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PATENTS ACT
(CHAPTER 221)

PATENTS
(PATENT AGENTS)
(AMENDMENT) RULES 2014

In exercise of the powers conferred by section 104 of the Patents Act, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Patents (Patent Agents) (Amendment) Rules 2014 and shall come into operation on 14th February 2014.

Amendment of rule 2

2. Rule 2(1) of the Patents (Patent Agents) Rules 2001 (G.N. No. S 645/2001) (referred to in these Rules as the principal Rules) is amended —

(a) by inserting, immediately after the definition of “Disciplinary Committee”, the following definitions:

““foreign patent agency work” means any of the types of work referred to in section 105A(4)(a), (b) and (c) of the Act;

“foreign patent agent certificate” means a foreign patent agent certificate issued under rule 10B(4) or 10C(5);”;

(b) by deleting the definition of “patent agency work” and substituting the following definition:

““patent agency work” means any of the types of work referred to in section 105(4)(a), (b) and (c)

of the Act, and includes, for the avoidance of doubt, any foreign patent agency work;” and

(c) by deleting the definition of “register” and substituting the following definitions:

““register of foreign patent agents” means the register of foreign patent agents maintained under rule 5(1A);

“register of patent agents” means the register of patent agents maintained under rule 5(1).”.

Amendment of rule 3

3. Rule 3(4) of the principal Rules is amended by inserting, immediately after the words “registered patent agent”, the words “or a registered foreign patent agent”.

Amendment of rule 4

4. Rule 4(1) of the principal Rules is amended by inserting, immediately after the words “a patent agent” in sub-paragraph (a)(i), the words “or a foreign patent agent”.

Amendment of heading to Part II

5. Part II of the principal Rules is amended by inserting, immediately after the words “OF PATENT AGENTS” in the Part heading, the words “AND FOREIGN PATENT AGENTS”.

Amendment of rule 5

6. Rule 5 of the principal Rules is amended —

(a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The Registrar shall keep and maintain a register of foreign patent agents which shall contain —

(a) the names and practice addresses in Singapore of all individuals registered as foreign patent agents under these Rules;

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- (b) the dates of their registration;
 - (c) the terms of foreign patent agent certificates issued to them; and
 - (d) such of their other particulars as the Registrar may determine.”;
- (b) by inserting, immediately after the words “The register” in paragraph (2), the words “of patent agents and the register of foreign patent agents”; and
- (c) by inserting, immediately after the words “of patent agents” in the rule heading, the words “and register of foreign patent agents”.

Amendment of rule 6

7. Rule 6 of the principal Rules is amended by inserting, immediately after the word “registration” in the rule heading, the words “as patent agent”.

Amendment of rule 7

8. Rule 7 of the principal Rules is amended —

- (a) by inserting, immediately after the word “registration” in paragraph (1), the words “as a patent agent”;
- (b) by deleting the words “one or both of whom is or are” in paragraph (1)(c)(iii) and substituting the words “at least one of whom is”;
- (c) by inserting, immediately after the word “registered” in paragraphs (2) and (4), the words “as a patent agent”;
- (d) by inserting, immediately after the words “the register” in paragraph (4), the words “of patent agents”;
- (e) by inserting, immediately after the word “applicant” in paragraphs (5) and (6), the words “as a patent agent”;
- (f) by inserting, immediately after the word “application” in paragraph (7), the words “for registration as a patent agent”; and

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- (g) by inserting, immediately after the word “registration” in the rule heading, the words “as patent agent”.

Amendment of rule 8

9. Rule 8(1) of the principal Rules is amended by inserting, immediately after the word “registration”, the words “as a patent agent”.

Amendment of rule 9

10. Rule 9 of the principal Rules is amended —

- (a) by inserting, immediately after the word “registered” in paragraph (4)(b)(vi), the words “as a patent agent”; and
- (b) by deleting the word “he” in paragraph (5) and substituting the words “the Registrar”.

Amendment of rule 10

11. Rule 10(1) of the principal Rules is amended by inserting, immediately after the word “convicted” in paragraph (b)(ii)(C), the words “, whether in Singapore or elsewhere,”.

New rules 10A to 10E

12. The principal Rules are amended by inserting, immediately after rule 10, the following rules:

“Eligibility to apply for registration as foreign patent agent

10A. An individual is eligible to apply for registration as a foreign patent agent if —

- (a) he is resident in Singapore; and
- (b) he is registered as a patent agent or patent attorney with —
- (i) any patent office (other than the Registry); or
- (ii) any professional accreditation or regulatory body for patent agents or patent attorneys in any country or jurisdiction other than Singapore.

Application for registration as foreign patent agent

10B.—(1) An application for registration as a foreign patent agent shall be made to the Registrar in Form H, and shall be accompanied by —

- (a) the applicable fee in the First Schedule;
- (b) documentary proof of the applicant's eligibility to apply for registration as a foreign patent agent;
- (c) a certificate of good standing issued by the patent office (other than the Registry), or the professional accreditation or regulatory body for patent agents or patent attorneys, with which the applicant is registered as a patent agent or patent attorney;
- (d) 2 certificates of good character relating to the applicant in Form B, from 2 responsible individuals —
 - (i) who are not immediately related to the applicant;
 - (ii) who have known the applicant for at least 12 months and have had opportunities to judge his character; and
 - (iii) at least one of whom is resident in the country or jurisdiction in which the applicant is registered as a patent agent or patent attorney; and
- (e) documentary proof that the applicant has obtained professional indemnity insurance against any liability incurred by him when carrying out foreign patent agency work in the practice year during which his application for registration as a foreign patent agent is made, where the amount of insurance cover is at least \$1 million for each claim.

(2) The Registrar may require the applicant to furnish, within a specified period, such further evidence or information as the Registrar considers necessary to determine whether the applicant —

- (a) is eligible to apply for registration as a foreign patent agent; or