

**Patents (Amendments) Regulations 2011**  
**Enforcement date : 15 February 2011**

This notice is issued by the Registrar of Patents to specify the procedure for applying a patent under Patents (Amendments) Regulations 2011.

This amendments come into force on 15 February 2011.

1. Procedure and fee schedule :

- a. all proceeding for applications made prior to 15 February 2011, and that a request for substantive examination ([F5/F5A](#)) has not been filed, the new Regulations will apply ;
- b. all proceeding for applications made prior to 15 February 2011, and that a request for substantive examination ([F5/F5A](#)) has been filed, the previous Regulations will apply ;  
[Note : The new Regulations will apply once the patents are granted]
- c. all applications made on 15 February 2011 onwards, the new Regulations apply.

**Note** : the fees and forms for all applications and requests in connection with patents under the Patents Act 1983 will be subject to the Patents (Amendments) Regulations 2011 **with effect from 15 February 2011**. Applicants are given **until 8 March 2011** to fulfil the requirements of the new fees should there be any insufficient amount paid.

Summary of the enforcement date :

<b>Date of Application</b>	<b>Pending Application</b>	<b>Patents Granted</b>
Prior 15/02/2011 - Request <a href="#">F5/F5A</a> has been filed	Previous Regulations	New Patents (Amendments) Regulations 2011
Prior 15/02/2011 - Request <a href="#">F5/F5A</a> has not been filed	New Patents (Amendments) Regulations 2011	New Patents (Amendments) Regulations 2011
15/02/2011 onwards	New Patents (Amendments) Regulations 2011	New Patents (Amendments) Regulations 2011

2. Electronic Filing

Pursuant to Regulation 52A and 52B of the Regulations, an applicant who wishes to apply a patent via electronic filing will enjoy discounted fees. Applicant has to request the free of charge digital ID from [MyIPO via IP Online](#) website before using the system.

3. Expedited Examination

Pursuant to Regulation 27E, of the Regulations, an applicant who request or has requested for substantive examination under Regulation 27 may request for an

expedited examination of the application by filing [Form 5H](#) together with a statutory declaration stating the reasons for requesting the expedited examination. The request can be made after eighteen months from the priority date of the application. If the request is accepted by the Registrar, the applicant has to file [Form 5I](#) within five working days from the Registrar's decision.

Upon receipt of [Form 5I](#), the application will be examined within four weeks. If the Examiner reports that any of the substantive requirements are not complied with, the Registrar shall give the applicant one opportunity within three weeks from the date of mailing the adverse report, to make observations and to amend the application. No extension of time will be granted.

If no response is filed within the three weeks period or if the applicant fails to satisfy the Registrar that those requirements are complied with, the application for expedited examination is deemed withdrawn and the patent application will be treated as normal examination process.

The processing time for expedited examination is two months (for first office action) from the date of receipt of request for expedited examination provided that the application is statutory compliance (clear cut case).

#### 4. Substantive Examination

Pursuant to Regulation 27 and 27A of the Regulations, the Request for substantive examination ([Form 5](#)) and modified substantive examination ([Form 5A](#)) shall be made within eighteen months from the date of filing of an application.

[Note : A Request for substantive examination ([F5/F5A](#)) for an application made under previous Regulations could be filed within 24 months period even after 15 February 2011, and subject to new fee].

Pursuant to Regulation 27C and 27D of the Regulations, the applicant is given within two months from the date of mailing the adverse report to make observations and to amend the application.

#### 5. Preliminary Examination

Pursuant to Regulation 10 and 26 of the Regulations, a statement justifying the applicant's right to a patent ([Form 22](#)) shall be submitted together with Form 1 and Form 17, and shall be formal requirement of the preliminary examination.

**Note :** This document is intended to provide a summary to the Patents (Amendments) Regulations 2011. Any inconsistency between this notice and the said Regulations, the Regulations will prevail