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Intellectual Property Policy Division  
Ministry of Law  
100 High Street  
#08-02, The Treasury  
Singapore 179434

**BY EMAIL**  
(MLAW\_Consultation@mlaw.gov.sg)  
**& POST**

Dear Sirs

**PUBLIC CONSULTATION ON THE AMENDMENTS TO THE PATENTS  
(PATENT AGENTS) RULES**

We refer to the above matter.

2 The Intellectual Property Practice Committee (the "Committee") has prepared its views as set out in Annex A for your consideration.

3 The Council of the Law Society has considered the comments provided and shares the views of the Committee.

4 Grateful if the Society could be updated in due course.

Yours faithfully

Michelle Woodworth Cordeiro  
Director, Representation and Law Reform Department

*Encl.*

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## **ANNEX A**

### **Comments on the Proposed Amendments to the Patents (Patent Agents) Rules**

#### **1. Amendment of Rule 2(1)**

We are of the view that the definition of “foreign patent agency work” should clarify the exact scope of work covered and propose that additional words be inserted into the definition of “foreign patent agency work” such that it reads as follows:

“foreign patent agency work” means any of the types of work referred to in section 105A(4)(a), (b) and (c) of the Act and shall exclude any work in connection with any application for grant of a patent in Singapore;

#### **2. New Rule 10A**

We are of the view that the definition As regards eligibility to apply for registration as foreign patent agent, our view is that the criteria as presently defined are not sufficiently clear and may be open to various interpretations. These criteria should thus be clarified.

In the new Rule 10(A), our comment is that the criterion of the individual being “recognized to be qualified to be a patent agent or patent attorney by” as provided under sub-section (b) lends uncertainty to interpretation and would propose that these words be deleted.

Further, the reference to “international patent office” in Rule 10A(b) is inaccurate since there is no such body as an “international patent office” with which a patent agent or patent attorney can be registered. We therefore propose that the reference to “international patent office” be removed.

It is also submitted that in order to qualify as a foreign patent agent in Singapore, the applicant should have been registered as a patent agent or patent attorney in his own country first and hence we propose that the “patent office” concerned should be the patent office “the country or jurisdiction of which he is a citizen”. Similarly, the professional accreditation or regulatory body with which the patent agent or patent attorney should be registered should be that in his country as well.

For ease of reference, with our proposed amendments incorporated, the new Rule 10A would read as follows:

**10A.** An individual is eligible to apply for registration as a foreign patent agent if –

(a) he is resident in Singapore; and

(b) he is ~~recognized to be qualified to be a patent agent or patent attorney by,~~ and is registered as a patent agent or patent attorney with –

- (i) ~~any foreign or international~~ the patent office of the country or jurisdiction of which he is a citizen; or
- (ii) ~~any~~ the professional accreditation or regulatory body for patent agents or patent attorneys in ~~any~~ the country or jurisdiction other than Singapore of which he is a citizen.

### 3. New Rule 10B

In view of our proposed amendments to the new Rule 10A, consequential amendments are also proposed for the new Rule 10B sub-section (1)(c), so that the certificate of good standing should be issued by the foreign patent office only, with the words “or international” and the words “, which recognizes the applicant’s qualification to be, and” removed.

In addition, in sub-section (1)(d), we propose that one certificate of good character should be issued by a registered patent agent/attorney practising in Singapore.

Since the foreign patent agent will be carrying out in Singapore foreign patent agency work, which may amount to a substantial volume of work for many countries around the world, we are of the view that the amount of professional indemnity insurance cover, as required under sub-section (1)(e) as presently drafted, is too low. We propose that the amount of requisite insurance cover be increased to at least S\$10 million for each claim.

For ease of reference, Rule 10B(1), with our proposed amendments, would read as follows:

**10B.** (1) An application for registration as a foreign patent agent shall be made to the Registrar in Form H, and shall be accompanied by –

- (a) the applicable fee in the First Schedule;
- (b) documentary proof of the applicant’s eligibility to apply for registration as a foreign patent agent;
- (c) a certificate of good standing issued by the foreign ~~or international~~ patent office, or the professional accreditation or regulatory body for patent agents or patent attorneys, ~~which recognises the applicant’s qualification to be, and with which the applicant is registered as, a patent agent or patent attorney~~ referred to in rule 10A(b);
- (d) 2 certificates of good character of the applicant in Form B by 2 responsible individuals –
  - (i) who are not immediately related to the applicant;
  - (ii) who have known the applicant for at least 12 months and have had opportunities to judge his character; and
  - (iii) at least one of whom is resident in the country or jurisdiction in which the applicant is registered as a patent agent or patent attorney and one of whom is a registered patent agent or patent attorney practising in Singapore; and

(e) documentary proof that the applicant has obtained professional indemnity insurance against any liability incurred by him when carrying out foreign patent agency work in Singapore in the practice year during which his application for registration as a foreign patent agent is made, where the amount of insurance cover is at least ~~S\$4~~ S\$10 million for each claim.

**4. New Rule 10C**

In view of our proposed amendment to Rule 10B(1)(e) for increase in the amount of professional indemnity insurance cover to at least S\$10 million per claim, we also propose consequential amendment to Rule 10C(1) such that the amount of insurance cover is at least S\$10 million for each claim.