

Patents (Amendment No. 2) Rules 2007

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**THE SCHEDULE Immediately Before 1ST April 2007 Which Continue to
Apply to Requests or Other Documents First Filed or Furnished Thereunder
Before That Date**

No. S 93

PATENTS ACT

(CHAPTER 221)

PATENTS (AMENDMENT NO. 2) RULES 2007

In exercise of the powers conferred by sections 42, 110, 115 and 115A of the Patents Act, the Minister for Law, after consulting with the Intellectual Property Office of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Patents (Amendment No. 2) Rules 2007 and shall come into operation on 1st April 2007.

Amendment of rule 2

2. Rule 2(1) of the Patents Rules (R 1) is amended —

- (a) by deleting the words “section 17” in paragraph (a) of the definition of “declared priority date” and substituting the words “section 17(2)”; and
- (b) by inserting, immediately after the definition of “identification name”, the following definition:

“ “initiation date”, in relation to a new application for a patent, means the date on which the application was initiated by the filing at the Registry of any document which satisfies any condition referred to in section 26(1)(a), (b) or (c);”.

Deletion and substitution of rule 9 and new rules 9A, 9B and 9C

3. Rule 9 of the Patents Rules is deleted and the following rules substituted therefor:

“Declaration of priority for purposes of section 17 (2)

9.—(1) Subject to paragraph (2), a declaration for the purposes of section 17 (2) made in or in connection with an application for a patent (referred to in this rule and rules 9A and 9B as the application in suit) shall be made at the time of filing the application in suit.

(2) A declaration for the purposes of section 17 (2) may be made after the date of filing if —

- (a) it would cause —
 - (i) the application in suit to have a declared priority date, where there was none previously; or

- (ii) the declared priority date of the application in suit to be brought forward to an earlier date;
 - (b) it is made within 16 months from —
 - (i) where sub-paragraph (a)(i) applies, the declared priority date; or
 - (ii) where sub-paragraph (a)(ii) applies, the earlier date;
 - (c) it is made on Patents Form 57;
 - (d) the prescribed fee has been paid; and
 - (e) the condition referred to in paragraph (4) is satisfied.
- (3) Where a request to the Registrar to correct a mistake in a declaration for the purposes of section 17 (2) would, if granted, cause the declared priority date to be changed to a different date, the request shall not be granted unless —
- (a) it is made within 16 months from the declared priority date, as changed;
 - (b) it is made on Patents Form 57;
 - (c) the prescribed fee has been paid; and
 - (d) the condition referred to in paragraph (4) is satisfied.
- (4) For the purposes of paragraphs (2)(e) and (3)(d), the condition is that —
- (a) the applicant has not made any request under section 27 (2) to publish the application in suit during the period prescribed for the purposes of section 27; or
 - (b) any such request has been withdrawn in accordance with rule 29(4).
- (5) Subject to paragraph (6), a declaration for the purposes of section 17 (2) shall specify, in respect of each priority application —
- (a) the date of filing of the priority application; and
 - (b) the country in or for which the priority application was made.
- (6) Where the application in suit is an international application for a patent (Singapore), paragraph (5) shall not apply in respect of a priority application if —

(a) the date of filing of that priority application; and
(b) the country in or for which that priority application was made,
have been indicated in compliance with rule 4.10 (a) and (b) of the Regulations under the Patent Co-operation Treaty.

(7) Where section 26 (11) applies, a declaration for the purposes of section 17 (2) shall not be made in or in connection with a new application referred to in section 26 (11) if the declaration has not also been made in or in connection with the earlier application.

(8) In this rule and rules 9B and 9C —

“priority application” means an earlier relevant application specified in a declaration for the purposes of section 17 (2);

“relevant application” has the same meaning as in section 17 (5).

Request to Registrar for permission to make late declaration under section 17(2B)

9A.—(1) The period prescribed for the purposes of section 17 (2A) (b) shall be 2 months.

(2) For the purposes of section 17 (2D) (a), a request under section 17 (2B) shall —

- (a) subject to rule 86(3A), be made before the end of the period referred to in section 17 (2A) (b);
- (b) be made on Patents Form 57;
- (c) be made only if the prescribed fee has been paid;
- (d) if the applicant failed to file the application in suit within the period referred to in section 17 (2A) (a), state the reason for the failure to file the application in suit within that period; and
- (e) be made only if —
 - (i) the request relates to an international application for a patent (Singapore); or
 - (ii) where the request does not relate to an international application for a patent (Singapore), the condition referred