patent according to the following conditions and reasons which the extension was requested upon –
<table>
<thead>
<tr>
<th>Unreasonable delay by the Registrar in granting the patent (Section 36A(1)(a))</th>
<th>Period of Unreasonable Delay</th>
<th>Period of Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The interval between the date of filing of the application for the patent and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 4 years.</td>
<td>The period by which this interval exceeds 4 years.</td>
<td>Rule 51A(6)</td>
</tr>
<tr>
<td>B. The interval between the date on which the applicant –</td>
<td>The period by which this interval exceeds 2 years.</td>
<td></td>
</tr>
<tr>
<td>i. filed a request for a Search and Examination report; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. filed a request for an Examination report,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 2 years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When both A and B are applicable.</td>
<td>By the longer of the following periods:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. the period by which the interval referred to in Part A exceeds 4 years;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. the period by which the interval referred to in Part B exceeds 2 years.</td>
<td></td>
</tr>
</tbody>
</table>
### Reason for Extension of the Term of the Patent

<table>
<thead>
<tr>
<th>Period of Unreasonable Delay</th>
<th>Period of Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unreasonable curtailment of the opportunity to exploit the patent (Section 36(1)(c))</td>
<td>-</td>
</tr>
</tbody>
</table>

- i. A period equivalent to the interval between the date of issue of the certificate of grant and the date marketing approval was obtained;

- ii. The period by which the interval between the date the application for marketing approval was filed and the date marketing approval was obtained, excluding any period attributable to an act or omission of the applicant for marketing approval, exceeds 2 years;

- iii. A period of 5 years.

Only apply to the substance which is the active ingredient in the pharmaceutical product.

**Rule 51A(8)**

9.2.11 Once the request is received, the Formalities officer will review the following requirements –

- a. The fee has been paid;

- b. The date of filing of the patent is on or after 1 July 2004;

- c. Patent is still in force;
9.2.12 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly;

c. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

9.2.13 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the proprietor. The event will be entered on the Register.

9.2.14 If the request satisfies all requirements, the Formalities officer will approve the request for extension of the term of the patent and send the letter of “Certificate of Extension of Patent Term” to the proprietor. The event will be entered on the Register.

d. Names of the patentees on the form corresponds with the records;

e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;

f. The form is filed within the timelines mentioned in Chapter 9.2.4;

g. The documentary evidence and/or certificate are submitted.
9.3 Amendment after Grant

9.3.1 The proprietor may make voluntary amendments to the specification of a patent after grant, provided that the amendment does not disclose any additional matter or extend the scope of protection. This gives the applicant the opportunity to refine his application to overcome newly discovered prior art, without prejudicing the rights of third parties. The amendment will be deemed always to have had effect from the grant of the patent.

9.3.2 The proprietor may request to amend the specification (description, claims and drawings) after grant together with the supporting documents to support the reason(s) for amendments by filing Patents Form 17.

9.3.3 From 1 Apr 2017, both marked-up amendments and clean copies of the amended sheets are required. Applicants should submit and select these attachments according to the correct document type. In the event that there is a discrepancy between the clean and marked-up copies, the clean copy would be relied upon. Amendments should be made based on the latest set of specification on record.

9.3.4 When making the amendments, sufficient evidence setting out fully the reason(s) for amendments, including the circumstances leading to the amendments and any evidence in support thereof should be submitted. If there is undue delay in seeking the amendment, the proprietor will be requested to submit reason(s) for the delay in seeking the amendment.

9.3.5 Post-grant amendments will also be assessed based on the following criteria:
   a. Whether relevant matters are sufficiently disclosed;
   b. Whether there was any unreasonable delay in seeking amendments; and
   c. Whether the patentee has gained an unfair advantage obtained by delaying amendments which are known to be needed.

9.3.6 The above requirements are in alignment with UK post-grant amendment guidelines and recent Singapore High Court decisions of Ship’s Equipment Centre Bremen GmbH v Fuji Trading (Singapore) Pty Ltd & Ors [2015] SGHC 159, and Warner-Lambert Company LLC v Novartis (Singapore) Pte Ltd [2016] SGHC 106.

9.3.7 Once the request is received, the Formalities officer will review the following requirements –

   a. Fee has been paid;

   b. The patent is granted. Otherwise, Patents Form 13 should be used;
9.3.8 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. Error on the reason for making the amendment, or number of pages of amendments made;
   ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;
   iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents e.g. supporting documents submitted to support the reasons for making the amendments.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunication.

9.3.9 If all requirements are met, the Formalities officer will forward the request to the Patent Examiner for review. The proprietor will be notified via letter.

9.3.10 If the examiner requires additional supporting documents or clarification regarding the amendments, the Formalities officer will send the Examiner’s comments to the proprietor. The proprietor will be invited to clarify within 2
months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

9.3.11 If there is no response from the proprietor, the request will be refused. If the proprietor responds within the above timelines, the response will be forwarded to the Patent Examiner for review.

9.3.12 If examiner has objections on the proposed amendments, the Formalities Officer will issue Notification of Intention to Refuse to the proprietor. Within 1 month from the date ofNotification of Intention to Refuse, the applicant may request to be heard in the matter by filing Form HC4.

9.3.13 If the examiner has objections on certain parts of the proposed amendments, the Formalities officers will issue a notification to request the applicant to submit a revised copy of the amendments which only incorporates those allowable amendments within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

9.3.14 If examiner is satisfied that the amendments can be allowed, the Formalities Officer will proceed to grant leave to amend the specification. The amended specification will be published in the Patents Journal for opposition. The event will be entered in the register.

**Opposition**

9.3.15 Any person may oppose to the application to amend the specification. They may do so by filing Patents Form 58 within 2 months from the date of the advertisement. The request should be accompanied by a statement setting out the facts relied upon for opposition and the relief sought.

9.3.16 If an opposition is filed, IPOS Hearings and Mediation Group (HMG) will communicate to the Registry on the outcome of the opposition.

a. If the outcome of the opposition is successful, the Formalities officer will refuse the request. The event will be updated in the register.

b. If the outcome of the opposition is unsuccessful, the Formalities officer will invite the applicant to file new specification as amended.

**New Specification**

9.3.17 Where the applicant has been invited to file the new specification, the applicant must submit the document within 2 months from the date of Notification to file New Specification as Amended via eCommunications. The new specification should incorporated the approved amendments accordingly. No new amendment or correction may be introduced in the new specification, unless it is to correct formalities, such as page number.

**Rule 52(8)**
If the new specification is not in order, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

To rectify errors, the applicant may file Form CM4 and select the following correction type accordingly –

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the amended specification;

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly;

c. To submit clarification letters or documents in response to our letter, the applicant may reply via eCommunication.

If the objections cannot be overcome or there is no response from the applicant, the request will be refused. The event is updated in the register.

When all the requirements are met, the Formalities officer will approve the request. The event will be updated in the Register and the new specification will be made available on public search.

**9.4 Restoration of Patent**

A patent will cease to have effect at the end of the prescribed period for the payment of renewal fee if it is not paid within that period. The status of the patent will be updated as “Lapsed ("Restoration possible)" once the due date to pay for renewal fees with late payment fees has expired (i.e. within 6 months after the renewal due date).

It is possible to restore the patent within 18 months (for patents lapsed on or after 14 Feb 2014) if the proprietor is able to demonstrate that the lapse of the patent was unintentional. Third parties’ rights which can accrue would be protected.

The proprietor may request for Restoration of Patent by filing Patents Form 19 together with a Statutory Declaration.

For patent lapsed on or after 14 Feb 2014, restoration is allowed if the Registrar is satisfied that the failure to pay renewal fees within the prescribed period is unintentional. The unintentional test is applied on the proprietor of the
patent or any person entitled to the patent at the time when renewal fees was payable.

9.4.5 Once the request is received, the Formalities officer will review the following requirements –

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fee has been paid;</td>
</tr>
<tr>
<td>b. The patent has lapsed;</td>
</tr>
<tr>
<td>c. The form is filed within 18 months after the renewal due date;</td>
</tr>
<tr>
<td>d. Statutory declaration or affidavit is submitted within 14 days from the date of receipt of Patents Form 19.</td>
</tr>
<tr>
<td>e. The applicant for restoration is either the person who was proprietor of the patent or any other person entitled to the patent if it had not ceased to have effect. Where the patent was held jointly by 2 or more persons, it is possible for the application to be made by one or more of the them;</td>
</tr>
<tr>
<td>f. Review the statutory declaration and determine whether the lapse of the patent is unintentional;</td>
</tr>
</tbody>
</table>

9.4.6 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued. If the reason(s) stated is not satisfactory or sufficient to show continuing underlying intention to proceed with the application, the Formalities officer will request for supplementary statutory declaration to clarify any doubts.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.
b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters, supplementary statutory declaration and any evidence in response to our letter, the applicant may reply via eCommunication.

9.4.7 If the formal objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request. If the period for restoration has passed, the status will of the patent will be updated as “Lapsed”. If it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.  

9.4.8 If all formal requirements are met, the Formalities officer will acknowledge and advertise the application. An event will be entered on the Register of Patents, and published in the next Patents Journal. The patent status will be updated as “Lapsed (restoration pending)”. The advertisement constitutes the notice required by Section 39(4) of the Patent Act and concludes the period referred to Section 53(10) of the Patents Act where a person who began in good faith to do an act which would have constituted an infringement of the patent, can continue to do so.

9.4.9 If the Formalities officer is satisfied that the application can be allowed, the proprietor will be notified to pay the additional fee for restoration and all unpaid renewal fee within 2 months from date of notification.

9.4.10 If the Formalities officer is still not satisfied that the lapse of patent is unintentional, a Notice of Intention to refuse will be issued. Within 1 month from the date of Notification of Intention to refuse, the proprietor may request to be heard in the matter. This may be done by filing Form HC4.

9.4.11 If the outcome of the hearing is to refuse the request for restoration, the applicant will be notified. The status of the application will remain unchanged.

9.5 Payment of Additional Fee and Renewal Fee for Restoration of Patent

9.5.1 The proprietor may proceed to make the payment of additional fee and renewal fee for Restoration of Patent by filing Patents Form 20 within 2 months from date of the Registrar’s notification.

9.5.2 Once the request is received, the system will review the following requirements –

   a. Patents Form 20 is filed within 2 months from the date of notification;  

   b. The number of year of unpaid renewal fee is correctly indicated and paid.
9.5.3  If all requirements are met, the system will automatically issue a letter to inform the proprietor that the patent is restored. An event will be entered on the Register of Patents, and published in the next Patents Journal. The patent status will be updated as “Patent in Force”.

9.5.4  If the Patents Form 20 request does not fulfil the requirements for restoration of patent to be automatically completed, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a.  To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b.  To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly;

c.  To submit clarification letters, supplementary statutory declaration and any evidence in response to our letter, the applicant may reply via eCommunication.

9.5.5  If the objections cannot be overcome or there is no response within the time period, the request will be refused. If the period for payment of additional fee has passed and the period for restoration has also passed, the status of the patent will be updated as “Lapsed”. If the period for payment of additional fee has passed but it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.

9.5.6  If the application is in order, the Formalities officer will proceed to approve the restoration and notify the proprietor via letter. The event will be entered on the Register of Patents, and published in next Patents Journal. The status will be updated to “Patent in Force”.

Non Payment of Additional Fees for Restoration and Any Unpaid Renewal Fees

9.5.7  In the event that payment is not received within 2 months from the date of Registrar’s notification, Registrar will issue a reminder letter.

9.5.8  If the applicant wishes to pursue the restoration, he may still proceed to file Patents Form 20 together with a request for an extension of time. The applicant may request for multiple extension of time up to 6 months from the original timeline. Any request for extension of time should be made on Patents Form 45 before the end of 6 months from expiry of the original timeline. It is also Rule 108(3)

Rule 108(5)
possible to request for extension beyond the 6 months, but the applicant must satisfy the Registrar that he has continuing underlying intention to proceed with the application before the extension of time is allowed.

9.5.9 Otherwise, the system will proceed to refuse the request for restoration of patent. The event will be entered in the Register. If both the period for payment of additional fee and the period to request for restoration have passed, the status of the patent will be updated as “Lapsed”. If the period for payment of additional fee has passed, but it is still possible to request for restoration, the status will be updated to “Lapsed (restoration possible)”.
10 EXTENSION OF TIME

10.1 Extension of Time or Period

10.1.1 A time period may be prescribed in the Rules or specified by the Registrar under these rules for doing certain acts. This is to provide certainty to the public on the status of the application. If the applicant/proprietor is unable to comply with the given time period, it may result in abandonment or refusal of the patent application.

10.1.2 However, it may be possible to request for an extension of time to comply with some time periods under certain conditions. This ensures that the applicant’s rights are reasonably protected.

10.1.3 The applicant/proprietor may request for extension of time or period by filing Patents Form 45. The following table illustrates the rules which may be extended –

<table>
<thead>
<tr>
<th>Extension of Time</th>
<th>Patent Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannot be extended</td>
<td>Rule 8(1), 9(1), (2) and (3), 9A(1) and (2)(a), 19(2), 26(5), 26A(1) and (5)(a), 28(a), (b), (c) and (d), 29(4), 34(2), 46(4), (4A) and (5)(c), 49, 51(1), (2) and (2A), 51A(1) and (2), 52(2), 53(1), 73(1), 74(1), 75, 85(1), 86(3A), 88(8)(a), 88A(11), 91(5) and paragraph 4(2) of the Fourth Schedule;</td>
</tr>
<tr>
<td></td>
<td>Rule 26(3) (except so far as it relates to the filing of the documents prescribed under Rule 26(4)(a) and (b));</td>
</tr>
<tr>
<td></td>
<td>Rule 26A(4) (except so far as it relates to the furnishing of the information prescribed under Rule 26A(6)(b) and the filing of the documents prescribed under Rule 26A(7)); or</td>
</tr>
<tr>
<td></td>
<td>Rule 34(5) (except so far as it relates to the furnishing of the information prescribed under Rule 34(7)(b) and the filing of the documents prescribed under Rule 34(8));</td>
</tr>
<tr>
<td>May be extended up to 6 months</td>
<td>Rule 8(2), 9A(5), 9B(1) or (4), 9C(1), 17(3), 28(e) or (g), 45(2), 46A(2) or (5), 51A(3), 53(4), 67, 68, 84(1), 86(4)(b), 88(1) or 112(4) or (5)(b) or paragraph 1(3) of the Fourth Schedule;</td>
</tr>
<tr>
<td></td>
<td>Rule 26A(4) (so far as it relates to the furnishing of the information prescribed under rule 26A(6)(b) and the filing of the documents prescribed under Rule 26A(7)); or</td>
</tr>
<tr>
<td></td>
<td>Rule 34(5) (so far as it relates to the furnishing of the information prescribed under Rule 34(7)(b) and the filing of the documents prescribed under Rule 34(8));</td>
</tr>
</tbody>
</table>
### Extension of Time

<table>
<thead>
<tr>
<th>May be extended up to 18 months</th>
<th>Patent Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 18(1), 19(11), 26(2), 28(f), 34(1A), 38, 42(3), 43, 47(1), or 86(1), (6), (8) or (8A); or</td>
<td>Rule 108(4)</td>
</tr>
<tr>
<td>Rule 26(3) (so far as it relates to the filing of the documents prescribed under rule 26(4)(a) and (b))</td>
<td>Rule 108(1)</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>An extension of time may be requested for any time or period prescribed by the Patent Rules for doing any act or taking any proceedings, and any time or period specified by the Registrar under the Patent Rules.</td>
<td></td>
</tr>
<tr>
<td>It may be submitted as a written request by a party no later than 6 months after the first expiry of the time or period via eCommunications. The Registrar will review the explanations and supporting documents (if any) to determine if the extension of time is allowable.</td>
<td></td>
</tr>
<tr>
<td>This is not applicable for Patent Rules mentioned in Rules 108(2), (3), (4) and 108A.</td>
<td></td>
</tr>
</tbody>
</table>

#### 10.1.4 For extension of time under Rule 108(3) or (4), the applicant may request for multiple extension of time up to 6 or 18 months, depending on the requested rule. The form should be filed before the end of 6 or 18 months from the original due date.

#### 10.1.5 The Patents Rules listed in Rules 108(3) and (4) may be further extended by filing Patents Form 45. A single request may be made for the further extension of more than one time or period in the same proceedings if the extensions are to be made to a common date. The following filing requirements should also be met –

- a. The request for further extension must be filed no later than 6/18 months after the first expiry of the time or period for Rules listed in Chapter 10.1.3;

- b. Time period has already been extended for 6/18 months, depending on the Patent Rule(s) for which the extension is sought;

- c. Statutory declaration, or an affidavit, setting out the grounds for the request is submitted. The delay giving rise to the request for extension of time or period should be unintentional. The Formalities officer should be satisfied that the applicant has continuing underlying intention to proceed with the application.
Rule 108(3):

Extension of time for Rule 45(2) - once:

Original due date: 15 Jun 2017
Extension filed: 12 Dec 2017
Max. period of extension (6 months): 15 Dec 2017

Extension of time for Rule 45(2) - multiple times:

Original due date: 15 Jun 2017
First extension filed: 10 Aug 2017
Second extension filed: 1 Nov 2017
Max. period of extension (6 months): 15 Dec 2017

Rule 108(4):

Extension of time for Rule 38 - once:

Original due date: 15 Jun 2017
Extension filed: 15 Jul 2018
Max. period of extension (18 months): 15 Dec 2018

Extension of time for Rule 38 - multiple times:

Original due date: 15 Jun 2017
First extension filed: 15 Dec 2017
Second extension filed: 14 Dec 2018
Max. period of extension (18 months): 15 Dec 2018
10.1.6 Once a request for extension of time (EOT) under Rule 108(3)/(4) (For patent applications lodged after on or after 14 Feb 2014) is received, the system will review the following requirements –

a. Only one rule is selected for extension;

b. The form is filed within 6 or 18 months (depending on the Patent Rule for which extension is sought) from the original due date;

c. The total period of extension does not exceed 6 or 18 months;

d. For extension of time for pre-grant rules, the patent should not be granted;

e. The application is not withdrawn;

f. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved.

10.1.7 If the request satisfies the above criteria for the system to approve automatically, the time period specified will be extended. There will be an entry made in the Register.

a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.
b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible) due to another time period which has not been met, the status will remain unchanged.

10.1.8 If the request does not satisfy the above criteria for it to be approved automatically, the Formalities officer will review the above requirements manually.

10.1.9 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

   a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
      i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
      ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

   b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

   c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunication.

10.1.10 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request. The status of the application will remain unchanged.

10.1.11 If the request satisfies the requirements, the Formalities officer will approve the request for extension. There will be an entry made in the Register.

   a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.

   b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to another time period which has not been met, the status will remain unchanged.

**Extension of Time (EOT) under Rule 108(5)**

10.1.12 Once a request for extension of time (EOT) as of right under Rule 108(5) (Patents Form 45 – For patent applications lodged after on or after 14 Feb 2014) is received, the Formalities officer will review the following requirements –
10.1.13 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the reason(s) stated is not satisfactory or sufficient to show continuing underlying intention to proceed with the application, the Formalities officer will request for supplementary statutory declaration to clarify any doubts. It is possible to write in to request for an extension of time for furnishing supplementary statutory declaration.

- **a.** Fee has been paid;
- **b.** For extension of time for pre-grant rules, the patent should not be granted;
- **c.** Representation details and/or address for service on form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;
- **d.** Extension as of right has been exhausted for patent applications lodged before 14 Feb 2014;
- **e.** The form is filed within 6 or 18 months (depending on the Patent Rule for which extension is sought) for patent applications lodged on or after 14 Feb 2014.
- **f.** Statutory declaration or affidavit has been filed and the applicant has provided supporting reasons to show his continuing underlying intention (“CUI”) to proceed with the application;

10.1.14 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will issue Notification of Intention to refuse. The applicant may request for hearing by filing Form HC4 within 1 month from the date of Notification of Intention to Refuse.

10.1.15 If the outcome of the hearing is to refuse the extension of time, the applicant will be notified. For applications lodged on or after 14 Feb 2014, a refund will
be made for the additional fees paid for the period of extension of time sought. The status of the application will remain unchanged.

10.1.16 If the requirements are met or the outcome of the hearing is positive, the Formalities officer will approve the extension of time for the period specified.

a. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to that particular time period, the status will be updated to “Pending (not published)” or “Pending (published)” depending on whether publication under Section 27 has taken place.

b. If the patent status is “Abandoned (EOT possible)” or “Refused (EOT possible)” due to another time period not met, the status will remain unchanged.

10.2 Protection and Compensation of Persons Affected by Extension of Time

10.2.1 A notification of the Registrar's decision will be published in the journal where he has granted –

a. a total extension of time of more than 6 months under Rule 108(1); or

b. an extension of time under Rule 108(5),

for any act in relation to a published patent application, or in proceedings under the Act or these Rules which has not been so done within the time required.

Rule 109(1)

Section 27

10.2.2 A notification of the decision of the court will be published in the journal where the Registrar has granted or refused –

a. a total extension of time of more than 6 months under rule 108(1); or

b. an extension of time under rule 108(5),

for any act in relation to published patent application, or in proceedings under the Act or these Rules, and where the court reviews the decision of the Registrar under Section 90 (Appeals from Registrar) or 91 (General powers of court) and decides to vary (change) or set aside (overturn) the decision under review and make a decision in substitution for the decision so set aside.

Rule 109(2)

Section 27

10.2.3 Where the above notification has been published, a person who availed himself, or took definite steps by way of contract or otherwise to avail himself, of the invention and the patent application concerned by reason of the act or step in relation to which the extension was granted not having been done or taken within the time allowed, shall have the right to continue to avail himself of the invention but this right does not extend to granting a licence to another person in respect of the invention.

Rule 109(3)
10.2.4 If the above person entitled to the right conferred availed himself, or took the steps to avail himself, of the invention in the course of business, that person may –
   a. authorise any partners of his for the time being in that business to avail themselves of the invention; and
   b. assign that right, or transmit it on death (or in the case of a body corporate, on its dissolution), to any person who acquires that part of the business.

10.2.5 Where a product is disposed of to another in exercise of the rights conferred as referred to in Chapter 10.2.3 and 10.2.4, that other person and any person claiming through him may deal with the product in the same way as if it has been disposed by the registered proprietor of the patent.
11 OTHER PROCEDURES

11.1 Mention of Inventor

11.1.1 A patent is granted to primarily the inventor(s) of the invention, unless any other person is entitled to the invention by virtue of any enactment of law, treaty, international convention, or agreement entered into with the inventor before the making of the invention. The inventor or joint inventors of an invention have a right to be mentioned in any patent and published application for a patent for the invention.

11.1.2 If the applicant(s) is not the sole inventor(s), he may identify the inventor(s) by filling up Part 7 and 8 of the Patents Form 1/8. Conversely, Patents Form 8 can be filed to identify the inventor(s) and the derivation of his right to be granted the patent.

11.1.3 For PCT application entering national phase in Singapore, inventor's details may be available in WIPO. It is not necessary to furnish a separate Patents Form 8 to indicate how the applicant derived the rights to the application. If the applicant chooses to file Patents Form 8, duplicate records may occur and applicant can inform the Registrar to remove the duplicate record.

11.1.4 Patents Form 8 must be filed within the following timelines –

   a. Normal application:
      i. 16 months from the earliest priority date, or if there is no priority date, from its date of filing;

   b. Divisional application:
      i. 16 months from the earliest priority date, or if there is no priority date, from its date of filing; or
      ii. On the initiation date of the divisional application (Patents Form 1), whichever is later;

   c. PCT application entering national phase in Singapore:
      i. 16 months from the earliest priority date or if there is no priority date, from its filing date; or
      ii. 2 months from date national phase begins, whichever is later;
         (National phase entry begins when the applicant requests early national phase entry and the requirements are satisfied, or at the expiry of 30 months or extended time period for normal/ late entry)

11.1.5 Upon receipt of the Patents Form 8, the Formalities officer will review these requirements –
11.1.6 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors on the form, the applicant may file Form CM4 (Correction of Form lodged) and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.

b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters in response to our letter, the applicant may reply via eCommunication.

11.1.7 If the objections cannot be overcome or there is no response from the applicant, the request will be refused and the applicant will be notified via letter. If the time for filing Patents Form 8 has passed, the application will be treated as abandoned.

11.1.8 If all requirements are met, the Formalities officer will approve the request and the applicant(s) and inventor(s) will be notified via letter (for applications without priority claims). The event will be entered in the Register and published in the next Patents Journal.

Addition and/or Removal of Inventor(s)

11.1.9 If a person alleges that he ought to have been mentioned as the inventor, he may file Patents Form 7 to add himself as inventor.

11.1.10 If a person alleges that a person(s) ought not to have been mentioned as inventor(s), he may file Patents Form 7 to remove the inventor(s). A single Patents Form 7 may be used if the same person is seeking to add himself as inventor and remove the inventor(s) mentioned. Patents Form 7 must be filed together with a statement setting out fully the facts relied upon for the addition and/or removal of inventor(s).
11.1.11 Once the request is received, the Formalities officer will review the following requirements –

a. The fee has been paid;

b. For addition of inventor, the request is filed by the inventor to be added;

c. For removal of inventor, the request is filed by person other than the inventor to be removed;

d. The inventor is an individual;

e. A statement of fact setting out the facts relied upon for the request is filed and covers all the inventors in question.

11.1.12 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters, supporting documents or statement in response to our letter, the applicant may reply via eCommunication.

11.1.13 If the objections cannot be overcome or there is no response from the applicant, the Formalities officer will refuse the request.

11.1.14 If the application is in order, the Formalities Officer will send a copy of the application to all applicants and inventors on record.

**Opposition to Addition and/ or Removal of Inventor(s)**

11.1.15 Any recipient of the copies of the application may oppose to the application. Rule 17(3)(a) They may do so by filing Patents Form 58 within 2 months from the date of the notice. The request should be accompanied by a statement setting out the grounds of opposition.
11.1.16 Often, the Registrar received returned mail due to invalid addresses. When this happens, the Formalities Officer will write to the patent agent or address for service on record to request for an updated address for the affected applicant or inventor. The time for opposition for that affected party will be calculated from the date that the notification is sent to the updated addresses. Applicants should ensure that the addresses of the applicants and inventors are duly updated, so that addition or removal can be timely effected.

11.1.17 If the outcome of the opposition is successful, the Formalities officer will refuse the request.

11.1.18 If the outcome of the opposition is unsuccessful or there is no opposition received within 2 months from the date of notification, the Formalities officer will update the Register. A notification will be sent to the requestor and copied to the applicants, inventors and any other affected parties to inform on the approval. The event will be entered in the Register. 

**Other Changes to the Inventors**

11.1.19 For errors in the list of inventors, addition or removal of inventors may be done by filing a fresh Patents Form 8 if it is still within the allowable time period. Otherwise, Form CM4 together with supporting documents should be filed to show that there is an error. A simple declaration stating that there is an error in the list of inventors is insufficient to prove that there is an error. Detailed explanation on how the error has occurred is required. 

11.1.20 For change in the sequence of the inventors, the applicant may write in to us via eCommunication. The Formalities Officer will update the records accordingly.

11.1.21 For removal of inventors due to amendments of the specification, a written request and letter of consent from all applicants and inventors may be submitted via eCommunications to update the Register. In the event that consent was not given by all parties, the officer will inform the applicant to request for written consent. If the matter cannot be agreed upon, the matter will be resolved by filing Patents Form 7. 

11.2 **Addition, Correction or Late Declaration of Priority**

11.2.1 In general, an applicant must file his Singapore patent application within 12 months from the Date of Filing of the earlier relevant application. If there is more than one relevant application, the Singapore patent application must be filed within 12 months from the Date of Filing of the earliest relevant application. The “priority date” of an invention to which an application for a patent relates will then be the Date of Filing of that earlier relevant application (or where there is more than one relevant application, the earliest of them).
11.2.2 The declaration of priority shall be made by the applicant at the time of filing the Singapore patent application.

**Addition or Change in Priority Date**

11.2.3 A declaration claiming priority to an earlier relevant application may be made after the date of filing and cause the application in suit to –

a. Have a declared priority date, where there was none previously; or
b. Bring forward the declared priority date to an earlier date,

if the following requirements have been met –

a. The earliest priority date to be claimed is not more than 12 months before date of filing of the application in suit. Otherwise, restoration of priority is also sought

b. The declaration is made on **Patents Form 57 within 16 months** (non-extendable) –
   i. From the declared priority date (as changed) for normal applications;
   ii. On same day as filing the application for divisional applications.

c. Such a declaration may only be made if the application has not been published under Section 27. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.

**Example 1 – Addition of priority date (within timeline to file Patents Form 57):**

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario A (Correct request made)</th>
<th>Scenario B (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Dec 2015</td>
<td>Applicant files application in SG on Invention X but did not make any priority declaration i.e. no declared priority date.</td>
<td></td>
</tr>
<tr>
<td>1 Jan 2016</td>
<td>Request to add the priority declaration of US application is made on <strong>Patents Form 57 within 16 months</strong> from 1 Jun 2015.</td>
<td>Request to correct the omission of priority declaration of US application is made on <strong>Form CM4 within 16 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario A:** This will cause the application to have a declared priority date as none was made in the first instance. It is seen as an addition of priority claim, thus Rule 9(2)(a)(i) applies.

**Scenario B:** This will cause the application to have a declared priority date as none was made in the first instance. It is not possible to make such a correction using Form CM4 under Rule 91 as the applicable rule and form is Rule 9(2) and Patents Form 57.
Example 2 – Addition of second priority date:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario C (Incorrect request made)</th>
<th>Scenario D (Correct request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2015</td>
<td>Applicant files Invention X in AU claiming priority from the US application.</td>
<td></td>
</tr>
<tr>
<td>1 Dec 2015</td>
<td>Applicant files application in SG on Invention X and makes a priority claim on the US application only (1 Jun 2015).</td>
<td></td>
</tr>
<tr>
<td>1 Jan 2016</td>
<td>Request to add the priority declaration of AU application is made on <strong>Patents Form 57</strong>.</td>
<td>Request to correct the omission of priority declaration of AU application is made on <strong>Form CM4</strong>.</td>
</tr>
</tbody>
</table>

**Scenario C:** The application has a declared priority date and the request for addition of a second priority date does not cause the declared priority date to be brought forward to an earlier date. Hence, **Patents Form 57** is not applicable.

**Scenario D:** The application has a declared priority date and the request for addition of a second priority date does not cause the declared priority date to be brought forward to an earlier date. The correction of the second priority date may be made under Rule 91 using form CM4.

Example 3 – Change in priority date (within timeline to file Patents Form 57):

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario E (Correct request made)</th>
<th>Scenario F (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2015</td>
<td>Applicant files Invention X in AU claiming priority from the US application.</td>
<td></td>
</tr>
<tr>
<td>1 Dec 2015</td>
<td>Applicant files application in SG on Invention X and makes a priority claim on the AU application.</td>
<td></td>
</tr>
<tr>
<td>1 Jan 2016</td>
<td>Request to add the priority declaration of US application is made on <strong>Patents Form 57 within 16 months</strong> from 1 Jun 2015.</td>
<td>Request to correct the omission of priority declaration of US application is made on <strong>Form CM4 within 16 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario E:** This will cause the declared priority date to be brought forward to an earlier date. Hence, Rule 9(2)(a)(ii) applies.

**Scenario F:** This will cause the declared priority date to be brought forward to an earlier date. It is not possible to use Form CM4 to correct the omission of the priority declaration under Rule 91 as the applicable rule and form is Rule 9(2) and Patents Form 57.
Example 4 – Change in priority date (within timeline to file Patents Form 57, but application is published before 16 months):

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario G (Incorrect request made)</th>
<th>Scenario H (Correct request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2015</td>
<td>Applicant files Invention X in AU claiming priority from the US application.</td>
<td></td>
</tr>
<tr>
<td>1 Dec 2015</td>
<td>Applicant files application in SG on Invention X and makes a priority claim on the AU application.</td>
<td></td>
</tr>
<tr>
<td>1 Jun 2016</td>
<td>Applicant requests for early publication and the application is published.</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2016</td>
<td>Request to add the priority declaration of US application is made on <strong>Patents Form 57 within 16 months</strong> from 1 Jun 2015.</td>
<td>Request to correct the omission of priority declaration of US application is made on <strong>Form CM4 within 16 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario G:** This will cause the declared priority date to be brought forward to an earlier date. It is not possible to make such a change to the declared priority date where the application has been published.

**Scenario H:** This will cause the declared priority date to be brought forward to an earlier date. It is not possible to make such a correction using CM4 under Rule 91 as the applicable rule and form is Rule 9(2) and Patents Form 57, and also as the application has been published.

**Correction of Mistake in Priority Declaration that would cause the Declared Priority Date to be changed to a different date**

11.2.4 A declaration to correct a mistake in a priority declaration that would cause the declared priority date to be changed to a different date may be made under the following conditions –

a. Correction is made on **Patents Form 57** within 16 months (non-extendable) –
   i. From the declared priority date (as changed) for normal applications;
   ii. On same day as filing the application for divisional applications.

b. Such a declaration may only be made if the application has not been published under Section 27 of the Patents Act. If a request was made previously for an early publication of the Singapore patent application, this request has to be withdrawn.
**Example 5 – Correction of priority date (within timeline to file Patents Form 57):**

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario I (Correct request made)</th>
<th>Scenario J (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Dec 2015</td>
<td>Applicant files application in SG on Invention X claiming priority from the US application. However, the priority date was indicated as 1 July 2015 (which is incorrect).</td>
<td></td>
</tr>
<tr>
<td>1 Jan 2016</td>
<td>Request to correct the mistake in the priority declaration of the US application is made on <strong>Patents Form 57 within 16 months</strong> from 1 Jun 2015.</td>
<td>Request to correct the mistake in the priority declaration of the US application is made on <strong>Form CM4 within 16 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario I:** This will cause the declared priority date to be changed to a different date, thus Rule 9(3) applies.

**Scenario J:** This will cause the declared priority date to be changed to a different date. It is not possible to make such a correction using Form CM4 under Rule 91 as the applicable rule and form is Rule 9(3) and Patents Form 57.

**Late Declaration of Priority (Restoration of Right of Priority)**

11.2.5 A request may be made to file the declaration of priority later than 12 months (but no later than 14 months) from the declared priority date under the following conditions –

a. The declaration is made on **Patents Form 57** within 14 months (non-extendable) –
   i. from the declared priority date for normal applications;
   ii. on same day as filing the application for divisional applications; or
   iii. within 1 month from the date which national phase begins for national phase entry applications.

b. Where a request to file a declaration of priority later than 12 months but no later than 14 months has been made, and the applicant has failed to file the application in suit within 12 months from the priority date (Section 17(2C)), he has to indicate in the request whether the failure to file the application in suit –
   i. had occurred in spite of due care required by the circumstances having been taken; or
   ii. was unintentional.

c. Such a declaration can only be made if the application has not been published under Section 27 of the Patents Act. If a request was made...
previously for an early publication of the Singapore patent application, this request has to be withdrawn. This does not apply for PCT national phase entry.

**Example 6 – Late declaration of priority (within timeline to file Patents Form 57):**

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario K (Correct request made)</th>
<th>Scenario L (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Jul 2016</td>
<td>Applicant files application in SG on Invention X (but did not make a declaration claiming priority from the US application at this time).</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2016</td>
<td>Request to file the late declaration of priority on the basis of the US application is made on <strong>Patents Form 57 within 14 months</strong> from 1 Jun 2015.</td>
<td>Request to file the late declaration of priority on the basis of the US application is made on <strong>Form CM4 within 14 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario K:** Rule 9A is applicable and the request to file the late declaration of priority is made within 14 months from the declared priority date. Any request to file the late declaration of priority after 14 months from the declared priority date on Patents Form 57 will be refused.

**Scenario L:** Correction under Rule 91 is not applicable as Rule 9A applies.

**Addition or Change in Priority Date and Late Declaration of Priority**

11.2.6 If a declaration of priority is made more than 12 months but not more than 14 months earlier than the date of filing of the application, the applicant should request to make a late declaration of priority at the same time as when making the declaration of priority. The following conditions have to be met –

a. A late declaration of priority may be made only if the earlier application has been declared in accordance with Rule 9.

b. Where the said earlier application is the intended declared priority application and it was not declared when filing the application in suit, the applicant will need to, at the same time as making the request for a late declaration, make a declaration after the date of filing under Rule 9(2).

c. Where the said earlier application is not the intended declared priority application, the claim of priority to this application cannot be made.
Example 7 – Addition of priority date and late declaration of priority (within timeline to file Patents Form 57):

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario M (Correct request made)</th>
<th>Scenario N (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Jul 2016</td>
<td>Applicant files application in SG on Invention X, but did not make any priority declaration i.e. no declared priority date.</td>
<td></td>
</tr>
<tr>
<td>1 Jul 2016</td>
<td>Request to add the priority date and to make a late declaration of priority is made on <strong>Patents Form 57 within 14 months</strong> from 1 Jun 2015.</td>
<td>Request to add the priority date and to make a late declaration of priority is made on <strong>Form CM4 within 14 months</strong> from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario M:** This will cause the application to have a declared priority date as none was made in the first instance. Hence, Rule 9(2)(a)(i) applies. As the period to claim priority to the US application has exceeded 12 months, it is necessary to also make a late declaration of priority. Under Section 17(2A) and 17(2B) read with Rule 9A, such a late declaration of priority may be made within 14 months of the US application.

**Scenario N:** Correction under Rule 91 is not applicable as Rules 9(2)(a)(i) and 9A applies.

**Correction of Declared Priority Date and Late Declaration of Priority**

11.2.7 If a late declaration of priority is made, the details of the earlier application must be correctly declared in accordance with Rule 9.

11.2.8 If a correction of a mistake in the declared priority date will result in the declared priority date to be more than 12 months but not more than 14 months earlier than the date of filing the application in suit, the applicant should request to make a late declaration of priority at the same time as when making the declaration of priority.
Example 8 – Correction of priority date and late declaration of priority (within timeline to file Patents Form 57):

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Scenario O (Correct request made)</th>
<th>Scenario P (Incorrect request made)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jun 2015</td>
<td>Applicant files Invention X in US.</td>
<td></td>
</tr>
<tr>
<td>1 Jul 2016</td>
<td>Applicant files application in SG on Invention X, and makes a priority declaration of 1 Jul 2015.</td>
<td></td>
</tr>
<tr>
<td>1 Aug 2016</td>
<td>Request to correct a mistake in the declared priority date from 1 Jul 2015 to 1 Jun 2015 and to make a late declaration of priority is made on Patents Form 57 within 14 months from 1 Jun 2015.</td>
<td>Request to correct a mistake in the declared priority date from 1 Jul 2015 to 1 Jun 2015 and to make a late declaration of priority is made on Form CM4 within 14 months from 1 Jun 2015.</td>
</tr>
</tbody>
</table>

**Scenario O:** This will cause the declared priority date to be changed to a different date, thus Rule 9(3) applies. As the period to claim priority to the US application has exceeded 12 months, it is necessary to make a late declaration of priority within 14 months from the declared priority date since Rule 9A applies.

**Scenario P:** Correction under Rule 91 is not applicable as Rules 9(3) and 9A applies (also, under Rule 91(12), Rule 91(1) is not applicable to any request for correction under Rule 9(1)).

11.2.9 Once the request is received, the Formalities officer will review the following requirements –

a. Fee has been paid;

b. This application is not a Patents Form 1/8 application having a date of filing before 1 Apr 2007;

c. The national application has not been published under Section 27 (non-PCT national phase entry application);

d. There is no pending request for early publication (Patents Form 9);

e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;
11.2.10 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. To update the representation details and/or address for service, the applicant may file Form CM1 or CM2 accordingly.
b. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunication.

11.2.11 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the applicant. The event will be entered in the Register.

11.2.12 If the request satisfies all requirements, the Formalities officer will approve the request and notify the applicant. The pre-grant due dates will be updated and calculated from the new or corrected priority date. The event will be entered in the Register and published in the Journal.

11.3 Filing of Drawing(s), Description or Part of Description

11.3.1 For applications initiated on or after 1 Apr 2007, a drawing or part of the description missing from the application may be submitted by filing Patents Form 56.

11.3.2 The Date of Filing of the application will be changed to the submission date of the missing part unless the applicant makes a request for the Date of Filing to remain unchanged. In both instances, the Date of Filing accorded earlier could be re-dated to a later date if the requirements are not met.

11.3.3 When the entire description is missing, it will not be considered as a missing part, and a deficiency will be issued. The description may be submitted using eCommunications and the Date of Filing will be accorded when the description is submitted.

Request for Later Date of Filing Not to Apply

11.3.4 The term “missing part” is used when the applicant files a drawing or part of the description that is originally missing from the application without any notification from the Registrar that something in the patent specification is missing. To request for later Date of Filing not to apply, the following requirements should be met –

a. Patents Form 56 is filed within 3 months (non-extendable) from date of filing or initiation date for divisional applications;
b. A reference to an earlier application has been declared in accordance with Section 17(2);
c. A statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed;
d. Furnishing of information in relation to the earlier relevant application; and
e. Filing of documents in relation to the earlier relevant application.

Section 26(9)(b)(i)  
Rule 26A(6)  
Rule 26A(7)
11.3.5 During the preliminary examination of the application, if the formalities examiner finds that a drawing referred to in the description, or a part of the description, appears to be missing this must be formally notified to the applicant in the preliminary examination report. To request for later Date of Filing not to apply, the following requirements should be met –

- Patents Form 56 is filed within 3 months (non-extendable) from the date of Registrar’s notification that a drawing or part of the description is missing from the application;
- A reference to an earlier application has been declared in accordance with Section 17(2);
- A statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed;
- Furnishing of information in relation to the earlier relevant application;
- Filing of documents in relation to the earlier relevant application.

Section 28(9)(b)(i)
Section 28
Rule 34(2)

11.3.6 Although the filing of a missing part, or a drawing or part of the description, and the request to retain the original date of filing can be made within 3 months from the relevant date, the request must be made at the same time as the filing of the missing part.

No Request for Later Date of Filing Not to Apply

Rule 26A(1)(b)

11.3.7 For applications lodged on or after 14 Feb 2014, the missing part must be filed with Patents Form 56 before the applicant files a request for –

- Search report;
- Search and Examination report;
- Examination report; or
- Supplementary Examination report.

Incorporating the Description in the Patent Application by Reference

11.3.8 For applications initiated on or after 1 Apr 2007, instead of filing the description of the invention on the day a patent application is initiated, an applicant would still be able to obtain a Date of Filing for the Singapore patent application if he –

- Makes a reference to an earlier relevant application by declaring a priority date (Section 17(2));
- Provides the Date of Filing of this earlier application and the country it was filed in (Section 26(1)(c)(ii)(B) & Rule 26(1)); and
- Makes a statement that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed (Section 26(1)(c)(ii)(C)).
11.3.9 However, if the applicant does not file the following documents required within 3 months from the date of filing, the application will be treated as having been abandoned –

a. A written notice confirming that the description is incorporated in the application by reference to, and is completely contained in, the earlier application, as filed (Section 26(7)(a));
b. The description (Section 26(7)(b));
c. Patents Form 56 (Section 26(7)(c) & Rule 26(4)); and
d. A copy of the earlier application and its English translation, if any (Section 26(7)(c) & Rule 26(4)). Note that only this requirement is extendable.

11.3.10 The statement of incorporation by reference of the description does not replace the need to file drawings, if any. If no drawings are filed on the date of filing of the application in suit, any drawings filed later may be treated as a part missing from the application.

11.3.11 If the earlier relevant application is not in English, an English translation of that document is required to be filed with the Registry. Applicants would only need to provide the English translation of every part of that earlier relevant application in which the missing part of the Singapore patent application is contained.

11.3.12 Once the request is received, the Formalities officer will review the following requirements –

- a. Application is a non-PCT national phase entry application lodged on or after 1 Apr 2007;
- b. The application is not withdrawn or granted;
- c. The priority application indicated on the form corresponds with Patents Form 1/8 or on record (if any);
- d. A description is enclosed if the description or part of the description is missing;
- e. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;
- f. The form is filed within timelines set out above.

11.3.13 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of Specification of a Patent or of an Application for a Patent” for errors on the description;
   iii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunication.

11.3.14 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the applicant. Preliminary examination will not be performed on the missing part.

11.3.15 If the request satisfies all requirements, the Formalities officer will approve the request and notify the applicant. Preliminary examination will be performed on the missing part.

Withdrawal of Filing of Drawing(s), Description or Part of Description

11.3.16 After missing part (Patents Form 56) is filed, it may be withdrawn as long the prescribed period for doing so has not expired. The prescribed period is dependent on which section the missing part is filed under.

11.3.17 A missing part may be withdrawn only by giving a written notice via eCommunications within the prescribed time period set out above. Rule 26(A)(3)

11.3.18 If the withdrawal request is in order, the Formalities officer will approve the withdrawal request and send the withdrawal approval letter to applicant. If the withdrawal request is not in order, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

11.3.19 If the applicant fails to comply with all the relevant requirements, and he does not withdraw the missing parts before the end of the prescribed period, the missing parts shall be treated as included in the application and the Date of Filing will be changed to be the date on which those missing parts are filed at the Registry. Section 26(8)
11.4 National Security Clearance and Contravention

Information Prejudicial to Defence of Singapore or Safety of Public

11.4.1 A patent application may contain information which is prejudicial to national defence or public safety. Hence, there is a need to assess the information contained in an application for patent to determine if it is necessary to prevent the communication and/or publication of such information contained in the application. This applies to both a patent application filed in Singapore, and an international application under the PCT with Singapore as the receiving office.

11.4.2 Where a patent application is first filed in Singapore via Patents Form 1/8 (i.e. no declared priority date and is not a divisional application) and at least one of the applicant(s) or inventor(s) is a person resident in Singapore, the Formalities officer will review the abstract/specification and process the national security clearance. A review is not done on application where Singapore is the office of second filing, as it is assumed that the publication and communication may have already occurred in the office of first filing.

11.4.3 Upon the lapse of 2 months, if no directions have been given by the Registrar under Section 33 of the Patents Act, the applicant may proceed to file his patent application overseas.

Restrictions on Applications Abroad by Singapore Residents

11.4.4 Similarly, no person resident in Singapore shall, without written authority (“also known as national security clearance) granted by the Registrar, file or cause to be filed outside Singapore an application for a patent for an invention unless –

a. An application for a patent for the same invention has been filed at the Registry not less than 2 months before the application outside Singapore; and

b. No directions have been given to prohibit or restrict the publication of that information or its communication to any specified person(s).

11.4.5 Any person (applicant/ inventor of the invention) who files or causes to be filed an application without prior national security clearance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5000 or to imprisonment for a term not exceeding 2 years or to both.

11.4.6 Person resident in Singapore includes foreigners with valid pass lawfully issued to them e.g. Singapore permanent residents and work pass holders. This requirement is not applicable for a person residing outside Singapore. If a Singapore citizen has been residing overseas for a period of time (e.g. at least 3 months) and he is not residing in Singapore at the time of filing the patent application overseas, national security clearance is not required.
11.4.7 If the applicant/inventor intends to file the invention overseas without filing a patent application in Singapore, he will be required to file Form Section 34 - National Security Clearance to request for clearance, if applicable. At least one of the persons (applicant/inventor of the invention) seeking for clearance should be a resident in Singapore.

11.4.8 If the Registrar determines that the request may contain information which might be prejudicial to the defence of Singapore or safety of the public, the request will be forwarded to the Ministry of Defence (MINDEF) and Ministry of Home Affairs (MHA) for advice. If advice has been given that the application contains information which is prejudicial to the defence of Singapore or safety of the public, the Registrar shall forward the request to Ministry of Law (MinLaw) for review.

11.4.9 Once the request is received, the Formalities officer will review the following requirements –

- a. At least one of applicant(s)/inventor(s) is a person resident in Singapore;
- b. Title and abstract/specification are in English;
- c. Country in which the protection is sought is indicated on Part 4 of the form;
- d. Technology cluster is indicated on Part 5 of the form;
- e. The request has not been filed and approved previously;
- f. Keyword search for terms which may be indicative that the application may contain information prejudicial to national defence or public safety, e.g. projectile, unmanned plane, explosives, or firearm;
- g. Detailed review on the specification and/or abstract also shows no information which might be prejudicial to national defence or public safety.

11.4.10 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 weeks from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunication.

b. To make substantive amendments to the abstract of the invention, which changes the scope of the invention, it will require the national security clearance to be re-filed. This is applicable to both pending and approved national security clearance requests.

c. To make changes towards the name of inventor(s)/applicant(s) or addition or removal of inventor(s)/applicant(s), the requestor may write in via eCommunications to inform the Formalities officer. If the initial request has been approved, a revised approval letter will not be given but the changes will be updated in our records.

11.4.11 If there is no response from the applicant, the request will not be processed and the applicant will be notified. This is not applicable for national security clearance for applications filed with us.

11.4.12 A clearance notification will be sent to the applicant if the information is not prejudicial to national defence or public safety. The Registry's response to such requests would be within 5 working days from such receipt. For urgent cases, and in the event where the Senior Officers have been given prior notice, immediate action would be taken, wherever possible.

**Seeking Advice from MHA and MINDEF**

11.4.13 If the specification and/or abstract contain the relevant keywords and appear to be prejudicial to national defence or public safety, the Formalities officer will inform the applicant that the application is under review and a patent application should not be filed overseas.

11.4.14 The national security clearance request and its documents will be forwarded to MHA and MINDEF via secured email for their review. This process typically takes up to 2 months.

11.4.15 If MHA and MINDEF are of the opinion that the application is not prejudicial to national defence or public safety, the Formalities officer will send a clearance notification to the applicant.

11.4.16 If either MHA or MINDEF are of the opinion that the application is prejudicial to national defense or public safety, the applicant will be notified of the decision. If there is a patent application filed in Singapore or international application filed with Singapore as receiving office, it will be put on hold after the completion of preliminary examination and the request will not be forwarded to the examiners or the International Bureau.

11.4.17 Minister of Law will be informed of the directions under Section 33. He will perform regular review to determine if the direction is still relevant. If the Minister is of the opinion that the information contained in the application is no longer
prejudicial to national defence or public safety, he will inform the Registrar. The Formalities officer will send a clearance notification to the applicant. The time period for doing certain Acts may be extended subject to certain conditions.

Contravention of National Security Clearance

11.4.18 If a person resident in Singapore did not obtain national security clearance before filing the patent application overseas, he may have contravened Section 34 of the Patents Act. The following table lists some of the scenarios which contravention have occurred –

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single entity first filed an application overseas without seeking prior NSC</td>
<td>Resident rights owner and/ resident inventor(s)</td>
</tr>
<tr>
<td>Inventors(s) first filed an application overseas without seeking prior NSC</td>
<td>Resident inventors</td>
</tr>
<tr>
<td>Multiple entities at least one of which is local first filed an application overseas without seeking prior NSC</td>
<td>Resident rights owner and/ resident inventor(s)</td>
</tr>
<tr>
<td>Resident agent instructed by rights owner to first file an application overseas (including PCT application) without seeking prior NSC</td>
<td>Resident rights owner, resident inventor(s) and/ resident agent</td>
</tr>
</tbody>
</table>

11.4.19 The alleged offender (applicant or inventor) should seek for composition of the offence immediately and submit the following information via fax or over the counter –

a. Details of the patent application filed overseas –
   a. Country of first filing;
   b. Date of first filing;
   c. Application number;
   d. Applicants and inventors, including the country of residency;
   e. Title of invention;
   f. Abstract/ specification;

b. Whether national security clearance was sought before the date of filing or the same application has been made in Singapore was more than 2 months before foreign filing and whether clearance was given;

c. Mitigating factors/ reasons for not seeking national security clearance before filing the patent application overseas;

d. Any procedures put in place to prevent future occurrence.
11.4.20 Once the request for composition of offence is received, the Formalities officer will review that the above documents. If the information provided is not sufficient, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.

11.4.21 If it is reasonably suspected that a contravention of Section 34 has occurred i.e. the person resident in Singapore did not seek for national security clearance before filing the patent application overseas, the Formalities officer will proceed to identify whether the alleged offender is a first-time offender and determine if the offence may be compounded before putting up a proposal.

- a. Review the mitigating factors/ reasons for not seeking national security clearance before filing the patent application overseas;
- b. The alleged offender(s) informed IPOS once he realised the omission to seek for national security clearance under Section 34;
- c. The applicant has since put in place steps to ensure that they do not contravene Section 34 in future.

11.4.22 If the Registrar determines that the offence may be compounded, the applicant will be informed to make payment for the offence within 2 months from the date of the letter. Payment can be made over the counter by NETS, Visa and MasterCard services, which include credit cards, debit cards and contactless payments such as Visa payWave, MasterCard Contactless, Apple Pay, Samsung Pay and Google Pay, together with the standard form (for payment of the composition) which was sent with the notification. Upon successful receipt of payment, the offence will be compounded. A receipt and a copy of the payment form will be issued.

11.4.23 In the event of non-payment by the deadline, further proceedings may be initiated.

11.5 Application for Entry to be made, or for Cancellation of Entry, in Register to Effect that Licences under Patent are to be Available as of Right

Application for Entry

11.5.1 At any time after the grant of a patent, the proprietor may wish to endorse his patent with a Licence of Right (LOR) if he is interested in licensing the patent to a third party. An LOR may help to attract licensees and the patent renewal fees that are payable after the LOR entry is made would also be halved.
11.5.2 Licensing becomes a viable option when both the licensor and the licensee can benefit from it. The decision whether or not to license is but one feature of the larger business plan and strategy, e.g. question of degree of reliance on licensee for revenue, or the degree of reliance on licensor for viability of business operations.

11.5.3 The proprietor may apply to effect that licences under the patent are available by filing Patents Form 28. Once the application has been made, the proprietor will not able to refuse to license the invention. The terms of the LOR can be negotiated between the proprietor and the licensee. If both parties are not able to reach an agreement on the terms of the LOR, either party may request the Registrar to settle the terms of the LOR.

11.5.4 Once the request is received, the Formalities officer will review the following requirements –

- a. Fee has been paid;
- b. Application has been granted and patent is in force;
- c. Patent has not been endorsed with licence of right;
- d. Representation details and/or address for service on this form correspond with that on record. Otherwise, Form CM1 or 2 is filed and approved;
- e. If there are existing persons registered as having interest in the patent, they have been notified and there is no objection;
- f. There are no other pending related requests –
  - a. Reference to the Registrar on the Determination about Entitlement to a Patent before or after Grant (Patents Form 2);
  - b. Correction of Error (Form CM4);
  - c. Application to Register, Amend or Terminate Licence (Form CM6);
  - d. Application to Register, Amend or Terminate Security Interest (Form CM7);
  - e. Application to Register Transfer of Ownership (Form CM8).

11.5.5 If any of the above requirements are not met, the Formalities officer will send a clarification letter to inform and invite the applicant to clarify or rectify within 2 months from the date of the letter. If the issue has not been rectified by the timeline, a reminder will be issued.
a. To rectify errors, the applicant may file Form CM4 and indicate the relevant rule in which the correction is sought (Patents Rule 58 and/ or 91). For more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an Application for a Patent” for errors on other documents.

b. To update the representation details and/ or address for service, the applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or supporting documents in response to our letter, the applicant may reply via eCommunication.

11.5.6 If the objections cannot be overcome or there is no response within the time period, the Formalities officer will refuse the request and notify the proprietor. The event will be entered in the Register.

11.5.7 If satisfied that the proprietor is not precluded by contract to grant licences, the Formalities officer would proceed to approve the application for entry and inform the proprietor. The event will be entered in the Register and published in the Journal.

Cancellation of Entry

11.5.8 Cancellation of entry on LOR may be requested by –
   a. The proprietor at any time after an entry has been made; or
   b. Any person who claims that the proprietor of the patent was precluded by contract to make the entry within 2 months from the date of publication in the journal of the relevant entry.

11.5.9 The request should be made on Patents Form 28. Where an entry is cancelled, the rights and liabilities of the proprietor of the patent shall after the cancellation be the same as if the entry had not been made.

11.5.10 Where a request to cancel the entry is made by the proprietor, the entry on LOR may be cancelled if the Registrar is satisfied that there is no existing licence under the patent or that all licensees under the patent consent to the application, and the balance of all renewal fees which would have been payable if the entry had not been made have been paid.

11.5.11 Where a request to cancel the entry is made by a third party, the entry on LOR may be cancelled if the Registrar is satisfied that the proprietor of the patent is and was so precluded. The request shall be supported by a statement setting out fully the nature of the claimant’s interest and the facts upon which he relies. The proprietor shall be liable to pay, within the prescribed period, a sum equal to the balance of all renewal fees which would have been payable.
if the entry had not been made, and the patent shall cease to have effect at
the expiration of that period if that sum is not so paid.

11.5.12 Once the request is received, the Formalities officer will review the following
requirements –

a. Fee has been paid;

b. Application has been granted;

c. Patent has been endorsed with licence of right;

d. If the request is made by the proprietor, the following requirements are met –

   a. Representation details and/ or address for service on the form
correspond with that on record. Otherwise, Form CM1 or 2 is filed and
approved;
   b. There is no existing licence under the patent or that all licensees
under the patent consent to the application;

11.5.13 If any of the above requirements are not met, the Formalities officer will send
a clarification letter to inform and invite the applicant to clarify or rectify within
2 months from the date of the letter. If the issue has not been rectified by the
timeline, a reminder letter will be issued.

a. To rectify errors, the applicant may file Form CM4 and indicate the relevant
rule in which the correction is sought (Patents Rule 58 and/ or 91). For
more details on correction of error, refer to Chapter 11.8.
   i. Select “Correction of Form lodged” for errors on the form e.g. wrong
option selected on the form;
   ii. Select “Correction of any other document relating to a Patent or an
Application for a Patent” for errors on other documents.

b. To update the representation details and/ or address for service, the
applicant may file Form CM1 or CM2 accordingly.

c. To submit clarification letters or supporting documents in response to our
letter, the applicant may reply via eCommunication.
11.5.14 If the objections cannot be overcome or there is no response within the time
period, the Formalities officer will refuse the request and notify the proprietor.
The event will be entered in the Register.

11.5.15 If the request satisfies all requirements, the Formalities officer will advertise
the cancellation in the Journal for opposition. The event will be entered in the
Register.

**Opposition**

11.5.16 Any person may oppose to the application to amend the specification. They
may do so by filing Patents Form 58 within 2 months from the date of the
advertisement. The request should be accompanied by a statement setting out
the facts relied upon for opposition and the relief sought.

11.5.17 If an opposition is filed, IPOS Hearings and Mediation Group (HMG) will
communicate to the Registry on the outcome of the opposition.

a. If the outcome of the opposition is successful, the Formalities officer will
refuse the request. The event will be updated in the Register.
b. If the outcome of the opposition is unsuccessful, the Formalities officer will
invite the proprietor to pay the balance of the renewal fees within 2 months.

**Payment of Balance Renewal Fees**

11.5.18 If there is no opposition filed or the opposition is unsuccessful, the Formalities
officer will invite the proprietor of the patent to pay fees equal to the amount of
the balance of all renewal fees, which would have been payable if the entry
had not been made, within 2 months from the date of the notification. The fees
are to be made by filing Patents Form 15.  

11.5.19 Upon receipt of the fees mentioned above, the Formalities officer may proceed
to cancel the entry if he is satisfied that there is no existing licence under the
patent or that all licensees under the patent consent to the application.

11.5.20 Where a request to cancel the entry is made by a third party and the proprietor
did not pay the balance fees within the period mentioned above, the patent
shall cease to have effect at the expiration of that period.

11.5.21 Any person interested in obtaining a licence to someone's patent may start by
looking at the Patents Register for patents that are endorsed with a licence of
right entry. The list of approved LOR is searchable via IP2SG, by using
**Boolean search** and selecting Licences of Rights within the Search field.
11.6 Withdrawal and Refund

11.6.1 If the applicant decides not to proceed with the patent application, he may withdraw the application by filing **Common Form 9**. Any withdrawal of such an application may not be revoked.

11.6.2 If the applicant intends to withdraw any of the Patents Form which he has submitted, he may write in via eCommunications. The Formalities officer will confirm the withdrawal of the request by sending a notification letter.

11.6.3 As part of our ongoing efforts to improve our customer service, the refund policy relating to duplicate submission of forms with fees has been updated. The requestor or applicant may inform us immediately in writing via eCommunications if he has made or discovered a duplicate submission so that the duplicated request may be cancelled and obtain a refund for the fees. Other requests for refunds will be considered on a case by case basis and should be made in writing to us within 7 calendar days of filing the form.

11.6.4 Generally, a refund of the form will be allowed if the application or form has not been processed. For fees paid on search and examination, extension of time and renewal, the Formalities Officer will write to the applicant if a refund is applicable. If the applicant intends to submit a request for refund for a form, he may submit the **Form Request for Refund** via IP2SG. The Formalities officer will notify the applicant on the outcome of the refunds.

11.7 Communication with the Registry or Patent Examiner

**Electronic Correspondence with the Registry**

11.7.1 Applicants are recommended to use the eCommunications module in the IP2SG customer portal to correspond with the Registry in relation to their patent applications. Applicants’ intentions should be clearly indicated in their covering letter.

11.7.2 The Registry’s reference number should also be quoted in full in the applicants’ subsequent reply thereto. Such practices would assist the Registry in routing the correspondences to the patent officer(s) for the appropriate action to be taken.

**Direct Communication with the Patent Examiner**

11.7.3 The applicant may request for direct communication with the Patent examiners (IPOS-International, Austrian Patent Office, Danish Patent and Trademark Office and the Hungarian Intellectual Property Office) with regard to seeking clarification on the objections and comments raised in the Written Opinions
issued by the Examiner. It, however, does not replace nor affect the procedures or the timelines prescribed in the Patents Rules for responding to the Written Opinion. They continue to apply.

11.7.4 As the examiners may be located overseas, the applicant may refer to the following guidelines to facilitate such a communication. These guidelines take into consideration inter alia, the different time zones that apply to the different Examiners, the need to establish the locus standi of the person making the request for clarification, the need to understand briefly what the concerns are in advance, so as to be prepared before the actual communication takes place etc. IPOS, therefore, strongly recommends compliance with these Guidelines by those wanting to communicate directly with the Examiners.

11.7.5 When making such a communication, the applicant may follow the steps listed below –

<table>
<thead>
<tr>
<th>Steps</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To begin, applicant will send an email to Examiner (Secretariat)* using the format provided below. In addition, the email to the Examiner (Secretariat)* should include an email title e.g. &quot;SG102017012345Z Request for clarification of the written opinion&quot;.</td>
</tr>
<tr>
<td>2</td>
<td>The Examiner (Secretariat)* will discuss with the Examiner before informing the applicant on the preferred time for contacting the Examiner.</td>
</tr>
<tr>
<td>3</td>
<td>The applicant will contact the Examiner as advised by the Examiner (Secretariat)* in Step 2.</td>
</tr>
<tr>
<td>4</td>
<td>Any response to the written opinion is to be made in accordance with the Patents Act and Rules and in addition, the applicant is to summarise their understanding of the discussion with Examiner in their said response.</td>
</tr>
</tbody>
</table>
* The contact details of the respective Examiner (Secretariat) are as follows –

<table>
<thead>
<tr>
<th>Contact Details</th>
<th>Examiner (Secretariat)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Austrian Patent Office</strong></td>
<td>Zoglmeyr Maria&lt;br&gt;<strong><a href="mailto:Maria.Zoglmeyr@servip.patentamt.at">Maria.Zoglmeyr@servip.patentamt.at</a></strong>&lt;br&gt;and cc Kritsch Diana&lt;br&gt;<strong><a href="mailto:diana.kritsch@servip.patentamt.at">diana.kritsch@servip.patentamt.at</a></strong></td>
</tr>
<tr>
<td><strong>Danish Patent and Trademark Office</strong></td>
<td>Dorte Krehan Seir Petersen&lt;br&gt;<strong><a href="mailto:DKP@dkpto.dk">DKP@dkpto.dk</a></strong>&lt;br&gt;and cc&lt;br&gt;<strong><a href="mailto:singapore-email@dkpto.dk">singapore-email@dkpto.dk</a></strong></td>
</tr>
<tr>
<td><strong>Hungarian Intellectual Property Office</strong></td>
<td>Péter Reményi&lt;br&gt;<strong><a href="mailto:peter.remenyi@hipo.gov.hu">peter.remenyi@hipo.gov.hu</a></strong>&lt;br&gt;and cc&lt;br&gt;<strong><a href="mailto:szabolcs.farkas@hipo.gov.hu">szabolcs.farkas@hipo.gov.hu</a></strong></td>
</tr>
<tr>
<td><strong>IPOS-International</strong></td>
<td><strong><a href="mailto:Operation@iposinternational.com">Operation@iposinternational.com</a></strong></td>
</tr>
</tbody>
</table>

11.7.6 The following is a sample format of the correspondence table –

| This is addressed to the Examiner: [Indicate the Office of the Examiner] |
|----------------------------------|--------------------------------------------------------------------------|
| 1                                | **SG Patent Application Number**                                         |
| 2                                | Indicate the date of the Written Opinion (WO)                           |
| 3                                | Indicate the name of the Examiner mentioned in the WO                    |
| 4                                | Provide a brief explanation as to why clarification is sought on the WO |
| 5                                | Indicate the full name of the person seeking such a clarification       |
6
Indicate whether the person seeking clarification:
1. Is the applicant on record or
2. Is the agent on record

7
Indicate the e-mail address of the person seeking clarification

8
Indicate the date of this request

11.8 Correction of Error

Purpose and Use of Patents Rule 58 and Rule 91

11.8.1 In the decision of *Novartis (Singapore) Pte Ltd v Bristol-Myers Squibb Pharma Co* [2017] SGHC 322, the Singapore High Court provided legal interpretations for provisions relating to correction of errors. Following from the decision, the Registry has clarified the procedure for correcting an error under Section 107 of the Patents Act, Rule 58 and Rule 91 of the Patents Rules in Circular No. 4/2018 and 6/2018.

11.8.2 Patents Rule 58 relates to a request for the correction of an error in the Register or in any document filed at the Registry in connection with registration.

11.8.3 Patents Rule 91 relates to a request for the correction of an error of translation or transcription or of a clerical error or mistake in –

a. A specification of a patent,
b. An application for a patent, or
c. Any document filed in connection with a patent or such an application.

11.8.4 The Singapore High Court has clarified that reference to “documents filed in connection with registration” is concerned with documents filed in relation to an application for registration of transactions such as a mortgage or transmission upon death.

11.8.5 The Singapore High Court has also clarified that Patents Form 1 is a document that is required for an application for grant of a patent, and is not a document filed at the Registry in connection with registration. Therefore, Rule 91 will be the applicable rule for the correction of an error in Patents Form 1.
Procedure for Requesting Correction of an Error

11.8.6 For correction of errors in pending forms, the applicant will need to select the option “Correction of Form Lodged” and indicate the respective forms to be corrected.

11.8.7 From 23 July 2018, applicants may seek to correct an error occurring on Patents forms, Register of Patents, specification, and/or any other document relating to a Patent or of an Application for a Patent by selecting the various correction types under Part 5 of Form CM4. “Correction of form lodged” will be an applicable correction type for the correction of approved Patents forms.

11.8.8 For example, the applicant may select “Correction of Register of Patents or Designs” and “Correction of form” to correct (i) entry in the relevant approved Patents form and (ii) entry in the Register. The following details should also be provided under Part 6 of the form –

(i) Details to be corrected in the form and Register; and
(ii) Relevant rule in which the correction is sought (Patents Rule 58 and/or 91).

11.8.9 The applicant should correct both the error on the form and the Register if the error on the form has been brought into the Register after approval.

11.8.10 From 18 May 2018, the applicant should indicate the relevant rule(s) in which the correction is sought (Patents Rule 58 and/or 91) in all requests for correction of error. As a guide, the correction type and its relevant patents rule(s) are as follows –

<table>
<thead>
<tr>
<th>Correction Type under Part 5 of Form CM4</th>
<th>Relevant Patents Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correction of Form Lodged</td>
<td>Rule 58 (in any document filed at the Registry in connection with registration); or Rule 91 (in an application for a patent or in any document filed in connection with a patent or such an application)</td>
</tr>
<tr>
<td>Correction of Register of Patents</td>
<td>Rule 58 (correction of each error in the Register)</td>
</tr>
<tr>
<td>Correction of Specification of a Patent or of an Application for a Patent</td>
<td>Rule 91</td>
</tr>
<tr>
<td>Correction of any other document relating to a Patent or of an Application for a Patent</td>
<td>Rule 91</td>
</tr>
</tbody>
</table>
11.8.11 Forms relating to registration will include Form CM6 (Application to register amend or terminate a licence), Form CM7 (Application to register, amend or terminate a security interest), and Form CM8 (Application to register a transfer of ownership).

11.8.12 Forms relating to an application for a patent will include forms such as Patents Form 1 (Request for the grant of a patent), Patents Form 37 (Entry into national phase), or Patents Form 11 (Request for search and examination report).

11.8.13 The following table illustrates the correct form to be used for the following purposes –

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Applicable Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appoint, change or remove an agent</td>
<td>Form CM1</td>
</tr>
<tr>
<td>Alter or correct address for service</td>
<td>Form CM2</td>
</tr>
<tr>
<td>Alteration or correction of the name of Applicant X</td>
<td>Form CM2</td>
</tr>
<tr>
<td>Correction of applicant's name from Applicant A to Applicant B</td>
<td>Form CM4</td>
</tr>
<tr>
<td>Correction of applicant's name that results in change in legal entity e.g. ABC LLP to ABC LLC</td>
<td>Form CM4</td>
</tr>
<tr>
<td>Alteration or correction of address</td>
<td>Form CM2</td>
</tr>
<tr>
<td>Transfer of ownership e.g. change in applicant's name from Applicant A to Applicant B</td>
<td>Form CM8</td>
</tr>
<tr>
<td>Amendment of specification</td>
<td>Patents Form 13</td>
</tr>
<tr>
<td>Correction of specification</td>
<td>Form CM4</td>
</tr>
<tr>
<td>Addition or correction of declared priority date (within 16 month time period stated therein)</td>
<td>Patents Form 57</td>
</tr>
</tbody>
</table>

11.8.14 Where the request relates to an error in any document other than a form, the request shall be accompanied by both the marked-up and clean copies of the proposed correction. Rule 91(A)

11.8.15 For correction of specification, the correction should be obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction. Rule 91(2)

11.8.16 The Registrar may advertise the proposed correction by publishing the request and the nature of the proposed correction in the journal. Rule 91(3)

11.8.17 The Registrar may call for such written explanation of the reasons for the request or evidence in support of it as he may require in order to satisfy himself that there is an error. Rule 58(3)
Request to Correct Information in a Published Application

11.8.18 Requests under Patents Rule 91 to correct declared priority information in a published patent application will only be allowed under exceptional grounds. Applicant may put forth the reason(s) for exceptional grounds in a cover letter, enclosed with the Form CM 4. The question of whether exceptional grounds exist will be determined by IPOS taking into account the following non-exhaustive factors –

a. The impact or effect of the error on the rights and interests of third parties;
b. The nature of the error, e.g. a clerical error;
c. Whether the error is obvious or readily apparent on the face of the published application or by reference to other documents in the patent file; and
d. The time lapse between publication and the date of the request for correction and the reasons given for such delay.

11.8.19 Requests to correct a mistake in the declared priority date should be sought under Patents Rule 9(3) within the 16 month time period stated therein, the relevant form to be used is Patents Form 57.

Correction of Error in Marked-up Specification

11.8.20 When a request for correction made on Form CM4 relates to an error in any document other than a form, the proposed correction needs to be indicated on a copy of that document (in the manner stated in Rule 91(1A)). Such documents may include –

a. A specification of a patent;
b. A specification of an application for a patent; or
c. Any document filed in connection with a patent or such an application.

11.8.21 When requesting for the correction of a specification of a patent or of an application for a patent, the proposed correction needs to be indicated on a copy of that specification; when requesting for the correction of any document relating to a patent or such application (e.g. abstract and claims correspondence table), the proposed correction needs to be indicated on a copy of that document. With regard to correction of the specification, the standard stated in rule 91(2) shall apply (no correction shall be made unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

11.8.22 In particular, the correction of a “marked-up” specification is considered to be a correction of a specification of a patent or of an application for a patent. To avoid delays in processing such requests, users should select the appropriate correction type “Correction of Specification of a Patent or of an Application for a Patent” in Form CM4.
12 APPENDIX

Corresponding Application

12.1 Corresponding application refers to an application for a patent i.e. an application for protection was filed or treated as filed, with any prescribed patent office that –

a. Forms the basis for a priority claim under Section 17 in the application in suit; or
b. Is subject to a priority claim based on –
   i. The application in suit; or
   ii. An application which is also the basis for a priority claim under Section 17 in the application in suit.

12.2 The prescribed patent offices are –
   a. Australia;
   b. Canada (Canadian patent should be filed in English);
   c. Japan;
   d. New Zealand;
   e. Republic of Korea;
   f. The United Kingdom;
   g. The United States of America;
   h. European Patent Office (European patent should be filed in English or the procedural language is in English).

12.3 The following are some examples of valid corresponding applications –

a. The Singapore (SG) patent application claims priority to the United Kingdom (UK) patent application. The SG patent application is able to rely on the UK patent application as a corresponding application;
b. The UK patent application claims priority to the Singapore patent application. The SG patent application is able to rely on the UK patent application as a corresponding application;

![Diagram of priority claim]

b. The UK patent application claims priority to the Singapore patent application. The SG patent application is able to rely on the UK patent application as a corresponding application;

c. The Singapore patent application claims priority to the UK patent application, and a United States (US) patent application claims priority to the UK patent application. The SG patent application is able to rely on either the UK or US patent application as a corresponding application;

c. The Singapore patent application claims priority to the UK patent application, and a United States (US) patent application claims priority to the UK patent application. The SG patent application is able to rely on either the UK or US patent application as a corresponding application;

d. The PCT application claims priority to the UK patent application. The PCT application then enters national phase into SG, Australia (AU), and Japan (JP). Divisional applications were filed for both AU and JP patent applications. In this scenario, the SG patent application is able to rely on any one of the UK, AU, AU Divisional, JP, and JP divisional patent application as corresponding application;

d. The PCT application claims priority to the UK patent application. The PCT application then enters national phase into SG, Australia (AU), and Japan (JP). Divisional applications were filed for both AU and JP patent applications. In this scenario, the SG patent application is able to rely on any one of the UK, AU, AU Divisional, JP, and JP divisional patent application as corresponding application;
e. The SG patent application claims priority to the US patent application. A divisional was filed for the US patent application. The US divisional application preserves an earlier filing date comprising the filing date of the parent application as well as the benefit of the right of priority, if any. The US divisional application is regarded to make a priority claim to its parent application. The SG patent application is able to rely on the US or US divisional patent application as corresponding application;

12.4 The following are some examples that are not considered as corresponding applications –

a. The SG patent application and UK patent application has no priority link. The SG patent application is unable to rely on the UK patent application as corresponding application;
b. The European Patent Office (EPO) patent application claims priority to the SG patent application. A divisional application was filed for the SG patent application. There is no priority claim for both SG and SG divisional applications. The SG divisional application in this case is taken to adopt the filing date of the parent application as its filing date rather than making a priority claim to that application. Therefore, the Singapore divisional patent application is unable to rely on the EPO patent application as corresponding application;

c. The EPO patent application claims priority to the SG patent application. Divisional applications were filed for both SG and EPO patent applications. Similar to the above example, the SG divisional application in this case is taken to adopt the filing date of the parent application as its filing date rather than making a priority claim to that application. Therefore, the SG divisional patent application is unable to rely on the EPO or EPO divisional patent application as corresponding application;
Corresponding International Application

12.5 A corresponding international application is a PCT application that is an international application –
   a. From which the Singapore application derived its priority under Section 17 of the Patents Act; or
   b. Claims priority to the Singapore application; or
   c. Claims priority from an application in a convention country that also forms the basis of a priority claim in a Singapore application.

12.6 The following examples are considered as corresponding international applications –

   a. The PCT application claims priority to the SG patent application. The international application then enters national phase into Republic of Korea (KR). The KR patent application retains the priority claim to the SG patent application. The SG application is able to rely on either the PCT or KR patent application as corresponding international application;
b. Both PCT and SG patent application claims priority to the Canadian (CA) patent application. In this case, the SG application is able to rely on the PCT application as corresponding international application;

12.7 The following example is not a valid corresponding international application –

a. The PCT application claims priority to the SG patent application. A divisional application was filed for the SG patent application. There is no priority claim for both the SG and SG divisional application. The SG divisional patent application is unable to rely on the PCT application as corresponding international application;

Related National Phase Application

12.8 Related national phase applications refer to national phase entries of a PCT application which does not claim priority to an earlier application.

12.9 The following is an example of related national phase application –

a. The PCT application enters national phase into SG and New Zealand (NZ). There is no declared priority for the PCT, SG and NZ patent applications. SG and NZ patent applications are considered as related national phase applications.
12.10 The following is an example which is not considered as a related national phase application –

a. The PCT application enters national phase into SG and NZ. Divisional applications were filed for both SG and NZ patent applications. There is no declared priority for the PCT, SG, SG divisional, NZ and NZ divisional patent applications. The SG or SG divisional is unable to rely on the NZ divisional patent application as related national phase application.

12.11 For more examples on valid scenarios of corresponding application, corresponding international application and related national phase application, refer to Annex of the Examination Guidelines for Patent Applications.
Ideas Today. Assets Tomorrow.

The Intellectual Property Office of Singapore (IPOS) is a statutory board under the Ministry of Law. We are an innovation agency that uses our IP expertise and networks to drive Singapore’s future growth. Our focus is on helping enterprises grow through IP and innovation strategies, developing skills and expertise in these areas, and creating a vibrant ecosystem where today’s ideas become tomorrow’s assets.