

Foreign Route for Examination of Singapore Patent Applications to be Phased Out in 2017

What is the Foreign Route Option?

Currently under the Singapore patents regime, applicants who have filed patent applications on or after 14 February 2014 can instead of requesting examination, rely on the positive and final search and examination results of a corresponding patent application from a list of countries, namely Australia, Canada, EPO (if filed in English), Japan, New Zealand (if examined on inventive step), United Kingdom, United States of America, or Republic of Korea.

Where this is done, applicants only request supplementary examination of their Singapore applications. This option provides significant cost-savings since currently requesting supplementary examination attracts no official fees and does not involve substantive examination of the Singapore application.

Removal of Foreign Route from 2017

Based on recent communications from the Intellectual Property Office of Singapore, changes to the Patents Act and Rules are expected to be implemented to abolish the option of requesting supplementary examination no earlier than **1 January 2017**. The effect of this change is that Singapore applications with a filing date of 1 January 2017 or later and Singapore divisional applications which are lodged on or after 1 January 2017 will no longer enjoy this option.

The Patent Registry has clarified that PCT national phase applications which have an international filing date before 1 January 2017, would still qualify for supplementary examination even if Singapore national phase entry takes place on or after 1 January 2017.

New Fees to be introduced for existing Foreign Route

In addition to the change above, the Patent Registry has announced the introduction of official fees for supplementary examination for applications with a filing date before 1 January 2017.

A new official fee of S\$400 will be imposed for supplementary examination requests made from 1 January 2017 onwards.

The official fees for supplementary examination will be increased annually.

Pending further updates from Patent Registry, applicants are encouraged to file their Singapore applications and/or request supplementary examination before 1 January 2017 so that they may continue to avail themselves of this cost-saving option.

Obtaining Patent Grant in Cambodia via Singapore Patents

The Intellectual Property Office of Singapore recently announced that as a result of a cooperation agreement between the respective patent offices:

- (i) proprietors of a Singapore granted patent may re-register their patent in Cambodia; and
- (ii) applicants for a Singapore patent application may rely on a final IPOS-issued Search and Examination report to request grant of a related Cambodian patent application.

Re-registration of Granted Singapore Patents in Cambodia

To qualify for re-registration of a granted Singapore patent application in Cambodia, the Singapore patent must be in force at the time of re-registration. Re-registration may be made at any time as long as the Singapore patent is in force. Patent owners with interests in Cambodia should consider availing themselves of this opportunity.

Proprietors who wish to re-register their Singapore patents in Singapore must submit the following documents to the Cambodian Ministry of Industry & Handicraft:

- (i) a completed Cambodian application form;
- (ii) a completed information sheet containing the particulars of the Singapore patent;
- (iii) certified copies of the Certificate of Grant and final specification of the Singapore patent;
- (iv) a certified copy of a Statement of Inventorship, where the applicant is not the inventor; and
- (v) a duly completed and executed power of attorney if a Cambodian agent is appointed.

Relying on IPOS-issued Search and Examination Reports

Where applicants have both a Singapore and Cambodian patent application, applicants can also request IPOS to provide a copy of the final search and examination results of the Singapore application and the final version of the patent specification to the Cambodian Ministry of Industry and Handicraft, which is responsible for the granting of patents.

Applicants would also be required to request the Ministry in Cambodia to amend the Cambodia patent application to conform to the Singapore patent application.

Applicants would have to have an existing patent application filed in Cambodia, which is related to the Singapore patent application.

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