

Patents (Amendment) Bill

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Bill No: 31/1995

Read the first time: 27th September 1995

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Expenditure of Public Money

Patents (Amendment) Bill

Bill No. 31/1995

Read the first time on 27th September 1995.

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 1995 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 deleting the semi-colon at the end of the definition of “scientific adviser” and substituting a full-stop; and
- (b) by deleting the definitions of “services of the Government” and “use for the services of the Government”.

Amendment of section 13

3. Section 13 of the Patents Act is amended —

- (a) by deleting the words “subsections (2) and (3)” in subsection (1) and substituting the words “subsection (3)”; and
- (b) by deleting subsections (2) and (5).

Amendment of section 30

4. Section 30 of the Patents Act is amended by deleting the words “any thing referred to in section 13(2) or” in subsection (3)(b).

Repeal of sections 55 to 60 and re-enactment of section 55

5. Sections 55 to 60 of the Patents Act are repealed and the following section substituted therefor:

“Compulsory licences

55.—(1) At any time after the expiration of 3 years from the date of the grant of a patent or 4 years from the date of filing of the patent application, whichever is the later, any person interested may apply to the court for the grant of a licence under the patent upon any of the grounds specified in subsection (2).

(2) The grounds upon which a licence may be granted under this section are that a market for the patented invention is not being supplied, or is not being supplied on reasonable terms, in Singapore.

(3) Subject to this section, if the court is satisfied that either of the grounds referred to in subsection (2) is established, the court may make an order for the grant of a licence in accordance with the application upon such terms as the court thinks fit.

(4) A licence granted under this section —

- (a) is not exclusive;
- (b) shall not be assigned otherwise than in connection with the goodwill of the business in which the patented invention is used;
- (c) is limited to the supply of the patented invention predominantly in Singapore.

(5) Any licence granted under this section may, on the application of any interested party, be terminated by the court where the court is satisfied that the ground upon which the licence was granted has ceased to exist.

(6) Where a licence is granted under this section to any person, the person shall pay such remuneration to the patentee as may be agreed, or as may be determined by a method agreed between the person and the patentee or, in default of agreement, as is determined by the court on the application of the person or the patentee.

(7) No licence shall be granted under this section unless the person applying for the licence has first taken all reasonable steps to obtain a licence from the patentee on reasonable commercial terms and conditions and has failed to obtain such licence within a reasonable period of time.

(8) No licence shall be granted under this section in respect of a patent relating to an integrated circuit except to remedy a practice which is determined by the

court to be anti-competitive.

(9) If the patented invention cannot be worked by the applicant without his infringing another patent —

- (a) the court is to make the order under subsection (3) only if the court is further satisfied that the applicant's patented invention involves an important technical advance of considerable economic significance in relation to the invention claimed in the other patent;
- (b) the court shall further order that the patentee of the other invention —
 - (i) shall grant to the applicant a licence to work the other invention insofar as is necessary to work the patented invention; and
 - (ii) is to be granted, if he so requires, a cross-licence on reasonable terms to work the patented invention;
- (c) the court shall direct that the licence granted by the patentee of the other invention may be assigned by the applicant —
 - (i) only if the licence granted in respect of the patented invention is also assigned; and
 - (ii) only to the assignee of that licence.

(10) The powers of the court on an application under this section shall be exercised with a view to securing that the inventor or other person beneficially entitled to a patent shall receive reasonable remuneration having regard to the economic value of the licence.

(11) No order shall be made in pursuance of any application under this section which would be at variance with any treaty or international convention relating to patents to which Singapore is a party.

(12) For the purposes of this section and section 61, “integrated circuit” means a circuit, in its final or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in or on a piece of material and that is intended to perform an electronic function.”.

Repeal of sections 61 and 62 and re-enactment of section 61

6. Sections 61 and 62 of the Patents Act are repealed and the following section