Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

[redacted]

Last Name:

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Country:

Singapore

IP Office

Intellectual Property Office of Singapore

Job title

Principal Assistant Director

Email address:

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Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

Foreign filing license
Security clearance

2. With which specific authority or government body must a request for a foreign filing license be filed?

Intellectual Property Office of Singapore

3. Prior to taking which specific actions must a request for a foreign filing license be filed?

Written authority must be granted by the Registar before a person resident in Singapore file or cause to be filed outside Singapore an application for a patent for an invention, unless —
(a) an application for a patent for the same invention has been filed in the Registry at least 2 months before the application outside Singapore; and
(b) no directions have been given under section 33 in relation to the application in Singapore or all such directions have been revoked.

4. Please list the statutes or guidance documents that patent applicants in your country can consult to inform themselves of the foreign filing requirements and the procedure to follow.

Section 33 and 34 of the Singapore Patents Act 1994

6. What specific criteria will trigger the Foreign Filing Conditionality?

Nationality or residency of the inventor;
Nationality or residency of the applicant;

Please provide any further details on the scope of the specific criteria applicable in your jurisdiction.

NA

7. Does your law allow for a deemed license or automatic approval, if the Office does not act or respond within a specific time period?

Yes

What is that period?

see Section 34(1) of the Patents Act 1994

8. What specific forms or documents must an applicant submit to request a foreign filing license?

Request form and brief description of the invention. Office may request for the patents specification if necessary.

9. What are the legal consequences if an applicant files a patent application abroad without obtaining a required foreign filing license?

Any person who files or causes to be filed an application for the grant of a patent without written authority granted by the Registrar shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 2 years or to both (section 34(3) of the Patents Act 1994)

10. Does your legislation provide a mechanism for obtaining a retroactive foreign filing license?

No

11. Does the foreign filing license requirement prevent the transfer of technical data, experimental results, or invention disclosures that convey the substance of the invention to foreign entities (such as foreign patent agents) prior to obtaining the license?

No

12. If a foreign filing license is denied, does this decision also impose a prohibition on the export of the underlying technical information or know-how (cross-border technology transfer)?

Yes

Please refer to the relevant legislation, regulation, or practice and procedure.

Yes. Section 33 of the Patents Act 1994

14. If a foreign filing license is denied, what legal consequences follow for the invention and/or any related domestic patent application?

If the application for a patent is made under Singapore law, it will be held in abeyance and subjected to regular review. If it is an international application for a patent, a copy of it must not be sent to the International Bureau or any international searching authority appointed under the Patent Co operation Treaty, subject to regular review. Section 33(3) of the Patents Act 1994.

15. Is there any mechanism in place under the applicable legal framework in your jurisdiction to compensate for the loss of opportunity of obtaining a patent if a foreign filing license is denied?

Yes

What is the procedure to obtain compensation and what are the factors that are taken into account when determining the nature and extent of compensation?

Section 33(6) of the Patents Act 1994

16. Does your jurisdiction's patent law provide for the imposition of a "Secrecy Order" (or other similar national security restrictions) that prohibits or restricts an applicant from filing for patent protection in other jurisdictions?

Yes

What is the nature/impact of this restriction regarding foreign filing?

Where an application for a patent is filed in Singapore and it appears to the Registrar that the application contains information which might be prejudicial to the defence of Singapore, the Registrar must give directions prohibiting or restricting the publication of that information or its communication to any specified person or description of persons. Where an application for a patent is filed in Singapore and it appears to the Registrar that the application contains information which might be prejudicial to the safety of the public, the Registrar may give directions prohibiting or restricting the publication of that information or its communication to any specified person or description of persons for a period of 21 months from the priority date or filing date, whichever is earlier (Section 33(1) and (2) of the Patents Act 1994)

17. Please cite, if available, any official studies, policy documents, or reports which highlight the working of the foreign filing requirements in your jurisdiction.

NA

18. Please provide any additional information that you feel would be relevant to this study, by attaching the corresponding document (Word, PDF, etc.)

Patents_Act_1994.pdf
Extract_from_Formalities_Manual.pdf

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.