

Singapore's Revised Patent System Starts Jan. 1, 2020

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The patent system in Singapore makes a revolutionary change starting Jan. 1, 2020.

Patent applications filed in Singapore on or before Dec. 31, 2019, can still enjoy the current supplementary examination process (also known as the “foreign route”), if the applicant chooses. For these applications, there will be no substantive local examination, even if the examination starts after the new year.

The Present “Foreign Route” System

The Intellectual Property Office of Singapore (IPOS) currently relies on the grant or registration of a relevant foreign patent application or the Patent Cooperation Treaty (PCT) application’s International Preliminary Report on Patentability. There are several requirements, however, including that each of the claims in the Singapore application be related to one or more claims in the relevant foreign patent application or the PCT application.

The Revised System

For patent applications filed in Singapore on or after Jan. 1, 2020, the “foreign route” will no longer be available. Instead, these applications will be required to go through local substantive examination, providing the IPOS stricter control in ensuring that patents issued by the IPOS meet the patent laws of Singapore.

A Couple of Things to Keep in Mind

PCT international applications that have an international filing date of Dec. 31, 2019, or before can still enjoy the “foreign route,” even where the national stage application in Singapore is filed on or after Jan. 1, 2020.

For divisional applications, they must be filed on or before Dec. 31, 2019, in order to be able to enjoy the “foreign route.” That is, a divisional application filed on or after Jan. 1, 2020, will go through local substantive examination, even if the parent application was filed on or before Dec. 31, 2019. Accordingly, if you currently have a pending patent application in Singapore, you might consider whether it would be strategically beneficial to file a divisional application by the end of 2019.

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