

UPDATE ON PATENT SYSTEMS IN SINGAPORE AND PHILIPPINES

SINGAPORE

1. IPOS Initiative: Accelerated Patent Grant of Inventions on Artificial Intelligence (AI)

Accelerated Initiative for Artificial Intelligence (AI²) is the latest initiative launched by the Intellectual Property of Singapore (IPOS) on 26 April 2019 with the objective of bringing AI products faster into the market. This is a desirable development as it enables innovators to increase their competitiveness in this fast-paced industry. It also complements Singapore's efforts to shift towards a digital economy.

Under AI², the file-to-grant process for AI patent applications can be as short as 6 months, compared to a typical prosecution period of at least 24 months or more. AI² will be in effect for 2 years and is limited to 50 applications per each annual period. AI² is extended to AI innovators from anywhere in the world who file through IPOS with no additional cost.

The filing requirements and eligibility for AI² are as per the enclosed **Annexure-1**. To access the IPOS circular, please click [here](#).

2. Accelerated FinTech Patent Through the FinTech Fast Track Initiative (FTFT)

Similar to AI², FTFT is also an initiative by IPOS to accelerate the application-to-grant process for FinTech patents. Grant may be possible within the short period of 6 months from filing. The initiative is extended by another year until 25 April 2020 to further drive innovation in the fin tech industry in Singapore. There is no additional fee payable to IPOS to use the FTFT initiative to fast-track patent applications.

The filing requirements and eligibility for FTFT are as per the enclosed **Annexure-2**. To access the IPOS circular, please click [here](#).

3. Revisions to Patents Formalities Manual

IPOS made revisions to the Patents Formalities Manual in light of amendments to the Patents (Amendment) Act 2017 and the Patents (Amendment No.2) Rules 2017 that came into force on 30 October 2017. Below are some of the revisions made, in summary –

- (a) In respect of applications filed on or after 30 October 2017, the grace period provisions will extend to cover the following types of disclosures made within 12 months preceding the filing date –
 - (i) disclosure to the public by the inventor, or a person who obtained the matter directly or indirectly from the inventor;
 - (ii) disclosure due to publication by an IP administrator of an application for an IP right.
- (b) A major change introduced by the aforesaid amendments is the abolishment of the option to request supplementary examination. Supplementary examination requests relying on utility model/patent applications are also not acceptable. This change, although passed in October 2017, will come into force belatedly on 1 January 2020. When it is in force, applicants may no longer be able to request supplementary examination in Singapore for –
 - (i) national phase applications with a PCT international filing date on or after 1 January 2020
 - (ii) divisional applications with a filing date on or after 1 January 2020
 - (iii) convention applications with a filing date on or after 1 January 2020.

Under a supplementary examination, IPOS does not substantively examine for patentability (novelty and inventiveness) but checks for matters such as no double patenting, that the pending claims conform to the allowed or granted claims of the prescribed patent office and support on the specification for the claims. If these matters are satisfied, grant will be allowed. This time and cost-efficient option will no longer be available when the change is in force. IPOS's motivation in implementing the change is to address the lack of consistency in examination standards that occurs with supplementary examination considering that the different prescribed patent offices have varying examination guidelines and practices.

Nevertheless, applicants wishing to rely on or take advantage of the examination results of a corresponding application by a different patent office after the implementation date will still be able to do so by utilizing Singapore's arrangements with a number of countries for examination via a Patent Prosecution Highway (PPH) procedure. For example, IPOS has PPH programs with several countries including China (National IP Administration) and the EPO. IPOS is also a member of the Global Patent Prosecution Highway (GPPH), along with 25 other members to-date including the USPTO, JPO, KIPO, UKIPO and German Patent Office.

To access the latest version of IPOS Patent Formalities Manual, please click [here](#).

4. Updated Guidelines on Request for Correction of Error

In light of the court decision in *Novartis (Singapore) Pte Ltd v Bristol-Myers Squibb Pharma Co [2017] SGHC 322* relating to the correction of errors in patents, IPOS issued guidelines via Circular No.4/2018 to clarify the procedure for correcting errors under Rules 58 and 91 of the Patent Rules.

For easy reference, Rules 58(1) and (2) provide as follows –

“(1) Without prejudice to rule 56(3), a request for the correction of each error in the register or in any document filed at the Registry in connection with registration shall be made on Form CM4; and the correction shall be clearly identified on a document filed together with the form or, if not, on the form itself.

(2) Where a request is sought to correct the same error in both the register and any document filed at the Registry in connection with the registration, the request may be made on a single form.”

The High Court had explained that the reference to “documents filed in connection with registration” under Patents Rule 58 concerns documents filed in relation to an application for registration of transactions, for instance, mortgage or transmission upon death. On the other hand, a request for the grant of a patent (Patent Form 1) would be regarded as a document required for an application for grant and is not a document filed at the Registry in connection with the registration. As such, Rule 91 will be the applicable rule relating to the correction of errors in Patent Form 1.

The detailed procedure for correction of an error can be found [here](#).

PHILIPPINES

There has been no substantial change to the patent systems in the Philippines recently.

The Intellectual Property Office of the Philippines (IPOPHL) has however submitted a bill to Congress seeking to amend the Intellectual Property Code in April 2019. The reforms focus on amendments to strengthen the protection and enforcement of IPR in the country, in particular, in combating counterfeit products. The current bill does not include amendments to patent related provisions. A copy of the draft bill can be accessed [here](#).

ANNEXURE-1

The criteria to be eligible for AI² are as follows –

1. The application is an AI invention (AI inventions are commonly associated with, but not limited to, machine learning and it can applied in different functional domains, such as, image recognition, speech/voice recognition, natural language processing and autonomous systems).
2. The application has to be first filed in Singapore.
3. The request for grant of patent (PF1) and the request for search and examination report (PF11) have to be filed on the same day.
4. The patent application is limited to 20 claims or less.
5. The applicant is required to respond to the formalities examination adverse report within two weeks from the date of receipt of the said report.
6. The applicant is required to respond to a written opinion that is issued within two months from the date of receipt of the said opinion.
7. To applicant is to include a supporting document (to be labelled as Fast Track document) stating that the application is an AI invention during the submission of PF11.

ANNEXURE-2

The criteria to be eligible for FTFT are as follows –

1. The application is related to FinTech inventions (FinTech inventions refers to “*technology applied in financial-related services*” but does not include business methods. Example of areas relating to FinTech inventions are electronic payment, investment platforms, insurance technology, blockchain and banking).
2. The application has to be first filed in Singapore.
3. The request for grant of patent (PF1) and the request for search and examination report (PF11) have to be filed on the same day.
4. The patent application is limited to 20 claims or less.
5. The applicant is required to respond to the formalities examination adverse report within two weeks from the date of receipt of the said report.
6. The applicant is required to respond to a written opinion that is issued within two months from the date of receipt of the said opinion.
7. The applicant is to include a supporting document (to be labelled as Fast Track document) stating that the application is related to FinTech during the submission of PF11.