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## No. S 81

### PATENTS ACT (CHAPTER 221)

### PATENTS (AMENDMENT) RULES 2014

In exercise of the powers conferred by sections 42, 100 and 115 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) Rules 2014 and shall come into operation on 14th February 2014.

#### **Amendment of rule 2**

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

(a) by deleting the definitions of “account holder”, “appointed certification authority”, “authentication code”, “certification authority”, “electronic signature” and “identification name”; and

(b) by deleting the definition of “online system operator” and substituting the following definition:

““international preliminary report on patentability” means an international preliminary report on patentability (Chapter I of the Patent Co-operation Treaty), or an international preliminary report on patentability (Chapter II of the Patent Co-operation Treaty), referred to in the Regulations under the Patent Co-operation Treaty.”.

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**New rule 2A**

3. The Patents Rules are amended by inserting, immediately after rule 2, the following rule:

**“Definitions of “examination”, “search” and  
“supplementary examination” in Act**

**2A.—**(1) For the purposes of the definition of “examination” in section 2(1), the matters to be determined by an Examiner when conducting an examination in relation to an application for a patent are —

- (a) whether, taking into consideration all the relevant prior art, if any, that the Examiner is aware of or that has been discovered in a search —
  - (i) each claim of the invention disclosed in the application satisfies each condition or requirement for patentability under section 13;
  - (ii) the conditions specified in section 25(4) and (5) have been complied with;
  - (iii) the application discloses any additional matter referred to in section 84(1) or (1A) or any matter referred to in section 84(2);
- (b) whether the description, or any claim or drawing, in the application is so unclear, or any claim in the application is so inadequately supported by the description, that no meaningful opinion can be formed on whether the claimed invention satisfies all or any of the conditions for patentability under section 13(1);
- (c) whether any claim in the application relates to an invention for which no search has been completed; and
- (d) whether there is —
  - (i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or his successor in title; and

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- (ii) any earlier grant of a patent for the same invention, with the same priority date, to the same applicant or his successor in title.

(2) For the purposes of the definition of “search” in section 2(1), the matters to be discovered by an Examiner when conducting a search in relation to an application for a patent are the relevant prior art contained in —

- (a) the documentation prescribed under rule 40; and
- (b) any additional documentation that the Examiner is aware of and considers to be relevant.

(3) For the purposes of the definition of “supplementary examination” in section 2(1), the matters to be determined by an Examiner when conducting a supplementary examination in relation to an application for a patent (referred to in this paragraph as the application in suit) are —

- (a) whether each claim in the application is supported by the description of the invention;
- (b) whether, at the time the prescribed documents referred to in section 29(1)(d) are filed, each claim in the application in suit is related to at least one claim which —
  - (i) is set out in the prescribed documents relating to the corresponding application, corresponding international application or related national phase application referred to in section 29(1)(d), or to the application in suit during its international phase; and
  - (ii) has been examined to determine whether the claim appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility);
- (c) whether the invention is an invention referred to in section 13(2) that is not patentable;

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- (d) whether the invention is an invention referred to in section 16(2) that is not to be taken to be capable of industrial application;
- (e) whether there is —
- (i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or his successor in title; and
  - (ii) any earlier grant of a patent for the same invention, with the same priority date, to the same applicant or his successor in title; and
- (f) whether the application discloses any additional matter referred to in section 84(1) or (1A) or any matter referred to in section 84(2).”.

### **Amendment of rule 3**

#### **4. Rule 3 of the Patents Rules is amended —**

- (a) by deleting paragraph (2) and substituting the following paragraph:

“(2) Unless otherwise provided in these Rules, or the Registrar permits or directs otherwise —

- (a) where a fee is specified in the First Schedule in respect of any matter, the fee shall be paid at the same time as the filing of the form corresponding to the matter; and
- (b) if the fee is not paid, the form shall not be treated as filed.”; and

- (b) by deleting the words “rule 96A(2)” in paragraph (3) and substituting the words “rule 96A(2)(a)”.

### **Amendment of rule 5**

- 5. Rule 5 of the Patents Rules is amended by deleting the words “Part I of” in paragraph (a).**

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**Amendment of rule 6****6. Rule 6 of the Patents Rules is amended —**

- (a) by deleting the words “from the date of the order for costs” in paragraph (1) and substituting the words “after the relevant date referred to in paragraph (1A)”;
- (b) by inserting, immediately after paragraph (1), the following paragraph:
  - “(1A) For the purposes of paragraph (1), the relevant date is —
  - (a) subject to sub-paragraph (b), the date of the order for costs made by the Registrar; or
  - (b) where any appeal is brought in respect of that order for costs, the date on which that appeal is finally disposed of.”;
- (c) by deleting paragraph (2) and substituting the following paragraph:
  - “(2) Every bill of costs shall set out in 3 separate sections the following:
  - (a) work done in the cause or matter (other than for or in the taxation of costs);
  - (b) work done for or in the taxation of costs; and
  - (c) all disbursements made in the cause or matter.”;
- (d) by deleting the words “paragraph (2)” in paragraph (3) and substituting the words “paragraph (2)(a), (b) and (c)”;
- (e) by inserting, immediately after the word “matter” in paragraph (4), the words “, all relevant events in the taxation of costs, and all relevant events relating to the making of disbursements”; and
- (f) by deleting the words “14 days from” in paragraph (6) and substituting the words “one month after”.

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**Amendment of rule 7**

7. Rule 7 of the Patents Rules is amended —

(a) by deleting paragraph (3) and substituting the following paragraph:

“(3) The provisions in the Third Schedule shall apply to the sections of the bill of costs relating to —

(a) work done in the cause or matter (other than for or in the taxation of costs); and

(b) work done for or in the taxation of costs.”; and

(b) by inserting, immediately after the words “has been taxed,” in paragraph (4), the words “the party who applied for the costs to be taxed shall file Form HC2, and”.

**Amendment of rule 9B**

8. Rule 9B(4) of the Patents Rules is amended by deleting the words “Patents Form 26” in sub-paragraph (ii)(B) and substituting the words “Form CM12”.

**Amendment of rule 9C**

9. Rule 9C(1) of the Patents Rules is amended by deleting the words “Patents Form 26” in sub-paragraph (ii)(B) and substituting the words “Form CM12”.

**Amendment of rule 10**

10. Rule 10 of the Patents Rules is amended —

(a) by deleting the words “a copy thereof and” in paragraph (1);

(b) by deleting the words “(“the opponent”)” in paragraph (3);

(c) by deleting the words “Patents Form 3” in paragraph (3) and substituting the words “Form HC6”; and

(d) by deleting the words “the subsequent procedure” in paragraph (7) and substituting the words “any aspect of the procedure for the reference”.

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**Amendment of rule 11**

**11.** Rule 11 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting the words “Patents Form 3” in paragraph (3) and substituting the words “Form HC6”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (9) and substituting the words “any aspect of the procedure for the reference”.

**Amendment of rule 14**

**12.** Rule 14 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) The applicant shall, at the time the application and the statement are filed, serve on the person alleged to have failed to comply with the directions a copy of the application and a copy of the statement.”; and

- (c) by deleting the words “the subsequent procedure” in paragraph (3) and substituting the words “any aspect of the procedure for the application”.

**Amendment of rule 15**

**13.** Rule 15 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) The person making the request shall, at the time the request and the statement are filed, serve on every other joint applicant a copy of the request and a copy of the statement.

(2A) Any other joint applicant who wishes to oppose the request shall —

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- (a) within 2 months after the date on which he is served with the copies of the request and the statement, file a counter-statement on Form HC6 setting out fully the grounds of his opposition; and
  - (b) at the time the counter-statement is filed, serve on the person making the request, and on every other joint applicant who is not a party to the counter-statement, a copy of the counter-statement.”; and
  - (c) by deleting the words “the subsequent procedure” in paragraph (3) and substituting the words “any aspect of the procedure for the request”.

### **Amendment of rule 16**

**14.** Rule 16 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) The person making the reference shall, at the time the reference and the statement are filed, serve on every relevant person a copy of the reference and a copy of the statement.

(2A) Any relevant person who does not agree to grant or accept a licence for such period and upon such terms shall —

- (a) within 2 months after the date on which he is served with the copies of the reference and the statement, file a counter-statement on Form HC6 setting out fully the grounds of his opposition; and
- (b) at the time the counter-statement is filed, serve on the person making the reference a copy of the counter-statement.”;

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- (c) by deleting the words “the subsequent procedure” in paragraph (3) and substituting the words “any aspect of the procedure for the reference”;
  - (d) by inserting, immediately after paragraph (3), the following paragraph:

“(4) In this rule, “relevant person” means a person (not being the person making the reference) in whose name the application is to proceed, or who claims to be entitled to be granted a licence, as the case may be.”; and
  - (e) by deleting the word “Referral” in the rule heading and substituting the word “Reference”.

### **Amendment of rule 17**

#### **15. Rule 17 of the Patents Rules is amended —**

- (a) by deleting paragraph (3) and substituting the following paragraph:

“(3) Any recipient of the copies of the application and the statement who wishes to oppose the application shall —

  - (a) within 2 months after the date of the Registrar’s letter forwarding such copies to him, file a notice of opposition on Patents Form 58 setting out fully the grounds of his opposition; and
  - (b) at the time the notice of opposition is filed, serve a copy of the notice of opposition on every person referred to in paragraph (1) or (2)(a), (b) or (c) who is not a party to the notice of opposition.”; and
- (b) by deleting the words “the subsequent procedure” in paragraph (4) and substituting the words “any aspect of the procedure for the application”.

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**Amendment of rule 19**

**16.** Rule 19 of the Patents Rules is amended —

(a) by deleting the words “, specification and abstract shall be short, precise and” in paragraph (4) and substituting the words “and the specification shall be the same title, shall be short and precise, and shall”;

(b) by deleting paragraph (6) and substituting the following paragraphs:

“(6) The number of claims shall be reasonable in consideration of the nature of the invention claimed.

(6A) Where there are 2 or more claims, the claims shall be numbered consecutively in Arabic numerals.”; and

(c) by inserting, immediately after paragraph (12), the following paragraph:

“(13) A request to withdraw an application for a patent shall be made by filing Form CM9.”.

**Amendment of rule 22**

**17.** Rule 22 of the Patents Rules is amended by deleting paragraph (1).

**Amendment of rule 26**

**18.** Rule 26(4) of the Patents Rules is amended by deleting the words “Patents Form 26” in sub-paragraphs (a)(ii)(B) and (b)(ii)(B) and substituting in each case the words “Form CM12”.

**Amendment of rule 26A**

**19.** Rule 26A of the Patents Rules is amended —

(a) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraph:

“(b) if the applicant does not make any request under section 26(9)(b)(i), any time before the applicant —

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- (i) files a request for a search report under section 29(1)(a);
  - (ii) files a request for a search and examination report under section 29(1)(b);
  - (iii) files a request for an examination report under section 29(1)(c); or
  - (iv) files a request for a supplementary examination report under section 29(1)(d).”;
- (b) by deleting the words “if the applicant makes a request under section 26(9)(b)(i),” in paragraph (2); and
- (c) by deleting the words “Patents Form 26” in paragraph (7)(a)(ii)(B) and (b)(ii)(B) and substituting in each case the words “Form CM12”.

#### **Amendment of rule 27**

**20.** Rule 27 of the Patents Rules is amended —

- (a) by deleting the words “paragraphs (1A), (2)” in paragraph (1) and substituting the words “paragraphs (2)”; and
- (b) by deleting paragraph (1A).

#### **Amendment of rule 29**

**21.** Rule 29(4) of the Patents Rules is amended by deleting the words “Patents Form 9A” in sub-paragraph (a) and substituting the words “Form CM9”.

#### **Deletion and substitution of rule 31**

**22.** Rule 31 of the Patents Rules is deleted and the following rule substituted therefor:

##### **“Address for service**

**31.—(1)** For the purposes of any proceedings before the Registrar, an address for service in Singapore shall be furnished in accordance with paragraph (2) by or on behalf of —

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- (a) every applicant for a patent;
  - (b) every person who initiates any inter partes proceedings before the Registrar under rule 6, 7, 10, 11, 12, 14, 15, 16, 17, 52, 65, 66, 69, 71, 74, 76, 77, 78, 80, 85 or 91, or paragraph 3 of the Fourth Schedule;
  - (c) every proprietor of a patent who is a party to any inter partes proceedings before the Registrar, but did not initiate those proceedings; and
  - (d) every other party to any proceedings before the Registrar.

(2) Where any form referred to in paragraph (3) is required to be filed in relation to the proceedings, the address for service shall be furnished on that form.

(3) The effect of furnishing an address for service on a form shall be as follows:

- (a) where the address for service is furnished on Patents Form 1, 37 or 39, the address for service shall be effective for the purposes of all proceedings in respect of the patent, or the application for a patent, in relation to which that form is filed;
- (b) where the address for service is furnished on Patents Form 2, 4, 5, 6, 7, 29, 32, 33, 35, 52 or 58 or Form HC4 or HC6, or on Patents Form 28 (in so far as the form relates to an application under rule 73(1)) or Patents Form 49 (in so far as the form relates to a request under paragraph 3(4) of the Fourth Schedule), the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed;
- (c) where the address for service is furnished on Patents Form 15, 19, 20 or 53, the address for service shall be effective only for the purposes of all renewal applications or proceedings in respect of the patent in relation to which that form is filed;

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- (d) where the address for service is furnished on Patents Form 34 or 44 or Form CM1, CM2, CM10, CM11 or CM12, or on Patents Form 49 (in so far as the form relates to a request under paragraph 2(1) of the Fourth Schedule), the address for service shall be effective only for the matter for which that form is filed;
  - (e) where the address for service is furnished on Form CM6, the address for service shall be effective for the purposes of all proceedings in respect of the licence in relation to which that form is filed;
  - (f) where the address for service is furnished on Form CM7, the address for service shall be effective for the purposes of all proceedings in respect of the security interest in relation to which that form is filed;
  - (g) where the address for service is furnished on Form CM8 —
    - (i) if there are 2 addresses for service furnished on that form —
      - (A) one address for service shall be furnished for the purpose of registering the transfer of the patent, or the application for a patent, in relation to which that form is filed, and shall be effective only for that purpose; and
      - (B) the other address for service shall be effective for the purposes of all proceedings in respect of that patent or application, other than —
        - (BA) renewal applications or proceedings in respect of that patent; and
        - (BB) the registration of the transfer of that patent or application; or
    - (ii) if there is only one address for service furnished on that form, the address for service shall be effective for the purposes of all proceedings in

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respect of the patent, or the application for a patent, in relation to which that form is filed, other than renewal applications or proceedings in respect of that patent.

(4) Where an address for service is not furnished by or on behalf of any person referred to in sub-paragraph (b), (c) or (d) of paragraph (1) as required by that paragraph, the Registrar may send to that person a notice to furnish an address for service within 2 months after the date of the notice, and if that person fails to do so —

- (a) in the case of a person referred to in paragraph (1)(b), the proceedings in question shall be treated as withdrawn; and
- (b) in the case of the proprietor referred to in paragraph (1)(c) or a party referred to in paragraph (1)(d), he shall not be permitted to take part in the proceedings in question.

(5) A request to the Registrar to alter or correct an address for service shall be made on Form CM2.

(6) Anything sent to or served on a person at his address for service shall be taken to have been duly sent to or served on the person.

(7) Unless an address for service is furnished under paragraph (1) or is altered or corrected under paragraph (5), the Registrar —

- (a) may treat the address for service of an applicant for a patent as that of the proprietor upon the grant of the patent; and
- (b) may treat the trade or business address in Singapore of a person as his address for service.”.

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**Amendment of rule 33**

**23.** Rule 33(1) of the Patents Rules is amended —

- (a) by deleting the words “and (4)” in sub-paragraph (a) and substituting the words “, (4) and (6A)”; and
- (b) by deleting the words “rule 31” in sub-paragraph (c) and substituting the words “rule 31(1)(a)”.

**Amendment of rule 34**

**24.** Rule 34 of the Patents Rules is amended —

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

“(1A) The period prescribed for the purposes of section 28(4) shall be 2 months after the date of the Registrar’s notification under section 28(4).”;

- (b) by deleting sub-paragraph (b) of paragraph (2) and substituting the following sub-paragraph:

“(b) if the applicant does not make any request under section 28(9)(b)(i), any time before the applicant —

- (i) files a request for a search report under section 29(1)(a);
  - (ii) files a request for a search and examination report under section 29(1)(b);
  - (iii) files a request for an examination report under section 29(1)(c); or
  - (iv) files a request for a supplementary examination report under section 29(1)(d).”;
- (c) by deleting the words “if the applicant makes a request under section 28(9)(b)(i), the” in paragraph (3) and substituting the word “any”; and

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(d) by deleting the words “Patents Form 26” in paragraph (8)(a)(ii)(B) and (b)(ii)(B) and substituting in each case the words “Form CM12”.

### **Amendment of rule 36**

**25.** Rule 36 of the Patents Rules is amended by deleting the words “section 29(2)(a)” and substituting the words “section 29(1)(a)”.

### **Amendment of rule 37**

**26.** Rule 37 of the Patents Rules is amended by deleting the words “section 29(2)(b)” and substituting the words “section 29(1)(b)”.

### **Amendment of rule 38**

**27.** Rule 38 of the Patents Rules is amended by deleting the words “the purposes of section 29(2)(a)” in paragraphs (1) and (2) and substituting in each case the words “filing a request for a search report under section 29(1)(a)”.

### **Amendment of rule 40**

**28.** Rule 40 of the Patents Rules is amended —

(a) by deleting the words “prescribed for the purposes of section 29(3) and (6)” in paragraph (1) and substituting the words “referred to in rule 2A(2)(a)”;

(b) by deleting paragraph (1A); and

(c) by deleting the words “or (1A)” in paragraphs (3) and (4).

### **Amendment of rule 41**

**29.** Rule 41 of the Patents Rules is amended by deleting the words “and “corresponding patent” in section 2(1) and of section 29(2)(c)” and substituting the words “, “corresponding patent”, “related national phase application” and “related national phase patent” in section 2(1)”.

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**Amendment of rule 42**

**30.** Rule 42 of the Patents Rules is amended —

- (a) by deleting the words “section 29(2)(c)(i), (d)(i) or (e)(i) or (4)” in paragraph (1) and substituting the words “section 29(1)(c) or (3)”;
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The prescribed documents referred to in section 29(1)(c) are —

- (a) where the applicant relies on the final results of a search in one corresponding application or related national phase application —
  - (i) a copy of each of the final search results in respect of the corresponding application or related national phase application, as the case may be, together with a copy of each of the documents referred to in the final search results; and
  - (ii) an English translation of each of the final search results that is in a language other than English;
- (b) where the applicant relies on the final results of a search in one corresponding international application —
  - (i) a copy of each of the final international search results in respect of the corresponding international application together with a copy of each of the documents referred to in the final international search results; and
  - (ii) an English translation of each of the final international search results that is in a language other than English;

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- (c) where the application in suit is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3), and the applicant relies on the final results of a search during the international phase of the application in suit —
- (i) a copy of each of the final international search results in respect of the application in suit together with a copy of each of the documents referred to in the final international search results; and
  - (ii) an English translation of each of the final international search results that is in a language other than English;
- (d) a list of references to the patent family members as corresponding to each document in a language other than English that is cited in the final search results referred to in sub-paragraph (a) or final international search results referred to in sub-paragraph (b) or (c), as the case may be; and
- (e) where any list of references to the patent family members referred to in sub-paragraph (d), or any part of that list, is in a language other than English, an English translation of that list or part.”;
- (c) by deleting paragraph (2) and substituting the following paragraph:
- “(2) A request for an examination report under section 29(1)(c) shall not be treated as having been made unless the form required under paragraph (1) —
- (a) is filed with the prescribed documents referred to in paragraph (1A); and
  - (b) is accompanied by the prescribed fee.”;

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- (d) by deleting the words “section 29(2)(c)(i), (d)(i) or (e)(i)” in paragraph (3)(a) and substituting the words “section 29(1)(c)”;
  - (e) by deleting the words “search report or international search report,” in paragraph (3)(b) and substituting the words “final search results referred to in paragraph (1A)(a) or final international search results referred to in paragraph (1A)(b) or (c),”;
  - (f) by deleting the words “require the applicant to furnish, within such period as the Registrar may specify” in paragraph (3) and substituting the words “by letter require the applicant to furnish, within 2 months after the date of the Registrar’s letter”; and
  - (g) by deleting the words “the period specified by the Registrar,” in paragraph (4) and substituting the words “2 months after the date of the Registrar’s letter referred to in paragraph (3),”.

### **Deletion and substitution of rule 42A**

**31.** Rule 42A of the Patents Rules is deleted and the following rule substituted therefor:

#### **“Request for supplementary examination report**

**42A.—**(1) A request for a supplementary examination report under section 29(1)(d) shall be made on Patents Form 12A.

(2) The prescribed documents referred to in section 29(1)(d) are —

(a) where the applicant relies on the final results of any search and examination as to the substance of one corresponding application, corresponding international application or related national phase application —

(i) either —

(A) a copy of the patent granted by the patent office in question which is —

(AA) duly certified by that patent office;  
or

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(AB) otherwise acceptable to the Registrar,

and, where the patent is in a language other than English, an English translation of the patent; or

(B) all of the following:

(BA) other documents, to the satisfaction of the Registrar, setting out the final results of the search and examination as to the substance of the corresponding application, corresponding international application or related national phase application, as the case may be;

(BB) where any document referred to in sub-paragraph (BA) is in a language other than English, an English translation of that document;

(BC) a copy of the patent claims referred to in the final results; and

(ii) a table setting out how each claim in the application in suit is related to at least one claim in the corresponding application, corresponding international application or related national phase application, as the case may be, being a claim which has been examined to determine whether the claim appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility); or

(b) where the application in suit is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3), and the applicant relies on the final results of any search and

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examination as to the substance of the application in suit during its international phase —

- (i) an international preliminary report on patentability in respect of the application in suit during its international phase and, where that international preliminary report on patentability is in a language other than English, an English translation of that international preliminary report on patentability; and
- (ii) a table setting out how each claim in the application in suit is related to at least one claim in the application in suit during its international phase, being a claim which has been examined to determine whether the claim appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility).

(3) A request for a supplementary examination report under section 29(1)(d) shall not be treated as having been made unless the form required under paragraph (1) —

- (a) is filed with the prescribed documents referred to in paragraph (2); and
- (b) is accompanied by the prescribed fee.

(4) In this rule, a reference to the final results of the search and examination as to the substance of a corresponding international application is a reference to an international preliminary report on patentability in respect of the corresponding international application.”.

### **Deletion and substitution of rule 43**

**32.** Rule 43 of the Patents Rules is deleted and the following rule substituted therefor:

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**“Period for filing request for search and examination report, request for examination report or request for supplementary examination report**

43.—(1) Subject to paragraph (2), the period prescribed for filing a request for a search and examination report under section 29(1)(b) or a request for an examination report under section 29(1)(c) or (3) shall be —

- (a) subject to sub-paragraph (b), 36 months after —
  - (i) the declared priority date of the application; or
  - (ii) where there is no declared priority date, the date of filing of the application; or
- (b) where a new application is filed under section 20(3), 26(11) or 47(4), 36 months after the actual date of filing of the new application.

(2) Where the Registrar sends the applicant a copy of the search report under section 29(2)(b) at any time later than one month before the expiry of the period prescribed under paragraph (1)(a) or (b), as the case may be, the period prescribed for filing a request for an examination report under section 29(3) shall be one month from the date of the Registrar’s letter forwarding the copy of the search report sent under section 29(2)(b).

(3) The period prescribed for filing a request for a supplementary examination report under section 29(1)(d) shall be —

- (a) subject to sub-paragraph (b), 54 months after —
  - (i) the declared priority date of the application; or
  - (ii) where there is no declared priority date, the date of filing of the application; or
- (b) where a new application is filed under section 20(3), 26(11) or 47(4), 54 months after the actual date of filing of the new application.”.

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**Deletion of rule 44**

**33.** Rule 44 of the Patents Rules is deleted.

**Amendment of rule 45**

**34.** Rule 45 of the Patents Rules is amended —

- (a) by deleting the words “section 29(2)(a) or (b)” in paragraph (1) and substituting the words “section 29(1)(a) or (b)”; and
- (b) by deleting the word “section 29(2)(a)” in paragraph (3) and substituting the words “section 29(1)(a)”.

**Amendment of rule 46**

**35.** Rule 46 of the Patents Rules is amended —

- (a) by deleting the words “section 29(5) or (6)” in paragraph (1) and substituting the words “section 29(4)(a) or (5)(a)(ii)”;
- (b) by deleting sub-paragraph (d) of paragraph (1) and substituting the following sub-paragraph:
  - “(d) the application discloses any additional matter referred to in section 84(1) or (1A) or any matter referred to in section 84(2);”;
- (c) by deleting the comma at the end of paragraph (1)(e) and substituting the word “; or”;
- (d) by inserting, immediately after sub-paragraph (e) of paragraph (1), the following sub-paragraph:
  - “(f) there is —
    - (i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or his successor in title; or
    - (ii) any earlier grant of a patent for the same invention, with the same priority date, to the same applicant or his successor in title.”;

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(e) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) If during a supplementary examination under section 29(6)(a), the Examiner is of the opinion that —

(a) any claim in the application is not supported by the description of the invention;

(b) at the time the prescribed documents referred to in section 29(1)(d) are filed, any claim in the application in suit is not related to at least one claim which —

(i) is set out in the prescribed documents relating to the corresponding application, corresponding international application or related national phase application referred to in section 29(1)(d), or to the application in suit during its international phase; and

(ii) has been examined to determine whether the claim appears to satisfy the criteria of novelty, inventive step (or non-obviousness) and industrial applicability (or utility);

(c) the invention is an invention referred to in section 13(2) that is not patentable;

(d) the invention is an invention referred to in section 16(2) that is not to be taken to be capable of industrial application;

(e) there is —

(i) any other application for a patent for the same invention, with the same priority date, filed by the same applicant or his successor in title; or

(ii) any earlier grant of a patent for the same invention, with the same priority date, to

the same applicant or his successor in title; or

- (f) the application discloses any additional matter referred to in section 84(1) or (1A) or any matter referred to in section 84(2),

the Examiner shall notify the Registrar in writing of that opinion and shall state fully the reasons for his opinion.”;

- (f) by inserting, immediately after the word “application” in paragraph (3)(b), the words “(whether or not he makes the amendment of his own volition)”;
- (g) by deleting paragraph (4) and substituting the following paragraphs:

“(4) Any response under paragraph (3) to the first written opinion in respect of —

- (a) an examination report under section 29(4); or
- (b) a search and examination report under section 29(5),

shall be filed within 5 months after the date of the Registrar’s letter forwarding the written opinion.

(4A) Any response under paragraph (3) to the written opinion in respect of a supplementary examination report under section 29(6) shall be filed within 3 months after the date of the Registrar’s letter forwarding the written opinion.”;

- (h) by inserting, immediately after the words “paragraph (3)” in paragraph (5), the words “to a written opinion in respect of an examination report under section 29(4) or a search and examination report under section 29(5)”;
- (i) by deleting the words “from the date of the Registrar’s notification enclosing” in paragraph (5)(c) and substituting the words “after the date of the Registrar’s letter forwarding”; and

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(j) by deleting paragraphs (8), (9) and (10) and substituting the following paragraphs:

“(8) Subject to paragraphs (9), (10) and (11), the Examiner shall —

- (a) send the examination report, or the search and examination report, to the Registrar before the expiry of 18 months after the date of the Registrar’s invitation under paragraph (2) to file a response to the first written opinion in respect of the examination report or the search and examination report, as the case may be; and
- (b) send the supplementary examination report to the Registrar before the expiry of 6 months after the date of the Registrar’s invitation under paragraph (2) to file a response to the written opinion in respect of the supplementary examination report.

(9) Where the applicant does not file a response to the first written opinion in respect of an examination report or a search and examination report within the period specified in paragraph (4) —

- (a) the Registrar shall inform the Examiner accordingly; and
- (b) upon the expiry of that period, the first written opinion shall be treated as the examination report or the search and examination report, as the case may be.

(10) Where the applicant does not file a response to the written opinion in respect of a supplementary examination report within the period specified in paragraph (4A) —

- (a) the Registrar shall inform the Examiner accordingly; and

(b) upon the expiry of that period, the written opinion shall be treated as the supplementary examination report.

(11) Where the applicant does not file a response to a further written opinion in respect of an examination report or a search and examination report within the period specified in paragraph (5)(c) —

(a) the Registrar shall inform the Examiner accordingly; and

(b) upon the expiry of that period, the further written opinion shall be treated as the examination report or the search and examination report, as the case may be.”.

#### **New rule 46A**

**36.** The Patents Rules are amended by inserting, immediately after rule 46, the following rule:

##### **“Review of examination report, etc.**

**46A.**—(1) A request for a review under section 29B(1) of an examination report issued under section 29(4), a search and examination report issued under section 29(5) or a supplementary examination report issued under section 29(6) shall be made on Patents Form 12B.

(2) The period prescribed for the purposes of sections 29A(4)(a) and 29B(1)(a) shall be 2 months after the date of the Registrar’s letter forwarding to the applicant the notice under section 29A(3).

(3) The applicant may amend the specification of the application under section 29B(2) by filing the amendment on Patents Form 13.

(4) Where an amendment of the specification of an application is filed under paragraph (3), it shall be in the form of a copy of the specification with the amendment indicated in the following manner:

- (a) by striking through any text, figure or other matter to be replaced or deleted; and
- (b) by underlining any replacement text, figure or other matter.

(5) The period prescribed for the purposes of section 29B(6) shall be 2 months after the date of the Registrar's letter forwarding the notice under section 29B(5)(b)(ii)."

### **Amendment of rule 47**

**37.** Rule 47 of the Patents Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The period prescribed for the purposes of section 29A(2)(a) shall be 2 months after the date of the notice of eligibility to proceed to the grant of a patent under section 29A(1).”;

- (b) by deleting paragraph (2);

- (c) by deleting paragraph (4) and substituting the following paragraph:

“(4) Where the specification of the application for a patent has been amended or corrected, or one or more missing parts have been included in the application, since the filing of the application —

- (a) if any such amendment or correction is made before or at the time of compliance with section 29A(2)(a), the applicant shall file a specification incorporating every such amendment or correction at the time of compliance with section 29A(2)(a);
- (b) if any such amendment or correction is made after the time of compliance with section 29A(2)(a), the applicant shall file a specification incorporating every such

amendment or correction within such period as the Registrar may specify; and

- (c) any such missing part shall be included before or at the time of compliance with section 29A(2)(a), and the applicant shall file a specification incorporating every such missing part at the time of compliance with section 29A(2)(a).”;
- (d) by deleting the words “section 30(2)(c)” in paragraph (4A) and substituting the words “section 30(c)”; and
- (e) by deleting sub-paragraph (a) of paragraph (4A) and substituting the following sub-paragraph:
  - “(a) a duly completed Patents Form 14; and”.

#### **Deletion of rule 47A**

**38.** Rule 47A of the Patents Rules is deleted.

#### **Amendment of rule 49**

**39.** Rule 49 of the Patents Rules is amended by deleting paragraph (2) and substituting the following paragraphs:

“(2) Subject to paragraph (3), the applicant may, unless the Registrar otherwise requires, of the applicant’s own volition, amend the description, claims, drawings and abstract at any time before payment of the fee for the grant of a patent.

(3) Subject to section 29B(2), an amendment shall not be made under paragraph (2) —

- (a) at any time after the filing of a request for a search report under section 29(1)(a) and before the receipt of that report by the applicant;
- (b) at any time after the filing of a request for a search and examination report under section 29(1)(b), unless the amendment is contained in a response filed under rule 46(3) in respect of that report;

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- (c) at any time after the filing of a request for an examination report under section 29(1)(c) or (3), unless the amendment is contained in a response filed under rule 46(3) in respect of that report;
  - (d) at any time after the filing of a request for a supplementary examination report under section 29(1)(d), unless the amendment is contained in a response filed under rule 46(3) in respect of that report; or
  - (e) at any time after a request for a review under section 29B(1) is made.”.

### **Amendment of rule 51**

**40.** Rule 51 of the Patents Rules is amended —

- (a) by inserting, immediately after the word “rule” in paragraph (3), the words “, or a late application for the renewal of a patent referred to in section 36(3),”; and
- (b) by deleting paragraphs (3A), (6) and (7).

### **Amendment of rule 51A**

**41.** Rule 51A of the Patents Rules is amended —

- (a) by deleting paragraph (3) and substituting the following paragraph:
  - “(3) Notwithstanding paragraph (1)(b) or (2)(b) —
    - (a) the Registrar may by letter direct an applicant for an extension of the term of a patent to furnish to the Registrar, within 2 months after the date of the Registrar’s letter, such additional evidence in support of the application as the Registrar may reasonably require; and
    - (b) if the applicant fails to comply with the Registrar’s direction under sub-paragraph (a), the application for the extension of the term of

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the patent shall be treated as having been abandoned.”; and

(b) by inserting, immediately after paragraph (4), the following paragraphs:

“(5) For the purposes of section 36A(2), a delay by the Registrar in granting a patent shall not be treated as an unreasonable delay under section 36A(1)(a) unless —

(a) the interval between the date of filing of the application for the patent and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 4 years; or

(b) the interval between the date on which the applicant —

(i) filed a request for a search and examination report in accordance with section 29(1)(b); or

(ii) filed a request for an examination report in accordance with section 29(1)(c) or (3),

and the date of issue of the certificate of grant, excluding any period attributable to an act or omission of the applicant, exceeds 2 years.

(6) For the purposes of section 36A(3), where the proprietor of a patent has made an application under section 36A(1)(a) and has satisfied the Registrar that there was in fact an unreasonable delay by the Registrar in granting the patent, the Registrar shall extend the term of the patent —

(a) in a case to which paragraph (5)(a) applies, by the period by which the interval referred to in paragraph (5)(a) exceeds 4 years;

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- (b) in a case to which paragraph (5)(b) applies, by the period by which the interval referred to in paragraph (5)(b) exceeds 2 years; or
  - (c) in a case to which both sub-paragraphs (a) and (b) of paragraph (5) apply, by the longer of the following periods:
    - (i) the period by which the interval referred to in paragraph (5)(a) exceeds 4 years;
    - (ii) the period by which the interval referred to in paragraph (5)(b) exceeds 2 years.

(7) For the purposes of section 36A(5), a curtailment of the opportunity to exploit a patent, the subject of which includes a substance which is an active ingredient of any pharmaceutical product, caused by the process of obtaining marketing approval for a pharmaceutical product, being the first pharmaceutical product to obtain marketing approval which uses the substance as an active ingredient, shall not be treated as an unreasonable curtailment under section 36A(1)(c) unless —

- (a) the marketing approval was obtained after the date of issue of the certificate of grant; and
- (b) the interval between the date the application for marketing approval was filed and the date marketing approval was obtained, excluding any period attributable to an act or omission of the applicant for marketing approval, exceeds 2 years.

(8) For the purposes of section 36A(6), subject to section 36A(7), (8) and (9), where the proprietor of a patent has made an application under section 36A(1)(c) and has satisfied the Registrar that there was in fact an unreasonable curtailment of the opportunity to exploit the patent under section 36A(1)(c), the Registrar shall

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extend the term of the patent by the shortest of the following periods:

- (a) a period equivalent to the interval between the date of issue of the certificate of grant and the date marketing approval was obtained;
- (b) the period by which the interval referred to in paragraph (7)(b) exceeds 2 years;
- (c) a period of 5 years.

(9) For the purposes of section 36A(7), the Registrar shall not extend the term of the patent under section 36A(6) unless the applicant has procured and submitted to the Registrar a certificate from the relevant authority stating —

- (a) the date the application for marketing approval was filed;
- (b) the date marketing approval was obtained; and
- (c) for each period attributable to an act or omission of the applicant for marketing approval, the dates on which the period started and ended.

(10) In paragraph (5), “period attributable to an act or omission of the applicant” includes (without prejudice to the generality of the expression) any of the following periods which is applicable:

- (a) the period taken by the applicant to pay the filing fee under section 25(1)(b), calculated from the date of filing of the application for the patent to the date on which the filing fee is paid;
- (b) the period taken by the applicant to make observations under section 26(3)(b)(i) which satisfy the Registrar that the documents filed at the Registry to initiate the application satisfy all of the conditions in section 26(1)(a), (b) and (c)(i) or (ii), calculated from the date of the

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Registrar's notification to the applicant under section 26(3)(a) to the date on which the applicant makes the observations;

- (c) the period taken by the applicant to file the documents referred to in section 26(7)(a), (b) and (c), calculated from the date of filing of the application for a patent to the date on which the applicant files the documents;
- (d) the period taken by the applicant to comply with section 26(9)(b), if the applicant, after filing at the Registry any missing part of the application, makes a request to the Registrar for section 26(8)(b) not to apply to the application, calculated from the date on which the applicant filed at the Registry the missing part of the application to the date on which the applicant complies with section 26(9)(b);
- (e) the period taken by the applicant to make a new application for a patent under section 26(11)(a), calculated from the date of filing of the earlier application for a patent referred to in section 26(11) to the date on which the new application is made;
- (f) the period taken by the applicant to file one or more claims for the purposes of the application under section 26(12)(a), calculated from the date of filing of the application for the patent to the date on which the applicant files the claim or claims;
- (g) the period taken by the applicant to —
  - (i) make observations under section 28(4)(a) which satisfy the Registrar that all the formal requirements have been complied with; or

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- (ii) amend his application under section 28(4)(b) to comply with all the formal requirements,

calculated from the date of the Registrar's notification under section 28(4) to the date on which the applicant makes the observations or the earliest date on which the application, as amended by the applicant, complies with all the formal requirements;

- (h) the period taken by the applicant to comply with section 28(9)(b), if the applicant, after filing any drawing or part of the description of the invention which is missing from the application, makes a request to the Registrar for section 28(8)(b) not to apply to the application, calculated from the date of the Registrar's notification under section 28(7) to the date on which the applicant complies with section 28(9)(b);

- (i) the period taken by the applicant to —

- (i) file a request for a search report under section 29(1)(a) and pay the prescribed fee for that report; or

- (ii) file a request for a search and examination report under section 29(1)(b) and pay the prescribed fee for that report,

calculated from the date of the Registrar's notification under section 28(11) to the date on which the applicant files the request and pays the fee;

- (j) the period taken by the applicant to file the prescribed documents and a request for an examination report under section 29(1)(c) and pay the prescribed fee for that report, calculated

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from the date of the Registrar's notification under section 28(11) to the date on which the applicant files the documents and request and pays the fee;

- (k) the period taken by the applicant to file the prescribed documents and a request for a supplementary examination report under section 29(1)(d) and pay the prescribed fee for that report, calculated from the date of the Registrar's notification under section 28(11) to the date on which the applicant files the documents and request and pays the fee;
- (l) the period taken by the applicant to file a request for an examination report under section 29(3), calculated from the date of the Registrar's letter forwarding a copy of the search report under section 29(2)(b) to the date on which the applicant files the request;
- (m) the period taken by the applicant to respond to a written opinion under section 29(9)(a), calculated from the date of the Registrar's letter forwarding a copy of the written opinion under section 29(7) or (8) to the date on which the applicant responds to the written opinion;
- (n) the period taken by the applicant to amend the specification of the application under section 29(9)(b), calculated from the date of the Registrar's letter forwarding a copy of the written opinion under section 29(7) or (8) to the date on which the applicant makes the amendment;
- (o) the period taken by the applicant to apply for a review of the examination report, search and examination report or supplementary examination report under section 29A(4)(a), calculated from the date of the Registrar's notice

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under section 29A(3) to the date on which the applicant files the request;

- (p) the period taken by the applicant to amend the specification of the application under section 29B(2), calculated from the date of the Registrar's notice under section 29A(3) to the date on which the applicant makes the amendment;
- (q) the period taken by the applicant to satisfy the conditions under section 30(a) and (c), calculated from the date of the notice of eligibility to proceed to the grant of a patent under section 29A(1) or 29B(5)(b)(i) that is received by the applicant to the date on which the applicant satisfies the conditions under section 30(a) and (c);
- (r) where the application is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3), the period taken by the applicant to cause the application to enter the national phase in Singapore, calculated from the date of the filing of the application in accordance with the Patent Co-operation Treaty to the date on which the national phase of the application begins under section 86(3);
- (s) the period taken by the applicant to rectify any failure to comply with any requirement under the Act or these Rules, such period —
  - (i) to be calculated from the date by which the applicant is required to comply with the requirement to the date on which the applicant rectifies the failure to comply with the requirement; and
  - (ii) to include any period taken by the Registrar or the Registry to detect or to

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notify the applicant of the applicant's failure to comply with the requirement;

- (t) the period taken by the applicant to respond to any request by the Registrar for any document, information or evidence, calculated from the date of the Registrar's notification to the applicant of the request to the date on which the applicant responds to the request;
- (u) any extension or alteration of any period to do any thing that is granted by the Registrar or the court at the request or on the application of the applicant.

(11) In paragraphs (7) and (9), "period attributable to an act or omission of the applicant for marketing approval" includes (without prejudice to the generality of the expression) —

- (a) the period taken by the applicant for marketing approval to correct deficiencies in his application for marketing approval, calculated from the date of the relevant authority's notification to the applicant for marketing approval of the deficiencies to the date on which the applicant for marketing approval corrects the deficiencies;
- (b) the period taken by the applicant for marketing approval to respond to any request by the relevant authority for clarification or information, calculated from the date of the relevant authority's request to the date on which the relevant authority receives the response of the applicant for marketing approval; and
- (c) any extension of any period to do any thing that is granted by the relevant authority at the request or on the application of the applicant for marketing approval."

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**Amendment of rule 52****42.** Rule 52 of the Patents Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) An application to the Registrar for leave to amend the specification of a patent shall be made on Patents Form 17.

(1A) If the Registrar is satisfied that the application may be allowed, the Registrar shall advertise the application by publishing the application and the reasons for the proposed amendment in the journal and in such other manner, if any, as the Registrar may direct.”;

(b) by deleting the words “Patents Form 18” in paragraph (2) and substituting the words “Patents Form 58”;

(c) by deleting paragraph (3) and substituting the following paragraphs:

“(3) The notice shall be supported by a statement setting out fully the facts upon which the opponent relies and the relief which he seeks.

(3A) The opponent shall, at the time the notice and the statement are filed, serve on the applicant a copy of the notice and a copy of the statement.”;

(d) by deleting paragraph (4) and substituting the following paragraphs:

“(4) Within 2 months after the date on which the applicant is served with the copies of the notice and the statement, he shall, if he wishes to continue with the application, file a counter-statement on Form HC6 setting out fully the grounds upon which the opposition is resisted.

(4A) The applicant shall, at the time the counter-statement is filed, serve on the opponent a copy of the counter-statement.”; and

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- (e) by deleting the words “the subsequent procedure” in paragraph (5) and substituting the words “any aspect of the procedure for the application”.

### **Deletion of rule 52A**

43. Rule 52A of the Patents Rules is deleted.

### **Amendment of rule 53**

44. Rule 53 of the Patents Rules is amended —

- (a) by deleting “30” in paragraph (1)(a) and substituting “18”;
- (b) by inserting, immediately after the word “matter” in paragraph (2), the words “in accordance with rule 88”;
- (c) by deleting the words “shall, after giving the applicant an opportunity of being heard, determine” in paragraph (3) and substituting the words “shall determine, in accordance with rule 88,”; and
- (d) by deleting the words “, together with Patents Form 15, duly completed,” in paragraph (4).

### **Deletion of rule 53A**

45. Rule 53A of the Patents Rules is deleted.

### **Amendment of rule 54**

46. Rule 54 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 21 and shall be advertised by the Registrar in the journal” in paragraph (1) and substituting the words “Form CM3”; and
- (b) by deleting paragraphs (2) to (5) and substituting the following paragraphs:
- “(2) A notice under paragraph (1) shall have no effect unless the proprietor of the patent states in the notice that each person having a right in the patent —

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- (a) has been given not less than 3 months' notice of the proprietor's intention to surrender the patent; and
  - (b) either is not affected by the surrender of the patent, or has no objection to the surrender of the patent.
- (3) The Registrar may give such directions as he may think fit with regard to any aspect of the procedure for the surrender of the patent.”.

### **Amendment of rule 55**

47. Rule 55(3) of the Patents Rules is amended by deleting sub-paragraph (gc).

### **Amendment of rule 56**

48. Rule 56 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 23” in paragraphs (1) and (3) and substituting in each case the words “Form CM2”;
- (b) by deleting the words “or address for service” in paragraph (3)(a) and substituting the words “(not being his address for service)”;
- (c) by deleting the words “, address or address for service” in paragraph (3)(b) and substituting the words “or his address (not being his address for service)”;
- (d) by deleting the words “, address or address for service” in paragraph (4) and substituting the words “or any address (not being an address for service)”;
- (e) by deleting the words “, address or address for service” in the rule heading and substituting the words “or address”.

### **Amendment of rule 57**

49. Rule 57 of the Patents Rules is amended —

- (a) by deleting paragraphs (1), (2) and (3) and substituting the following paragraphs:

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“(1) An application to register, or to give notice to the Registrar of, any transaction, instrument or event to which section 43 applies shall be made —

- (a) on Form CM6, in the case of the grant, assignment, amendment or termination of a licence or sub-licence under a patent or an application for a patent;
- (b) on Form CM7, in the case of the grant, assignment, amendment or termination of a mortgage of, or any other security interest in, a patent or an application for a patent, or a licence or sub-licence under a patent or an application for a patent;
- (c) on Form CM8, in the case of any assignment of a patent or an application for a patent, or of a right in a patent or an application for a patent (being a right other than a licence or sub-licence under the patent or application for a patent, or a mortgage of, or any other security interest in, the patent or application for a patent, or a licence or sub-licence under the patent or application for a patent); or
- (d) on Form CM8, in the case of the death of a proprietor of a patent or an application for a patent, or of any person having a right in or under a patent or an application for a patent, and the vesting, by an assent of the personal representatives of the deceased, of the patent, application or right, referred to in section 43(3)(d).

(2) Where an application under paragraph (1) is filed other than by means of the electronic filing system, the application shall be signed by or on behalf of —

- (a) the person who granted the licence or sub-licence, if paragraph (1)(a) applies;

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- (b) the person who granted the mortgage or security interest, if paragraph (1)(b) applies;
  - (c) each assignor, if paragraph (1)(c) applies; or
  - (d) each personal representative and each beneficiary of the deceased, if paragraph (1)(d) applies.

(3) Where an application under paragraph (1) is filed by means of the electronic online system, the application shall be authorised by each relevant party and validated by such means as the Registrar considers fit.”;

(b) by deleting sub-paragraphs (a) and (b) of paragraph (4) and substituting the following sub-paragraphs:

“(a) paragraph (3) does not apply, and paragraph (2) is not complied with; or

(b) the Registrar so directs,”;

(c) by deleting sub-paragraph (c) of paragraph (4); and

(d) by inserting, immediately after paragraph (4), the following paragraph:

“(5) For the purposes of this rule, where a person who is required to sign an application under paragraph (1) is a corporation, it is sufficient for that person to seal the application with its corporate seal.”.

### **Amendment of rule 58**

**50.** Rule 58(1) of the Patents Rules is amended by deleting the words “Patents Form 23” and substituting the words “Form CM4”.

### **Amendment of rule 59**

**51.** Rule 59 of the Patents Rules is amended by deleting the words “, upon payment of the applicable fee referred to in the First Schedule,”.

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**Amendment of rule 63**

**52.** Rule 63 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 26” in paragraph (1) and substituting the words “Form CM12”;
- (b) by inserting, at the end of paragraph (1)(a), the word “or”;
- (c) by deleting sub-paragraph (b) of paragraph (1); and
- (d) by deleting paragraph (2).

**Amendment of rule 64**

**53.** Rule 64 of the Patents Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Notwithstanding any other provision in these Rules, where any order or direction has been made or given by any court or other competent authority in any matter under the Act, the person, or one of the persons, in whose favour the order is made or the direction is given —

- (a) shall file Form CM11 accompanied by a copy of the order or direction; and
- (b) if the Registrar so requires and within such period as the Registrar may specify, shall file a specification as amended (prepared in accordance with rules 19, 21 and 23).”.

**Amendment of rule 65**

**54.** Rule 65 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting the words “(“the opponent”)” in paragraph (3);
- (c) by deleting the words “Patents Form 3” in paragraph (3) and substituting the words “Form HC6”; and
- (d) by deleting the words “the subsequent procedure” in paragraph (7) and substituting the words “any aspect of the procedure for the reference”.

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**Amendment of rule 66**

**55.** Rule 66 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraph:
  - “(2) The applicant shall, at the time the application and statement are filed, serve on the person referred to in paragraph (1) a copy of the application and a copy of the statement.”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (3) and substituting the words “any aspect of the procedure for the application”.

**Amendment of rule 69**

**56.** Rule 69 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraphs:
  - “(2) The person making the reference shall, at the time the reference and the statement are filed, serve on every new proprietor and every person claiming to be entitled to be granted a licence (each such proprietor or person not being the person making the reference) a copy of the reference and a copy of the statement.
  - (2A) Any proprietor or person referred to in paragraph (2) who does not agree to grant or accept a licence for such period and upon such terms shall —
    - (a) within 2 months after the date on which he is served with the copies of the reference and the statement, file a counter-statement on Form HC6 setting out fully the grounds of his objection; and

- (b) at the time the counter-statement is filed, serve on the person making the reference a copy of the counter-statement.”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (3) and substituting the words “any aspect of the procedure for the reference”.

### **Amendment of rule 71**

**57.** Rule 71 of the Patents Rules is amended —

- (a) by deleting paragraphs (2), (3) and (4) and substituting the following paragraphs:

“(2) The applicant shall —

- (a) in the case of an application by the proprietor, at the time the application and the documents referred to in paragraph (1)(a) are filed, serve on the person to whom the applicant proposes to grant the licence a copy of Patents Form 29 and a copy of each document referred to in paragraph (1)(a); and
  - (b) in the case of an application by any other person, at the time the application and the document referred to in paragraph (1)(b) are filed, serve on the proprietor a copy of Patents Form 29 and a copy of the document referred to in paragraph (1)(b).
- (3) Within 2 months after the date on which the application is served on him in accordance with paragraph (2) —
- (a) in the case of an application by the proprietor, the person referred to in paragraph (2)(a) may —
    - (i) file a counter-statement on Form HC6 setting out fully the grounds of his objection; and

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- (ii) at the time the counter-statement is filed, serve on the proprietor a copy of the counter-statement; or
  - (b) in the case of an application by any other person, the proprietor may —
    - (i) file a statement setting out fully the grounds of his objection; and
    - (ii) at the time the statement is filed, serve on the person referred to in paragraph (2)(b) a copy of the statement.
  - (4) Within 2 months after the date on which a statement under paragraph (3)(b) is served on him, the person therein referred to —
    - (a) may file a counter-statement on Form HC6; and
    - (b) if he does so, shall at the time the counter-statement is filed, serve on the proprietor a copy of the counter-statement.”; and
  - (b) by deleting the words “the subsequent procedure” in paragraph (6) and substituting the words “any aspect of the procedure for the application”.

### **Amendment of rule 72**

**58.** Rule 72 of the Patents Rules is amended by deleting the words “Patents Form 30” and substituting the words “Patents Form 28”.

### **Amendment of rule 73**

**59.** Rule 73 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 30” in paragraph (1) and substituting the words “Patents Form 28”;
- (b) by deleting the words “accompanied by a copy of the application” in paragraph (1); and
- (c) by deleting paragraph (2) and substituting the following paragraph:

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“(2) The claimant shall, at the time the application is filed, serve on the proprietor of the patent a copy of the application and a copy of the statement.”.

### **Amendment of rule 74**

**60.** Rule 74 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 31” in paragraph (2) and substituting the words “Patents Form 58”;
- (b) by deleting paragraph (3) and substituting the following paragraphs:

“(3) The opponent shall, at the time the notice of opposition and the supporting statement are filed, serve on the applicant for cancellation of the entry a copy of the notice and a copy of the statement.

(3A) If the applicant for cancellation of the entry desires to proceed with the application, he shall —

- (a) within 2 months after the date on which he is served the copies of the notice and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which the opposition is contested; and
  - (b) at the time the counter-statement is filed, serve on the opponent a copy of the counter-statement.”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (4) and substituting the words “any aspect of the procedure for the opposition to the cancellation of the entry”.

### **Amendment of rule 75A**

**61.** Rule 75A of the Patents Rules is amended by deleting the words “(or P-No.)” in paragraph (b).

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**Amendment of rule 76**

**62.** Rule 76 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 3” in paragraph (4) and substituting the words “Form HC6”; and
- (b) by deleting the words “the subsequent procedure” in paragraph (9) and substituting the words “any aspect of the procedure for the reference”.

**Amendment of rule 77**

**63.** Rule 77 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 3” in paragraph (3) and substituting the words “Form HC6”; and
- (b) by deleting the words “the subsequent procedure” in paragraph (7) and substituting the words “any aspect of the procedure for the reference”.

**Amendment of rule 78**

**64.** Rule 78 of the Patents Rules is amended —

- (a) by deleting the words “a copy thereof and” in paragraph (1);
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) The applicant shall, at the time the application and the statement are filed, serve on the proprietor of the patent a copy of the application and a copy of the statement.

(2A) If the proprietor of the patent wishes to contest the application, he shall —

- (a) within 2 months after the date on which he is served the copies of the application and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which he contests the applicant’s case; and

- (b) at the time the counter-statement is filed, serve on the applicant a copy of the counter-statement.”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (6) and substituting the words “any aspect of the procedure for the application”.

### **Amendment of rule 80**

**65.** Rule 80 of the Patents Rules is amended —

- (a) by deleting paragraph (2) and substituting the following paragraph:
  - “(2) The applicant shall, at the time the application and the statement are filed, serve on the proprietor of the patent a copy of the application and a copy of the statement.”;
- (b) by deleting the words “Patents Form 3” in paragraph (3) and substituting the words “Form HC6”; and
- (c) by deleting the words “the subsequent procedure” in paragraph (10) and substituting the words “any aspect of the procedure for the application”.

### **Amendment of rule 80A**

**66.** Rule 80A of the Patents Rules is amended —

- (a) by deleting paragraphs (a) and (b) and substituting the following paragraphs:
  - “(a) any prescribed information referred to in —
    - (i) repealed section 29(2)(c)(ii) or (d)(ii) in force immediately before 14th February 2014; or
    - (ii) repealed section 29(5) in force immediately before 1st July 2004;
  - (b) any prescribed documents referred to in section 29(1)(c) or (d); and”;

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- (b) by inserting, immediately after the word “information” in paragraph (c), the words “or prescribed documents”.

### **Amendment of rule 85**

**67.** Rule 85 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 18” in paragraph (1) and substituting the words “Patents Form 58”;
- (b) by deleting the words “accompanied by a copy thereof and be” in paragraph (2);
- (c) by deleting paragraph (3) and substituting the following paragraph:
- “(3) The opponent shall, at the time the notice of opposition and the statement are filed, serve, on the proprietor of the patent and on every other party to the proceedings before the Registrar, a copy of the notice of opposition and a copy of the statement.”; and
- (d) by deleting the words “the subsequent procedure” in paragraph (4) and substituting the words “any aspect of the procedure for the opposition to the amendment”.

### **Deletion and substitution of rule 87**

**68.** Rule 87 of the Patents Rules is deleted and the following rule substituted therefor:

#### **“Registrar’s discretionary powers**

**87.**—(1) Without prejudice to any of the provisions of the Act or these Rules requiring the Registrar to hear any party to proceedings under the Act or these Rules, or to give such party an opportunity to be heard, but subject to paragraph (2), the Registrar shall, before exercising any discretionary power vested in him by or under the Act or these Rules adversely to any party to a proceeding before him, give that party an opportunity to be heard.

(2) Paragraph (1) and rule 88 do not apply to either of the following:

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- (a) the issue of a notice of intention to refuse an application for a patent under section 29A(3);
  - (b) the sending of a notice of refusal of an application for a patent under section 29B(5)(b)(ii).”.

### **Amendment of rule 88**

**69.** Rule 88 of the Patents Rules is amended —

- (a) by inserting, immediately after the words “rule 87” in paragraph (1), the words “in ex parte proceedings, whether interlocutory or otherwise,”;
- (b) by deleting the words “Patents Form 40” in paragraph (1) and substituting the words “Form HC4”; and
- (c) by deleting paragraphs (3) and (4) and substituting the following paragraphs:

“(3) A request for the exercise of the discretionary powers of the Registrar under rule 87 in inter partes interlocutory proceedings shall be made to the Registrar in writing.

(4) A person shall, at the time he makes a request under paragraph (3), serve on every other party to the proceedings a copy of the request.

(5) Except as provided in paragraph (1) or (3), no request shall be made for the exercise of the discretionary powers of the Registrar under rule 87.

(6) The Registrar may give such directions as he may think fit with regard to any aspect of the procedure for a hearing under this rule.

(7) After hearing each party, the Registrar shall notify every party of his decision in relation to the exercise of the discretionary power.

(8) Where any party wishes to have the Registrar’s grounds of decision in respect of a request under paragraph (1) —

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- (a) the party shall, within 6 weeks after the date of the Registrar’s decision, by filing Form HC5, request the Registrar to state the Registrar’s grounds of decision; and
- (b) the Registrar shall as soon as practicable send the grounds of decision to the party.
- (9) Where any party wishes to have the Registrar’s grounds of decision in respect of a request under paragraph (3) —
- (a) the party shall —
- (i) request the Registrar in writing to state the Registrar’s grounds of decision; and
- (ii) at the time the party makes the request under sub-paragraph (i), serve on every other party to the proceedings a copy of that request; and
- (b) the Registrar shall as soon as practicable send the grounds of decision to every party to the proceedings.
- (10) The date on which the Registrar’s grounds of decision are sent to the party making the request under paragraph (8)(a) or (9)(a)(i), as the case may be, shall be deemed to be the date of the Registrar’s decision for the purpose of an appeal.”.

### **Amendment of rule 88A**

**70.** Rule 88A of the Patents Rules is amended —

- (a) by deleting “54,” in paragraph (1);
- (b) by deleting the words “or 85” in paragraph (1) and substituting the words “, 85 or 91”;
- (c) by deleting the words “Patents Form 40A” in paragraphs (4), (5) and (6) and substituting in each case the words “Form HC1”; and

(d) by deleting paragraphs (7) to (11) and substituting the following paragraphs:

“(7) If neither party appears at the hearing, the Registrar may dismiss the proceedings.

(8) Upon making any decision or order under paragraph (5) or (6) or dismissing any proceedings under paragraph (5), (6) or (7), the Registrar shall notify every party of the decision, order or dismissal, as the case may be, in writing.

(9) Any decision or order made by the Registrar under paragraph (5) or (6) in the absence of any party may, on the application of that party, be set aside by the Registrar on such terms as the Registrar thinks fit.

(10) Any proceedings dismissed under paragraph (5), (6) or (7) may, on the application of any party, be restored on the direction of the Registrar.

(11) An application under paragraph (9) or (10) shall be made within 14 days after the date of the Registrar’s notification under paragraph (8).”.

### **New rule 88B**

**71.** The Patents Rules are amended by inserting, immediately after rule 88A, the following rule:

#### **“Case management conference**

**88B.**—(1) Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or parties to attend a case management conference in order that the Registrar may make such order or give such direction as he thinks fit for the just, expeditious and economical disposal of the matter.

(2) At a case management conference, the Registrar may —

(a) consider any matter, including the possibility of settlement of all or any of the issues in the application or proceedings; and

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(b) direct the parties to furnish him with such information as he may require.

(3) If any party fails to comply with any direction or order given under paragraph (1) or (2), the Registrar may —

(a) where that direction or order was given in relation to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be; or

(b) make such other order as the Registrar thinks fit.

(4) Any direction given or order made by the Registrar under paragraph (1), (2) or (3) may be set aside or varied by him on such terms as he thinks fit.

(5) If, during or pursuant to a case management conference, the parties are agreeable to a settlement of all or some of the matters in dispute in any application or proceedings, the Registrar may —

(a) give his decision in relation to the application or proceedings; or

(b) make such order as he thinks just to give effect to the settlement.

(6) If any party does not appear at a case management conference, the Registrar may —

(a) where the case management conference pertains to any application or proceedings initiated by that party, dismiss the application or proceedings, as the case may be;

(b) make such other order as the Registrar thinks fit; or

(c) adjourn the case management conference.

(7) An order made by the Registrar in the absence of a party under paragraph (6) may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

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(8) Any application or proceedings dismissed under paragraph (3) or (6) may, on the application of any party, be restored on the direction of the Registrar.”.

### **Amendment of rule 90**

**72.** Rule 90 of the Patents Rules is amended —

- (a) by deleting the words “in Patents Form 41” in paragraph (2) and substituting the words “, and furnish an address for service in Singapore, on Form CM1”; and
- (b) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Notwithstanding paragraph (2), where these Rules require any form referred to in paragraph (4) to be filed, the advocate and solicitor or person referred to in paragraph (2) may file the declaration of authorisation, and furnish the address for service, on that form.

(4) The effect of filing a declaration of authorisation, and furnishing an address for service, on a form shall be as follows:

- (a) where the declaration of authorisation is filed, and the address for service is furnished, on Patents Form 1, 37 or 39, the declaration of authorisation and address for service shall be effective for the purposes of all proceedings in respect of the patent, or the application for a patent, in relation to which that form is filed;
- (b) where the declaration of authorisation is filed, and the address for service is furnished, on Patents Form 2, 4, 5, 6, 7, 29, 32, 33, 35, 52 or 58 or Form HC4 or HC6, or on Patents Form 28 (in so far as the form relates to an application under rule 73(1)) or Patents Form 49 (in so far as the form relates to a request under paragraph 3(4) of the Fourth Schedule), the declaration of authorisation and address for

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service shall be effective for the purposes of the proceedings in relation to which that form is filed;

- (c) where the declaration of authorisation is filed, and the address for service is furnished, on Patents Form 15, 19, 20 or 53, the declaration of authorisation and address for service shall be effective only for the purposes of all renewal applications or proceedings in respect of the patent in relation to which that form is filed;
- (d) where the declaration of authorisation is filed, and the address for service is furnished, on Patents Form 34 or 44 or Form CM2, CM10, CM11 or CM12, or on Patents Form 49 (in so far as the form relates to a request under paragraph 2(1) of the Fourth Schedule), the declaration of authorisation and address for service shall be effective only for the matter for which that form is filed;
- (e) where the declaration of authorisation is filed, and the address for service is furnished, on Form CM6, the declaration of authorisation and address for service shall be effective for the purposes of all proceedings in respect of the licence in relation to which that form is filed;
- (f) where the declaration of authorisation is filed, and the address for service is furnished, on Form CM7, the declaration of authorisation and address for service shall be effective for the purposes of all proceedings in respect of the security interest in relation to which that form is filed;
- (g) where the declaration of authorisation is filed, and the address for service is furnished, on Form CM8 —

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- (i) if there are 2 declarations of authorisation filed, and 2 addresses for service furnished, on that form —
    - (A) one declaration of authorisation shall be filed, and one address for service shall be furnished, for the purpose of registering the transfer of the patent, or the application for a patent, in relation to which that form is filed, and shall be effective only for that purpose; and
    - (B) the other declaration of authorisation, and the other address for service, shall be effective for the purposes of all proceedings in respect of that patent or application, other than —
      - (BA) renewal applications or proceedings in respect of that patent; and
      - (BB) the registration of the transfer of that patent or application; or
  - (ii) if there is only one declaration of authorisation filed, and one address for service furnished, on that form, the declaration of authorisation and the address for service shall be effective for the purposes of all proceedings in respect of the patent, or the application for a patent, in relation to which that form is filed, other than renewal applications or proceedings in respect of that patent.

(5) The Registrar, in dealing with any matter under the Act or these Rules in respect of which a party has appointed an advocate and solicitor or any other person

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to act on the party's behalf, may require the personal signature or presence of either or both of the following:

- (a) the advocate and solicitor or person;
- (b) the party.

(6) The Registrar may, by notice in writing sent to an advocate and solicitor, or any other person, appointed by a party to act on his behalf, require the advocate and solicitor or person to produce evidence of his authority to act for the party.

(7) No act under the Act or these Rules may be done by or to an advocate and solicitor, or any other person, appointed by a party to act on the party's behalf, until after the advocate and solicitor or person has filed a declaration of authorisation, and furnished an address for service, in accordance with paragraph (2) or (3) or, in the case of a change in his name or address for service or both, until he has filed Form CM2 in respect of that change.

(8) Where an advocate and solicitor or any other person, having been appointed by a party to act on the party's behalf, intends to cease to act on the party's behalf —

- (a) the advocate and solicitor or person shall file, and serve on the party, a notice on Form CM1 of the intention to cease to act on the party's behalf; and
- (b) upon complying with sub-paragraph (a), the advocate and solicitor or person shall cease to act on the party's behalf."

### **Amendment of rule 91**

**73.** Rule 91 of the Patents Rules is amended —

- (a) by deleting the words "Except where rule 9(3) or 56(3) applies," in paragraph (1) and substituting the words "Subject to paragraph (12) and unless the Registrar directs otherwise,";

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- (b) by deleting the words “Patents Form 23” in paragraph (1) and substituting the words “Form CM4”;
- (c) by deleting the word “The” in paragraph (1A) and substituting the words “Where the request relates to an error in any document other than a form, the”;
- (d) by deleting the words “he shall inform the applicant in writing accordingly and request him, within 2 months from the date of his letter, to file” in paragraph (3) and substituting the words “the Registrar shall inform the person making the request in writing accordingly and direct the person to file, within 2 months after the date of the Registrar’s letter,”;
- (e) by deleting the words “Patents Form 43” in paragraph (5) and substituting the words “Patents Form 58”;
- (f) by deleting paragraph (7) and substituting the following paragraphs:
- “(7) The opponent shall, at the time the notice and the statement are filed, serve on the person making the request a copy of the notice and a copy of the statement.
- (7A) If the person making the request desires to proceed with the request, he shall —
- (a) within 2 months from the date on which he is served the copies of the notice and the statement, file a counter-statement on Form HC6 setting out fully the grounds on which he contests the opposition; and
- (b) at the time the counter-statement is filed, serve on the opponent a copy of the counter-statement.”;
- (g) by deleting the words “the subsequent procedure” in paragraph (8) and substituting the words “any aspect of the procedure for the request or the opposition to the request”;
- (h) by deleting the word “Where” in paragraph (9) and substituting the word “Before”; and

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(i) by inserting, immediately after paragraph (11), the following paragraphs:

“(12) Paragraph (1) shall not apply to —

(a) any request for correction referred to in rule 9(3), 31(5) or 56(3);

(b) any request for the correction of an error of translation or transcription, or of a clerical error or mistake, in any document filed in connection with any inter partes proceedings under rule 6, 7, 10, 11, 12, 14, 15, 16, 52, 65, 66, 69, 71, 74, 76, 77, 78, 80, 85 or 91, or paragraph 3 of the Fourth Schedule;

(c) any request for the correction of an error of translation or transcription, or of a clerical error or mistake, in —

(i) any document filed in connection with any inter partes proceedings under rule 17 (other than paragraph (3) thereof);

(ii) any counter-statement on Form HC6 filed in connection with any inter partes proceedings under rule 17(3);

(iii) any document filed in connection with any ex parte proceedings under rule 53 (other than paragraph (2) thereof) or rule 88 (other than paragraph (1) thereof); or

(iv) any request on Form HC4 filed in connection with any ex parte proceedings under rule 53(2) or 88(1); and

(d) any request for the correction of an error of translation or transcription, or of a clerical error or mistake, in any document filed under rule 88A or 108A.

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(13) A request referred to in paragraph (12)(b), (c) or (d) shall be made to the Registrar in writing.”.

### **Amendment of rule 92**

74. Rule 92(1) of the Patents Rules is amended by deleting the words “that the reports or information, as the case may be, referred to in section 30(2) were” in sub-paragraph (a) and substituting the words “on which any report, document or English translation referred to in section 29, 29B or 30(c) or rule 42 or 42A was”.

### **Amendment of rule 93**

75. Rule 93 of the Patents Rules is amended —

- (a) by deleting the words “Patents Form 25” in paragraphs (1) and (2) and substituting in each case the words “Form CM10”;
- (b) by deleting the words “at the Registry” where they appear the second time in paragraph (1);
- (c) by deleting paragraph (3); and
- (d) by deleting the words “rule 59, 63(2), 92 or this rule” in paragraph (4)(d) and substituting the words “rule 59 or 92 or this rule, or rule 63(2) in force immediately before 14th February 2014,”.

### **Amendment of rule 94**

76. Rule 94(1) of the Patents Rules is amended by deleting the words “Patents Form” and substituting the word “form”.

### **Amendment of rule 96A**

77. Rule 96A of the Patents Rules is amended by deleting paragraph (2) and substituting the following paragraphs:

- “(2) The electronic online system may be used —
- (a) by any person for giving, sending to, filing with or serving on the Registrar or the Registry any document (other than a notice or document to be served in proceedings in court); and

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- (b) by the Registrar or the Registry for giving, sending to or serving on any person any notice, direction or other document (other than a notice or document to be served in proceedings in court).
- (3) The Registrar may issue practice directions specifying —
- (a) the documents that are to be filed at or submitted to the Registry using the electronic online system;
  - (b) the manner in which any document is to be given or sent to, filed with or served on the Registrar or the Registry under paragraph (2)(a);
  - (c) the manner in which the Registrar or the Registry may give, send or serve any notice, direction or document under paragraph (2)(b); or
  - (d) the procedures and conditions for the setting-up, operation and use of the electronic online system.”.

### **Deletion and substitution of rule 96B**

**78.** Rule 96B of the Patents Rules is deleted and the following rule substituted therefor:

**“Documents to be signed, made on oath, etc.**

**96B.**—(1) Where any document to be given, sent, filed or served using the electronic online system is to be signed or made on oath or by affirmation, it shall be signed, made on oath or affirmed in the usual way on the original paper document.

(2) Where any document to be given, sent, filed or served using the electronic online system is to be attested, it shall be attested in the usual way in which the original paper document is attested.

(3) The giving, sending, filing or service of any such document using the electronic online system shall be effected by sending a true and complete electronic image of the original paper document.”.

### **Deletion of rules 96C to 96G**

**79.** Rules 96C to 96G of the Patents Rules are deleted.

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**Deletion of rules 96I and 96J**

**80.** Rules 96I and 96J of the Patents Rules are deleted.

**Amendment of rule 96K**

**81.** Rule 96K of the Patents Rules is amended by deleting the words “rule 96A(2)” and substituting the words “rule 96A(2)(a)”.

**Deletion and substitution of rule 97**

**82.** Rule 97 of the Patents Rules is deleted and the following rule substituted therefor:

**“Service of documents**

**97.**—(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar or Registry, the giving, sending, filing or service may be effected on the Registrar or Registry —

- (a) by sending the document by pre-paid post;
- (b) where there is no fee payable to the Registrar or Registry for the giving, sending, filing or service of the document, by sending the document by facsimile transmission; or
- (c) by electronic communication, by sending an electronic communication of the document using the electronic online system in accordance with any practice directions issued by the Registrar under rule 96A(3).

(2) Where the Act or these Rules authorise or require any document to be given or sent to or served on any party other than the Registrar or Registry, the giving, sending or service may be effected on that party by sending the document by post.

(3) Where the Act or these Rules authorise or require any notice, direction or other document to be given or sent to or served on any party by the Registrar or Registry, the Registrar or Registry may effect the giving, sending or service on the party —

- (a) by sending the notice, direction or other document by post;

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- (b) by sending the notice, direction or other document by facsimile transmission; or
  - (c) by electronic communication, by sending an electronic communication of the notice, direction or other document using the electronic online system.

(4) Where any notice, direction or other document is sent by post under paragraph (2) or (3), the giving, sending or service, as the case may be, of the notice, direction or other document shall, until the contrary is proved, be treated as having been effected at the time at which the notice or document would have been delivered in the ordinary course of post.

(5) For the purposes of paragraphs (2) and (3), any notice, direction or other document is sent to a party by post if the notice, direction or other document is sent by pre-paid post to the party at his address for service referred to in rule 31 or 90 (as the case may be).

(6) Where any person has attempted to send any document by facsimile transmission under paragraph (1) —

- (a) if any part or all of the document received by the Registrar or Registry is illegible or if any part of the document is not received by the Registrar or Registry, the document shall be treated as not having been submitted; and
- (b) the burden of proving the legibility and completeness of the document lies with the person who has attempted to send the document.

(7) Notwithstanding the availability of an address for service furnished in accordance with rule 31 or 90 (as the case may be), where any notice, direction or other document to be given, sent or served by the Registrar or Registry is sent to a person by electronic communication using the electronic online system under paragraph (3)(c), it shall be taken to have been duly given, sent to or served on the person.

(8) Service of any notice, direction or other document under the Act or these Rules on a person by electronic communication

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using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 96A(3).

(9) Paragraph (1)(b) shall not apply to the filing of any statutory declaration or affidavit.

(10) This rule shall not apply to notices and documents to be served in proceedings in court.”.

### **Amendment of rule 98**

**83.** Rule 98 of the Patents Rules is amended —

- (a) by deleting the words “paragraphs (4), (7)” in paragraph (1) and substituting the words “paragraphs (7)”;
- (b) by deleting paragraphs (3), (4) and (5);
- (c) by deleting the words “rule 96A(2)” in paragraphs (6) and (7) and substituting in each case the words “rule 96A(2)(a)”;
- (d) by deleting the words “rule 97(2)” wherever they appear in paragraph (10) and substituting in each case the words “rule 97(1)(b)”;
- (e) by deleting paragraph (13).

### **Deletion and substitution of rule 100**

**84.** Rule 100 of the Patents Rules is deleted and the following rule substituted therefor:

#### **“Correction of irregularities**

**100.**—(1) Subject to paragraph (3), the Registrar may, if he thinks fit, authorise the rectification of any irregularity of procedure connected with any proceeding or other matter before the Registrar, an Examiner or the Registry.

(2) Any rectification made under paragraph (1) shall be made —

- (a) after giving the parties such notice as the Registrar may direct; and
- (b) subject to such conditions as the Registrar may direct.

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(3) Any time or period prescribed or specified in the Act or these Rules, whether expired or not, may be extended under paragraph (1) if, and only if —

- (a) the irregularity or prospective irregularity is attributable, wholly or in part, to a default, omission or other error by the Registrar, an Examiner or the Registry; and
- (b) it appears to the Registrar that the irregularity should be rectified.”.

### **Deletion of rule 105A**

**85.** Rule 105A of the Patents Rules is deleted.

### **Deletion and substitution of rule 106**

**86.** Rule 106 of the Patents Rules is deleted and the following rule substituted therefor:

#### **“Supporting statements or evidence**

**106.**—(1) Where, by virtue of rule 52(3), 74(2), 85(2) or 91(6), any notice is required to be supported by a statement or evidence, such a statement or evidence shall be filed on, or within 14 days after, the date on which the notice is given.

(2) Where, by virtue of rule 53(1), 73(1) or 108(5), any application is required to be supported by a statement or evidence, such a statement or evidence shall be filed on, or within 14 days after, the date on which the application is made.”.

### **Deletion and substitution of rule 108**

**87.** Rule 108 of the Patents Rules is deleted and the following rule substituted therefor:

#### **“Extension of time limits in general**

**108.**—(1) Subject to paragraphs (2), (3) and (4) and rule 108A, any time or period prescribed by these Rules for doing any act or taking any proceedings, and any time or period specified by the Registrar under these Rules, may, on written request by a party made no later than 6 months after the first expiry of the time or

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period, be extended by the Registrar if he thinks fit, upon such notice to the parties and upon such terms as he may direct.

(2) Any time or period prescribed in any of the following provisions shall not be extended:

- (a) paragraphs (1), (3), (4) and (5);
- (b) rules 8(1), 9(1), (2) and (3), 9A(1) and (2)(a), 19(2), 26(5), 26A(1) and (5)(a), 28(a), (b), (c) and (d), 29(4), 34(2), 46(4), (4A) and (5)(c), 49, 51(1), (2) and (2A), 51A(1) and (2), 52(2), 53(1), 73(1), 74(1), 75, 85(1), 86(3A), 88(8)(a), 88A(11), 91(3) and (5) and paragraph 4(2) of the Fourth Schedule;
- (c) rule 26(3) (except so far as it relates to the filing of the documents prescribed under rule 26(4)(a) and (b));
- (d) rule 26A(4) (except so far as it relates to the furnishing of the information prescribed under rule 26A(6)(b) and the filing of the documents prescribed under rule 26A(7)); and
- (e) rule 34(5) (except so far as it relates to the furnishing of the information prescribed under rule 34(7)(b) and the filing of the documents prescribed under rule 34(8)).

(3) Any time or period prescribed in any of the following provisions shall be extended for a total period not exceeding 6 months, beginning immediately after the first expiry of the time or period for which the extension is sought, upon filing Patents Form 45 no later than 6 months after the first expiry of the time or period for which the extension is sought:

- (a) rule 8(2), 9A(5), 9B(1) or (4), 9C(1), 17(3), 28(e) or (g), 45(2), 46A(2) or (5), 51A(3), 53(4), 67, 68, 84(1), 86(4)(b), 88(1) or 112(4) or (5)(b) or paragraph 1(3) of the Fourth Schedule;
- (b) rule 26A(4) (so far as it relates to the furnishing of the information prescribed under rule 26A(6)(b) and the filing of the documents prescribed under rule 26A(7)); or

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(c) rule 34(5) (so far as it relates to the furnishing of the information prescribed under rule 34(7)(b) and the filing of the documents prescribed under rule 34(8)).

(4) Any time or period prescribed in any of the following provisions shall be extended for a total period not exceeding 18 months, beginning immediately after the first expiry of the time or period for which the extension is sought, upon filing Patents Form 45 no later than 18 months after the first expiry of the time or period for which the extension is sought:

(a) rule 18(1), 19(11), 26(2), 28(f), 34(1A), 38, 42(3), 43, 47(1) or 86(1), (6), (8) or (8A); or

(b) rule 26(3) (so far as it relates to the filing of the documents prescribed under rule 26(4)(a) and (b)).

(5) Without prejudice to paragraphs (3) and (4), the Registrar may, if he thinks fit, allow any time or period prescribed in any provision listed in paragraph (3) or (4) to be further extended, upon such terms as he may direct, if all of the following requirements are satisfied:

(a) a request to further extend the time or period is made on Patents Form 45 —

(i) in the case of a time or period prescribed in any provision listed in paragraph (3), no later than 6 months after the first expiry of the time or period; or

(ii) in the case of a time or period prescribed in any provision listed in paragraph (4), no later than 18 months after the first expiry of the time or period;

(b) the time or period has already been extended —

(i) in the case of a time or period prescribed in any provision listed in paragraph (3), by 6 months; or

(ii) in the case of a time or period prescribed in any provision listed in paragraph (4), by 18 months;

(c) the request is accompanied by a statutory declaration, or an affidavit, setting out the grounds for the request.

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(6) A single request may be made under paragraph (5) for the extension of more than one time or period in the same proceedings if the extensions are to be made to a common date (but not otherwise).”.

### **New rule 108A**

**88.** The Patents Rules are amended by inserting, immediately after rule 108, the following rule:

#### **“Extension of time limits for proceedings before Registrar**

**108A.**—(1) Notwithstanding rule 108, but subject to this rule, any time or period referred to in sub-paragraph (a) or (b) may, at the request of any party or person (being a person affected, or likely to be affected, by the time or period) made by filing Form HC3, be extended by the Registrar upon such terms as he may direct:

- (a) any time or period prescribed under rule 6, 10, 11, 12, 13, 14, 15, 16, 52(4), 65, 66, 69, 71, 74(3A)(a), 76, 77, 78, 80, 81, 91(7A)(a) or 106(1) for doing any act or taking any proceedings;
- (b) any time or period specified by the Registrar under rule 6, 10, 11, 12, 13, 14, 15, 16, 52(5), 65, 66, 69, 71, 74(4), 76, 77, 78, 80, 81, 91(8) or 106(1) for doing any act or taking any proceedings.

(2) A request under paragraph (1) for an extension of a time or period shall be made before the expiry of the time or period, unless the time or period expired before 14th February 2014.

(3) Before making any request under paragraph (1), the party or person seeking the extension of the time or period shall serve, on every other party or person (being a person affected, or likely to be affected, by the extension), a notice containing —

- (a) a statement of the intention of the first-mentioned party or person to seek the extension, the particulars of the extension, and the reason for the extension; and

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- (b) a request that the other party or person give his written consent to the extension within 2 weeks after the date on which the notice is served on him.
- (4) A request under paragraph (1) shall be accompanied by —
- (a) a copy of the notice under paragraph (3); and
- (b) each written consent, if any, that has been given pursuant to a request under paragraph (3)(b).
- (5) The Registrar may refuse to grant an extension of a time or period under paragraph (1), if the Registrar is not satisfied of either or both of the following:
- (a) that there is a good and sufficient reason for the extension;
- (b) the notice under paragraph (3) has been served in accordance with that paragraph.
- (6) Notwithstanding that any party or person on whom a notice under paragraph (3) is served refuses or fails to give his written consent to the extension of the time or period within 2 weeks after the date on which the notice is served on him, the Registrar may grant the extension without conducting a hearing in accordance with rule 88, if the Registrar is satisfied that there is a good and sufficient reason for the extension.”.

### **Amendment of rule 109**

**89.** Rule 109 of the Patents Rules is amended —

- (a) by deleting the words “an extension of time of more than 3 months under rule 100(2), 108(1) or 108(4)” in paragraph (1) and substituting the words “a total extension of time of more than 6 months under rule 108(1), or an extension of time under rule 108(5),”; and
- (b) by deleting the words “an extension of time for more than 3 months or has refused an application for extension of time for more than 3 months under rule 100(2), 108(1) or 108(4)” in paragraph (2) and substituting the words “or refused a total

extension of time of more than 6 months under rule 108(1), or an extension of time under rule 108(5),”.

### **Amendment of rule 110**

**90.** Rule 110 of the Patents Rules is amended —

- (a) by deleting the words “certify the day as being one on which there is” in paragraph (1) and substituting the words “issue practice directions to certify that day as one on which there has been”;
- (b) by inserting, immediately after the words “day so certified” in paragraph (1), a comma; and
- (c) by deleting paragraph (2).

### **Amendment of rule 118**

**91.** Rule 118 of the Patents Rules is amended by deleting the words “Patents Form 26” and substituting the words “Form CM12”.

### **Deletion and substitution of First Schedule**

**92.** The First Schedule to the Patents Rules is deleted and the following Schedule substituted therefor:

“FIRST SCHEDULE

Rule 3

FEES PAYABLE

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
1. Filing a request for the grant of a patent	160	Patents Form 1
2. Reference under section 20(1) or 47(1)	450	Patents Form 2
3. Application under section 20(5) or 47(3) for authorisation by the Registrar	50	Patents Form 4
4. Request for directions under section 22	450	Patents Form 5

	<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
5.	Reference under section 23(5) or 48(5) to determine the question of a licence	450	Patents Form 6
6.	Application to the Registrar under section 24(1) or (3)	450	Patents Form 7
7.	Filing a statement of inventorship and of right to the grant of a patent	Nil	Patents Form 8
8.	Request for early publication under section 27(2)	50	Patents Form 9
9.	Filing a request for a search report or a supplementary search report	1,925	Patents Form 10
10.	Filing a request for a search and examination report	2,600	Patents Form 11
11.	Furnishing details referred to in revoked rule 39(1) in force immediately before 1st July 2004	Nil	Patents Form 11A
12.	Furnishing information referred to in rule 44(1) in force immediately before 14th February 2014	Nil	Patents Form 11B
13.	Filing a notice of intention to rely on an international preliminary report on patentability referred to in rule 42A in force immediately before 14th February 2014	Nil	Patents Form 11C
14.	Filing a request for an examination report	1,350	Patents Form 12
15.	Filing a request for a supplementary examination report	Nil	Patents Form 12A
16.	Filing a request for an Examiner's review report	1,350	Patents Form 12B
17.	Request to amend application before grant	Nil	Patents Form 13

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
18. Filing a response to a written opinion under section 29(9)	Nil	Patents Form 13A
19. Request that a certificate of grant be issued —		Patents Form 14
(a) where the application for a patent has —	170	
(i) a date of filing before 1st July 2004; and		
(ii) a date of lodgment before 14th February 2014		
(b) where the application for a patent has —	200	
(i) a date of filing before 1st July 2004;		
(ii) a date of lodgment on or after 14th February 2014; and		
(iii) not more than 25 claims in the patent specification when rule 47(3) is complied with		
(c) where the application for a patent has —	200 plus 20	for each claim in excess of 25 claims
(i) a date of filing before 1st July 2004;		
(ii) a date of lodgment on or after 14th February 2014; and		
(iii) more than 25 claims in the patent specification when rule 47(3) is complied with		

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
(d) where the application for a patent has —	200	
(i) a date of filing on or after 1st July 2004; and		
(ii) not more than 25 claims in the patent specification when rule 47(3) is complied with		
(e) where the application for a patent has —	200 plus 20 for each claim in excess of 25 claims	
(i) a date of filing on or after 1st July 2004; and		
(ii) more than 25 claims in the patent specification when rule 47(3) is complied with		
20. Payment of renewal fee (not including payment of back renewal fees pursuant to restoration or cancellation of entry in the register that licences are available as of right) —		Patents Form 15
(a) for each year in respect of the 5th, 6th or 7th year of the patent	140	
(b) for each year in respect of the 8th, 9th or 10th year of the patent	270	
(c) for each year in respect of the 11th, 12th or 13th year of the patent	350	

	<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
	(d) for each year in respect of the 14th, 15th or 16th year of the patent	490	
	(e) for each year in respect of the 17th, 18th or 19th year of the patent	600	
	(f) for the 20th year of the patent	710	
	(g) for each year after the 20th year of the patent	950	
21.	Payment, where item 20 applies, of an additional fee for renewal under section 36(3) —		Patents Form 15
	(a) not exceeding one month	50	
	(b) each succeeding month (but not exceeding 6 months)	100	
22.	Application to amend specification after grant	1,250	Patents Form 17
23.	Application for the restoration of a patent	500	Patents Form 19
24.	Payment of an additional fee on the application for the restoration of a patent	300	Patents Form 20
25.	Payment of back renewal fee pursuant to restoration of a patent —		Patents Form 20
	(a) for each year in respect of the 5th, 6th or 7th year of the patent	140	
	(b) for each year in respect of the 8th, 9th or 10th year of the patent	270	
	(c) for each year in respect of the 11th, 12th or 13th year of the patent	350	

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
(d) for each year in respect of the 14th, 15th or 16th year of the patent	490	
(e) for each year in respect of the 17th, 18th or 19th year of the patent	600	
(f) for the 20th year of the patent	710	
(g) for each year after the 20th year of the patent	950	
26. Application for entry to be made in the register to the effect that licences under the patent are to be available as of right	40	Patents Form 28
27. Application for cancellation of entry in the register under section 54(1) or (3)	40	Patents Form 28
28. Application for settlement of terms of licence of right	380	Patents Form 29
29. Reference to the Registrar of a dispute as to infringement	280	Patents Form 32
30. Application for declaration of non-infringement	280	Patents Form 33
31. Application under repealed section 79(1) in force immediately before 1st July 2004 for information on corresponding applications for a patent	100	Patents Form 34
32. Application under section 80 for the revocation of a patent	500	Patents Form 35
33. Request for re-examination of a patent in response to the Registrar's direction	900	Patents Form 36
34. Payment of prescribed fee for entry into the national phase under section 86(3)	200	Patents Form 37

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
35. Payment of prescribed fee and request for publication of translation	70	Patents Form 38
36. Application to the Registrar for an international application for a patent (Singapore) to be treated as an application under the Act	160	Patents Form 39
37. Payment of the advertisement fee upon receipt of the Registrar's request under rule 91(3)	18	Patents Form 42
38. Request for information relating to a patent or an application for a patent	24	Patents Form 44
39. Request for extension of each time or period under revoked rule 108(3) in force immediately before 14th February 2014 — for each month or part thereof for which the extension is sought	200	Patents Form 45
40. Request for extension of each time or period under revoked rule 108(4) in force immediately before 14th February 2014	200	Patents Form 46
41. Payment of additional fee for extension of each time or period under revoked rule 108(6) in force immediately before 14th February 2014 — for each month or part thereof for which the extension is granted	200	Patents Form 47
42. Request for extension of each period under rule 108(3) or (4) — for each month or part thereof for which the extension is sought	200	Patents Form 45
43. Request for extension of each period under rule 108(5)	200 plus 200 for each month or part	Patents Form 45

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
	thereof for which the extension is sought	
44. Request for extension of periods under repealed sections 29(7) and 30(1)(a) in force immediately before 14th February 2014 —		Patents Form 45A
(a) where the application is not an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3)	1,800	
(b) where the application is an international application for a patent (Singapore) that has entered the national phase in Singapore under section 86(3)	Nil	
45. Payment of transmittal fee under rule 14 of the Regulations under the Patent Co-operation Treaty	150	Patents Form 48
46. Payment of fee under rule 117(6) in respect of a request under Rule 26bis.3(a) of the Regulations under the Patent Co-operation Treaty	250	—
47. Request for certificate authorising release of sample of micro-organism under paragraph 2 or 3 of the Fourth Schedule	15	Patents Form 49
48. Notice of intention to restrict availability of samples of micro-organisms to experts	15	Patents Form 50

	<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
49.	Notice of objection to the release of a sample of micro-organism to an expert	100	Patents Form 52
50.	Payment of renewal fee under section 53 or 54 —		Patents Form 53
	(a) for each year in respect of the 5th, 6th or 7th year of the patent	70	
	(b) for each year in respect of the 8th, 9th or 10th year of the patent	135	
	(c) for each year in respect of the 11th, 12th or 13th year of the patent	175	
	(d) for each year in respect of the 14th, 15th or 16th year of the patent	245	
	(e) for each year in respect of the 17th, 18th or 19th year of the patent	300	
	(f) for the 20th year of the patent	355	
	(g) for each year after the 20th year of the patent	475	
51.	Payment, where item 50 applies, of an additional fee for renewal under section 36(3) —		Patents Form 53
	(a) not exceeding one month	50	
	(b) each succeeding month (but not exceeding 6 months)	100	
52.	Application to extend the term of a patent under section 36A	950	Patents Form 54
53.	Filing one or more documents under section 26(7)(c) or (8) or 28(8)	Nil	Patents Form 56

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
54. Filing a declaration under rule 9(2) or a request under rule 9(3)	120	Patents Form 57
55. Filing a request under rule 9A(2)	250	Patents Form 57
56. Notice of opposition —		Patents Form 58
(a) to an application under section 24	40	
(b) to an amendment of a specification after grant	480	
(c) to an offer to surrender a patent under repealed section 40(2) in force immediately before 14th February 2014	250	
(d) to an application under section 54(1) or (3) for cancellation of an entry in the register	90	
(e) to the correction of an error, clerical error or mistake	100	
57. Using the services of a service bureau referred to in rule 96K to file any of the following by means of the electronic online system:		
(a) Patents Form 10, 11, 12, 12B or 45A and any document accompanying that form	120 plus 0.50 for each page of document	
(b) any other form and any document accompanying that form	40 plus 0.50 for each page of document	
58. Purchasing of a copy of —		
(a) Patents Journal A	10	

	<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
	(b) Patents Journal B	36	
59.	Request to appoint, change or remove agent	8.50	Form CM1
60.	Request to change the name, address and Singapore address for service of any agent, applicant, proprietor or other interested person	13	Form CM2
61.	Request to surrender a patent	30	Form CM3
62.	Request for correction of an error in respect of a patent or an application for a patent, for —		Form CM4
	(a) each correction of an error in the register or any connected document	50	
	(b) each correction of an error of translation or transcription, or of a clerical error or mistake, in any document (other than the specification of a patent or the specification of an application for a patent) filed in connection with a patent or an application for a patent	50	
	(c) each correction of an error of translation or transcription, or of a clerical error or mistake, in the specification of a patent or in the specification of an application for a patent	120	
63.	Application to register, amend or terminate a licence	60	Form CM6
64.	Application to register, amend or terminate a security interest	50	Form CM7

<i>Matter</i>	<i>Amount \$</i>	<i>Corresponding Form</i>
65. Application to register a transfer of ownership	70	Form CM8
66. Request for withdrawal of an application under section 27(1)	Nil	Form CM9
67. Request for file inspection	30	Form CM10
68. Application to record order of court	10	Form CM11
69. Request for a certified copy of an entry in the register or a certified extract from the register, or a request for a certified document relating to a patent or an application for a patent —		Form CM12
(a) where the certified copy, extract or document is in soft copy	28	
(b) where the certified copy, extract or document is in hard copy	35	
70. Notice of attendance at a hearing under rule 88A	715	Form HC1
71. Request to extract the Registrar's certificate of taxation under rule 7	80	Form HC2
72. Request for extension of time under rule 108A	100	Form HC3
73. Request for ex parte hearing under rule 88	100	Form HC4
74. Request for grounds of decision for ex parte hearing under rule 88	700	Form HC5
75. Filing a counter-statement under rule 10(3), 11(3), 15(2A), 16(2A), 52(4), 65(3), 69(2A), 71(3) or (4), 74(3A), 76(4), 77(3), 78(2A), 80(3) or 91(7A)	360	Form HC6

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## Deletion and substitution of Second Schedule

93. The Second Schedule to the Patents Rules is deleted and the following Schedule substituted therefor:

### “SECOND SCHEDULE

Rule 4(3)

#### DESCRIPTIONS OF FORMS

<i>Form</i>	<i>Description of Form</i>
Certificate Form 1	Certificate of grant
Certificate Form 2	Certificate of extension of patent term
Patents Form 1	Request for grant of patent
Patents Form 2	Reference to Registrar on determination of entitlement to patent before or after grant
Patents Form 4	Application for authorisation by Registrar to carry out act on behalf of person to whom directions were given
Patents Form 5	Request for directions on handling of dispute between joint applicants
Patents Form 6	Reference to Registrar to determine question of licence
Patents Form 7	Application to add and/or remove inventors
Patents Form 8	Statement of inventorship and of right to grant of patent
Patents Form 9	Request for early publication
Patents Form 10	Request for search report or supplementary search report
Patents Form 11	Request for search and examination report
Patents Form 11A	Furnishing of prescribed details (transitional)
Patents Form 11B	Furnishing of prescribed information (transitional)
Patents Form 11C	Notice of intention to rely on international preliminary report on patentability (transitional)
Patents Form 12	Request for examination report

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<i>Form</i>	<i>Description of Form</i>
Patents Form 12A	Request for supplementary examination report
Patents Form 12B	Request for report of Examiner's review
Patents Form 13	Request to amend application before grant
Patents Form 13A	Response to written opinion
Patents Form 14	Payment of fee for grant of patent
Patents Form 15	Payment of renewal fee and any additional fee
Patents Form 17	Application to amend specification after grant
Patents Form 19	Application for restoration of patent
Patents Form 20	Payment of additional fee and renewal fee for restoration of patent
Patents Form 28	Application for entry to be made, or for cancellation of entry, in register to effect that licences under patent are to be available as of right
Patents Form 29	Application for settlement of terms of licence of right
Patents Form 32	Reference to Registrar of dispute as to infringement
Patents Form 33	Application for declaration of non-infringement
Patents Form 34	Application for information on corresponding applications for patent (transitional)
Patents Form 35	Application for revocation of patent
Patents Form 36	Request for re-examination of patent in response to direction of Registrar
Patents Form 37	Entry into national phase
Patents Form 38	Payment of fee for publication of translation of international application and/or any amendment to international application

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<i>Form</i>	<i>Description of Form</i>
Patents Form 39	Application to Registrar for international application to be treated as application under Act
Patents Form 42	Payment of additional fee for advertisement of proposed correction
Patents Form 44	Request for information relating to patent or application for patent
Patents Form 45	Request for extension of time or period
Patents Form 45A	Request for extension of periods for search and examination and fee for grant of patent
Patents Form 46	Request for extension of time or period (transitional)
Patents Form 47	Request for extension of time or period (transitional)
Patents Form 48	Payment of transmittal fee under Patent Co-operation Treaty
Patents Form 49	Request for certificate authorising release of sample of micro-organism
Patents Form 50	Notice of intention to restrict availability of samples of micro-organisms to experts
Patents Form 52	Notice of objection to the release of sample of micro-organism to expert
Patents Form 53	Payment of renewal fee and any additional fee after entry is made in register to effect that licences under patent are to be available as of right
Patents Form 54	Application for extension of term of patent
Patents Form 56	Filing of drawing(s), description or part of description
Patents Form 57	Addition, correction or late declaration of priority
Patents Form 58	Notice of opposition
Form CM1	Request to appoint, change or remove agent

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<i>Form</i>	<i>Description of Form</i>
Form CM2	Request to change name, address and Singapore address for service of agent, applicant, proprietor or other interested person
Form CM3	Request to surrender patent
Form CM4	Request for correction of error
Form CM6	Application to register, amend or terminate licence
Form CM7	Application to register, amend or terminate security interest
Form CM8	Application to register transfer of ownership
Form CM9	Request for withdrawal of application
Form CM10	Request for file inspection
Form CM11	Application to record order of court
Form CM12	Request for certified copy of entry in register or certified extract from register / Request for certified document relating to patent or application for patent
Form HC1	Notice of attendance at hearing
Form HC2	Request to extract Registrar's certificate of taxation
Form HC3	Request for extension of time
Form HC4	Request for ex parte hearing
Form HC5	Request for grounds of decision for ex parte hearing
Form HC6	Counter-statement

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### **Deletion and substitution of Third Schedule**

**94.** The Third Schedule to the Patents Rules is deleted and the following Schedule substituted therefor:

## “THIRD SCHEDULE

Rules 5 and 7

## SCALE OF COSTS

<i>First column</i> <i>Item</i>	<i>Second column</i> <i>Matter</i>	<i>Third column</i> <i>Amount</i>
	<i>Institution of proceedings</i>	
1	Drawing and filing notice of opposition or application for revocation together with statement of case	\$300
2	Drawing and filing a counter-statement	\$300
3	Preparing and filing evidence for a notice of opposition, an application for revocation or a counter-statement	\$300-\$1,600 per statutory declaration
4	Reviewing any document referred to in item 1, 2 or 3	\$150-\$800 per document
	<i>Interlocutory proceedings and case management conferences</i>	
5	Preparing for all interlocutory proceedings and case management conferences	\$50-\$500
6	Attending all interlocutory proceedings and case management conferences	\$50-\$500
	<i>Other hearings</i>	
7	Preparing for hearing	\$500-\$2,000
8	Attendance at hearing	\$200-\$800
	<i>Taxation</i>	
9	Drawing bill of costs	\$5 per folio
10	Attending taxation, and obtaining the Registrar’s certificate or order	\$100-\$300

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## Amendment of Fourth Schedule

**95.** The Fourth Schedule to the Patents Rules is amended —

- (a) by deleting “(4)” in paragraph 2(3)(i) and substituting “(5)”;
- (b) by deleting the words “Patents Form 51” in paragraph 3(4)(a) and (5) and substituting in each case the words “Patents Form 49”;
- (c) by deleting the words “sends notice in writing to the Registrar that he objects to a sample of the micro-organism being made available to the expert and gives his reasons for his objection,” in paragraph 3(6) and substituting the words “files a notice of objection on Patents Form 52 and a statement setting out fully the reasons for his objection to the release of a sample of the micro-organism to an expert,”; and
- (d) by inserting, immediately after sub-paragraph (6) of paragraph 3, the following sub-paragraph:

“(6A) The applicant for the patent shall, at the time the notice of objection and the statement are filed, serve on the requester a copy of the notice of objection and a copy of the statement.”.

## Savings and transitional provisions

**96.**—(1) Subject to paragraphs (2) and (3), rules 3, 16(a), 17, 19(a), 20, 23(a), 24(a) and (b), 25 to 38, 39, 41, 66, 74, 84, 87, 89 and 95(a) (referred to in this paragraph and paragraphs (2) and (3) as the relevant provisions) shall not apply to any application for a patent that is filed before 14th February 2014, or to any patent granted pursuant to any such application, and rules 19(4), 22(1), 26A(1)(b), 27(1) and (1A), 33(1)(a), 34(2)(b), 36, 37, 38, 40, 41, 42, 42A, 43, 44, 45, 46, 47, 47A, 49, 51A, 80A, 92(1)(a), 100, 108 and 109 of, and paragraph 2(3)(i) of the Fourth Schedule to, the Patents Rules in force immediately before that date shall continue to apply to every such application for a patent and every such patent as if the relevant provisions had not been enacted.

(2) The relevant provisions shall apply to —

- (a) every new application for a patent made, on or after 14th February 2014, under section 20(3) or 47(4) of the

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Patents Act which is treated as having been filed on a date that is before 14th February 2014, and to every patent granted pursuant to any such application; and

(b) every new application for a patent filed, on or after 14th February 2014, under section 26(11) of the Patents Act which is treated as having as its date of filing a date that is before 14th February 2014, and to every patent granted pursuant to any such application.

(3) The relevant provisions shall apply to every international application for a patent (Singapore) that enters the national phase in Singapore under section 86(3) of the Patents Act on or after 14th February 2014, and to every patent granted pursuant to any such application.

(4) Rule 4(a) shall not apply to any form filed before 14th February 2014, and rule 3(2) of the Patents Rules in force immediately before that date shall continue to apply to every such form as if rule 4(a) had not been enacted.

(5) Rules 5, 6, 7 and 94 shall not apply to any order for costs made by the Registrar before 14th February 2014, to any appeal brought in respect of any such order for costs, or to any bill of costs filed in respect of any such order for costs, and rules 5, 6 and 7 of, and the Third Schedule to, the Patents Rules in force immediately before that date shall continue to apply to every such order for costs, appeal and bill of costs as if rules 5, 6, 7 and 94 had not been enacted.

(6) Rule 10(c) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any reference under section 20(1)(a) of the Patents Act, regardless of whether that reference was made before, on or after that date.

(7) Rule 10(d) shall apply to every reference under section 20(1)(a) of the Patents Act, whether made before, on or after 14th February 2014.

(8) Rule 11(b) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any reference under section 20(1)(b) of the Patents Act, regardless of whether that reference was made before, on or after that date.

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(9) Rule 11(c) shall apply to every reference under section 20(1)(b) of the Patents Act, whether made before, on or after 14th February 2014.

(10) Rule 12(c) shall apply to every application under section 20(5) of the Patents Act, whether made before, on or after 14th February 2014.

(11) Rule 13(b) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any request under section 22 of the Patents Act, regardless of whether that request was made before, on or after that date.

(12) Rule 13(c) shall apply to every request under section 22 of the Patents Act, whether made before, on or after 14th February 2014.

(13) Rule 14(b) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any question referred to the Registrar under section 23(5) of the Patents Act, regardless of whether that reference was made before, on or after that date.

(14) Rule 14(c) shall apply to every question referred to the Registrar under section 23(5) of the Patents Act, regardless of whether that reference was made before, on or after 14th February 2014.

(15) Rule 15(a) shall apply to every recipient of an application under section 24(1) or (3) of the Patents Act who opposes that application on or after 14th February 2014, regardless of whether that application was made before, on or after that date.

(16) Rule 15(b) shall apply to every application under section 24(1) or (3) of the Patents Act, whether made before, on or after 14th February 2014.

(17) Rule 16(c) shall not apply to any request made before 14th February 2014 for the withdrawal of an application for a patent.

(18) Rule 42 shall apply to every application to the Registrar under rule 52(1) of the Patents Rules for leave to amend the specification of a patent, regardless of whether the application was made before, on or after 14th February 2014.

(19) Rule 44(a) shall not apply to any patent that lapsed before 14th February 2014, and rule 53(1)(a) of the Patents Rules in force

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immediately before that date shall continue to apply to every such patent as if rule 44(a) had not been enacted.

(20) Rule 46 shall not apply to any notice given before 14th February 2014 by a person to the Registrar of the person's opposition to the surrender of a patent under section 40 of the Patents Act, and rule 54 of the Patents Rules in force immediately before that date shall continue to apply to every such notice as if rule 46 had not been enacted.

(21) Rules 43 and 47 shall not apply to any request made before 14th February 2014 for a search and examination report in respect of any claim or claims in the specification of a patent, and rules 52A and 55(3)(gc) of the Patents Rules in force immediately before that date shall continue to apply to every such request as if rules 43 and 47 had not been enacted.

(22) Rule 49 shall not apply to an application, made before 14th February 2014, to register, or to give notice to the Registrar of, any transaction, instrument or event to which section 43 of the Patents Act applies, and rule 57 of the Patents Rules in force immediately before that date shall continue to apply to every such application as if rule 49 had not been enacted.

(23) Rule 54(c) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any reference under section 47(1) of the Patents Act, regardless of whether that reference was made before, on or after that date.

(24) Rule 54(d) shall apply to every reference under section 47(1) of the Patents Act, whether made before, on or after 14th February 2014.

(25) Rule 55(c) shall apply to every application under section 47(3) of the Patents Act, whether made before, on or after 14th February 2014.

(26) Rule 56(b) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any question referred to the Registrar under section 48(5) of the Patents Act, regardless of whether that reference was made before, on or after that date.

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(27) Rule 56(c) shall apply to every question referred to the Registrar under section 48(5) of the Patents Act, regardless of whether that reference was made before, on or after 14th February 2014.

(28) Rule 57(a) shall apply to every counter-statement, and every statement setting out grounds of objection, that is filed on or after 14th February 2014 in relation to any application under section 53(3)(a) or (b) of the Patents Act, regardless of whether that application was made before, on or after that date.

(29) Rule 57(b) shall apply to every application under section 53(3)(a) or (b) of the Patents Act, regardless of whether that application was made before, on or after 14th February 2014.

(30) Rule 60(a) and (b) shall apply to every notice of opposition, and every counter-statement, that is filed on or after 14th February 2014 in relation to any application under section 54(1) or (3) of the Patents Act, regardless of whether that application was made before, on or after that date.

(31) Rule 60(c) shall apply to every application under section 54(1) or (3) of the Patents Act, regardless of whether that application was made before, on or after 14th February 2014.

(32) Rule 62(a) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any reference under section 67(3) of the Patents Act, regardless of whether that reference was made before, on or after that date.

(33) Rule 62(b) shall apply to every reference under section 67(3) of the Patents Act, whether made before, on or after 14th February 2014.

(34) Rule 63(a) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any reference under section 67(3) of the Patents Act where the only matter stated to be in dispute is the validity of any patent or part of a patent, regardless of whether that reference was made before, on or after that date.

(35) Rule 63(b) shall apply to every reference under section 67(3) of the Patents Act where the only matter stated to be in dispute is the validity of any patent or part of a patent, whether that reference is made before, on or after 14th February 2014.

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(36) Rule 64(*b*) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any application under section 78 of the Patents Act, regardless of whether that application was made before, on or after that date.

(37) Rule 64(*c*) shall apply to every application under section 78 of the Patents Act, whether made before, on or after 14th February 2014.

(38) Rule 65(*b*) shall apply to every counter-statement filed on or after 14th February 2014 in relation to any application for the revocation of a patent, regardless of whether that application was made before, on or after that date.

(39) Rule 65(*c*) shall apply to every application for the revocation of a patent, whether made before, on or after 14th February 2014.

(40) Rule 67(*d*) shall apply to every opposition to an amendment under section 83 of the Patents Act, whether the notice of opposition is filed before, on or after 14th February 2014.

(41) Rule 88(1), (3), (4) and (5) of the Patents Rules in force on 14th February 2014 shall not apply to any request made before that date for the exercise of the discretionary powers of the Registrar under rule 87 of the Patents Rules, and rule 88(1) of the Patents Rules in force immediately before that date shall continue to apply to every such request as if rule 69(*a*) and (*b*) had not been enacted.

(42) Except as provided in paragraph (41), rule 69(*c*) shall apply to every request for the exercise of the discretionary powers of the Registrar under rule 87 of the Patents Rules, whether that request was made before, on or after 14th February 2014.

(43) Rule 70(*a*) shall not apply to any inter partes proceedings under rule 54 of the Patents Rules in force immediately before 14th February 2014, and rule 88A(1) of the Patents Rules shall apply to those proceedings as if rule 70(*a*) had not been enacted.

(44) Rule 70(*c*) and (*d*) shall apply to —

- (*a*) all inter partes proceedings under rule 10, 11, 12, 14, 15, 16, 17, 52, 65, 66, 69, 71, 74, 76, 77, 78, 80, 85 or 91 of the Patents Rules, whether commenced before, on or after 14th February 2014; and

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(b) any inter partes proceedings under rule 54 of the Patents Rules in force immediately before 14th February 2014.

(45) Rule 73(a), (b), (c) and (i) shall not apply to any request made, before 14th February 2014, under rule 91(1) of the Patents Rules, and rule 91(1) and (1A) of the Patents Rules in force immediately before that date shall continue to apply to every such request as if rule 73(a), (b), (c) and (i) had not been enacted.

(46) Rule 73(e) and (f) shall apply to every notice of opposition, and every counter-statement, that is filed on or after 14th February 2014 in relation to any request under rule 91(1) of the Patents Rules, regardless of whether that request was made before, on or after that date.

(47) Rule 73(g) shall apply to every request under rule 91(1) of the Patents Rules, and every opposition to any such request, whether that request was made before, on or after 14th February 2014.

(48) Rule 73(h) shall apply to every pending request under rule 91(1) of the Patents Rules, whether made before, on or after 14th February 2014.

*[G.N. Nos. S 501/2009; S 730/2010; S 586/2011;  
S 210/2013]*

Made this 11th day of February 2014.

BEH SWAN GIN  
*Permanent Secretary,  
Ministry of Law,  
Singapore.*

[LAW 06/011/012; AG/LLRD/SL/221/2010/1 Vol. 5]