

Patents (Amendment) Bill

Table of Contents

Bill No: 28/2001

Read the first time: 25th July 2001

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 Amendment of section 17

4 Amendment of section 26

5 Amendment of section 28

6 Amendment of section 29

7 Amendment of section 35

8 Amendment of section 36

9 Amendment of section 42

10 Amendment of section 66

11 Amendment of section 79

12 Repeal of section 89

13 Amendment of section 94

14 Repeal and re-enactment of Part XIX

15 Amendment of section 115

16 Amendment of section 116

17 Savings provision

Explanatory Statement

Expenditure of Public Money

Patents (Amendment) Bill

Bill No. 28/2001

Read the first time on 25th July 2001.

An Act to amend the Patents Act (Chapter 221 of the 1995 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 2001 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”, the following definition:

“ “country” includes —

(a) a colony, protectorate or territory subject to the authority or under the suzerainty of another

country; or

(b) a territory administered by another country under the trusteeship of the United Nations;”;

(b) by inserting, immediately after the definition of “journal”, the following definition:

“ “legal officer” means a person appointed as a legal officer in the Singapore Legal Service;” and

(c) by deleting the word “kept” in the 2nd line of the definition of “register” and substituting the word “maintained”.

Amendment of section 17

3. Section 17 of the Patents Act is amended —

(a) by deleting the words “specified under section 89” in the 2nd line of subsection (5)(b); and

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

“(6) In subsection (5), “convention country” means —

(a) a country other than Singapore that is a party to the Paris Convention or a member of the World Trade Organisation; or

(b) any other country with which Singapore has entered into a treaty, convention, arrangement or engagement and which is declared by the Minister, by order published in the *Gazette*, as a convention country.”.

Amendment of section 26

4. Section 26 of the Patents Act is amended —

(a) by deleting the words “and one or more claims whether or not the description or the claim or claims” in the 2nd and 3rd lines of subsection (1)(c) and substituting the words “whether or not the description”; and

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

“(8) An application for a patent shall be treated as having been abandoned at the end of the prescribed period unless before that

period ends the applicant files one or more claims for the purposes of the application.”.

Amendment of section 28

5. Section 28 of the Patents Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where —

- (a) an application for a patent has a date of filing;
- (b) the application is not withdrawn or treated as having been abandoned;
and
- (c) one or more claims for the purposes of the application have been filed in accordance with section 26(8),

the Registrar shall, as soon as practicable after the end of the prescribed period, examine the application so as to determine whether the application complies with those requirements of this Act and the rules which are designated by the rules as formal requirements for the purposes of this Act.”.

Amendment of section 29

6. Section 29 of the Patents Act is amended —

- (a) by inserting, immediately after the words “furnish such detail as prescribed” in the 5th and 6th lines of subsection (1)(c), the words “in the prescribed form”; and
- (b) by inserting, immediately after the word “file” in the 3rd line of subsection (4), the words “in the prescribed form,”.

Amendment of section 35

7. Section 35 of the Patents Act is amended —

- (a) by deleting subsections (1) and (2) and substituting the following subsection:

“(1) As soon as practicable after a patent has been granted under this Act, the Registrar shall —

- (a) send to the proprietor of the patent a certificate in the prescribed form that the patent has been granted to the proprietor; and

- (b) publish in the journal a notice that the patent has been granted.”; and
- (b) by deleting the words “subsection (1)” in the 2nd line of subsection (3) and substituting the words “subsection (1)(b)”.

Amendment of section 36

8. Section 36 of the Patents Act is amended —

- (a) by deleting the words “on which notice of its grant is published in the journal” in the 3rd and 4th lines of subsection (1) and substituting the words “of issue of the certificate of grant”; and
- (b) by deleting subsection (4) and substituting the following subsection:

“(4) Rules shall include provision requiring the Registrar to notify the registered proprietor of a patent that a renewal fee has not been received from him in the Registry before the end of the prescribed period and before the framing of the notification.”.

Amendment of section 42

9. Section 42 of the Patents Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Registrar shall maintain a register of patents in accordance with the rules made by virtue of this section.”.

Amendment of section 66

10. Section 66(3) of the Patents Act is amended by deleting the words “other than Singapore which is a party to the Paris Convention” in the 4th and 5th lines and substituting the words “, other than Singapore, which is a party to the Paris Convention or a member of the World Trade Organisation”.

Amendment of section 79

11. Section 79(2) of the Patents Act is amended by deleting the words “available at the Registry” in the 3rd line and substituting the words “in the Registrar’s possession or control”.

Repeal of section 89

12. Section 89 of the Patents Act is repealed.