

**Inputs for Secretariat’s Preparation of Reference Documents**

<b>Issues</b>	<b>Relevant Document</b>	<b>Updates from Singapore</b>
<p><u>Research Exception</u> Singapore has an exception for experimental purposes in Section 66(2)(b) of our Patents Act and has also implemented what is commonly known as the “Bolar” provision. Section 66(2)(h) of our Patents Act states that what would otherwise have been an infringement is not an infringement if it is done to support an application for the marketing approval for a pharmaceutical product.</p> <ul style="list-style-type: none"> <li>- Challenges faced in implementing the exception;</li> <li>- Results of the national/regional implementation</li> </ul>	Not available	We are not aware of the challenges faced in implementing the exception. To date, the exception has not been tested by the Singapore Courts.
<p><u>Confidentiality of Communications between Clients and their Patent Advisors</u> According to the Singapore Evidence Act, in general, communication between an advocate or solicitor and his client is confidential. The Singapore Patents Act extends this privilege for communications to patent agents and their clients. A communication with respect to any matter relating to patents between a person and (1) a registered patent agent or (2) an entity qualified as a firm of patent agents, is privileged from disclosure in legal proceedings in the same way as a communication between a person and his solicitor. This applies to foreign patent agents registered in Singapore in accordance with Singapore’s law.</p>	SCP/20/9	No change.

**Certain Aspects of National/ Regional Patent Laws**

<b>Issues</b>	<b>Relevant Document</b>	<b>Updates from Singapore</b>
<u>Prior Art</u> 1. Everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date). 2. Contents of patent applications with an earlier filing date (priority date) published on or after that date.	Revised Annex II of document SCP/12/3 Rev.2	No change.
<u>Novelty</u> The invention does not form part of the state of the art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date), and the contents of patent applications with an earlier filing date (priority date) published on or after that date.	Revised Annex II of document SCP/12/3 Rev.2	No change.
<u>Inventive Step (Obviousness)</u> The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).	Revised Annex II of document SCP/12/3 Rev.2	No change.
<u>Grace Period</u> Disclosure not to be taken into account in determining novelty if it occurred within 12 months before the filing date due to: 1. matter directly or indirectly obtained unlawfully or in breach of confidence from the inventor; 2. display of the invention by the inventor displaying at an international exhibition; 3. a description of the invention in a paper read by, or with the consent of, the inventor before a learned society, or published with his consent in the transactions of a learned society.	Revised Annex II of document SCP/12/3 Rev.2	With effect from 30 October 2017, the grace period has been broadened to cover applications that are i) filed without the consent of the inventor or by a person who obtained the matter directly or indirectly from the inventor; and ii) erroneously published. The broadened grace period applies to disclosure made on or after 30 October 2017.
<u>Sufficiency of Disclosure</u> An application shall disclose the invention in a manner which is clear and complete for the invention to be	Revised Annex II of document SCP/12/3 Rev.2	No change.

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performed by a person skilled in the art.		
<u>Exclusion from Patentable Subject Matter</u> 1. Inventions encouraging offensive, immoral or anti-social behavior. 2. Therapeutic, surgical and diagnostic methods for treating humans or animals.	Revised Annex II of document SCP/12/3 Rev.2	No change.
<u>Exceptions and Limitations of the Rights</u> 1. Private acts for non-commercial purposes. 2. Acts for experimental purposes. 3. Preparation of prescribed medicines in pharmacies, and dealings with those medicines. 4. Certain uses concerning foreign ships, aircraft, hovercraft or vehicles which temporarily or accidentally enter national territory. 5. Certain acts in relation to products produced by or with the consent, of the patent owner or licensee in any country. 6. Exploitation authorized by a Government department, in particular in respect of national security, defense or civil defense emergency, subject to remuneration. 7. Continued prior use by a person who, in good faith before the filing date (priority date), exploited the invention in Singapore, or made effective and serious preparations for that purpose. 8. Compulsory licenses.	Revised Annex II of document SCP/12/3 Rev.2	No change.

### National and Regional Laws on Opposition Systems and Other Administrative Revocation and Invalidation Mechanisms

Issues	Relevant Document	Updates from Singapore
<p data-bbox="193 327 662 432"><u>Opposition Systems and other Administrative Revocation and Invalidation Mechanisms</u></p> <p data-bbox="193 432 662 931">The Intellectual Property Office of Singapore does not provide any opposition procedure. Further to the cooperation agreements concluded with other patent offices, such as the Austrian Patent Office, IP Australia, the Danish Patent and the Trademark Office and the Hungarian Patent Office, IPOS outsources search and examination work in relation to patent applications, as well as the re-examination of the granted patent(s) initiated by the Registrar or any person to revoke a patent.</p>	SCP/18/14	<p data-bbox="949 327 1350 790">With effect from 14 February 2014, IPOS has moved from a patent self-assessment system to a positive grant system and developed an indigenous patent search and examination capability. With the positive grant system, post-grant re-examination, which was intended as a check-and-balance measure under the self-assessment patent system, was removed.</p> <p data-bbox="949 831 1350 1003">With regards to patent proceedings mechanisms, IPOS informally accepts third party observations at the pre-grant stage.</p>

**International worksharing and collaborative activities for search and examination of patent applications**

<b>Issues</b>	<b>Relevant Document</b>	<b>Updates from Singapore</b>
<u>Sharing search and examination work products</u> Under regional/ plurilateral frameworks, ASPEC is a worksharing program with the purpose of sharing search and examination results between the participating intellectual property offices of the member States of the Association of ASEAN, namely Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.	Not available	No change.
<u>Cooperation on the use of search and examination capacity</u>	Not available	Not applicable.
<u>Collaborative search and examination</u>	Not available	Not applicable.
<u>Acceptance of equivalent search and examination by other offices</u> Cambodia: Cooperation between IPOS and the Ministry of Industry & Handicraft of Cambodia	Not available	No change.
<u>Examination by a regional patent office</u>	Not available	Not applicable.