

Updates to the Singapore Patents Regime – Closure of the Foreign Route and Introduction of Supplementary Examination fee

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The current Singapore patent regime provides different prosecution routes for satisfying substantive examination requirements. Notably, an applicant of a Singapore application may request for supplementary examination based on the final examination results, allowance or grant of an applicable corresponding foreign patent application or based on the International Preliminary Report on Patentability of a PCT application from which the Singapore application is based upon or related to. This route is known as the **Foreign Route**.

Presently, there is no fee payable to the Intellectual Property Office of Singapore (hereinafter the "IPOS") to request for supplementary examination under the Foreign Route. As such, the Foreign Route is typically used by applicants who want an expeditious and cost-effective way of obtaining a Singapore patent.

We have previously written with regards to IPOS's intention to close the Foreign Route. In summary, IPOS announced in 2015 that they plan to close the Foreign Route to streamline the Singapore patent regime. Consequently, Singapore applications filed no earlier than 1 January 2017, will have to be substantively examined by a local examiner for compliance with Singapore patent law in order to obtain grant.

IPOS has recently announced an update where they have decided to implement changes to the Foreign Route with effect from 1 January 2020 (hereinafter the "**Implementation Date**"). There will be no changes to the other prosecution routes, which include requesting for substantive examination based on the final search results of an applicable corresponding foreign application, related national phase application or PCT application.

Singapore patent applications having a filing date on or after the Implementation Date will be affected by the intended changes. Based on IPOS' latest update, Singapore patent applications with a date of filing before 1 January 2020 can still proceed under the foreign route. Singapore patent applications with a date of filing and all divisional Singapore patent applications with a lodgement date on or after 1 January 2020, will not be eligible to proceed under the foreign route.

IPOS will also be introducing a fee for supplementary examination requests. More information on this fee will be updated at a later stage.

In view of the above, applicants who are interested in obtaining a Singapore patent and wish to take advantage of the Foreign Route, may wish to consider filing a patent application (i.e. a PCT patent application, a Singapore patent application and/or a divisional Singapore patent application) before 1 January 2020.