

## CHANGE IN SEARCH AND EXAMINATION OPTIONS FOR SINGAPORE PATENT APPLICATIONS

### Foreign Route Option

Singapore has long made available to an applicant of a patent application in Singapore, the option of relying on the allowance or grant of a Corresponding Application<sup>1</sup> ("**Foreign Route**") in the prosecution of such Singapore patent application towards grant.

This Foreign Route is attractive for its savings in cost, time and effort because it:

- (i) does not require any official fees to be paid;
- (ii) is premised on the Corresponding Application relied upon having been examined for novelty, inventive step and industrial applicability and therefore does not require the Singapore application to be locally examined in relation to these criteria; and
- (iii) only requires examination of the claims in the Singapore patent application to ensure that they
  - are supported by the description;
  - do not contain immoral or offensive subject matter;
  - are not method of treatment claims;
  - will not result in double patenting with another Singapore application;
  - do not contain added matter beyond the application as filed;
  - conform to the claims of the Corresponding Application relied upon; and
  - are directed to patentable subject matter.

### Closure of Foreign Route Option

With the passing of the Patent Amendments Bill (No. S 573/2017) into law and the consequential promulgation of Rule 43(4) of the Patents Rules, the Foreign Route will soon see its sunset and cease to be available with effect from 1 January 2020.

In particular, any patent application in Singapore with a filing date which is on or after 1 January 2020<sup>2</sup> will not have the Foreign Route option available to it, and will need to undergo local substantive examination.

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<sup>1</sup> A Corresponding Application is an application filed in Australia, Canada (only if filed in English), European Patent Office (only if filed in English), Japan, New Zealand, Republic of Korea, United Kingdom or United States of America or a PCT international application that:-

- has the same priority claim as the Singapore Application;
- forms the basis for a priority claim in the Singapore Application; or
- is subject to a priority claim based on the Singapore Application.

<sup>2</sup> Generally, Singapore patent applications with a date of filing on or after 1 January 2020 refers to:-

- international PCT applications entering Singapore national phase having a date of filing on or after 1 January 2020,
- domestic Singapore applications having a date of filing on or after 1 January 2020, and
- divisional Singapore applications having an actual date of filing on or after 1 January 2020.

## Practical Considerations

The remaining window to the closure of the Foreign Route presents the opportunity for patent applicants to leverage its advantages before its final bow. With the right action taken during this window, the play on the Foreign Route may be practically maximized and effectively "extended" beyond its official closure date in the following circumstances, viz. where any of the following patent applications is filed before 1 January 2020:

- (i) international PCT application (even if its filing deadline to claim priority is after 1 January 2020);
- (ii) domestic Singapore application (even if its filing deadline to claim priority under the Paris Convention is after 1 January 2020);
- (iii) divisional Singapore application (pending the anticipated allowance or grant of a Corresponding Application to be relied upon).

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## CONTACT

If you have any questions on the closure of the Foreign Route and its impact on your patent application or patent filing strategy in Singapore, please feel free to contact us at [patent@joylaw.com](mailto:patent@joylaw.com) or call our hotline at +65 6871 1067.

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