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No. S 586

PATENTS ACT
(CHAPTER 221)

PATENTS
(AMENDMENT)
RULES 2011

In exercise of the powers conferred by section 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.—(1) These Rules may be cited as the Patents (Amendment) Rules 2011 and shall, with the exception of rules 2 and 4(*h*), come into operation on 1st December 2011.

(2) Rules 2 and 4(*h*) shall be deemed to have come into operation on 1st January 2011.

Amendment of rule 2

2. Rule 2(3) of the Patents Rules (R 1) is amended by deleting the words “Hungarian Patent Office” and substituting the words “Hungarian Intellectual Property Office”.

New rule 88A

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

“Hearing and notice of attendance at hearing

88A.—(1) This rule shall apply only to inter partes proceedings under rule 10, 11, 12, 14, 15, 16, 17, 52, 54, 65, 66, 69, 71, 74, 76, 77, 78, 80 or 85, or paragraph 3 of the Fourth Schedule, where the parties have filed evidence pursuant to any of those rules or to a direction by the Registrar.

(2) Upon completion of the filing of evidence by the parties, the Registrar shall give notice to the parties of the date or dates on which he will hear arguments on the case.

(3) The parties shall file with the Registrar their written submissions and bundles of authorities at least one month before the first date of hearing notified under paragraph (2), and shall at the same time as filing, exchange with one another their respective written submissions and bundles of authorities.

(4) Any party who intends to appear at the hearing shall file Patents Form 40A with the Registrar before the date he intends to appear at that hearing.

(5) Any party who does not file Patents Form 40A with the Registrar before the date he intends to appear at the hearing may be treated as not desiring to be heard, and the Registrar may proceed with the hearing in the absence of that party or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(6) If, after filing Patents Form 40A with the Registrar, a party does not appear at the hearing, the Registrar may proceed with the hearing in the absence of that party, or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(7) Upon making any decision or order under paragraph (5) or (6), the Registrar shall notify all parties of the decision or order and, if any party so desires, shall give his reasons for the decision or order.

(8) If no party appears at the hearing, the proceedings may be struck out of the list except that those proceedings may thereafter, on the application of any party, be restored on the direction of the Registrar.

(9) Any decision made by the Registrar pursuant to a hearing in which any party does not appear may, on the application of that party, be set aside by the Registrar on such terms as he thinks fit.

(10) An application under paragraph (8) to restore any proceedings shall be made within 7 days after the proceedings have been struck out of the list.

(11) An application under paragraph (9) to set aside any decision or order made by the Registrar under paragraph (5) or (6) shall be made within 7 days after the date of the notification from the Registrar of the decision or order.”

Amendment of First Schedule

4. The First Schedule to the Patents Rules is amended —
- (a) by deleting “1,750” under the heading “*Amount \$*” in item 11 and substituting “1,925”;
 - (b) by deleting “1,100” under the heading “*Amount \$*” in item 13 and substituting “1,350”;
 - (c) by deleting “12” under the heading “*Amount \$*” in item 26 and substituting “13”;
 - (d) by deleting item 26A and substituting the following item:

“26A. On filing a request, in respect of each	23”;
patent or application for a patent, for —	
(a) each alteration or correction of address for service	13
(b) each correction of an error in the register or any connected document	13
(c) each correction of an error of translation or transcript or clerical error or mistake in the specification of a patent or in the specification of an application for a patent	30
(d) each correction of an error of translation or transcript or 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	13
 - (e) by deleting “160” under the heading “*Amount \$*” in item 39 and substituting “200”;
 - (f) by inserting, immediately after item 42, the following item:

“42A. On filing a notice to the Registrar of attendance at hearing	715 40A”;
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 - (g) by deleting “10” under the heading “*Amount \$*” in item 43 and substituting “11”;
 - (h) by deleting the words “Hungarian Patent Office” in paragraph (d) of item 56B and substituting the words “Hungarian Intellectual Property Office”; and
 - (i) by deleting paragraph (b) under the heading “*Matter of Proceeding*” in item 59.

Amendment of Second Schedule

5. The Second Schedule to the Patents Rules is amended by inserting, immediately after the item relating to Patents Form 40, the following item:

“Patents Form 40A Notice to the Registrar of attendance at hearing”.

Savings and transitional provision

6. Any request for a search report, an examination report or a search and examination report forwarded to the Hungarian Patent Office on or after 1st January 2011 shall be deemed to have been forwarded to the Hungarian Intellectual Property Office.

[G.N. Nos. S 501/2009; S 730/2010]

Made this 24th day of October 2011.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 18/001/001; AG/LLRD/SL/221/2010/1 Vol. 1]