

Patents (Amendment No. 3) Rules 1999

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No. S 510

PATENTS ACT
CHAPTER 221

PATENTS (AMENDMENT NO. 3) RULES 1999

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 No. 3) Rules 1999 and shall come into operation on 20th December 1999.

Amendment of rule 9

2. Rule 9 of the Patents Rules (R 1) is amended —

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

“(2A) Subject to paragraph (4), the applicant shall at a time that is no later than —

(a) 28 months from the declared priority date; or

(b) the date of the filing of Patents Form 14 and payment of the prescribed fee under rule 47 for the grant of a patent,

whichever is the earlier, furnish to the Registry, in respect of every application specified in the declaration, a copy of that application duly certified by the authority with which it was filed or otherwise verified to the satisfaction of the Registrar.”;

(b) by deleting the words “rules 4.10 (a) and (c) and 17.1 (a) or (b)” in the 5th and 6th lines of paragraph (4) and substituting the words “rule 4.10 (a) and (b), to be read subject to rules 26bis.1 and 26bis.2(b), and of rule 17.1”; and

(c) by deleting paragraph (5) and substituting the following paragraph:

“(5) Where a copy of an application is filed or treated as having been filed under paragraph (2A), (3) or (4) and that application is in a language other than English, a translation thereof into English, verified to the satisfaction of the Registrar as corresponding to the original text, shall be filed at a time that is no later than —

(a) 28 months from the declared priority date; or

(b) the date of the filing of Patents Form 14 and payment of the prescribed fee under rule 47 for the grant of a patent,

whichever is the earlier.”.

Amendment of rule 18

3. Rule 18(1) of the Patents Rules is amended by deleting “86(7)” in the 1st line and substituting “86(8)”.

Amendment of rule 23

4. Rule 23 of the Patents Rules is amended by deleting the words “at the top of the sheet, in the middle, but not in the top margin” in the 6th and 7th lines of paragraph (12) and in paragraph (14) and substituting in each case the words “at the top or bottom of the sheet, in the middle, but not in the top or bottom margin”.

Amendment of rule 28

5. Rule 28 of the Patents Rules is amended by deleting paragraphs (2) and (3) and substituting the following paragraphs:

“(2) Where a new application is filed under section 20(3), 26(6) or 47(4), the requirement of rule 9, if applicable, shall be met —

(a) no later than the time prescribed in that paragraph;

(b) if the earlier application is an international application, no later than that time as modified for the earlier application by rule 86(4); or

(c) if the new application is filed after the time referred to in sub-paragraph (a) or (b), at the time of filing.

(3) Where a new application is filed under section 26(6) after —

- (a) the period prescribed in rule 9(2) or 18(1);
- (b) the time prescribed in rule 9(2A) and (5); or
- (c) the time prescribed in rule 9(2A) and (5) as modified, in the case of an international application, by rule 86(4),

but within an extension of that period or time under rule 108(3) or (4) in respect of the earlier application, the requirements of rule 9(2), (2A) and (3), and rule 9(5) or 18, as the case may be, shall be complied with before the end of the extended period or time.”.

Amendment of rule 39

6. Rule 39 of the Patents Rules is amended —

- (a) by inserting the word “and” at the end of paragraph (b);
- (b) by deleting the word “; and” at the end of paragraph (c) and substituting a full-stop; and
- (c) by deleting paragraph (d).

Amendment of rule 43

7. Rule 43 of the Patents Rules is amended —

- (a) by deleting the words “22 months” in the 12th line of paragraph (1) and in the last line of paragraph (2) and substituting in each case the words “28 months”; and
- (b) by deleting the words “23 months” in the 4th line of paragraph (3)(a) and substituting the words “29 months”.

Amendment of rule 44

8. Rule 44 of the Patents Rules is amended by deleting the words “an application filed before any one of the prescribed patent offices” in paragraph (a) and substituting the words “any one of the corresponding international applications or other corresponding applications referred to in section 29(1)(c)”.

Amendment of rule 45

9. Rule 45(2) of the Patents Rules is amended by deleting the words “one month” in the 3rd line and substituting the words “2 months”.

Amendment of rule 46

10. Rule 46 of the Patents Rules is amended —

(a) by deleting paragraph (4) and substituting the following paragraph:

“(4) Any response by the applicant to a first written opinion in respect of —

(a) a search and examination report under section 29(6); or

(b) an examination report under section 29(3), (7) or (8),

shall be made within 5 months from the date of the Registrar’s letter enclosing the written opinion.”;

(b) by deleting the words “3 months” in the 6th line of paragraph (5) and substituting the words “5 months”; and

(c) by deleting the words “39 months” in the 3rd line of paragraph (8) and in paragraph (10) and substituting in each case the words “51 months”.

Amendment of rule 47

11. Rule 47 of the Patents Rules is amended by deleting the words “42 months” in paragraphs (1) and (2) and substituting in each case the words “54 months”.

Amendment of rule 51

12. Rule 51(2) of the Patents Rules is amended by deleting the words “certificate of payment on the appropriate portion of that Form” and substituting the words “notification confirming renewal of the patent”.

Amendment of rule 86

13. Rule 86 of the Patents Rules is amended —

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

“(c) rule 9(2A) and (5) shall have effect with the substitution, for the reference to 28 months from the declared priority date, with a reference to any time before the end of 8 months from the time limit for entering the national phase;”;

(b) by deleting the word “and” at the end of paragraph (5)(a) and (b);

(c) by deleting the full-stop at the end of sub-paragraph (c) of paragraph (5) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“ (d) may exclude any textual matter contained in a sequence listing forming part of the description if such textual matter complies with rule 12.1(d) of the Regulations under the Patent Co-operation Treaty and the description complies with rule 5.2(b) of those Regulations.”; and

(d) by deleting sub-paragraph (b) of paragraph (12) and substituting the following sub-paragraph:

“ (b) the priority claim made under Article 8(1) of the Patent Co-operation Treaty has been considered not to have been made by the receiving Office or the International Bureau because of an error made by the Office or the Bureau.”.

Amendment of rule 109

14. Rule 109 of the Patents Rules is amended by deleting the words “rule 100(2) or 108(1) for any act in relation to an application for a patent or in proceedings under the Act or these Rules” in the 2nd,3rd and 4th lines of paragraph (1) and in the 3rd, 4th and 5th lines of paragraph (2) and substituting in each case the words “rule 100(2), 108(1) or 108(4) for any act in relation to an application for a patent that had been published under section 27, or in proceedings under the Act or these Rules”.

Amendment of rule 117

15. Rule 117 of the Patents Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Where, in accordance with rule 19(4)(a) of the Regulations under the Patent Co-operation Treaty, an international application is considered to have been received by the Registry on behalf of the International Bureau as receiving Office, the transmittal of the application by the Registry shall be subject to a payment of a fee as provided by rule 19(4)(b) of the said Regulations.”.

Amendment of rule 118

16. Rule 118 of the Patents Rules is amended —

(a) by deleting the words “rule 20.9” in the 1st line and substituting the words “rule 17.1 or rule 20.9”; and

- (b) by deleting the words “Patents Form 27” in the 4th and 5th lines and substituting the words “Patents Form 26”.

Amendment of Second Schedule

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

- (a) by deleting Patents Form 1 and substituting the following Form:
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- (b) by deleting Patents Form 5 and substituting the following Form:
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- (c) by deleting Patents Form 13 and substituting the following Form:
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- (d) by deleting Patents Form 14 and substituting the following Form:
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- (e) by deleting Patents Form 15 and substituting the following Form:
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- (f) by deleting Patents Form 37 and substituting the following Form:
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- (g) by deleting Patents Form 41 and substituting the following Form:
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- (h) by deleting Patents Form 47 and substituting the following Form:
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- by deleting Patents Form 53 and substituting the following Form:
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Savings provision

18.—(1) Notwithstanding the provisions of these Rules —

(a) rule 2(a) and (c) shall not apply in relation to an application for a patent the declared priority date of which is a date before 20th February 1998, and old rule 9(2A) and (5) shall continue to apply in relation to such an application;

(b) rule 7(a) and (b) shall not apply in relation to —

- (i) an application for a patent the declared priority date of which is a date before 20th February 1998, or, where there is no declared priority date, the date of filing of which is a date before 20th February 1998; or
- (ii) a new application for a patent under section 20(3), 26(6) or 47(4) of the Act, the actual date of filing of which is a date before 20th February 1998,

and old rule 43 shall continue to apply to such an application;

(c) rule 10(c) shall not apply in relation to —

- (i) an application for a patent the declared priority date of which is a date before 20th September 1996, or, where there is no declared priority date, the date of filing of which is a date before 20th September 1996; or
- (ii) a new application for a patent under section 20(3), 26(6) or 47(4) of the Act, the actual date of filing of which is a date before 20th September 1996,

and old rule 46(8) or (10) (as the case may be) shall continue to apply to such an application;

(d) rule 11 shall not apply in relation to —

- (i) an application for a patent the declared priority date of which is a date before 20th June 1996, or, where there is no declared priority date, the date of filing of which is a date before 20th June 1996; or
- (ii) a new application for a patent under section 20(3), 26(6) or 47(4) of the Act, the actual date of filing of which is a date before 20th June 1996,

and old rule 47(1) or (2) (as the case may be) shall continue to apply to such an application;

(e) rule 13(a) shall not apply in relation to an international application for a patent (Singapore) —

(i) the declared priority date of which is a date before 20th February 1998; or

(ii) in a case where Singapore has been elected in accordance with Chapter II of the Patent Co-operation Treaty, the declared priority date of which is a date before 20th April 1997,

and old rule 86(4)(c) shall continue to apply to such an application; and

(f) rule 14 shall not apply in relation to an extension of time granted by the Registrar under rule 108(4) before 20th December 1999.

(2) For the purposes of the application of rule 28 to an application for a patent referred to in paragraph (3) —

(a) a reference in that rule to the time prescribed in rule 9(2A) and (5) shall be read as a reference to the period prescribed in old rule 9(2A) and (5); and

(b) a reference in that rule to rule 86(4) shall be read as a reference to old rule 86(4).

(3) Paragraph (2) applies to a new application for a patent filed under section 20(3), 26(6) or 47(4) in respect of which the period for compliance with old rule 9(2A) and (5), in accordance with old rule 28(2) and (3), has expired before 20th December 1999.

(4) For the purposes of this rule, a reference to an old rule is a reference to a rule that is in force immediately before the date of commencement of these Rules.

[G.N.Nos. S224/96; S132/97; S260/97; S458/97; S82/98; S116/98; S203/99; S286/99]

Made this 17th day of November 1999.

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