

Patents (Amendment) Bill

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Bill No: 19/2004

Read the first time: 19th May 2004

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Explanatory Statement

Expenditure of Public Money

Patents (Amendment) Bill

Bill No. 19/2004

Read the first time on 19th May 2004.

An Act to amend the Patents Act (Chapter 221 of the 2002 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 2004 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 of the Patents Act is amended —

(a) by inserting, immediately after the definition of “Convention on International Exhibitions” in subsection (1), the following definitions:

“ “corresponding application”, in relation to an application for a patent (referred to in this definition as the application in suit), means an application for protection filed, or treated as filed, with any prescribed patent office that —

(a) forms the basis for a priority claim under section 17 in the application in suit; or

(b) is subject to a priority claim based on —

(i) the application in suit; or

(ii) an application which is also the basis for a priority claim under section 17 in the application in suit;

“corresponding international application”, in relation to an application for a patent (referred to in this definition as the application in suit), means an application for protection filed under the Patent Co-operation Treaty that —

(a) forms the basis for a priority claim under section 17 in the application in suit; or

(b) is subject to a priority claim based on —

- (i) the application in suit; or
- (ii) an application which is also the basis for a priority claim under section 17 in the application in suit;

“corresponding patent”, in relation to a corresponding application, means a patent granted in respect of the corresponding application by the prescribed patent office in which the corresponding application was filed or treated as filed;”;

(b) by inserting, immediately after the definition of “international exhibition” in subsection (1), the following definition:

“ “international preliminary report on patentability” means —

- (a) an international preliminary report on patentability (Chapter I of the Patent Co-operation Treaty); or
- (b) an international preliminary report on patentability (Chapter II of the Patent Co-operation Treaty),

referred to in the Regulations under the Patent Co-operation Treaty;”;

(c) by inserting, immediately after the definition of “legal officer” in subsection (1), the following definitions:

“ “marketing approval”, in relation to a pharmaceutical product, means a product licence under section 5 of the Medicines Act (Cap. 176);

“medicinal product” has the same meaning as in the Medicines Act;”;

(d) by inserting, immediately after the definition of “person” in subsection (1), the following definitions:

“ “pharmaceutical product” means a medicinal product which is a substance used wholly or mainly by being administered to a human being for the purpose of treating or preventing

disease, but does not include —

- (a) any substance which is used solely —
 - (i) for diagnosis or testing; or
 - (ii) as a device or mechanism, or an instrument, apparatus or appliance; or
- (b) any substance or class of substances specified in paragraph 2 or 3 of the Schedule;

“prescribed form” means a form published by the Registrar under section 115A;”;

- (e) by inserting, immediately after the definition of “Registry” in subsection (1), the following definition:

““relevant authority”, in relation to a pharmaceutical product, means the Health Sciences Authority established under the Health Sciences Authority Act (Cap. 122C);”;

- (f) by inserting, immediately after subsection (3), the following subsection:

“(3A) For the purposes of this Act —

- (a) a claim is related to another claim if —
 - (i) the 2 claims are identical; or
 - (ii) each limitation in the second claim —
 - (A) is identical to a limitation in the first claim; or
 - (B) differs from a limitation in the first claim only in expression but not in content; and
- (b) more than one claim may be related to a single claim.”.

Amendment of section 26

3. Section 26(6) of the Patents Act is amended by deleting the words “the patent is granted” and substituting the words “the conditions in section 30(2) and (3) are satisfied”.

Amendment of section 27