

Inputs for Secretariat’s Preparation of Reference Documents

Issues	Relevant Document	Updates from Singapore
<p data-bbox="256 275 675 369"><u>Confidentiality of Communications between Clients and their Patent Advisors</u></p> <p data-bbox="256 375 675 966">According to the Singapore Evidence Act, in general, communication between an advocate or solicitor and his client is confidential. The Singapore Patents Act extends this privilege for communications to patent agents and their clients. A communication with respect to any matter relating to patents between a person and (1) a registered patent agent or (2) an entity qualified as a firm of patent agents, is privileged from disclosure in legal proceedings in the same way as a communication between a person and his solicitor. This applies to foreign patent agents registered in Singapore in accordance with Singapore’s law.</p>	SCP/20/9	No change.

Certain Aspects of National/ Regional Patent Laws

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<p><u>Prior Art</u> 1. Everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date). 2. Contents of patent applications with an earlier filing date (priority date) published on or after that date.</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>
<p><u>Novelty</u> The invention does not form part of the state of the art. The state of the art consists of everything made available to the public by written or oral description, use or in any other way before the filing date (priority date), and the contents of patent applications with an earlier filing date (priority date) published on or after that date.</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>
<p><u>Inventive Step (Obviousness)</u> The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>
<p><u>Grace Period</u> Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date due to: 1. matter directly or indirectly obtained unlawfully or in breach of confidence from the inventor; 2. display of the invention by the inventor displaying at an international exhibition; 3. a description of the invention in a paper read by, or with the consent of, the inventor before a learned society, or published with his consent in the transactions of a learned society. 4. matter disclosed by the inventor or by a person who obtained the matter directly or indirectly from the inventor, the disclosure being in a</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>

C.8893 – Response to WIPO’s Request for Information from IPOs

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<p>form other than a published application for an intellectual property right; and</p> <p>5. an application for an intellectual property right that is erroneously published.</p>		
<p><u>Sufficiency of Disclosure</u></p> <p>An application shall disclose the invention in a manner which is clear and complete for the invention to be performed by a person skilled in the art.</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>
<p><u>Exclusion from Patentable Subject Matter</u></p> <p>1. Inventions encouraging offensive, immoral or anti-social behavior.</p> <p>2. Therapeutic, surgical and diagnostic methods for treating humans or animals.</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>
<p><u>Exceptions and Limitations of the Rights</u></p> <p>1. Private acts for non-commercial purposes.</p> <p>2. Acts for experimental purposes.</p> <p>3. Preparation of prescribed medicines in pharmacies, and dealings with those medicines.</p> <p>4. Certain uses concerning foreign ships, aircraft, hovercraft or vehicles which temporarily or accidentally enter national territory.</p> <p>5. Certain acts in relation to products produced by or with the consent, of the patent owner or licensee in any country.</p> <p>6. Exploitation authorized by a Government department, in particular in respect of national security, defense or civil defense emergency, subject to remuneration.</p> <p>7. Continued prior use by a person who, in good faith before the filing date (priority date), exploited the invention in Singapore, or made effective and serious preparations for that purpose.</p> <p>8. Compulsory licenses.</p>	<p>Revised Annex II of document SCP/12/3 Rev.2</p>	<p>No change.</p>

National and Regional Laws on Opposition Systems and Other Administrative Revocation and Invalidation Mechanisms

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<p data-bbox="246 310 683 409"><u>Opposition Systems and other Administrative Revocation and Invalidation Mechanisms</u></p> <p data-bbox="246 415 683 877">The Intellectual Property Office of Singapore does not provide any opposition procedure. Further to the cooperation agreements concluded with other patent offices, such as the Austrian Patent Office, IP Australia, the Danish Patent and the Trademark Office and the Hungarian Patent Office, IPOS outsources search and examination work in relation to patent applications, as well as the re-examination of the granted patent(s) initiated by the Registrar or any person to revoke a patent.</p> <p data-bbox="246 913 683 1276">With effect from 14 February 2014, IPOS has moved from a patent self-assessment system to a positive grant system and developed an indigenous patent search and examination capability. With the positive grant system, post-grant search and examination, which was intended as a check-and-balance measure under the self-assessment patent system, was removed.</p> <p data-bbox="246 1312 683 1444">With regards to patent proceedings mechanisms, IPOS informally accepts third party observations at the pre-grant stage.</p>	<p data-bbox="691 310 950 340">SCP/18/14</p>	<p data-bbox="958 310 1323 844">On 5 August 2019, the Intellectual Property (Dispute Resolutions) Bill (“Bill”) was passed in Parliament. Among others, the Bill formalises the third party observations process for patent applications; and introduces a new, binding re-examination process (<i>ex parte</i>) that is available post-grant. These changes are introduced to enhance the IP dispute resolution system and the quality of the patents register in Singapore.</p>

International worksharing and collaborative activities for search and examination of patent applications

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<p><u>Sharing search and examination work products</u> Under regional/ plurilateral frameworks, ASPEC is a worksharing program with the purpose of sharing search and examination results between the participating intellectual property offices of the member States of the Association of ASEAN, namely Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.</p>	Not available	Two new initiatives under ASPEC were launched on 27 August 2019, namely ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (AIM) and PCT-ASPEC. The initiatives aim to expedite Industry 4.0 patent applications and expand choices for patent applicants respectively. <i>[Singapore is providing this update in the capacity of the ASPEC Taskforce Chair.]</i>
<p><u>Cooperation on the use of search and examination capacity</u></p>	Not available	Not applicable.
<p><u>Collaborative search and examination</u></p>	Not available	Not applicable.
<p><u>Acceptance of equivalent search and examination by other offices</u> Cambodia: Cooperation between IPOS and the Ministry of Industry & Handicraft of Cambodia</p>	Not available	No change.
<p><u>Examination by a regional patent office</u></p>	Not available	Not applicable.