

SG – SINGAPORE

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1. Requirements for Deposit

The deposit of a microorganism shall be made if an invention requires for its performance the use of a microorganism which is not available to the public at the date of filing of the patent application and which cannot be described in such a manner as to enable the invention to be performed by a person skilled in the art. The name of the international depositary authority, the date when the culture was deposited and the accession number of the deposit should be given in the specification of the application

(a) within 16 months from

- (i) the declared priority date; or
- (ii) the date of filing the application where there is no declared priority date;

(b) where, on a request made by the applicant, the Registrar publishes the application before the end of the period prescribed for the purposes of Section 27(1) of Patents Act 1994, before the date of the request; or

(c) where the Registrar sends notification to the applicant that, in accordance with Section 108(4) of Patents Act 1994, he has received a request by any person for information and inspection of documents under subsection (1) of that section, before the end of one month after his sending to the applicant notification of his receipt of the request;

whichever is the earliest.

(The Patents Rules, Fourth Schedule, paragraph 1)

2. Time of Deposit

The deposit must be made not later than the date of filing the patent application.

(The Patents Rules, Fourth Schedule, paragraph 1(2)(a)(i))

3. Duration of Storage

No provision.

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

A culture of a deposited microorganism is available upon request before publication of the relevant patent application to a person to whom Section 108(4) of Patents Act 1994 applies and who has made a request under Section 108(1) of Patents Act 1994 and is available upon such publication to any person.

(The Patents Rules, Fourth Schedule, paragraph 2(1))

(ii) Restrictions for the Furnishing of Samples

A request authorizing the furnishing of samples shall comprise on the part of the person to whom the request relates, undertakings for the benefit of the applicant for, or proprietor of, the patent:

(a) not to make the culture, or any culture derived from it, available to any other person; and

(b) not to use the culture, or any culture derived from it, otherwise than for experimental purposes relating to the subject matter of the invention.

Both undertakings shall have effect until the patent application has been withdrawn, has been taken to be withdrawn, has been treated as having been abandoned, has been refused or is treated as having been refused (including any further period allowed under Rule 100 or Rule 108(1) or (5) but excluding, where an application is reinstated under either of those rules, the period before it is reinstated).

Where the patent is granted, the undertaking in subparagraph (a), above, shall also have effect during the validity of the patent and during the period prescribed under Section 36(3) of Patents Act 1994.

The undertaking set out in subparagraph (b), above, shall not have effect after the date of publication in the Journal (Patents) of a notice that the patent has been granted.

The request for the furnishing of samples should be made on form provided by the Regulations under the Budapest Treaty.

(The Patents Rules, Fourth Schedule, paragraph 2(1) and (3))

Before the preparations for publication of a patent application under Section 27 of the Patents Act 1994 have been completed, the applicant may give notice to the Registrar in writing of his intention that a sample of the microorganism should be furnished only to an expert. Where this has been done, the Registrar will publish with the application a notice to this effect and persons requesting samples must nominate an expert who must have given undertakings in accordance with subparagraphs (a) and (b), above. The request for the furnishing of samples in these circumstances should be made on the form provided for by the Budapest Treaty. The Registrar shall specify the period within which the patent applicant may object to the furnishing of a sample of the microorganism to the particular expert nominated.

In the case of an international application, the applicant's notice that a sample should be furnished only to an expert should be given in writing to the International Bureau under Rule 13bis.3 of the Regulations under the Patent Cooperation Treaty before technical preparations for international publication are complete.

(The Patents Rules, Fourth Schedule, paragraph 3(1), (3), (4) and (5))