

Patents (Amendment) Rules 2000

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PATENTS ACT
(CHAPTER 221)

PATENTS (AMENDMENT) RULES 2000

In exercise of the powers conferred by sections 42, 110 and 115 of the Patents Act, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Patents (Amendment) Rules 2000 and shall come into operation on 3rd July 2000.

Amendment of rule 2

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

(a) by inserting, immediately before the definition of “costs”, the following definitions:

““account holder” means a person registered as an account holder by the Registrar under rule 96D;

“appointed certification authority” means a certification authority appointed by the Registrar under rule 96C;

“authentication code” means an identification or identifying code, password or any other authentication method or procedure that may be assigned to or approved for an account holder by the Registrar;

“certificate” has the same meaning as in the Electronic Transactions Act (Cap. 88);

“certification authority” has the same meaning as in the Electronic Transactions Act;” and

(b) by deleting the full-stop at the end of the definition of “declared priority date” and substituting a semicolon, and by inserting immediately thereafter the following definitions:

““electronic online system” means the electronic online system established under rule 96A;

“electronic signature” has the same meaning as in the Electronic Transactions Act (Cap. 88);

“identification name” means an identification name assigned to an account holder by the Registrar under rule 96E;

“online system operator” means an online system operator appointed by the Registrar under rule 96B.”.

Deletion and substitution of rule 3

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

“Fees

3.—(1) The fees to be paid in respect of matters arising under the Act or these Rules shall be those specified in the First Schedule.

(2) Subject to rules 19(2) and 117(1), where a fee is specified in the Schedule in respect of any matter, the fee shall be paid at the same time as the filing of the matter.”.

Amendment of rule 51

4. Rule 51 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 15” in the 5th line of paragraph (1) and substituting the words “an application for its renewal”;
- (b) by deleting the words “subject to the following provisions:” in the 8th and 9th lines of paragraph (1) and substituting a full-stop;
- (c) by deleting sub-paragraphs (a) and (b) of paragraph (1);
- (d) by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) Where a patent is granted under section 30 after the expiry of the period of 45 months from the date of filing, the application for its renewal may be filed, and any renewal fees which have become due (including any fees due in respect of preceding years) may be paid, at any time up to the end of the period of 3 months from the date on which the patent is granted.

(3) An application for the renewal of a patent under this rule shall be filed —

- (a) on Patents Form 15;
- (b) on Patents Form 53 if an entry has been made in the register under section 53(2) that licences under the patent are to be available as of right; or
- (c) by means of the electronic online system.

(3A) Payment of any additional fee for a late application for the renewal of a patent referred to in section 36(3) shall be made —

- (a) to the Registry together with Patents Form 16, if the application is filed in accordance with paragraph (3)(a) or (b); or
- (b) by means of the electronic online system, if the application is filed in accordance with paragraph (3)(c).

(3B) On receipt by the Registrar of —

- (a) an application for the renewal of a patent that is filed in accordance with the Act and these Rules; and
- (b) payment for the renewal fee and (if applicable) the additional fee for late application, that is made in accordance with the Act and these Rules,

the patent shall be renewed.”; and

- (e) by deleting paragraph (8).

Amendment of rule 55

5. Rule 55 of the Patents Rules is amended —

- (a) by inserting, immediately before paragraph (1), the following paragraph:

“(1) The Registrar shall maintain an electronic form of the register to which access may be gained using the electronic online system.”;

- (b) by deleting the marginal note and substituting the words “Register of patents”; and
- (c) by renumbering the existing paragraph (1) as paragraph (1A).

Amendment of rule 56

6. Rule 56 of the Patents Rules is amended by deleting paragraph (3) and substituting the following paragraphs:

“(3) A request by a person for the alteration of his address or address for service entered in the register or on any application or other document filed at the Registry shall be made —

- (a) on Patents Form 23; or
- (b) by means of the electronic online system.

(3A) A request by a person for the correction of any error in his address, or address for service, entered in the register or on any application or other document filed at the Registry shall be made on Patents Form 23.”.

Deletion of rules 59 and 60 and substitution of rule 59

7. Rules 59 and 60 are deleted and the following rule substituted therefor:

“Inspection of register, etc.

59. Any person may, upon payment of the applicable fee referred to in the First Schedule, make use of the electronic online system —

- (a) to inspect the register; or
- (b) to search and retrieve —
 - (i) published patents specifications in respect of a patent or application for a patent;
 - (ii) an entry in the register; or
 - (iii) information as to the renewal of a patent.”.

Amendment of rule 75

8. Rule 75 of the Patents Rules is amended —

- (a) by deleting the words “, accompanied by a copy of the Registrar’s notification” in the penultimate and last lines of paragraphs (1) and (3); and
- (b) by inserting, immediately after paragraph (3), the following paragraph:

“(4) Payment of fees under this rule shall be made —

 - (a) to the Registry together with Patents Form 15; or
 - (b) by means of the electronic online system.”.