

Patents (Amendment) Rules 2003

Table of Contents

Enacting Formula

1 Citation and commencement

2 Amendment of rule 2

3 Amendment of rule 3

4 Amendment of rule 9

5 Amendment of rule 18

6 Amendment of rule 19

7 Amendment of rule 21

8 Amendment of rule 23

9 Amendment of rule 28

10 Amendment of rule 33

11 Amendment of rule 47

12 Amendment of rule 48

13 Amendment of rule 51

14 Amendment of rule 56

15 Amendment of rule 58

16 Amendment of rule 75

- 17 Amendment of rule 86**
- 18 Amendment of rule 91**
- 19 Amendment of rule 93**
- 20 Amendment of rule 96A**
- 21 Amendment of rule 96D**
- 22 Deletion and substitution of rule 96H**
- 23 Amendment of rule 96I**
- 24 New rule 96K**
- 25 Amendment of rule 97**
- 26 Amendment of rule 98**
- 27 Amendment of First Schedule**
- 28 Miscellaneous amendments**

THE SCHEDULE Miscellaneous Amendments

No. S 324

PATENTS ACT (CHAPTER 221)

PATENTS (AMENDMENT) RULES 2003

In exercise of the powers conferred by section 115 of the Patents Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes

the following Rules:

Citation and commencement

1. These Rules may be cited as the Patents (Amendment) Rules 2003 and shall come into operation on 1st August 2003.

Amendment of rule 2

2. Rule 2 of the Patents Rules (R 1) is amended —

- (a) by inserting, immediately after the definition of “certification authority” in paragraph (1), the following definition:

““convention country” has the same meaning as in section 17(6);”;

- (b) by deleting the words “which is a convention country specified in an order made under section 89” in paragraph (b) of the definition of “declared priority date” in paragraph (1) and substituting the words “which is a convention country”; and
- (c) by deleting the words “and the Austrian Patent Office” in paragraph (3) and substituting the words “, the Austrian Patent Office and the Danish Patent and Trademark Office”.

Amendment of rule 3

3. Rule 3 of the Patents Rules is amended —

- (a) by deleting the words “rules 19 (2) and 117 (1)” in paragraph (2) and substituting the words “rule 117 (1)”;
- (b) by deleting the word “matter” in the last line of paragraph (2) and substituting the words “form corresponding to the matter”; and
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Unless the Registrar permits or directs otherwise, payment of a fee in connection with an act referred to in rule 96A (2) shall be made using the electronic online system if the act is carried out using that system.”.

Amendment of rule 9

4.—(1) Rule 9 of the Patents Rules is amended by deleting paragraphs (5), (6) and (7)

and substituting the following paragraphs:

“(5) Where —

- (a) a copy of an application is filed or treated as having been filed under paragraph (2A), (3) or (4); and
- (b) that application is in a language other than English,

the Registrar may, where the validity of the claim to priority is relevant to determining whether the invention concerned is patentable, by notice sent to the applicant or proprietor, as the case may be, require him to furnish a translation of the application into English within 2 months from the date of that notice.

(6) The translation referred to in paragraph (5) shall be verified to the satisfaction of the Registrar as corresponding to the original text.

(7) If —

- (a) the applicant fails to comply with paragraph (2) or (2A); or
- (b) the applicant or proprietor fails to comply with a requirement under paragraph (5),

within the time specified or as extended under rule 108, the claim to priority shall be deemed to be relinquished.”.

(2) Paragraph (1) shall apply to —

- (a) an application for a patent made on or after 1st August 2003; and
- (b) an application for a patent made before that date if the compliance date for that application has not expired by that date.

(3) In paragraph (2), “compliance date”, in relation to an application for a patent, means the date by which the translation referred to in rule 9 (5) in force immediately before 1st August 2003 is (but for paragraph (2)) to be lodged with the Registrar under that provision, including such date as extended under the provisions of the Patents Rules in force immediately before 1st August 2003.

Amendment of rule 18

5. Rule 18 of the Patents Rules is amended —

- (a) by deleting the words “made on Patents Form 8” in paragraph (1) and substituting the words “filed with the Registrar on Patents Form 8”;
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) Where —

- (a) the applicant is not the sole inventor; or

(b) the applicants are not the joint inventors of the invention,

and the application does not contain a declared priority date which relates to an earlier relevant application as defined in section 17(5)(b), the Registrar shall send a copy of the Patents Form 8 filed under paragraph (1) to each inventor who is not one of the applicants.”; and

(c) by deleting the words “paragraphs (1) and (2)” in paragraph (3) and substituting the words “paragraph (1)”.

Amendment of rule 19

6. Rule 19 of the Patents Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Where a document containing an indication that a patent is sought in pursuance of an application is filed with the Registrar without Patents Form 1 or the filing fee, the Form shall be filed with, and the fee shall be paid to, the Registry within one month from the date of the filing of the document.”.

Amendment of rule 21

7. Rule 21 of the Patents Rules is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) Paragraphs (1) to (4) and (5)(f), (g) and (j) shall not apply to any drawing to be filed with the Registry using the electronic online system, and that drawing shall instead comply with practice directions issued by the Registrar in place of the requirements of those paragraphs.”.

Amendment of rule 23

8. Rule 23 of the Patents Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) Subject to paragraph (29), this rule shall apply to all documents (including drawings) making up an application for a patent, including any replacement thereof, to be filed with the Registry by any means.

(1A) All documents referred to in paragraph (1) shall be in English.”;