

# SINGAPORE INVENTORS DEVELOPMENT ASSOCIATION (SIDA, UEN Ref: S82SS0011F)

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## **SIDA Feedback to Proposed Amendments to Singapore's Patents Legislation**

### **1 Background**

- 1.1 The Intellectual Property Office of Singapore ("IPOS") seek Public Consultation on Proposed Amendments to Singapore's Patents Legislation.
- 1.2 The period of public consultation is 27 October 2016 to 30 November 2016.
- 1.3 The web page for this consultation is found at <https://www.ipos.gov.sg/AboutIP/IPLegislation/PublicConsultations.aspx>
- 1.4 SIDA Honorary Secretary reviewed the proposed amendments and believed that it has relevant to the invention process of SIDA members. As such, an email was send to SIDA members appealing for suggestions and comments. Comments from SIDA members was received and summarize in this report.
- 1.5 The summarized report will be send by email to [ipos\\_consultation@ipos.gov.sg](mailto:ipos_consultation@ipos.gov.sg) using [secretary1981@sida.org.sg](mailto:secretary1981@sida.org.sg) from 23 Nov 2016 onward.

### **2 SIDA Feedback to IPOS**

- 2.1 Referring to "2016-10-27 Public Consultation on Proposed Amendments to Patents Legislation-final (002).pdf" Section 3.
  - 2.1.1 Generally, SIDA support this proposal to broaden the grace period for patent applications.
  - 2.1.2 In the current Patent Acts, the grace period is 12 months immediately preceding the date of filing the application for the patent. Some of SIDA inventors feel that the grace period is too short.

2.1.3 SIDA always advise its members to sign NDA (Non Disclosure Agreement) with third parties whenever possible. But in some situation, inventor may have to reveal his invention without NDA for the purpose of prototyping and testing. One such example is the testing of his invention in public places to understand its effectiveness. Members of the public may took a photo (without the inventor's consent) of the invention with his smart phone and post it in internet media (Eg. Facebook). In such situation, the inventor should still be able to patent his invention without fear of failing the novelty requirement due to the photo of his invention in the internet media. Some of SIDA inventors feel that Section 14 should have provision to address this situation.

2.1.4 Inventor need to prototype their invention to prove that it works. In order to do their prototype, inventor may need to engage third parties expertise and reveal their inventions to them. Usually, a NDA (Non Disclosure Agreement) is signed to ensure invention confidentiality. If the third parties intentionally or un-intentionally reveal the invention into public domain, Section 14(4)(b) states that the inventor can still patent his invention if it fall within the 12 months period. But the process of prototyping usually take more than 12 months, making it not practical to adhere to the 12 months period. Furthermore, the inventor may not be aware that his invention was revealed by the third parties into public domain. In such a case, the 12 months grace period may have passed. It would be unfair to the inventor if he cannot patent his invention after spending so much effort and money on it. Some of SIDA inventors proposed that in such case where a NDA is signed, if it is proven that the third parties was the one who reveal the invention into public domain, this information in public domain should be disregarded in the determination of novelty.

2.2 Referring to "2016-10-27 Annex A - Amendments to Patents Act (002).pdf"

2.2.1 SIDA support the amendment to Section 14(4)(c) to the following "(c) the disclosure was due to, or made in consequence of, the inventor displaying the invention at an international exhibition;"

- 2.2.2 SIDA inventors find it difficult to understand the criteria of "International exhibition". In Section 2(1), the definition is defined as followed.

" "international exhibition" means an official or officially recognised international exhibition falling within the terms of the Convention on International Exhibitions or falling within the terms of any subsequent treaty or convention replacing that convention;"

Individual inventors are not well verse in the terms of the convention or treaty and no idea how to get this information. Some of SIDA inventors feel that IPOS should do something to make it easier for individual inventors to understand this requirement.

For example, IPOS may consider setting up a web page under IPOS website that state the latest updated interpretation of "international exhibition". This web page link may be incorporated in the "international exhibition" definition within the Patent Acts.

- 2.2.3 SIDA would like to clarify on exhibition that falls outside the definition of "international exhibition. If there is a good local Singapore exhibition that can help inventors, inventors may be unwilling to take part due to the fact that it is not a "international exhibition". This will hinder the spirit of invention to bring benefits to mankind.
- 2.2.4 SIDA support the addition of Section 14(4)(e) "(e) the disclosure was made to the public by the inventor, or by a person who obtained the matter disclosed directly or indirectly from the inventor, in circumstances other than the circumstances described in paragraphs (a), (b), (c) or (d)."

### **3 Final word**

- 3.1 SIDA would like to express its support to IPOS to improve Singapore patent system for Inventors to grow and thrive.