

# **Patents (Patent Agents) (Amendment) Rules 2009**

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**No. S 566**

### **PATENTS ACT (CHAPTER 221)**

### **PATENTS (PATENT AGENTS) (AMENDMENT) RULES 2009**

In exercise of the powers conferred by section 104 of the Patents Act, the Minister for Law hereby makes the following Rules:

#### **Citation and commencement**

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1. These Rules may be cited as the Patents (Patent Agents) (Amendment) Rules 2009 and shall come into operation on 15th December 2009.

### **Amendment of rule 3**

2. Rule 3 of the Patents (Patent Agents) Rules 2001 (G.N. No. S 645/2001) (referred to in these Rules as the principal Rules) is amended —

- (a) by deleting the words “For the avoidance of doubt and subject to rule 17(2)(f)(ii),” in paragraph (3) and substituting the words “Subject to paragraph (4),”; and
- (b) by inserting, immediately after paragraph (3), the following paragraph:

“(4) The fee referred to in rule 17(2)(f)(ii), for making a complaint or giving information against a registered patent agent, shall be refundable at the end of an inquiry by the Disciplinary Committee into the complaint or information, unless —

  - (a) the Disciplinary Committee determines under rule 18(5) that the complaint or information is frivolous or vexatious; or
  - (b) the complaint or information is withdrawn by the person who made the complaint or gave the information.”.

### **Amendment of rule 9**

3. Rule 9 of the principal Rules is amended —

- (a) by deleting the words “take out professional indemnity insurance” in paragraph (1) and substituting the words “ensure that professional indemnity insurance has been obtained”;
- (b) by deleting sub-paragraph (vii) of paragraph (4)(b) and substituting the following sub-paragraph:

“(vii in a case where paragraph (1) applies, that he has  
) ensured that the professional indemnity insurance referred to in that paragraph has been obtained; and”;
- (c) by deleting sub-paragraphs (A) and (B) of paragraph (4)(c)(i) and substituting the following sub-paragraphs:

“(A) he will ensure that the professional indemnity insurance that has been obtained will be

maintained in force at all times during the practice year in question; and

- (B) where the insurance that has been obtained is due to expire before the end of the practice year, he will ensure that the insurance is renewed before such expiry;” and

- (d) by deleting the words “take out the professional indemnity insurance referred to in paragraph (1)” in paragraph (4)(c)(ii) and substituting the words “ensure that the professional indemnity insurance referred to in paragraph (1) has been obtained,”.

### **Amendment of rule 10**

4. Rule 10 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) A practising certificate issued to a registered patent agent under rule 9 —

(a) shall be in force from —

- (i) the date of its issue; or
- (ii) if it is applied for before the beginning of the practice year in question, the first day of the practice year; and

(b) shall cease to be in force —

- (i) when the registered patent agent ceases to practise or to be employed as a registered patent agent;
- (ii) upon the occurrence of any of the following events:
  - (A) the registered patent agent ceases to be resident in Singapore;
  - (B) the registered patent agent has been convicted of an offence under the Act;
  - (C) the registered patent agent has been convicted of a criminal offence implying a defect of character which makes him unfit for his profession;
  - (D) the registered patent agent ceases to meet any requirement of these Rules by virtue of which he

- was registered; or
- (E) in a case where rule 9(1) applies to the registered patent agent, the professional indemnity insurance referred to therein has not been obtained or has expired; or
- (III) when the Registrar subsequently issues another practising certificate to the registered patent agent.”.

## **New Part IIA**

5. The principal Rules are amended by inserting, immediately after rule 15, the following Part:

### **“PART IIA**

#### **PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE**

##### **Code of conduct**

**15A.**—(1) Every registered patent agent who has in force a practising certificate shall comply with the Code of Conduct set out in the Fifth Schedule.

(2) Disciplinary proceedings may be taken against any registered patent agent referred to in paragraph (1) who contravenes any provision of the Code of Conduct.”.

## **Amendment of rule 17**

6. Rule 17 of the principal Rules is amended —

- (a) by deleting the words “, which is refundable at the end of the inquiry of the Disciplinary Committee unless it otherwise determines under rule 18(5)” in paragraph (2)(f)(ii); and
- (b) by inserting, immediately after paragraph (4), the following paragraph:

“(5) Where the complainant withdraws the complaint made or information given by him before the Registrar has referred the complaint or information to the Disciplinary Committee or before the conclusion of the inquiry by the Disciplinary Committee into the

complaint or information —

- (a) the Registrar may, notwithstanding such withdrawal, refer the complaint or information to the Disciplinary Committee or direct the Disciplinary Committee to continue the inquiry, as the case may be;
- (b) the Disciplinary Committee shall comply with the direction; and
- (c) all future proceedings on the complaint or information shall be taken as if the complaint had been made, or the information had been given, by the Registrar.”.

### **Amendment of rule 20**

7. Rule 20 of the principal Rules is amended by deleting paragraph (4) and substituting the following paragraph:

“(4) The Disciplinary Committee shall serve on the Registrar, the affected person and the complainant (if he is not the Registrar) a report of its decision, including —

- (a) a record of the proceedings before it; and
- (b) the grounds for its decision.”.

### **Amendment of rule 22**

8. Rule 22(5) of the principal Rules is amended by deleting the word “Board” and substituting the words “Disciplinary Committee”.

### **New Fifth Schedule**

9. The principal Rules are amended by inserting, immediately after the Fourth Schedule, the following Schedule:

## **“FIFTH SCHEDULE**

Rule 15A(1)

## **CODE OF CONDUCT**