

**REGIONAL/INTERNATIONAL
COOPERATION IN SEARCH AND
EXAMINATION OF PATENTS AND
GROWING NEED FOR WORKSHARING:
HOW IPOs ADDRESS THE ISSUE**

5 October 2010

Bangkok, Thailand

ASEAN PATENT EXAMINATION CO-OPERATION PROGRAMME (ASPEC)

- 1. ASPEC and its objectives**
- 2. Implementation of ASPEC in Singapore**
- 3. How does ASPEC blend into the Singapore search and examination system?**
- 4. Statistics on use of ASPEC in Singapore**

1. ASPEC and its objectives

ASPEC is a work-sharing initiative among ASEAN IP Offices in the area of patent work.

Launched on 15 June 2009.

8 participating ASEAN countries:-

- Cambodia
- Indonesia
- Lao PDR
- Malaysia
- Philippines
- Singapore
- Thailand
- Viet Nam

ASPEC Members & Paris Convention

	PARIS CONVENTION MEMBER
Cambodia	Yes
Indonesia	Yes
Lao PDR	Yes
Malaysia	Yes
Philippines	Yes
Singapore	Yes
Thailand	Yes
Viet Nam	Yes

The objectives of the programme are:

- **Reduced work and faster turnaround time.** Reference to earlier work could help an examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.
- **Better search and examination** – The other patent authorities might have access to databases unavailable to the examiner (e.g. specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these search and examination results could provide the examiner with information on and assessment of prior art which he or she would otherwise not have access to.

- **Patent applicant in one ASEAN Member Country (AMS) is allowed to submit the first available search & examination (S&E) documents in any participating AMS.**
- **The AMS receiving such S&E documents will take that document into consideration as a reference source in its S&E work.**
- **No obligation to accept the results from another jurisdiction.**
- **No changes to legislation is required.**

2. Implementation of ASPEC in Singapore

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ASEAN Patent Examination Co-operation (ASPEC)

ASEAN Patent Examination Co-operation (ASPEC)

Singapore, Cambodia, Indonesia, Malaysia, the Philippines, Lao PDR, Thailand, and Viet Nam as ASEAN Member States have launched an ASEAN Patent Examination Co-operation (ASPEC) programme. It is the first regional patent cooperation programme.

The purpose of this programme is to share search and examination results between the participating offices to allow participants in participating countries to obtain corresponding patents faster and more efficiently. The project will potentially reduce duplication on the search and examination work done, thereby saving time and effort. Additionally, search and examination work done on corresponding application serves as a useful reference in producing quality reports.

The programme commences on 15 June 2009.

Notice and Procedures [Noticeprocedures.pdf](#)

ASPEC Request Form [ASPECRequestForm.doc](#)
[ASPECRequestFormExample.pdf](#)

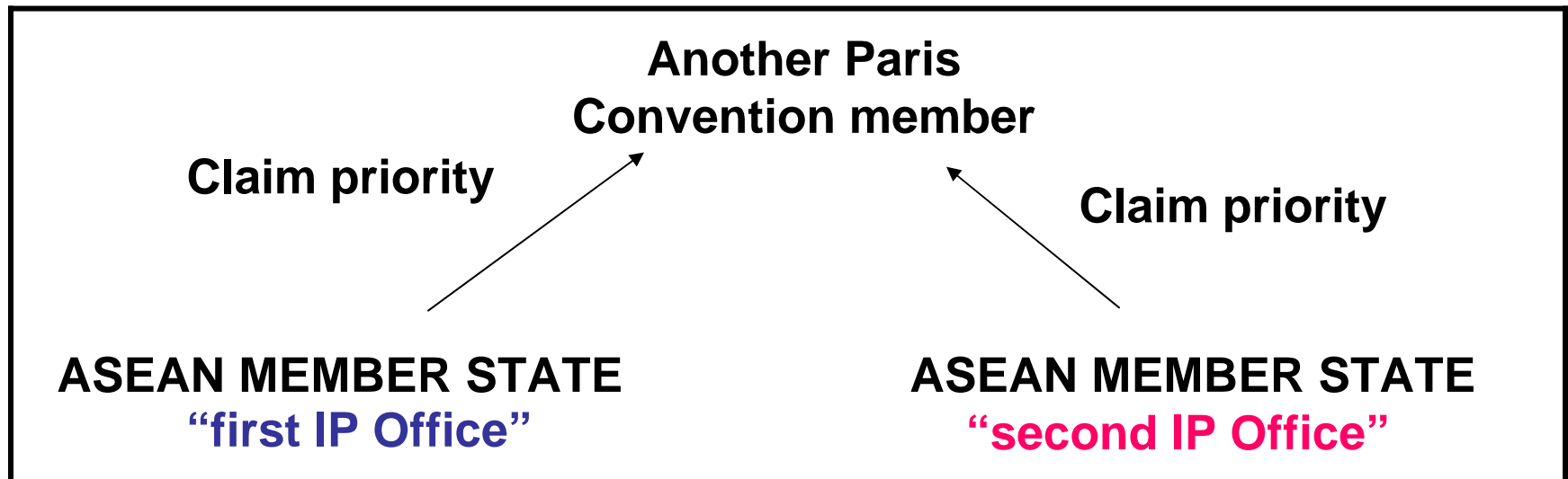
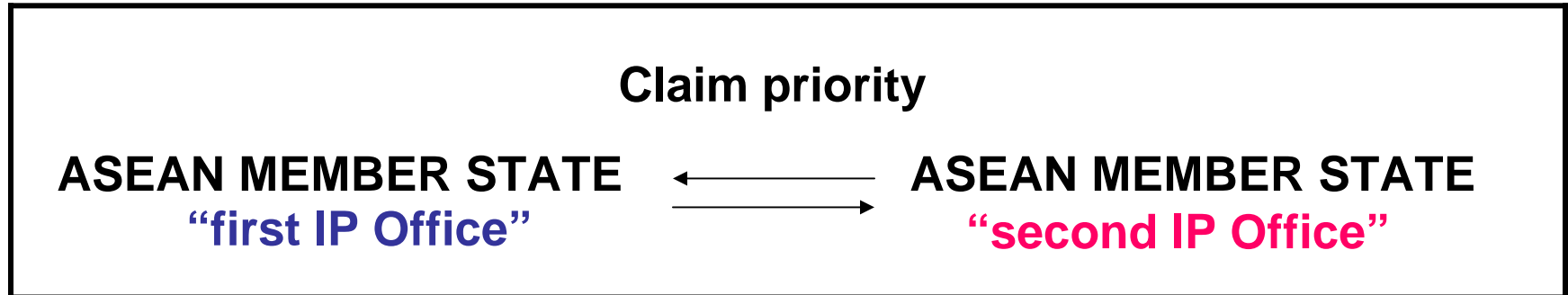
Requirements for requesting ASPEC

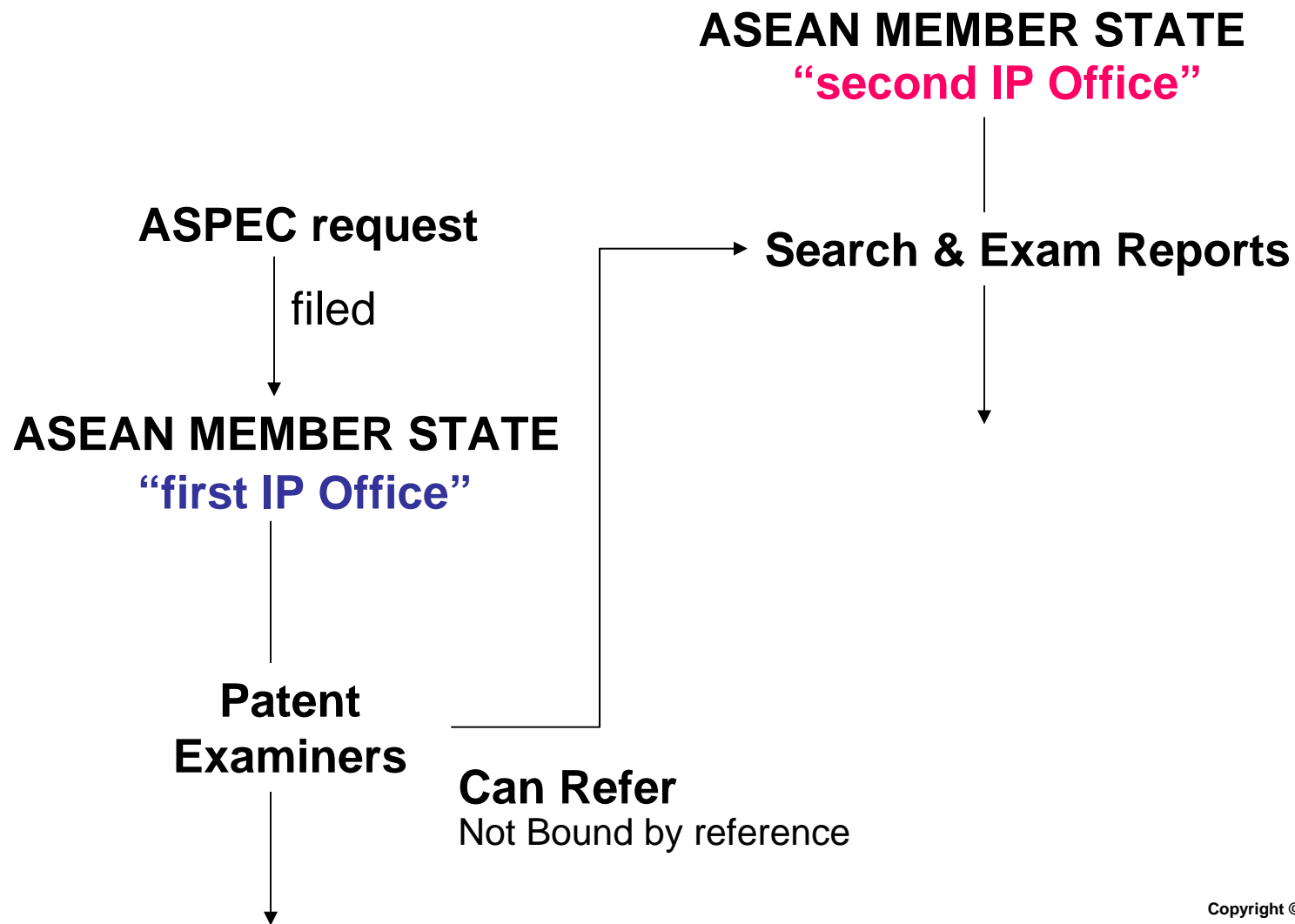
ASEAN Patent Examination Co-operation (ASPEC) Programme

1 ASEAN Patent Examination Co-operation (ASPEC)

- 1.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent co-operation project. It is a programme for IP Offices from participating ASEAN member states (“AMS”) to utilise the search and examination (“S&E”) results from another participating AMS IP Office as reference in its own S&E work.
- 1.2 There are 8 participating IP Offices and they are from Singapore, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Thailand and Viet Nam.
- 1.3 The participating AMS IP Office may consider the S&E documents it receives under the ASPEC. It is not obliged to adopt any of the findings or conclusions reached by the other IP Office. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.

AMS = ASEAN MEMBER STATES

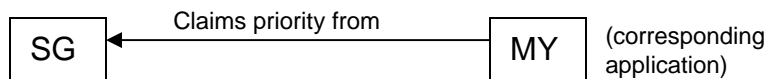




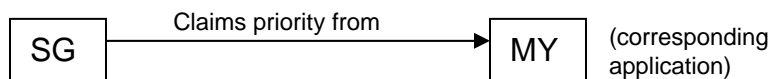
What is a corresponding patent application ?

Types of corresponding patent applications for the purposes of ASPEC, if the ASPEC Request Form is filed with IPOS:

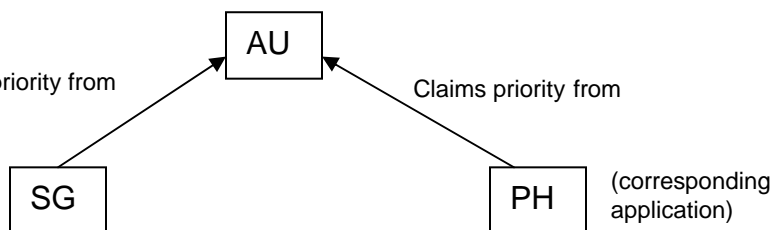
Type 1



Type 2



Type 3



SG = Singapore; MY = Malaysia, PH = the Philippines, AU = Australia

ASPEC request is filed in MY and MY examiners may refer to the SE results of the SG application

ASPEC request is filed in SG and SG examiners may refer to the SE results of the MY application

ASPEC request is filed in SG and SG examiners may refer to the SE results of the PH application

ASPEC request is filed in PH and PH examiners may refer to the SE results of the SG application

How to use ASPEC in SG applications?

4 Procedures for requesting ASPEC

- 4.1 The patent applicant is to file a duly completed ASPEC Request Form and it shall be accompanied by the following documents:
- (a) a copy of the search report and the examination report (“minimum documents”) of a corresponding application, and
 - (b) a copy of the claims referred to in the minimum documents submitted.

A copy of the form can be obtained at: <http://www.ipos.gov.sg>.

How to use ASPEC in SG applications?

- 4.2 The ASPEC Request Form **may** be accompanied by a copy of the written opinion(s) and the list of prior art, if available (“additional documents”).
- 4.3 The ASPEC Request Form and the documents referred to in paragraphs 4.1 and 4.2 are to be filed on the same day as filing the Patents Form 10/10(2004), Patents Form 11/11(2004), Patents Form 12/12(2004) or the response to a written opinion.
- 4.4 For avoidance of doubt, a copy of a patent granted, without the minimum documents will not qualify for the ASPEC.
- 4.5 All subsequent correspondences with IPOS must be marked with the phrase “ASPEC requested”.

How to use ASPEC in SG applications?

5 Cited documents

A copy of each of the documents cited in the minimum documents is not required at the time of filing the ASPEC Request Form. IPOS **may** however, require the applicant to furnish a copy of any document cited in the minimum documents subsequently.

6 Translations

6.1 The documents in paragraph 4 **must** be accompanied by an English translation if they are not originally in English, at the time of filing the ASPEC Request Form.

6.2 The documents in paragraph 5 **may** be filed in their original language. However, IPOS may subsequently request for an English translation of a document or a part of a document if a patent family member in English is not available.

6.3 The English translation of any document **must** be verified by a translator or by the patent agent appointed to act on behalf of the patent applicant before IPOS.



INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

ASEAN PATENT EXAMINATION CO-OPERATION (ASPEC) REQUEST FORM

Basic
Requirements
are sought

APPLICATION NO.			
APPLICANT(S) NAME			
NAME OF AGENT/ATTORNEY			
ADDRESS FOR SERVICE			
CORRESPONDING APPLICATION(S) * Documents submitted must include <ol style="list-style-type: none">1. a copy of the search report2. a copy of the examination report3. a copy of claims referred to in the examination report; and4. a claim correspondence table.	COUNTRY CODE / APPLICATION NO.	PRIORITY APPLICATION NO.	DOCUMENTS SUBMITTED* (Y/N)
	SG/2009000001	PCT/GB2008/000001	Y
SIGNATURE / DATE			

ASEAN PATENT EXAMINATION CO-OPERATION (ASPEC) REQUEST FORM

CLAIMS CORRESPONDENCE TABLE




(PLEASE USE A FRESH SHEET AND PAGE NUMBERING FOR EACH COUNTRY'S LAST SEARCH/EXAMINATION REPORT SUBMITTED)

CORRESPONDING APPLICATION NUMBER	SG/200900000-1
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This is to assist the Examiner in assessing the relevancy of the results from the first IP office, quickly

EXAMINED CLAIMS IN CORRESPONDING APPLICATION	CLAIMS IN APPLICATION	EXPLANATION REGARDING THE CORRESPONDENCE
1	1	<i>Both claims are the same.</i>
2	2	<i>Both claims are the same except the claim format.</i>

ASPEC requirements in SG: In a nutshell

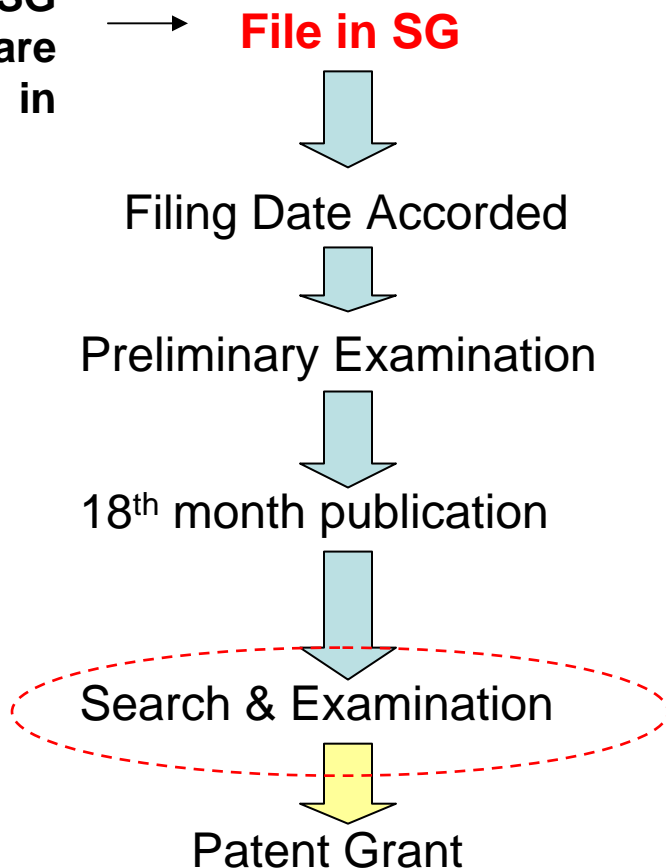
ELIGIBILITY FOR ASPEC REFERENCE	
ASPEC request is filed by any SG patent applicant in SG (“first IP Office”)	
The SG patent applicant claims priority from an application filed with an ASPEC member (“second IP Office”) or shares the same priority as the ASPEC member (“second IP Office”)	
The search and examination (SE) results established by the ASPEC member (“second IP Office”) are available and referred to in the ASPEC request	

ASPEC requirements in SG: In a nutshell

ASPEC REQUEST FILED	
Minimum Documents: (In English or English translations) Search report + Examination report	
Patent Claims referred to in the Minimum Documents (In English or English translations)	
Cited Documents & their translations need not be filed at the time the ASPEC request is made but IPOS may ask for them later	If required

3. How does ASPEC blend into the Singapore search and examination system?

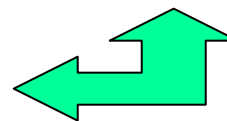
About 2,000+ SG patent applications are received annually in the last few years



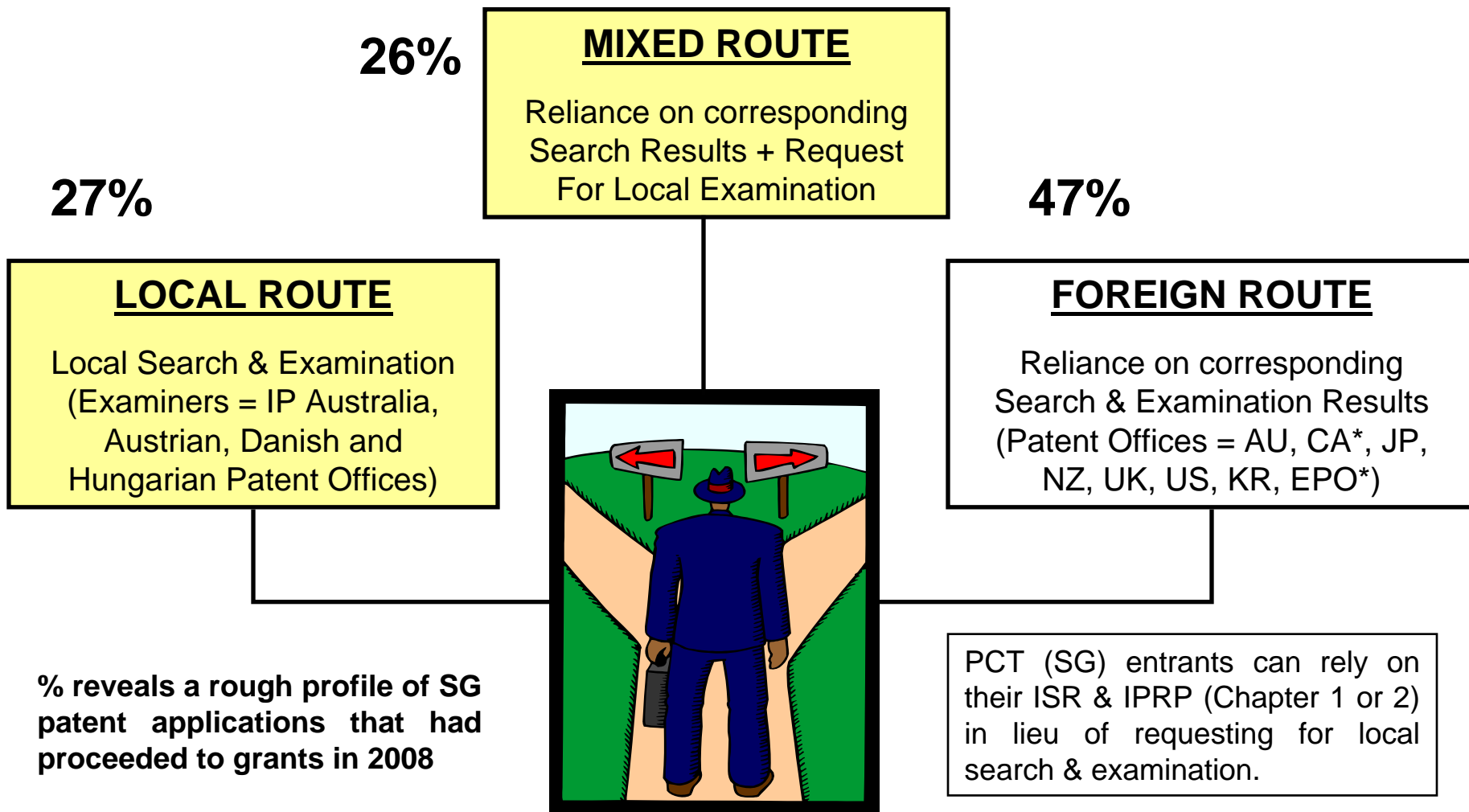
About 6,000 to 7,000+ PCT (SG) national phase applications are received annually in the last few years

↓

PCT (SG) National Phase Entry (30 Months)



Search & Examination Routes

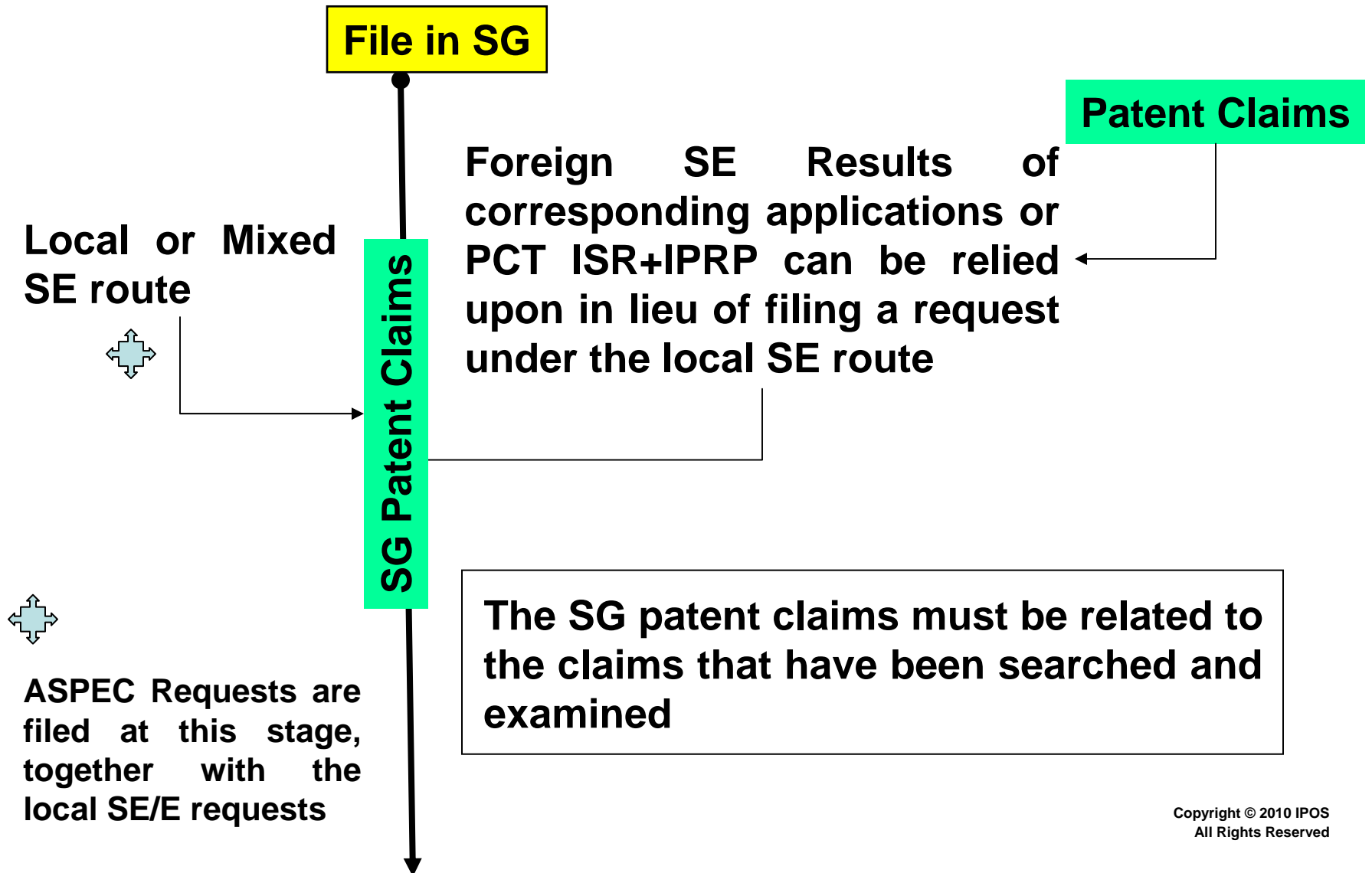


% reveals a rough profile of SG patent applications that had proceeded to grants in 2008

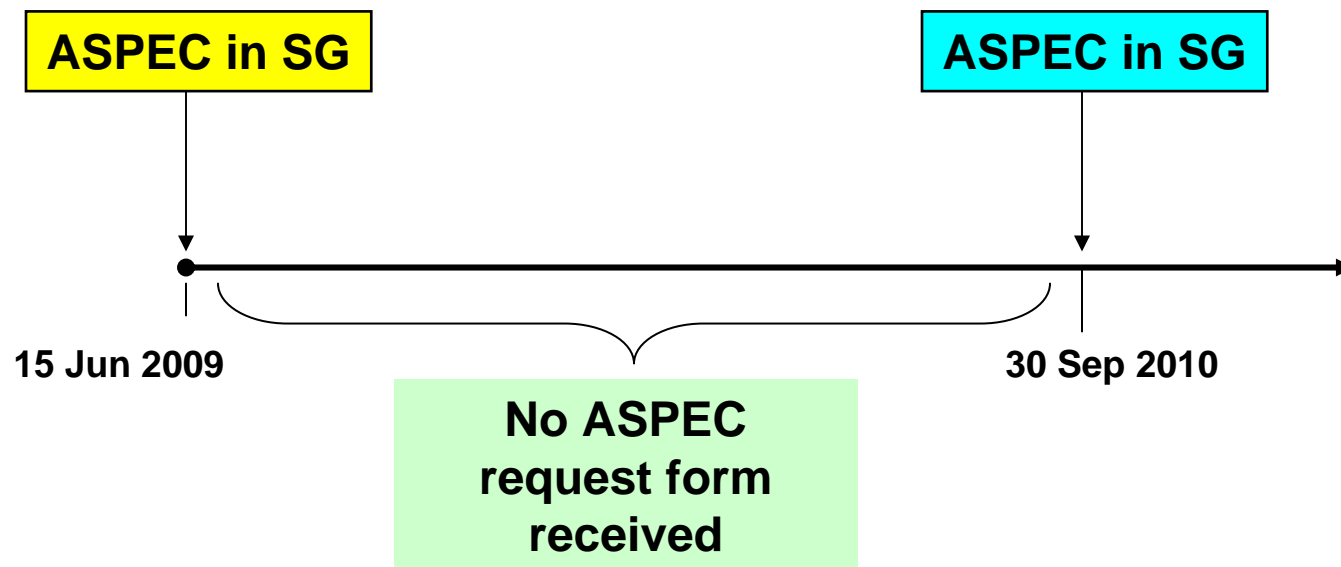
 ASPEC requests can be filed with Local SE or E Requests

* Applications Filed In English

Search & Examination Routes



4. Statistics on use of ASPEC in Singapore



Intellectual Property Office of Singapore

**51 Bras Basah Road #04-01
Plaza By The Park
Singapore 189554**

Tel: (65) 6339 8616

Email: ipos_enquiry@ipos.gov.sg

Fax: (65) 6339 0252 - for general and trade mark correspondences

(65) 6339 9230 - for patent correspondences

(65) 6339 1369 - for registered design correspondences