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The following Act was passed by Parliament on 10th July 2012 and assented to by the President on 13th August 2012:—

**REPUBLIC OF SINGAPORE**

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**No. 15 of 2012.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*13th August 2012.*



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 may be cited as the Patents (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2(1) of the Patents Act is amended —

(a) by inserting, immediately after the definition of “European Patent Office”, the following definition:

““examination” means an examination conducted by an Examiner in relation to an application for a patent to determine such matters as may be prescribed;”;

(b) by deleting the definition of “Examiner” and substituting the following definition:

““Examiner” means any person, organisation, entity or foreign or international patent office or organisation appointed by the Registrar for the purpose of referring any question or matter relating to patents (including the conduct of any search, examination or search and examination, in relation to an application for a patent, whether before or after the patent is granted), and includes any Deputy Registrar of Patents, and any Assistant Registrar of Patents or public officer to whom the Registrar has delegated, under section 5(1), any of the Registrar’s powers or functions under this Act;”;

(c) by deleting the definition of “international preliminary report on patentability”;

(d) by deleting the definitions of “marketing approval” and “medicinal product” and substituting the following definitions:

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““marketing approval”, in relation to a pharmaceutical product, means —

(a) a product licence under section 5 of the Medicines Act (Cap. 176) granted before the date of commencement of section 2(d) of the Patents (Amendment) Act 2012; or

(b) a registration under Part VII of the Health Products Act (Cap. 122D) granted on or after the date of commencement of section 2(d) of the Patents (Amendment) Act 2012;

“medicinal health product” means any health product within the meaning of the Health Products Act that is prescribed as a medicinal health product;

“medicinal product” means —

(a) a medicinal product within the meaning of the Medicines Act; or

(b) a medicinal health product;”;

(e) by inserting, immediately after the definition of “register”, the following definition:

““registered foreign patent agent” means a person whose name is entered in the register of foreign patent agents kept in accordance with the rules made under section 104;”;

(f) by inserting, immediately after the definition of “Registry”, the following definitions:

““related national phase application”, in relation to an application for a patent (being an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3)) (referred to in this definition as the

application in suit), means an application for protection treated as filed with any prescribed patent office (being an international application for a patent (Singapore) that has entered the national or regional phase in the country or jurisdiction the patent office of which is that prescribed patent office) which is derived from the same international application for a patent (Singapore) (being an international application for a patent (Singapore) that is not subject to any priority claim) as the application in suit;

“related national phase patent”, in relation to a related national phase application, means a patent granted in respect of the related national phase application by the prescribed patent office in which the related national phase application was treated as filed;” and

(g) by inserting, immediately after the definition of “scientific adviser”, the following definitions:

““search” means a search conducted by an Examiner in relation to an application for a patent to discover such matters as may be prescribed;

“supplementary examination” means a supplementary examination conducted by an Examiner in relation to an application for a patent to determine such matters as may be prescribed;”.

### **Amendment of section 25**

**3. Section 25 of the Patents Act is amended —**

(a) by deleting the word “An” in subsection (8) and substituting the words “Subject to subsection (9), an”; and

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(b) by inserting, immediately after subsection (8), the following subsection:

“(9) A request to withdraw an application for a patent shall be made in such manner as may be prescribed.”.

#### **Amendment of section 26**

4. Section 26(11) of the Patents Act is amended by deleting the words “and before the conditions in section 30(2) and (3) are satisfied” and substituting the words “, but before the applicant satisfies the condition under section 30(c), or the application is refused, withdrawn, treated as or taken to be withdrawn, or treated as abandoned or as having been abandoned”.

#### **Amendment of section 28**

5. Section 28 of the Patents Act is amended —

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

“(4) If the Registrar determines under subsection (3)(a) that not all the formal requirements have been complied with, then the Registrar shall notify the applicant accordingly, and the applicant shall, within the prescribed period —

(a) make observations on the Registrar’s determination; and

(b) subject to section 84, amend the application in the prescribed manner, so as to comply with all the formal requirements.”;

(b) by deleting the words “period specified by the Registrar” in subsections (5) and (6)(a) and substituting in each case the words “prescribed period”; and

(c) by inserting, immediately after subsection (10), the following subsection: