

Patents (Amendment No. 3) Rules 2003

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No. S 504

PATENTS ACT (CHAPTER 221)

PATENTS (AMENDMENT NO. 3) RULES 2003

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. These Rules may be cited as the Patents (Amendment No. 3) Rules 2003 and shall come into operation on 1st January 2004.

Amendment of rule 2

2. Rule 2(1) of the Patents Rules (R 1) is amended by inserting, immediately after the definition of “identification name”, the following definition:

““international preliminary examination report” includes an international preliminary report on patentability (Chapter II of the Patent Co-operation Treaty);”.

Amendment of rule 43

3. Rule 43 of the Patents Rules is amended —

- (a) by deleting the words “or (10);” in paragraph (1)(a); and
- (b) by inserting, immediately after paragraph (3), the following paragraphs:

“(4) The period prescribed for filing a request for an examination report under section 29(10) shall be —

(a) 28 months from the relevant date where —

- (i) the relevant date is before 1st May 2002; or
- (ii) the national phase of the application begins before 1st January 2004; or

(b) 32 months from the relevant date where —

- (i) the relevant date is on or after 1st May 2002; and
- (ii) the national phase of the application begins on or after 1st January 2004.

(5) In paragraph (4) —

“application” means an international application for a patent (Singapore);

“relevant date” means —

- (a) the declared priority date; or
- (b) where there is no declared priority date, the date of filing,
of the application.”.

Amendment of rule 86

4. Rule 86 of the Patents Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Subject to this rule, in relation to an international application for a patent (Singapore) which is, under section 85, to be treated as an application for a patent under the Act, the prescribed period for the purposes of section 86(3) and (6) shall be —

- (a) in a case where —

- (i) the relevant date is on or after 1st May 2002, and the national phase of the application begins on or after 1st January 2004; or
 - (ii) Singapore has been elected in accordance with Chapter II of the Patent Co-operation Treaty, 30 months from the relevant date; or
- (b) in any other case, 20 months from the relevant date.”.

Amendment of rule 117

5. Rule 117 of the Patents Rules is amended —

- (a) by deleting the words “the basic fee referred to in rule 15.1(i)” in paragraph (2) and substituting the words “the international filing fee referred to in rule 15.1”;
- (b) by deleting paragraphs (3) and (4);
- (c) by deleting the words “paragraphs (1), (2), (3) and (4) has not been made to the Registry, in the case of transmittal, basic and designation fees, within the periods prescribed by paragraphs (1), (2), (3) and (4), and in the case of search fees,” in paragraph (6) and substituting the words “paragraphs (1) and (2) has not been made to the Registry, in the case of transmittal and international filing fees, within the periods prescribed by paragraphs (1) and (2), and in the case of the search fee,”; and
- (d) by deleting the words “basic, designation” in the rule heading and substituting the words “international filing”.

[G.N. Nos. S 224/96; S 132/97; S 260/97; S 458/97; S 82/98; S 116/98; S 203/99; S 286/99; S 510/99; S 300/2000; S 60/2001; S 500/2001; S 656/2001; S 75/2002; S 355/2002; S 324/2003; S 503 /2003]

Made this 29th day of October 2003.

LIEW HENG SAN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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