

Patents (Amendment) Rules 2000

Table of Contents

Enacting Formula

- 1 Citation and commencement
- 2 Amendment of rule 2
- 3 Deletion and substitution of rule 3
- 4 Amendment of rule 51
- 5 Amendment of rule 55
- 6 Amendment of rule 56
- 7 Deletion of rules 59 and 60 and substitution of rule 59
- 8 Amendment of rule 75
- 9 New rules 96A to 96J
- 10 Amendment of rule 97
- 11 Amendment of rule 98
- 12 Amendment of rule 110
- 13 Amendment of First Schedule
- 14 Amendment of Second Schedule

PATENTS ACT
(CHAPTER 221)

PATENTS (AMENDMENT) RULES 2000

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

Citation and commencement

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

Amendment of rule 2

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

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

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

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

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

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

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

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

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

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

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

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

Deletion and substitution of rule 3

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

“Fees

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

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

Amendment of rule 51

4. Rule 51 of the Patents Rules is amended —

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

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

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

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

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

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

(3B) On receipt by the Registrar of —

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

the patent shall be renewed.”; and

- (e) by deleting paragraph (8).

Amendment of rule 55

5. Rule 55 of the Patents Rules is amended —

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

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

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

Amendment of rule 56

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

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

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

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

Deletion of rules 59 and 60 and substitution of rule 59

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

“Inspection of register, etc.

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

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

Amendment of rule 75

8. Rule 75 of the Patents Rules is amended —

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

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

- (a) to the Registry together with Patents Form 15; or

(b) by means of the electronic online system.”.

New rules 96A to 96J

9. The Patents Rules are amended by inserting, immediately after rule 96, the following heading and rules:

ELECTRONIC ONLINE SYSTEM

Establishment of electronic online system

96A.(1) There shall be established an electronic online system for the purposes of these Rules.

(2) The electronic online system may only be used for the carrying out of any of the transactions referred to in rules 51(3) and (3A), 56(3), 59 and 75.

Online system operator

96B.(1) The Registrar shall, with the approval of the Minister, appoint one or more online system operators to operate the electronic online system.

(2) Notice of the appointment of an online system operator shall be published in the Journal.

Certification authority

96C.(1) The Registrar shall, with the approval of the Minister, appoint one or more certification authorities to issue certificates for the purposes of these Rules.

(2) Notice of the appointment of a certification authority shall be published in the Journal.

Registration as account holder

96D.(1) A person may, in accordance with procedures set out in any practice directions for the time being issued by the Registrar, apply to the Registrar to be registered as an account holder.

(2) To be registered as an account holder, the person must —

(a) enter into an agreement with an online system operator for the use of the electronic online system; and

(b) make arrangements with the online system operator as to the mode of payment to the Registrar of any fees prescribed in these Rules and the charges for the use of the electronic online system.

(3) If the person desires to make use of the electronic online system to file or send any application, request or other document under these Rules or to make payment through Interbank GIRO for any matter under these Rules, he or his authorised agent must —

(a) obtain a certificate from an appointed certification authority on such terms as the certification authority may impose; and

- (b) furnish to the Registrar such particulars of the certificate as the Registrar may require.
- (4) The Registrar may register a person as an account holder on such terms and with such restrictions pertaining to the use of the electronic online system as the Registrar thinks fit.
- (5) The Registrar shall publish the following in the Journal:
 - (a) the classes of account holders;
 - (b) the transactions that may be carried out by each class of account holders by means of the electronic online system; and
 - (c) the charges payable for the use of the electronic online system.

Authentication codes and identification names

96E.(1) Upon the registration of a person as an account holder, he and his authorised agent (if any) shall be assigned such number of identification names and authentication codes as the Registrar may determine.

(2) The Registrar may cancel the identification name and authentication code issued to an authorised agent if, to the knowledge of the Registrar, the authority of the agent has been revoked or terminated.

Obligation to inform Registrar of change of particulars, etc.

96F.(1) An account holder shall, in accordance with such procedure as may be laid down in practice directions issued by the Registrar, inform the Registrar of —

- (a) any change in the particulars furnished in his application for registration as an account holder referred to in rule 96D; and
- (b) any revocation or termination of the authority of his authorised agent (if any).

(2) Compliance with paragraph (1) shall not relieve the account holder of his obligation to inform the certification authority of any of the matters referred to in paragraph (1) if the account holder is required to do so in accordance with the terms imposed by the certification authority.

Security measures

96G.(1) An account holder or his authorised agent shall ensure the confidentiality and security of each identification name and authentication code assigned to him and shall not —

- (a) divulge the identification name or authentication code to any other person; or
- (b) permit any other person to use the identification name or authentication code.

(2) When using the electronic online system for any purpose under these Rules, an account holder or his authorised agent —

- (a) shall not circumvent any security or authentication mechanism in the system; and
- (b) shall make use of digital signatures whenever required by the system.

Duty of person carrying out electronic filing

96H. Any person who wishes to file, serve, deliver or otherwise convey an application, request or document by means of the electronic online system shall do so in accordance with these Rules and any practice directions issued by the Registrar.

Cancellation of registration as account holder

96I. The Registrar may cancel —

- (a) the registration of an account holder; and
- (b) any identification name and authentication code issued to the account holder and his authorised agent (if any),

if the Registrar is satisfied that the account holder or his authorised agent has contravened rule 96G or 96H or any term or restriction imposed under rule 96D(5).

Notification, etc., by Registrar

96J. Where the Registrar is required or authorised by any provision of these Rules to —

- (a) send or give any notice or other document;
- (b) give any directions; or
- (c) furnish any information,

to a person who is an account holder, the Registrar may, notwithstanding any provision of these Rules to the contrary, do so by means of the electronic online system.”.

Amendment of rule 97

10. Rule 97 of the Patents Rules is amended by inserting, immediately after paragraph (1), the following paragraphs:

“(1A) Any notice, application, request or other document authorised or required by the Act or these Rules to be filed at or sent to or from the Registry may be filed or sent by means of facsimile transmission in accordance with the procedure set out in practice directions issued by the Registrar.

(1B) Paragraphs (1) and (1A) are without prejudice to any right to file or send any notice, application, request or other document by means of the electronic online system where permitted by any provision of these Rules.”.

Amendment of rule 98

11. Rule 98 of the Patents Rules is amended —

- (a) by inserting, immediately after paragraph (2), the following paragraphs:

“(2A) Notwithstanding paragraphs (1) and (2), the Registry shall be taken to be open every day at all hours for the carrying out of any of the transactions referred to in rules 51 (3) and (3A), 56 (3) and 75 by means of the electronic online system, and the retrieval of published patent specifications by means of that system.

(2B) For the avoidance of doubt, where the time for the carrying out of any of the transactions referred to in paragraph (2A) expires on an excluded day, that time shall be extended to the next following day (not being an excluded day) notwithstanding the availability of the electronic online system for the carrying out of that transaction.”;

(b) by deleting the words “referred to in rule 97 (2)” in the 2nd line of paragraph (3);

(c) by inserting, immediately after paragraph (5), the following paragraphs:

“(6) Notwithstanding paragraphs (1) and (2), any document that was transmitted by means of the electronic online system and received by the server of an online system operator set up to receive such transmission at any time before 12 a.m. on any day shall be considered as having been submitted to and received by the Registry at that time and on that day.

(7) For the purposes of paragraph (6), the document is considered to have been submitted to and received by the Registry if the last byte of the transmission containing the document is received by the server referred to in that paragraph.

(8) Any person who files with or sends to the Registry any document by means of the electronic online system may produce a record of transmission issued through the electronic online system together with a copy of the notification of acceptance of the document by the Registrar as evidence of —

(a) the filing or sending of the document; and

(b) the date and time the filing or sending took place.”.

Amendment of rule 110

12. Rule 110 of the Patents Rules is amended —

(a) by deleting the word “or” at the end of paragraph (1)(a);

(b) by deleting the comma at the end of sub-paragraph (b) of paragraph (1) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:

“(c) an interruption in the operation of the electronic online system,”; and

(c) by inserting, immediately after the word “Singapore” in the 11th line of paragraph (6), the words “or the electronic online system”.

Amendment of First Schedule

13. The First Schedule to the Patents Rules is amended —

(a) by deleting the words “Rule 3” in the 1st line and substituting the words “Rules 3 and 59”;

(b) by deleting items 16 and 17 and substituting the following items:

“

16. On payment of renewal fee other than by means of the electronic online system —

15

(a) for each year in respect of the 5th, 6th or 7th year of the patent 160

(b) for each year in respect of the 8th, 9th or 10th year of the patent 260

(c) for each year in respect of the 11th, 12th or 13th year of the patent 360

(d) for each year in respect of the 14th, 15th or 16th year of the patent 460

(e) for each year in respect of the 17th, 18th or 19th year of the patent 560

(f) for the 20th year of the patent 660

16A. On payment of renewal fee by means of the electronic online system

(not including payment of back renewal fees pursuant to restoration or cancellation of entry in the register that licences are available as of right) —

(a) for each year in respect of the 5th, 6th or 7th year of the patent	150	—
(b) for each year in respect of the 8th, 9th or 10th year of the patent	250	
(c) for each year in respect of the 11th, 12th or 13th year of the patent	350	
(d) for each year in respect of the 14th, 15th or 16th year of the patent	450	
(e) for each year in respect of the 17th, 18th or 19th year of the patent	550	
(f) for the 20th year of the patent	650	

17. On payment of an additional fee for renewal under section 36(3) other than by means of the electronic online system — 16

(a) not exceeding one month	60
(b) each succeeding month (but not exceeding 6 months)	120

17A. On payment of an additional fee for renewal under section 36(3) by means of the electronic online system —

(a) not exceeding one month	50
(b) each succeeding month (but not exceeding 6 months)	100

”;

(c) by deleting item 24;

(d) by deleting items 26, 27 and 28 and substituting the following items:

“

26. For each patent or application for a patent and upon request made other than by means of the electronic online system, on —	20	23
(a) each alteration of name		
(b) each alteration of address or address for service		
(c) each correction of address or address for service		
(d) each correction of an error in the register or any connected document		
(e) each correction of an error of translation or transcript or clerical error or mistake in the specification of a patent, in an application for a patent or in any document filed in connection with a patent or such an application		
26A. Upon request made by means of the online electronic system for —	12	—
(a) each alteration of address of applicants or inventors in each patent or application for a patent		
(b) each alteration of address for service in each patent or application for a patent		
(c) alteration of address of each agent		
27. On request for the furnishing of or access to miscellaneous information —		25
(a) fee for inspecting each file of documents relating to a patent or patent application	6.50	

(b) fee for furnishing each file of documents	6	
(c) fee for photocopying each page or part thereof of any other document by the staff of the Registry	0.30	
(d) where the document is placed in the public search room —		
(i) fee for self-service photocopying of each page or part of the document using a stored-value card	0.15	
(ii) fee for photocopying of each page or part thereof by the staff of the Registry	0.30	
28. On request for certificate of the Registrar —		26
(a) by impressed stamp —		
(i) for the first 20 sheets	18	
(ii) for each additional sheet thereafter	0.30	
(b) sealed and attached to the documents —		
(i) for the first 20 sheets	30	
(ii) for each additional sheet thereafter	0.30	
(c) in respect of a priority document under Rule 17.1 (b) of the Regulations under the Patent Co-operation Treaty	50	
(d) in respect of a certified copy of the international application under rule 118	28	

”; and

(e) by deleting item 55 and substituting the following items:

“

55. On payment of renewal fee under section 53 or 54 by means other than the electronic online system —

53

(a) for each year in respect of the 5th, 6th or 7th year of the patent	90
(b) for each year in respect of the 8th, 9th or 10th year of the patent	150
(c) for each year in respect of the 11th, 12th or 13th year of the patent	200
(d) for each year in respect of the 14th, 15th or 16th year of the patent	250
(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	350

56. On payment of renewal fee under section 53 or 54 by means of the electronic online system —

(a) for each year in respect of the 5th, 6th or 7th year of the patent	75
(b) for each year in respect of the 8th, 9th or 10th year of the patent	125
(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	225
(e) for each year in respect of the 17th, 18th or 19th year of the patent	275

(f) for the 20th year of the patent	325	
57. For using the patent search facilities in the public search room of the Registry —		—
(a) for every half an hour of log on access using the terminal	2	
(b) for each sheet of information printed	0.30	
58. For using the electronic online system provided by the Registry for —		
(a) searches		—
(b) retrieval of published patent specifications for each patent or patent application		\$6
(c) retrieval of information in register, or renewal information, in respect of each patent or patent application		\$3.
”.		

Amendment of Second Schedule

14. The Second Schedule to the Patents Rules is amended —

(a) by deleting Patents Form 15 and substituting the following Form:

The Registrar,
Registry of Patents.

REQUEST FOR MISCELLANEOUS INFORMATION

NOTES:

1. The person(s) making the request should complete the form by entering his or their name(s) and address(es) in the space provided.
2. This form may be used to make more than one request. The requests need not all relate to the same patent or patent application. The fee payable is the total of the fees for each item. If the fee paid is insufficient, action will be taken on the requests in the order they appear on this form as the fee allows. The various fees payable are to be found in the First Schedule.
3. Where a request in A or B is in relation to an unpublished patent application and relies on section 108(4), the requirements of rule 96 must be complied with.

I/We

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..... hereby request;

A. Inspection of documents.

If you wish to inspect the original documents filed at or kept in the Registry of Patents in relation to any patent or patent application, please set out full details

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B. Supply of copies or extracts.

If you want copies of, or extracts from, documents relating to any patent or patent application, please set out full details.

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[G. N. No. S 224/96; S132/97; S 260/97; S 458/97; S 82/98; S 116/98; S 203/99; S 286/99; S 510/99]

Made this 27th day of June 2000.

NIAM CHIANG MENG
*Permanent Secretary,
Ministry of Law,
Singapore.*

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