

# Bird & Bird ATMD

## IP Update



*Closure of Foreign Route from 1 January 2020*

*September 2019*

From 1 January 2020, patent applicants will no longer be able to use the foreign route when complying with the search and examination requirements in Singapore.

Currently, under the foreign route, a request for supplementary examination is filed based on the allowance or grant of a corresponding application from a prescribed foreign Patent Office or based on a fully positive International Preliminary Report on Patentability (IPRP).

This is often considered a cheaper option to obtain a patent since no official fees are payable for supplementary examination and since the claims are not examined for novelty and inventive step, it is also generally expected that a Notice of Eligibility and a Supplementary Examination Report be issued quite expeditiously.

With the closure of the foreign route, patent applicants can only choose between requesting either combined search and examination (local route) or examination based on a search report from one of the prescribed foreign Patent Offices (mixed route). With the change, some increase in cost associated with the substantive search and/or examination procedure can be expected and perhaps, some delays in the prosecution of the patent applications. However at the same time, this should eliminate potential uncertainties associated with different patentability requirements in the different jurisdictions since all patent applications will be substantively examined based on the patentability requirements in Singapore from 1 January 2020.

All direct national applications and divisional applications with a lodgement date on or after 1 January 2020, as well as *ex-PCT* national phase applications with an international filing date on or after 1 January 2020, are affected by this change.

It should be noted that if a patent applicant wishes to maintain the option of requesting supplementary examination, it is still possible to do so by filing a divisional application by 31 December 2019 so as to keep this option open.

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