



EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT	
TITLE:	Country report for <i>Singapore</i>
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TABLED TO:	FICPI delegates
PURPOSE:	For information and consideration
SNIPPET:	News from and activities of the FICPI national group in <i>Singapore</i> since the Barcelona ExCo in November 2014.

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

- Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014.
Copyright Act changes to tackle online piracy

On 8 July 2014, the Copyright (Amendment) Bill 2014 (the "Bill") was passed in Parliament. A key amendment in the Bill is to institute a judicial site blocking avenue which enables a copyright owner to protect their rights more effectively against pirate websites through judicial measures without having to implicate the network service provider ("NSP") or internet service provider ("ISP"). The amendments to the Copyright Act will be effective on a date to be published in the *Government Gazette*.

B2. MAJOR CASES

- Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.
Singapore High Court registrar considers discoverability of inventor's notes in patent suits

Syntroleum Corp v Neste Oil Singapore Pte Ltd [2014] SGHCR 18

In the recent Singapore High Court Registry decision of *Syntroleum Corp v Neste Oil Singapore Pte Ltd [2014] SGHCR 18*, the learned Senior Assistant Registrar Mr Yeong Zee Kin (the "SAR") considered the issue of whether an inventor's notes are discoverable in a patent infringement action where the validity of the patent alleged to be infringed is challenged. The SAR also considered whether discovery of certain experimentation results should be granted.



While this is a first instance decision before the High Court Registry, this is the first time the courts have seriously considered the disclosure of an inventor's notes. Our courts have not precluded themselves from ordering the disclosure of inventor's notes and all organisations should be aware that notes created by its employees during the course of employment in relation to an organisation's inventions are potentially discoverable, even after a patent has been granted for the invention. Such notes (which can extend to e-mail discussions between co-inventors within and outside an organisation) can adversely diminish arguments that an invention is not obvious over the state of the art, even though these notes were not and have never been publicly available.

B3. OFFICIAL PRACTICE

3. Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.

IPOS appointed as ASEAN's first International Authority in Patent Search and Examination under the Patent Cooperation Treaty

By early 2015, businesses and inventors who would like to seek patent protection under the Patent Cooperation Treaty ("PCT") international patent filing system will be able to choose the Intellectual Property Office of Singapore (the "IPOS") to be their International Searching Authority ("ISA") and International Preliminary Examining Authority ("IPEA").

On 25 September 2014, the IPOS was officially appointed to be ASEAN's first and Asia's fifth International Authority in Patent Search and Examination, specifically as an ISA and IPEA. The appointment was by the Assembly of the PCT Union during the 54th World Intellectual Property Organization ("WIPO") Assemblies and targeted to be effective in early 2015. No effective date is fixed yet.

European Patent Office and IPOS to launch PPH pilot programme in January 2015

On 23 September 2014, the Intellectual Property Office of Singapore announced that it will launch a comprehensive Patent Prosecution Highway (the "PPH") pilot programme together with the European Patent Office for the accelerated treatment of patent applications with effect from January 2015. The PPH pilot programme will support greater trade flow and innovation between the two regions by allowing innovators from both regions to obtain patents faster, cheaper and more efficiently.

Singapore joins Global Patent Prosecution Highway network

With effect from 1 November 2014, Singapore joins the Global Patent Prosecution Highway (the "GPPH") network which will open up more opportunities for businesses to fast-track their patent applications among 17 participating IP offices around the world including Australia, Canada, Russia, the UK and the Nordic countries. With the GPPH, Singapore now has 20 PPH partners instead of the five partners prior to 1 November 2014.



IPOS renews Memorandum of Cooperation with Japan Patent Office

The Intellectual Property Office of Singapore (“IPOS”) has renewed the Memorandum of Cooperation (“MoC”) with the Japan Patent Office. The MoC will enhance cooperative initiatives between the two offices which would facilitate greater mutual trade flow and understanding of each office’s best practices in substantive examination, human resource development, IP systems and quality management.

Launch of online information platform for trade marks in ASEAN

ASEAN TMview, an ASEAN online trade mark information and search platform, was launched on 26 August 2014. The platform aims to make ASEAN trade mark registration and application information widely available and easily accessible to interested stakeholders. For instance, the platform offers access to information on trade mark applications and registrations of the participating ASEAN countries, namely, Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Singapore and Thailand.

B4. PROPOSALS FOR CHANGES

4. Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes. Would it be of assistance to have input from the CET on any proposed changes?

IPOS proposes legislative changes to implement EUSFTA obligations

To implement Singapore’s obligations under the EU-Singapore Free Trade Agreement (the “EUSFTA”), the Intellectual Property Office of Singapore (the “IPOS”) conducted a public consultation and sought comments on proposed legislative changes to Singapore’s IP laws. The consultation ran from 21 to 28 October 2014.

Enhancing border enforcement measures

Legislative changes are proposed to strengthen Singapore’s border enforcement measures against IP infringement. Specifically, rights holders will have an avenue to request Singapore Customs to interdict exports of IP infringing goods. The net effect of the proposed changes is to give rights holders the avenue to lodge notices to stop both the import and export of suspected IP-infringing goods.

Legislative changes are also proposed concerning the obtaining and release of information relating to IP-infringing conduct.

For these purposes, the IPOS proposes changes to the Copyright Act, Trade Marks Act, Registered Designs Act and Geographical Indications Act.

Right to seek royalties for producers of sound recordings

The IPOS also proposes to establish a new right for sound recording producers to seek royalties when their sound recordings are played to the public. Currently, producers of commercially published sound recordings do not receive any royalties when their sound recordings are broadcast, played or performed in public spaces or business premises that are accessible to the public. Under the proposed changes to the Copyright Act, a new right will be created for producers of commercial sound recordings to collect royalties from any entity which broadcasts, plays or performs their sound recording to the public. These amendments will be brought into effect within two years of the entry into force of the EUSFTA.



HSA seeks public feedback on proposed Health Products (Licensing of Retail Pharmacies) Regulations 2015 and proposed Health Products (Advertisement of Therapeutic Products) Regulations 2015

Between 27 October 2014 and 23 November 2014, the Health Sciences Authority (the “HSA”) conducted a public consultation on the proposal to transfer existing regulatory controls of pharmaceutical products from the Medicines Act and Poisons Act to the Health Products Act (the “HPA”). This will provide greater clarity to relevant stakeholders as they would only need to refer to a single legislation.

The HPA provides the legislative and licensing framework for different categories of health products which span a wide range from low to high risk products. Medical devices and cosmetic products are examples of recent health products which have been brought under the HPA.



SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

Singapore ranks top in Asia for IP protection

According to the World Economic Forum (the "WEF") Global Competitiveness Report 2014-2015, Singapore has retained its ranking as top in Asia and second in the world for intellectual property protection. This is the fourth consecutive year that Singapore has retained these rankings for IP protection.

The WEF Global Competitiveness Report is the most comprehensive assessment of national competitiveness worldwide. For the 2014-2015 edition, the WEF looked at the competitiveness landscape of 144 economies to identify the drivers of their productivity and prosperity, interviewing over 14,000 business leaders in the process.

The Intellectual Property Office of Singapore (the "IPOS") also reported that Singapore's IP protection effort has made steady progress through the past decade. The country had advanced from ninth-placed worldwide in the 2006-2007 report to third-placed worldwide in the 2010-2011 edition. This complements Singapore's efforts in developing into an IP Hub of Asia.

Singapore and China to establish Sino-Singapore Guangzhou Knowledge City as IP model zone

The Intellectual Property Office of Singapore (the "IPOS") has signed a Memorandum of Understanding (the "MoU") with the State Intellectual Property Office of China (the "SIPO") to enhance intellectual property cooperation between Singapore and China. A key highlight of the MoU is the joint development of the Sino-Singapore Guangzhou Knowledge City (the "SSGKC") between the POS and SIPO.

The MoU serves to establish stronger cooperation and exchange of ideas and experiences in areas such as:

- Formulation and implementation of IP laws and policies;
- Development of IP-related financial products, as well as IP valuation and appraisal;
- Development of IP automation systems; and
- Exchange of IP documentation and data.

Launch of IP ValueLab - Singapore's new IP management and strategy lab

The IP ValueLab has been launched to support the development of a vibrant IP marketplace in Singapore for IP transactions and management.

Developed as a subsidiary of the Intellectual Property Office of Singapore (the "IPOS"), the IP ValueLab aims to promote and develop IP management and strategy, IP commercialisation and monetisation, and IP valuation in Singapore.

C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

1.1 Please describe the qualification process for becoming a patent attorney in your



country/region.

Under Rule 6 of the Patents (Patent Agents) Rules 2001, an individual is entitled to be registered as a patent agent if he fulfills the following requirements:

- a. is resident in Singapore;
 - b. holds a university degree or equivalent qualification approved by the Registrar;
 - c. has passed the Graduate Certificate in Intellectual Property Law course;
 - d. has passed the Patent Agent Qualifying Examinations; and
 - e. has completed internship in patent agency work under the supervision of a registered patent agent, or an individual registered as a patent agent or its equivalent in a country or territory, or by a patent office, specified in the Fourth Schedule, for - (i) a continuous period of at least 12 months; or (ii) a total period of at least 12 months within a continuous period of 24 months.
- 1.2 Has the patent attorney qualification process changed in any way in the past 5 years? **No.**
- 1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your country? **No.**
- 1.4 If so are there any special requirements or restrictions? **N.A.**
- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification? **Yes.**
If so are there any restrictions on what they may do? **No.**
If so, please describe those restrictions.
- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.
See sections 94 and 95 of the Patents Act, reproduced below.

Extension of privilege for communications with solicitors relating to patent proceedings **94.**

—(1) It is hereby declared that the rule of law which confers privilege from disclosure in legal proceedings in respect of communications made with an advocate and solicitor or a person acting on his behalf, or in relation to information obtained or supplied for submission to an advocate and solicitor or a person acting on his behalf, for the purpose of any pending or contemplated proceedings before a court in Singapore extends to such communications so made for the purpose of any pending or contemplated proceedings before the Registrar under this Act.

(2) In this section, “legal proceedings” includes proceedings before the Registrar; and references to “legal proceedings” and “pending or contemplated proceedings” include references to applications for a patent and to international applications for a patent.

[UK Patents 1977, s. 103]

Privilege for communications with patent agents, etc.

95.

—(1) A communication with respect to any matter relating to patents —

(a)

between a person and any of the following:



- (i)
a registered patent agent or a registered foreign patent agent;
 - (ii)
a partnership entitled under Part XIX to describe itself as a firm of patent agents or as a firm of foreign patent agents; or
 - (iii)
a body corporate entitled under Part XIX to describe itself as a patent agent or as a foreign patent agent; or
- [Act 15 of 2012 wef 14/02/2014]

(b)
for the purpose of obtaining, or in response to a request for, information which a person is seeking for the purpose of instructing his patent agent or a registered foreign patent agent,
[Act 15 of 2012 wef 14/02/2014]
is privileged from disclosure in legal proceedings in Singapore in the same way as a communication between a person and his solicitor or, as the case may be, a communication for the purpose of obtaining, or in response to a request for, information which a person seeks for the purpose of instructing his solicitor.

(2) In this section —

“legal proceedings” includes proceedings before the Registrar;

“patent” includes any patent or other protection for an invention granted in any country or jurisdiction other than Singapore.

- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region. **There is no specific qualification process.**
- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years? **N.A.**
- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country? **N.A.**
If so are there any special requirements or restrictions? **N.A.**
- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification? **Yes.**
If so are there any restrictions on what they may do? **No.**
If so, please describe those restrictions.
- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.
See section 131 of the Evidence Act, reproduced below.

Confidential communications with legal advisers

131.

—(1) No one shall be compelled to disclose to the court any confidential communication which has taken place between him and his legal professional adviser unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the court necessary to be known in order to explain any evidence which he has given, but no others.

[Act 4 of 2012 wef 01/08/2012]

(2) In subsection (1) and section 129, “legal professional adviser” means —

(a)
an advocate or solicitor; or

(b)
in the case of any communication which has taken place between any officer or employee of



an entity and a legal counsel employed, or deemed under section 128A(4) or (5) to be employed, by the entity in the course and for the purpose of seeking his legal advice as such legal counsel, that legal counsel.
[Act 4 of 2012 wef 01/08/2012]

C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?
Yes, but no seminars in the pipeline.
- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.
N.A.

C.3 TOPICS OF INTEREST

- 3.1 Please list three IP topics that are of particular interest to you and/or your national section members.
N.A.

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