



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT
Published by Authority

NO. 21]

THURSDAY, APRIL 13

[2017

First published in the *Government Gazette*, Electronic Edition, on 11 April 2017 at 5 pm.

The following Act was passed by Parliament on 28 February 2017 and assented to by the President on 5 April 2017:—

REPUBLIC OF SINGAPORE

No. 18 of 2017.

I assent.

TONY TAN KENG YAM,
President.
5 April 2017.



An Act to amend the Patents Act (Chapter 221 of the 2005 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Patents (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 14

2. Section 14 of the Patents Act is amended —

(a) by deleting paragraph (c) of subsection (4) and substituting the following paragraph:

“(c) the disclosure was due to, or made in consequence of, the inventor displaying the invention at an international exhibition;”;

(b) by deleting the full-stop at the end of paragraph (d) of subsection (4) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(e) subject to subsections (5A) and (5B), the disclosure was made to the public by the inventor, or by a person who obtained the matter directly or indirectly from the inventor, in any circumstances not described in paragraphs (a) to (d).”;

(c) by inserting, immediately after subsection (5), the following subsections:

“(5A) Subsection (4)(e) applies to the disclosure of matter constituting an invention due to, or in consequence of, the publication by an intellectual property administrator (being a person who obtained the matter directly or indirectly from the inventor) of an application for an intellectual property right (being an application containing the matter, but not being the application for a patent mentioned in subsection (4)), or a registration of an intellectual property right pursuant to such an application, only if —

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- (a) the application was filed, without the consent of the inventor, by a person who obtained the matter directly or indirectly from the inventor; or
 - (b) the publication was erroneous by reason that —
 - (i) the application had been withdrawn, refused or abandoned before the date of the publication; and
 - (ii) consequently, the publication was not required under the law (whether of Singapore or elsewhere) or treaty governing the application.

(5B) For the purposes of subsection (4)(e), where —

- (a) the disclosure of matter constituting an invention is due to, or in consequence of, the publication by an intellectual property administrator (being a person who obtained the matter directly or indirectly from the inventor) of an application for an intellectual property right (being an application containing the matter, but not being the application for a patent mentioned in subsection (4)), or a registration of an intellectual property right pursuant to such an application; and
- (b) the publication was erroneous by reason that the publication occurred earlier than provided under the law (whether of Singapore or elsewhere) or treaty governing the application,

the matter is to be treated as disclosed to the public on the date when the publication should have occurred under that law or treaty.”;

(d) by inserting, immediately before subsection (6), the following subsection:

“(5C) If the applicant relies on any circumstances described in any paragraph of subsection (4) when —

(a) complying with section 29(1)(b) or (c), (3) or (9); or

(b) making a request under section 29B(1) for a review of an examination report issued under section 29(4) or a search and examination report issued under section 29(5),

the applicant must file written evidence complying with the prescribed requirements in support of the applicant’s reliance on those circumstances.”; and

(e) by inserting, immediately after subsection (7), the following subsection:

“(8) In this section —

“foreign intellectual property office” means —

(a) any national or regional office outside Singapore that performs functions similar to those that are performed by —

(i) the Registry;

(ii) the Registry of Plant Varieties established under section 7 of the Plant Varieties Protection Act (Cap. 232A);

(iii) the Registry of Designs established under section 51 of the Registered Designs Act (Cap. 266); or