

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**REGISTRATION OF UNITED KINGDOM PATENTS ACT
(CHAPTER 271)**

**1970 Ed. Cap. 199
Ordinance
2 of 1937**

Amended by
55 of 1941
2 of 1947
6 of 1949
10 of 1952
8 of 1955
4 of 1959
72 of 1959
48 of 1970
S(NS) 179/59

REVISED EDITION 1985

Registration of United Kingdom Patents Act

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An Act to provide for the registration in Singapore of letters patent granted in the United Kingdom.

[14th May 1937]

1. This Act may be cited as the Registration of United Kingdom Patents Act. Short title.

2. In this Act —

“patent” means letters patent for an invention;

“Registrar of Patents” means the person appointed as such by name or office by the President for the purposes of this Act;

Interpre-
tation.

“Registrar of Patents, Malaysia” means the person for the time being appointed to that office under any written law of Malaysia corresponding to this Act.

Application for registration in Singapore of patents granted in United Kingdom.

3. Any person being a grantee of a patent in the United Kingdom or any person deriving his right from the grantee by assignment, transmission or other operation of law may apply to the Registrar of Patents within 3 years from the date of issue of the patent to have the patent registered in Singapore. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application for registration:

Provided that the Registrar of Patents may in his discretion accept the application where it is shown to his satisfaction that for any reason the application could not be made within 3 years from the date of issue of the patent in the United Kingdom.

Documents which must accompany application.

4. Every application under section 3 shall be accompanied by a certified copy of the specification or specifications including drawings, if any, of the United Kingdom patent and a certificate of the Comptroller-General of Patents, Designs and Trade Marks giving full particulars of the issue of the patent on such specification or specifications:

Provided that, when any such United Kingdom patent is already registered in Malaysia under the provisions of any written law corresponding to this Act relating to the registration of United Kingdom patents, the Registrar of Patents, in his discretion, may waive all or any of the requirements of this section absolutely, or subject to such conditions as he may think fit to impose.

Issue of certificate of registration.

5. Upon such application being received, together with the documents mentioned in section 4 and the application fee, the Registrar of Patents shall issue a certificate of registration.

Rights conferred by certificate.

6. Such certificate of registration shall confer on the applicant privileges and rights, subject to any privileges or rights acquired under any previous Act of Singapore relating to inventions, similar in all respects to those conferred by the issue of the patent in the United Kingdom.

7.—(1) Privileges and rights so granted shall date from the date of the patent in the United Kingdom and shall continue in force only so long as the patent remains in force in the United Kingdom: Commencement and duration of rights.

Provided that no action for infringement shall be entertained in respect of any manufacture, use or sale of the invention prior to the date of issue of the certificate of registration in Singapore.

(2) Any extension, lapse, revocation and restoration after lapse in the United Kingdom of any patent registered under this Act may be notified by the grantee of that patent or any person deriving title under him to the Registrar of Patents who shall, on production of a certified copy of the order issued by the United Kingdom Patent Office within one year from the date thereof, enter the patent in the Register of Patents and shall issue a certificate in the prescribed form in respect of such entry. Any extension of the term, or restoration after lapse, of a patent in the United Kingdom shall, on such registration, have effect in Singapore to extend the term of the patent for the period the patent remains in force in the United Kingdom.

(3) Where any extension of the term of a patent in the United Kingdom or the ordering of a grant of a new patent fell due to be registered in the Straits Settlements during the period between 15th February 1942 and 31st December 1946 the certificate of registration shall not be deemed to have lapsed if notification thereof is given in accordance with subsection (2) save that the notification shall be made within 6 months from 31st December 1946.

(4) Notwithstanding subsections (2) and (3), the Registrar of Patents may, in his discretion, accept a notification under the provisions of those subsections where it is shown to his satisfaction that for any reason the notification could not be made within the period or before the date specified therein.

8.—(1) Subject to this section, the following shall not be deemed to constitute infringement: Special provisions as to vessels, aircraft and land vehicles.

(a) the use on board a foreign vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other

accessories thereof, if the vessel comes into the territorial waters of Singapore temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel; or

- (b) the use of the patented invention in the construction or working of a foreign aircraft or foreign land vehicle or of the accessories thereof if the aircraft or vehicle comes into Singapore temporarily or accidentally only.

(2) Subject to subsection (3), this section shall apply only to the vessels, aircraft and land vehicles of those foreign states with respect to which the President may by notification published in the *Gazette* declare them to be applicable and so long only in the case of the vessels, aircraft and land vehicles of each of such foreign states as the notification continues in force with respect to the vessels, aircraft and land vehicles of that state.

(3) The provisions of this section shall apply to vessels, aircraft and land vehicles of the United Kingdom, and the President may by notification apply those provisions to vessels, aircraft and land vehicles of any other part of the Commonwealth in like manner as to vessels, aircraft and land vehicles of a foreign state.

- (4) For the purposes of this section —

“vessels” and “aircraft” shall be deemed to be vessels and aircraft of the country in which they are registered, and “land vehicles” shall be deemed to be vehicles of the country within which the owners are ordinarily resident;

“foreign state” shall be deemed to include any colony, protectorate, territory subject to the authority or under the suzerainty of a foreign state and any territory administered by a foreign state in accordance with a mandate from the League of Nations or under the trusteeship system of the United Nations.

Powers of
High Court.

9. The High Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected by the issue of a certificate of registration, to declare that the exclusive privileges and rights

conferred by that certificate of registration have not been acquired on any of the grounds *mutatis mutandis* upon which the United Kingdom patent might be revoked under the law for the time being in force in the United Kingdom. Such grounds shall be deemed to include the manufacture, use or sale of the invention in Singapore before the priority date applicable to the patent in the United Kingdom, but not to include the manufacture, use or sale of the invention in Singapore by some person or persons after the priority date applicable to the patent in the United Kingdom and before the date of the issue of the certificate of registration under section 5.

10. Whenever the specification or drawings of a United Kingdom patent registered in Singapore has or have been amended by way of disclaimer, correction or explanation, according to the law of the United Kingdom, a request, accompanied by a copy of the specification and drawings (if any) as amended, duly certified by the Comptroller-General of Patents, Designs and Trade Marks, may be made to the Registrar of Patents to substitute a copy of the specification and drawings as amended, for the specification and drawings originally filed:

Amendment
of specifica-
tion and
drawings.

Provided that, in any case in which the requirements of section 4 have been waived under the proviso to that section, any such substitution lawfully effected in Malaysia by the Registrar of Patents, Malaysia, shall have effect in Singapore as if it had been effected by the Registrar of Patents under this Act.

11.—(1) When any person becomes entitled by assignment, transmission or operation of law to the privileges and rights conferred by a certificate of registration or to a share therein or becomes entitled as mortgagee, licensee or otherwise to any other interest therein, he or the assignor, mortgagor, licensor or other party to the instrument creating such interest may make application in the prescribed manner to the Registrar of Patents for the entry on the Register of Patents of particulars of such assignment, transmission, mortgage, licence or other instrument or of any event affecting the title or giving an interest therein.

Registration
of assignment
or transmis-
sion.

(2) A document in respect of which no entry has been made in the Register of Patents under this section shall not

be admitted in any court as evidence of the title of any person to the privileges and rights conferred by a certificate of registration or to a share thereof or interest therein unless the court otherwise directs.

Registration
of certain
entries.

U.K. 12, 13
& 14
Geo. 6 c. 87.

12. Where a certificate has been issued by the Comptroller-General of Patents, Designs and Trade Marks, or by any other officer authorised to do so, under section 16 (8) of the Patents Act 1949, and where an entry in the United Kingdom Register of Patents has been rectified under that subsection, an application may be made to the Registrar of Patents accompanied by a certificate of such rectification under the seal of the United Kingdom Patent Office or a duly certified copy of the certificate issued by the Comptroller-General of Patents, Designs and Trade Marks that the entry may be made in the Register of Patents, and upon receipt of the application the Registrar shall make the necessary entries in the Register.

Register of
Patents.

13.—(1) There shall be kept at the office of the Registrar of Patents a book called the Register of Patents in which shall be entered the names and addresses of all persons to whom certificates of registration of patents have been issued under this Act, and of all notifications of assignments and of transmissions or of other instruments affecting the title or giving an interest in the patent, as provided in section 12.

(2) The Register of Patents shall be prima facie evidence of all matters directed or authorised by this Act to be inserted therein.

Inspection of
Register and
specifica-
tions.

14.—(1) The Register of Patents and the certified copies of specifications and drawings, if any, filed with the Registrar of Patents shall at convenient times be open to the inspection of the public, and certified copies under the hand of the Registrar of Patents of any entry in such Register shall be given to any person requiring the same upon payment of the prescribed fees.

(2) Nothing in this section shall impose upon the Registrar of Patents any duty to make available to the inspection of the public copies of specifications or drawings, in respect of any case in which the requirements of section 4 have been waived under the proviso to that section.

15. A certificate purporting to be under the hand of the Registrar of Patents or under the hand of the Registrar of Patents, Malaysia, as the case may be, as to any entry, matter or thing, which the Registrar of Patents or the Registrar of Patents, Malaysia, is authorised by this Act or by any rules made thereunder or by any written law in Malaysia, corresponding to this Act or to such rules, as the case may be, to make or do, shall be prima facie evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or left undone.

Certificate of Registrar or Registrar of Patents, Malaysia, to be prima facie evidence.

16. In any proceedings in any court, a printed, written or photographic copy or extract of or from any certified copy of any specification, drawing or other document filed with the Registrar of Patents or with the Registrar of Patents, Malaysia, or of or from Registers or other books in the custody of the Registrar of Patents or of the Registrar of Patents, Malaysia, shall be admissible in evidence without further proof or production of the originals, if —

Certified copies to be evidence.

- (a) in the case of certified copies of specifications, drawings or other documents filed with the Registrar of Patents or of Registers or books in his custody, such printed, written or photographic copy or extract purports to be certified as a true copy under the hand of the Registrar of Patents; or
- (b) in the case of certified copies of specifications, drawings or other documents filed with the Registrar of Patents, Malaysia, or of Registers or books in his custody, such printed, written or photographic copy or extract purports to be certified as a true copy under the hand of the Registrar of Patents, Malaysia.

17. The Minister may make such regulations as he may think expedient for regulating procedure under this Act and for prescribing the forms to be used and the fees to be paid in respect of proceedings under this Act.

Power to make regulations.