

## SINGAPORE



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<b>1. Topic:</b>	A new Code of Advertising Practice for banks
<b>When:</b>	31 May 2004
<b>Where:</b>	Singapore
<b>What Happened:</b>	<p>A new Code of Advertising Practice for banks was unveiled on 31 May 04 by the Association of Banks in Singapore (ABS).</p> <p>The code seeks to promote clarity in advertisements. It lays out what banks should and should not include in their advertisements.</p> <p>The ABS said, "Advertisements should be legal, clear, fair, reasonable and not be misleading." Advertisements "should present a balanced picture of the product being advertised".</p> <p>The code includes specific guidelines for specific products like unit trusts.</p> <p>The code takes effect from 1 June 04. It is hoped it will enhance standards of advertising among banks in Singapore.</p>

<b>2. Topic:</b>	Patents
<b>What Happened:</b>	<p><i>Unity of Invention Required</i></p> <p>Unity of invention is now a requirement for a patent to be granted. The applicant does have a right to respond to an objection on unity. Section 30 of the Act has been amended to allow a review (post-grant examination) of a patent to take place after payment of the grant fee to ensure unity. Typical cases would be PCT applications that enter the National Phase in Singapore and those relying on the search and examination of corresponding applications. The final date for filing divisional applications is the date of compliance with the Section 30 requirements.</p> <p><i>I. Pre-grant Claim Amendments</i></p> <p>Claims unrelated to any claim(s) that were subject to an examination are not allowed to be added prior to the payment of the grant fee. The applicant would need to be careful when inserting independent claims. However, the Registrar will allow the applicant the right to respond in a situation.</p> <p><i>II. Post-grant Search and Examination</i></p> <p>Any person may request for a search and examination report for a patent after grant on any of the following grounds:</p> <ul style="list-style-type: none"><li>• there is at least one claim not related to any claim(s) that were subject to an examination; and</li><li>• relevant prior art was not considered in the preparation of the examination report.</li></ul> <p>The requestor may select the patent office to handle the search and examination – Austria, Australia or Denmark.</p> <p><i>III. Extension of the Patent Term</i></p>

The proprietor of a patent may file an application with the Registrar to extend the term (by not more than 5 years) of the patent where:

- there was an unreasonable delay in granting the patent;
- the patent was granted on the basis of prescribed information relating to a corresponding application, there was an unreasonable delay in the issuance/grant of the corresponding application, and the term of the corresponding application has been extended as a result of the delay; and
- the patent includes a substance which is an active ingredient of a pharmaceutical product, there was an unreasonable delay in being able to exploit the patent due to the process of obtaining approval from the Health Sciences Authority for a pioneering pharmaceutical product, and the term of the patent has not earlier been extended because of the aforementioned delays.

The application for extension of term due to unreasonable delays by the patent office involves filing a request and a S\$950 fee.

*IV. Limited Use of Products Allowed*

The use of a patented product in a manner which would otherwise be deemed to infringe the patent would be allowable in relation to supporting an application for regulatory approval for the commercial marketing or use of any product.

*V. Parallel Import of Pharmaceutical Products Now Restricted*

The importation of any patented pharmaceutical product would constitute an infringement if:

- the product has not previously been sold or distributed in Singapore by or with the consent (conditional or otherwise) of the proprietor of the patent, or an authorised person;
- the importing of the product would result in the breach of a sale/distribution contract between the proprietor and an authorised person; and
- the importer is aware of the breach in the aforementioned contract.

*VI. Official Fees*

Many fees have been increased including fees for requesting search and examination. The grant fee will include a S\$20 per claim surcharge for claims beyond 25 claims, but this is only for applications with filing dates on or after 1 July 2004.

*VII. Dual Track Examination System*

Applicants now have the option of a dual track examination system:

- a fast track with grant at 42 months
- a slow track with grant at 60 months

A request has to be made to transfer to the slow track. Otherwise the fast track is the normal process.