

APPENDIX*

Major Parliamentary, Statutory and Related Developments in Intellectual Property Law in Singapore, 1987–2012**

1987

- Copyright Act 1987 was passed and came into operation on 10 April 1987,¹ repealing the Imperial Copyright Act 1911.² The Copyright Act 1987 was modelled after the Australian Copyright Act 1968.³

1990

- Singapore acceded to the Convention Establishing the World Intellectual Property Organization (“WIPO”). The Convention came into effect in Singapore on 10 December 1990.

1994

- Copyright (Amendment) Act 1994.⁴ The amendments were mainly concerned with liberalising the provisions on parallel imports and exhaustion of rights.⁵

* Editor’s note: We are grateful to George Wei for contributing this Appendix.

** The summary does not include matters dealt with by subsidiary legislation, such as in the case of copyright, the application of the Copyright Act to protect foreign works, *etc.*

1 Act 2 of 1987.

2 c 46.

3 Act No 63 of 1968 (Cth). Useful material on the thinking behind the Copyright Act 1987 (Act 2 of 1987) can be gleaned from the report of the Second Reading on the Copyright Bill 1986 (No 8/1986) and also the *Report of the Select Committee on the Copyright Bill 1986 (No 8/1986)* (Parl 9 of 1986, 22 December 1986). See *Singapore Parliamentary Debates, Official Report* (5 May 1986) vol 48. The Copyright Act 1987 was the result of extended deliberations by an inter-departmental committee set up by the Ministry of Law in 1982. A search on Singapore Hansard reveals that the question of copyright protection in Singapore was raised in Parliament as early as 1983. The member raising the question, Mr J B Jeyaretnam, was concerned over the lack of copyright protection for Singapore works outside of Singapore. In response, the then Minister of State for Law said that the matter was under review and that the complexities required a careful examination: “We must decide on the policy. It is not just a question of protecting writers but we must also examine whether there are other costs and long-term disadvantages.” See *Singapore Parliamentary Debates, Official Report* (14 March 1983) vol 42 at col 734 (S Jayakumar, Minister of State for Law and Minister for Home Affairs). In 1986 after the Copyright Bill 1986 had been sent to a Select Committee, the then Second Minister for Law explained that the enactment was delayed because the Committee had received 34 written representations, which was the largest number that any Select Committee had received in Parliamentary history (at that time).

4 Act 14 of 1994.

5 Parallel imports and copyright attracted considerable publicity as a result of the Court of Appeal’s decision in *Public Prosecutor v Teo Ai Nee* (“*Teo Ai Nee*”) [1993] (*cont’d on the next page*)

- Patents Act 1994.⁶ This Act established a new law of patents for Singapore, repealing and replacing the former Registration of United Kingdom Patents Act.⁷ The substantive provisions of the new Act were based on those in the UK Patents Act 1977, with modifications.⁸

1995

- Singapore became a member of the World Trade Organization on 1 January 1995 and is bound by the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”).

3 SLR(R) 755. The Ministry of Law then formed a committee to review the implications of the decision and to consider what recommendations were necessary to ensure that copyright did not prohibit parallel imports. The *Teo Ai Nee* case turned on technical interpretation of particular statutory provisions. Speaking in Parliament, the then Parliamentary Secretary to the Minister for Law noted that the then Chief Justice had made clear that formulating Singapore’s policy on parallel imports was a task for the legislature and not that of the judiciary. The then Parliamentary Secretary also stated that the Government’s policy had not changed and that “we must strike a balance between, on the one hand, ensuring cheaper prices for consumers and, on the other, providing sufficient protection to the copyright industries to enable them to reap the benefits of their efforts and so have the incentive to develop the business”. The result was the Copyright (Amendment) Act 1994 (Act 14 of 1994). See *Singapore Parliamentary Debates, Official Report* (23 February 1994) vol 62 at col 356 (Ho Peng Kee, Parliamentary Secretary to the Minister for Law). See also the speech of the then Parliamentary Secretary to the Minister for Law at the Second Reading of the Copyright (Amendment) Bill 1994 (No 15/1994) at *Singapore Parliamentary Debates, Official Report* (25 August 1994) vol 63 at col 413 (Ho Peng Kee, Parliamentary Secretary to the Minister for Law) where it was explained that the decision in *Teo Ai Nee* had caused considerable unease amongst retailers and traders. Amendment was needed to clarify that parallel imports of all legitimate reproductions were allowed because the policy of the Government had not changed. *NB*, under the original provisions, the Singapore Court, with respect, was correct in its interpretation and application of the provisions as enacted. The Copyright (Amendment) Act 1994 was properly seen as the subsequent legislative correction of a drafting lacuna, and not a case where the legislature passed legislation to correct a mistake in the court’s interpretation of the law as it had then stood.

6 Act 21 of 1994.

7 Cap 271, 1985 Rev Ed.

8 Patents Act 1977 (c 37) (UK). Useful material on the thinking behind the provisions can be gleaned from the *Report of the Select Committee on the Patents Bill 1994 (No 4/1994)* (Parl 5 of 1994, 22 August 1994). See also the Third Reading speech of the then Minister for Law on the Patents Bill 1994 and the comment that the “Committee’s approach was to maintain a balanced patent protection scheme. In other words, to provide adequate protection and returns to patentable inventions and at the same time give due recognition to consumer and industry interests in having wider access to inventive products and services”. The Minister’s view was that “modern patents legislation would also attract investments particularly in the field of industrial science and technology”. See *Singapore Parliamentary Debates, Official Report* (31 October 1994) vol 63 at col 641 (S Jayakumar, Minister for Law).

- Singapore signed the Paris Convention for the Protection of Industrial Property 1883, the Patent Cooperation Treaty 1978 and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms, all with effect from 23 February 1995.
- Regulation of Imports and Exports Act 1995.⁹ A key international issue in the enforcement of intellectual property (“IP”) rights concerns international trade in counterfeit and pirated goods. Prior to 1995, the main statute had been the Control of Imports and Exports Act,¹⁰ which was repealed and replaced by the Regulation of Imports and Exports Act 1995. The Regulation of Imports and Exports Act 1995 was amended¹¹ in 2003 to enable Singapore to implement the US–Singapore Free Trade Agreement (“USSFTA”).
- Patents (Amendment) Act 1995.¹² The purpose of this was to amend the Patents Act 1994, which was passed in the previous year, to ensure that the provisions met Singapore’s obligations under the TRIPS Agreement. These included changes to exclusions from patentability and a tightening up of provisions on compulsory licences and Government use.

1998

- Copyright (Amendment) Act 1998.¹³ The Explanatory Statement to the Copyright (Amendment) Bill 1998¹⁴ states:

[The amendments were] primarily to enable Singapore to meet its obligations in regard to copyright under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS is an integral part of the Final Act of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT), of which Singapore is a signatory. The Bill also [sought] to amend the Copyright Act in relation to other matters such as the defences to an action for infringement of copyright, offences and related matters, and remedies and presumptions in a civil action for infringement of copyright.

Important amendments were made to the fair dealing defence for private study or research, the introduction of a commercial right of rental for computer programs, amendment to the provisions on border enforcement measures as well as the creation of a new scheme to protect performers’ rights over live performances in a new Part XII of the Copyright Act.¹⁵ At the Second Reading for the

9 Act 24 of 1995.

10 Cap 56, 1985 Rev Ed.

11 Amended by the Regulation of Imports and Exports (Amendment) Act 2003 (Act 28 of 2003).

12 Act 40 of 1995.

13 Act 6 of 1998.

14 No 4/1998.

15 Cap 63, 1999 Rev Ed.

Copyright (Amendment) Bill 1998, the then Minister for Law explained the Government's policy on IP rights:¹⁶

The protection and enforcement of intellectual property rights, including copyright, will become increasingly important as the Singapore economy matures. ... Intellectual capital, not merely physical assets or financial capital, will be the key factor. As Singapore responds to this, developing a strong and effective system for protecting intellectual property rights becomes more important. ... To ensure that Singapore stays ahead of the competition for high-value, knowledge-intensive industries, a good system of protection for intellectual property rights is not only desirable but in fact necessary. Knowledge-based industries will be attracted to invest in Singapore if they are confident that their intellectual property will be given sufficient protection here. A good [intellectual property rights] infrastructure is also important to the success of our home-grown knowledge-based industries. We have to bear in mind that increasingly it will be our inventors who will want patent protection and our artists, writers [and so on] who will want copyright protection.

- Singapore acceded to the Berne Convention for the Protection of Literary and Artistic Works (“Berne Convention”) (1971 Act) in September 1998. The Berne Convention came into effect in Singapore on 21 December 1998.

16 *Singapore Parliamentary Debates, Official Report* (19 February 1998) vol 68 at cols 310–311 (S Jayakumar, Minister for Law). At col 316, the then Minister for Law concluded that some of the changes “[were] the result of feedback received from various intellectual property bodies representing copyright owners” and that “these changes ... [were] not the last word on copyright amendments or copyright enforcement. The Government remains committed to considering and exploring further avenues to deal effectively with copyright piracy in co-operation with copyright owners. ... [T]he honourable Chief Justice in the Summit case [had] made various observations, amongst other things, on the possible need for safeguards where search warrants [were] obtained at the initiative of copyright owners. His observations [were] being studied. They have an impact not just on the Copyright Act but also on other legislation and therefore any necessary amendments [would] be taken up subsequently in the context of a broader review, among others, of legislation like the Criminal Procedure Code”. Later, in reply to a question raised by Chin Tet Yung, the Minister added that the Government noted “what he said about remedies and enforcement and especially his concern that the Summit case may have sent wrong signals to those engaged in piracy and counterfeiting” and he “reiterate[d] that the Government’s policy is not to condone commission of criminal offences. ... Of course, the public have to play their part also. Because the supplier of pirated goods exists only because there is a demand for the pirated goods. The public must therefore respect the rights of those who have put in efforts in creating computer software, artistic, musical, literary or other copyright works and refuse to buy pirated items”.

- Trade Marks Act 1998.¹⁷ This Act repealed and replaced the former Trade Marks Act, which dated back to 1938.¹⁸ The Explanatory Statement in the Trade Marks Bill¹⁹ states that the goal was to replace it with new trade marks legislation in order to:

- (a) ... simplify and modernise trade mark law;
- (b) ... enable Singapore to meet its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Paris Convention for the Protection of Industrial Property (Paris Convention); and
- (c) ... enable Singapore to accede to other international agreements relating to trade marks, [for example,] the Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid Protocol).

Whilst there were differences, many of the new provisions were similar to those set out in the UK Trade Marks Act 1994.²⁰

- Geographical Indications Act 1998.²¹ This Act provides statutory protection for producers and traders of goods identified by geographical indications in accordance with Singapore's obligations under the TRIPS Agreement.

1999

- Copyright (Amendment) Act 1999.²² The Explanatory Statement to the Copyright (Amendment) Bill 1999²³ explains that the Bill was intended:

- (a) to address various issues arising from the use of copyright material in a digital environment;
- (b) to give greater rights to performers in relation to performances under the Act;
- (c) to make further amendments to the Act to give full effect to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994).²⁴

17 Act 46 of 1998.

18 Cap 332, 1992 Rev Ed; original enactment was the Trade Marks Ordinance 1938 (SS Ord No 38 of 1938), which came into operation on 1 February 1939.

19 No 42/1998.

20 c 26. See generally the Second Reading speech of the then Minister of State for Law: *Singapore Parliamentary Debates, Official Report* (26 November 1998) vol 69 at col 1698 (Ho Peng Kee, Minister of State for Law).

21 Act 44 of 1998.

22 Act 38 of 1999.

23 No 27/1999.

24 The Copyright (Amendment) Act 1999 (Act 38 of 1999), enacted soon after the Copyright (Amendment) Act 1998 (Act 6 of 1998), made significant amendments to a raft of key provisions concerned with improving copyright protection in cyberspace, protection for compilations, protection for electronic rights
(cont'd on the next page)

- The Layout-Designs of Integrated Circuits Act 1999.²⁵ This Act created rights over independently created, original layout-designs of integrated circuits for a ten- or 15-year term without any need for registration. The Act also amended the Copyright Act by excluding layout-designs of integrated circuits from the definition of “artistic work” so as to avoid dual protection. The Explanatory Statement to the Layout-Designs of Integrated Circuits Bill 1999²⁶ states:²⁷ “[The] Bill seeks to provide statutory protection for owners of layout-designs of integrated circuits. The Bill meets the standards set out in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).”
- Singapore became a member of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (revised at Geneva 1977).

2000

- Registered Designs Act 2000.²⁸ This Act repealed and replaced the United Kingdom Designs (Protection) Act 1939²⁹ and marked the beginning of a national design registration in Singapore. The Registered Designs Act 2000 also made important changes to certain provisions in the Copyright Act on the designs copyright interface,

management information, clarification of the provisions on browsing exception, the limitation of liability for network service providers, the transfer of electronic copies, the definition of reasonable portion for electronic works, exceptions for libraries and archives, educational institutions, performers’ protection and border enforcement measures. In response to questions raised, the then Minister for Law reiterated the Government’s view that changes were driven by the fast pace of technological development, and because Singapore wanted an effective and up-to-date copyright regime, it could not wait for all the developments to take place and then decide on the perfect solution. “It is really a matter of judgment”: see *Singapore Parliamentary Debates, Official Report* (17 August 1999) vol 70 at col 2083 (S Jayakumar, Minister for Law). Later at col 2090, in response to a further question of copying in educational institutions, the Minister stated: “It is really a question of balancing. From the point of view of promoting the interests of our educational institutions, the ideal situation, of course, is if they do not have to observe copyright at all! But we have to balance the interests of users of copyright in the private sector, individual users, corporate users, educational users, state users of copyright as well as the rights of copyright owners. This is really the heart of copyright legislation – how do you balance competing interests to strike a balanced regime that promotes and protects the interests of copyright owners and at the same time does not hinder the dissemination of knowledge, acquisition of knowledge and eventually the advancement of our national interest.”

25 Act 3 of 1999.

26 No 49/1998.

27 See generally the Second Reading speech of the then Minister of State for Law: *Singapore Parliamentary Debates, Official Report* (20 January 1999) vol 69 at col 1907 (Ho Peng Kee, Minister of State for Law).

28 Act 25 of 2000.

29 Cap 339, 1985 Rev Ed.

in particular, the ability to assert artistic copyright to protect the design of a useful article was severely cut back.³⁰

2001

- The Intellectual Property Office of Singapore (“IPOS”) was established to take over the administration of the patent, trade mark, registered designs and plant varieties registration systems, and to formulate and review IP policies and legislation.³¹

2002

- The IP Academy was set up in 2002.³² The IP Academy set up the Graduate Certificate in Intellectual Property Law Programme in Singapore and also conducts an MSc programme in IP management as well as other short courses or programmes on various aspects of IP.

2003

- The USSFTA, concluded in 2003, contains detailed provisions in Chapter 16 on the protection of IP rights. The Agreement came into force on 1 January 2004. The chapter on IP required compliance with the Convention Relating to the Distribution of Programme-

30 At the Second Reading the then Minister of State for Law explained the background to the Registered Designs Act 2000 (Act 25 of 2000) and the extensive consultation process undertaken, which included the Law Faculty of the National University of Singapore, the Law Society and the World Intellectual Property Organization. See *Singapore Parliamentary Debates, Official Report* (25 August 2000) vol 72 at col 690 (Ho Peng Kee, Minister of State for Law).

31 Intellectual Property Office of Singapore Act 2001 (Act 3 of 2001). At the Second Reading the then Minister of State for Law reiterated the need for Singapore to ensure “that her intellectual property laws, policies and supporting framework continue to foster an environment which encourages innovation and creativity and effectively protects investments in innovation and intellectual labour. The conversion of [the Intellectual Property Office of Singapore (‘IPOS’)] into a statutory board will ensure that it is given the autonomy and resources to perform this task effectively. ... IPOS will advise the Government on all areas of intellectual property policies, including copyright, integrated circuits and geographical indications and carry out regulatory functions over intellectual property agents”. See *Singapore Parliamentary Debates, Official Report* (22 February 2001) vol 72 at col 1457 (Ho Peng Kee, Minister of State for Law).

32 The founding director and deputy director were Gerald Dworkin and Ng-Loy Wee Loon, respectively. Speaking at the launch of the IP Academy, Ho Peng Kee, the then Senior Minister of State for Law and Home Affairs commented: “The value of [intellectual property (‘IP’)] cannot be underestimated. With globalisation and rapid technological advancements, IP will continue to increase in strategic importance against traditional advantages such as geographical location and abundance of natural resources. Those who are able to maximise their intellectual assets will have a clear advantage.” Ho Peng Kee, Senior Minister of State for Law and Home Affairs, “Speech at the Launch of IP Academy” (28 January 2003) <<http://www.ipacademy.com.sg/section/media/speech.html>> (accessed 23 November 2012).

Carrying Signals Transmitted by Satellite 1974; the International Convention for the Protection of New Varieties of Plants (revised 1991); the WIPO Copyright Treaty (“WCT”) 1996; the WIPO Performances and Phonograms Treaty (“WPPT”) 1996; and the Patent Cooperation Treaty (modified 1984). Each party was also given effect to: Articles 1 through 6 of the WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks 1999, adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of WIPO; the Trademark Law Treaty 1994; make the best efforts to ratify or accede to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs 1999; and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks 1989. In addition, the USSFTA sets out significant TRIPS-Plus obligations such as to increase the copyright term for works to life and 70 years.³³

- Regulation of Imports and Exports (Amendment) Act 2003.³⁴ The Explanatory Statement to the Regulation of Imports and Exports (Amendment) Bill 2003³⁵ states: “[The] Bill seeks to amend the Regulation of Imports and Exports Act (Cap 272A) to enable Singapore to implement the United States–Singapore Free Trade Agreement.”

2004

- This was a bumper year for statutory IP law in Singapore. Four Bills concerned with IP were presented to Parliament for their Second

33 Singapore has signed free trade agreements (“FTAs”) with intellectual property (“IP”) provisions with a number of other countries: European Free Trade Association (January 2003); India (June 2005); Japan (January 2002); Korea (August 2005); New Zealand (August 2000); Australia (February 2003); and the Trans-Pacific Strategic Economic Partnership Agreement (Brunei, Chile, New Zealand and Singapore) (June 2005). These generally do not contain detailed provisions like those found in the US–Singapore FTA. For example, the FTA with Australia, aside from supporting the TRIPS Agreement, requires accession to the World Intellectual Property Organization Internet Treaties to entrench a common standard for industrial design protection in line with the Geneva Act of the Hague Agreement Concerning the International registration of Industrial Designs (adopted 2 July 1999) as well as commitments to effective enforcement of IP standards, *etc.* In the case of the FTA with Japan, mutual collaboration and co-operation in identified areas of IP, including information exchange and IP rights education and awareness programmes, direct access to IP databases maintained by the Intellectual Property Office of Singapore and the Japan Patent Office, and facilitation of patent applications were required. See International Enterprise Singapore, FTAs, <http://www.fta.gov.sg/sg_fta.asp> (accessed 23 November 2012).

34 Act 28 of 2003.

35 No 25/2003.

Reading.³⁶ At the introduction of the Second Reading for the Trade Marks (Amendment) Bill, the then Minister for Law, S Jayakumar, took the opportunity to state general observations on the Bills:

These four Bills are to support Singapore's ongoing transition into a knowledge-intensive and IP-rich economy. In recent years, there has been a tremendous growth of IP-rich activities in Singapore. Private and public sector R&D activities continue to bear fruit; the biomedical industry is making commendable strides; our companies are investing in branding and going international; and the Government has committed further funds to grow our media industry. As Singapore moves forward to an IP-rich economy, our IP legislation must likewise move in tandem.

At the same time, the global IP landscape is changing. ... We reached the TRIPS standard in 1999. Five years on, it is timely to update our IP legislative framework to ensure that we meet the needs of the new industries we are grooming as well as remain competitive in this fast-changing IP landscape.

... When we started FTA talks with the United States in late 2000, we decided to carry out an extensive review of our IP legislation in conjunction with those talks. It gave us an opportunity to study key features of the US IP framework, and to examine which are the ones relevant to us.

But while we aspire to higher standards, we also need to be mindful that Singapore companies are at different stages of development. The concerns of our companies will be different, depending on whether they are or are not predominantly owners, or users, of IP. We have given special consideration to this. Therefore, let me assure the House that as we provide greater incentives for innovation by strengthening the rights of IP creators and holders, we will also consciously provide safeguards to balance the needs of IP users.

Let me also stress that the proposed amendments were finalised after extensive discussion with numerous industry constituents, IP professional groups and relevant Government Ministries. ... In addition, the IP Office of Singapore ... made available the draft Bills on its website for consultation and conducted a public engagement seminar for interested parties.

- Patents (Amendment) Act 2004.³⁷ Important amendments made in 2004 included new provisions on registration of patent agents in Singapore, in Part XIX of the Patents Act.³⁸ The 2004 amendments covered a broad range of points, including the application

36 The four Bills referred to resulted in the Patents (Amendment) Act 2004 (Act 19 of 2004); the Trade Marks (Amendment) Act 2004 (Act 20 of 2004); the Intellectual Property (Miscellaneous Amendments) Act 2004 (Act 21 of 2004); and the Plant Varieties Protection Act 2004 (Act 22 of 2004).

37 Act 19 of 2004.

38 Cap 221, 2002 Rev Ed.

procedure (search, examination and grant), the patent term, post-grant search and examination, compulsory licences, defences such as a Bolar-type defence, specific patent defence, parallel imports and proceedings by exclusive licensees. Some of the changes were driven by the USSFTA. Moving the Patents (Amendment) Bill 2004,³⁹ the then Senior Minister of State for Law, Ho Peng Kee, explained that the “changes will encourage innovation and research activities in Singapore”. That said, the extension of the patent term in certain cases for pharmaceutical products was said to be balanced by the Bolar provision, which balanced “the interests of right holders and the needs of users”.⁴⁰

- Trade Marks (Amendment) Act 2004.⁴¹ This Act made significant amendments to Singapore’s trade mark law so as to fulfil the requirements of the USSFTA. These include amendments to the definition of trade mark, better protection for well-known trade marks, priority and convention applications, grounds for invalidity, infringement of registered trade marks, exceptions, parallel imports, relief and remedies, the binding effect of licences, and border enforcement measures. In introducing the Trade Marks (Amendment) Bill 2004,⁴² the then Minister for Law commented that “the present amendments will further keep pace with international developments and ensure that trade mark owners will continue to enjoy a high standard of protection here”.⁴³ Whilst many of the amendments were said to be technical and supportive of strong trade mark rights, other changes were concerned with the interests of the public and the need for balance. For example, the Minister explained that the changes provide better protection for

39 No 19/2004.

40 See generally the Second Reading speech of the Patents (Amendment) Bill 2004 (No 19/2004) by the then Minister of State for Law at *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 118 (Ho Peng Kee, Senior Minister of State for Law). In response to a question, the Minister explained that the amending Act was the product of many consultations, and said: “IPOS had been very active in terms of reaching out to the industry and working with them, eg, the IP Academy has been running a lot of seminars. ... I am confident that these amendments will be a big plus which the industry players have all worked together and IPOS will continue to lead in ensuring that the amendments will be understood and properly applied.”

41 Act 20 of 2004.

42 No 18/2004.

43 *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 108 (S Jayakumar, Minister for Law). In response to questions raised by Chin Tet Yung, S Jayakumar stated that “people need to understand why a breach of intellectual property has to be treated in the same way as theft of physical property ... Apart from individual victims, the broader consequence is that we will not be able to compete with countries in attracting the kind of new businesses and investments we need if we do not have the kind of intellectual property framework which is essential to attract investors”.

well-known marks by extending protection to cover use of identical or similar marks that dilute or take an unfair advantage of the distinctive character of the well-known mark. The Minister said that well-known examples are “Singapore Airlines”, “Tiger Beer” and “Tiger Balm”, and that “if we want to do more, to encourage more companies to invest and create new products, then ... it is timely to have a regime that will give greater recognition to these brands and to future brands”.⁴⁴ Another example of strengthening can be seen in the new remedies for civil actions such as an award of statutory damages. On the other hand, the Minister also stated that whilst “we strengthen the trade marks regime, ... we must also maintain the balance between trade mark owners and users. ... As stated in clause 12, fair use in comparative commercial advertising or promotion, use for a non-commercial purpose or use for news reporting or news commentary will not constitute an infringement of a trade mark”.⁴⁵

- Intellectual Property (Miscellaneous Amendments) Act 2004.⁴⁶ This amended the Copyright Act, the Layout-Designs of Integrated Circuits Act and the Registered Designs Act, mainly to implement certain obligations undertaken by Singapore in the USSFTA. Of especial significance was the extension of the term of copyright protection for works to the life of the author and 70 years. Changes were also made to the Registered Designs Act and the Layout-Designs of Integrated Circuits Act to allow an exclusive licensee to sue without joining the owner. At the Second Reading of the Intellectual Property (Miscellaneous Amendments) Bill 2004,⁴⁷ the then Minister for Law explained the rationale for the term extension, on the basis that it “will provide more benefits to our local creators and give a greater push for the development of Singapore’s creative industries”. The change was described as a “timely move”. He then added: “Already we are seeing bustling activity in industries like media design, film and TV production and the arts and entertainment industries. With this extension of copyright term we will be able to give our industry players a playing field that is levelled up to their overseas counterparts.”⁴⁸

44 *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 108 (S Jayakumar, Minister for Law).

45 *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 108 (S Jayakumar, Minister for Law).

46 Act 21 of 2004.

47 No 20/2004.

48 *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 125 (S Jayakumar, Minister for Law). Replying to comments made by Ahmad Mohd Magad, S Jayakumar explained that, since Singapore’s main export markets already provide a longer term of protection, the extension of the copyright term “does give a greater incentive for more local works to be produced and exported. ... [T]his can only be beneficial also for consumers in the longer time”. The Minister also
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- Plant Varieties Protection Act 2004.⁴⁹ This Act introduced new legislation to implement the International Convention for the Protection of New Varieties of Plants 1991. The Act sets up a system for protecting (by registration) certain new plant varieties so as to meet Singapore's obligations under the US–Singapore FTA. Singapore became a member of the International Convention for the Protection of New Varieties of Plants on 30 June 2004.⁵⁰
- Manufacture of Optical Discs Act 2004.⁵¹ This Act plays a key role in controlling the use of optical disc technology: compact discs such as CD-ROM and DVD-ROM. A licensing system was set up for the manufacture of optical discs. One of the goals was to make it easier to identify licensees who have been involved in the production of copyright infringing optical discs. The Manufacture of Optical Discs Bill 2004⁵² sought to make provisions for the regulation and control of the manufacture of optical discs, to give effect to Singapore's obligations under the USSFTA.⁵³
- The Medicines (Amendment) Act 2004.⁵⁴ The amendments make clear that medicinal licensing authority is to take account of the patent position of the applicant when deciding whether to grant market approval. The amendments also contain provisions dealing

stressed that the fair dealing defences “will continue to operate to ensure a balance between creators, industry and consumers” and that the Government would “continue to monitor international and domestic trends to ensure that the right balance is struck”. The Minister also commented that ideas, *per se*, do not fall under the protection of intellectual property laws, and that in the case of copyright, it was only the expression that is protected.

49 Act 22 of 2004.

50 At the Second Reading for the Plant Varieties Protection Bill 2004 (No 21/2004), the then Senior Minister of State for Law explained that the primary objective was to provide greater incentive to encourage the development of new plant varieties and to spur innovation amongst plant breeders in Singapore. The Minister further explained that Singapore's horticultural industry was not insignificant and, in 2003, Singapore's exports of orchids, ornamental and aquatic plants amounted to \$45m. See *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 138 (Ho Peng Kee, Senior Minister of State for Law).

51 Act 25 of 2004.

52 No 23/2004.

53 At the Second Reading of the Manufacture of Optical Discs Bill 2004 (No 23/2004), the then Minister of State for Trade and Industry explained the Government's thinking behind the enhanced regulatory regime for optical-disc manufacturing, in terms of the need to keep pace with technological advancements and better protect the rights of intellectual property rightsholders. The Minister concluded: “[A] strong [intellectual property rights] regime is consistent with Singapore's objective of becoming a knowledge-based economy. It will also contribute towards enhancing our attractiveness as a destination for IP-related investments thus creating more and better jobs for Singaporeans.” See *Singapore Parliamentary Debates, Official Report* (15 June 2004) vol 78 at col 148 (Raymond Lim Siang Keat, Minister of State for Trade and Industry).

54 Act 26 of 2004.

with confidentiality or rights over information provided by an applicant to secure product licences. These amendments were required by the USSFTA.

- Registered Designs (Amendment) Act 2004.⁵⁵ The main purpose of this Act was to amend the Registered Designs Act, to enable Singapore to give effect to the Geneva Act of Hague Agreement Concerning the International Registration of Industrial Designs (signed at Geneva 2 July 1999), which Singapore was required to accede to, under Article 2.2 of Annex XII of the European Free Trade Association States–Singapore FTA concluded in 2002.
- Copyright (Amendment) Act 2004.⁵⁶ The Explanatory Statement in the Bill states that the Copyright (Amendment) Bill 2004⁵⁷ sought to amend the Copyright Act:
 - (a) to implement certain obligations pertaining to copyright undertaken by Singapore under the [USSFTA] concluded in 2003; and
 - (b) to restate the law on certain matters.

The amendments fell into two main areas. First, there was a group of changes to enhance or strengthen the rights of copyright owners and to update the enforcement provisions. Many of the changes were concerned with adapting copyright law to better meet the challenges of the online environment. Second, there were changes designed to improve the rights of copyright users by clarifying and opening up certain defences – in particular, the fair dealing defences.⁵⁸

55 Act 44 of 2004.

56 Act 52 of 2004. For the Second Reading statements on the Copyright (Amendment) Bill 2004 (No 48/2004), see *Singapore Parliamentary Debates, Official Report* (16 November 2004) vol 78.

57 No 48/2004.

58 At the Second Reading the then Minister for Law, S Jayakumar, stated: “The amendments in the [Copyright (Amendment)] Bill [2004] address the needs of both copyright owners and users in this new [digital] environment.” He added further: “[I]n proposing these amendments, we have sought to strike a good balance between the interests of copyright owners and those of copyright users.” New rights such as the right of communication to the public and the amendments to the provisions on rights management information and technological protection measures, *etc*, were said to “provide greater assurance to copyright owners and improve their ability to protect their copyrighted works from infringement. We will join the US, [the] UK, Australia, the European Union and Japan in recognising the importance of such measures in protecting copyrighted works from infringement”. Speaking on enhancements to the civil and criminal remedies, the Minister commented that the new rights would be “more meaningful if they were backed up by a robust enforcement framework”. This was the context for the changes to the presumption of copyright in infringement proceedings, the introduction of statutory damages for infringement and the creation of a new offence providing criminal penalties for wilful copyright infringement where the extent of infringement is significant or done to gain a commercial advantage. The
(*cont'd on the next page*)

- Competition Act 2004.⁵⁹ This Act came into operation largely in 2005 and was concerned with agreements that have as their object or effect the prevention, restriction or distortion of competition within Singapore as well as conduct that amounts to an abuse of a dominant position. Guidelines explaining how the Competition Commission of Singapore expects the Competition Act to operate in relation to agreements and conduct that concern IP rights have been issued. Para 2.1 of the Guidelines states:⁶⁰ “[B]oth intellectual property (‘IP’) and competition laws share the same basic objective of promoting economic efficiency and innovation. IP law does this through the provision of incentives for innovation and its dissemination and commercialisation, by establishing enforceable property rights for the creators of new and improved products and processes. Competition law does this by helping to promote competitive markets, thereby spurring firms to be more efficient and innovative.”

limitation of liability for the network service providers (“NSPs”) provision was also amended so as to clarify that where the NSP chooses not to meet the requirements to qualify for immunity, the NSP’s liability will be governed by the general provisions of the Copyright Act. The Minister also said: “The new provisions will provide greater certainty for NSPs operating in Singapore as users and businesses become more sophisticated in their dealings over the Internet. At the same time, the new provisions would also provide copyright owners with a more accessible course of action to enforce their rights in the event of infringement. This is particularly important to protect the interests of up-and-coming local content producers and ultimately further our efforts to make Singapore a knowledge economy and a global centre for innovation and creative industries.” Turning to exceptions, the Minister reinforced earlier statements regarding the need to strike a balance between the interests of copyright owners and users. “Like all our IP laws, copyright laws are intended to be an incentive to create original works through the granting of exclusive rights. This objective can only be achieved if the exchange of information and ideas is not unduly impeded.” This was the context for the creation of a new fair dealing defence that was not limited to any particular objective such as research. The Minister concluded that the amendments had been proposed after careful review of the fair dealing provisions in other jurisdictions, and that the changes would “create an environment conducive to the development of creative works and also facilitate greater investment, research and development in the copyright industries in Singapore”. The amendments, whilst fairly complicated and technical, were necessary “to update Singapore’s copyright legislation to meet the needs of businesses, creators and users ... It also provides balancing measures to ensure that our copyright laws serve to foster greater creativity in Singapore”. *Singapore Parliamentary Debates, Official Report* (16 November 2004) vol 78 at col 1041 (S Jayakumar, Deputy Minister and Minister for Law). The reader is referred to Hansard for questions and comments raised by three Members of Parliament and the response of the Minister.

⁵⁹ Act 46 of 2004.

⁶⁰ Competition Commission Singapore, *CCS Guidelines on the Treatment of Intellectual Property Rights* (June 2007).

2005

- Copyright (Amendment) Act 2005.⁶¹ The Explanatory Statement to the Copyright (Amendment) Bill 2005⁶² explains that the provisions are intended to:

... amend the Copyright Act (Cap 63) —

- (a) to modify the manner of implementing certain obligations undertaken by Singapore under the [USSFTA] concluded in 2003; and
- (b) to restate the law on certain matters.

The then Minister for Law at the Second Reading of the Copyright (Amendment) Bill 2005 stated that due to the fast pace of developments in digital technology in the online environment, refinements to the law could be expected from time to time.⁶³ Provisions touched on included the making of temporary reproductions in the course of communication and works or other subject matter stored in an electronic format. Not all of the amendments were concerned with the strengthening of or clarifying the rights of copyright owners. Some were concerned with protecting the interests of users and network service providers (“NSPs”). For example, the Copyright (Amendment) Act 2005 made clear that the applicability of the special provisions are not conditional on the NSP monitoring its service or affirmatively seeking facts indicating infringing activity, except where this is consistent with any standard technical measure.⁶⁴ The then Minister for Law concluded with the statement that “the amendments, most of which are fairly technical, are important, and will fine-tune and

61 Act 22 of 2005.

62 No 12/2005.

63 *Singapore Parliamentary Debates, Official Report* (18 July 2005) vol 80 at col 799 (S Jayakumar, Deputy Prime Minister and Minister for Law).

64 See also the Minister’s explanation of the need to clarify the extent to which a network service provider (“NSP”) may be found liable for authorising copyright infringement. “Next, I turn to NSP liability for authorising infringement. Sir, under our copyright framework, a person who ‘authorises’ copyright infringement by the provision of facilities may, under certain circumstances, be liable to legal action. An NSP, by the nature of its business, may thus fall into this category. Sir, in order to ensure that NSPs are not subject to unreasonable accusations of authorisation liability, section 193DA(5) and section 252CA(5) of the existing Copyright Act provide that an NSP cannot be treated as having authorised an infringement simply because it has done one of three enumerated acts. They are, firstly, that the NSP has provided a facility that was used by another person to carry out the infringing activity; secondly, that the NSP has received a notice informing it of an infringing activity; and thirdly, that the NSP has acquired any knowledge of the infringing activity.” See *Singapore Parliamentary Debates, Official Report* (18 July 2005) vol 80 at col 799 (S Jayakumar, Deputy Prime Minister and Minister for Law). The question of an NSP being liable for authorising infringement will continue to be left to the courts to decide, based on the facts of each case.

enhance our copyright regime and provide a better balance between the interests of end-users, NSPs and copyright owners”.

- Singapore became a member of the WCT and the WPPT, the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. The WCT and WPPT, both of which were adopted by WIPO in 1996, were broadly concerned with new international rules to deal with copyright and the Internet.

2007

- Trade Marks (Amendment) Act 2007.⁶⁵ This Act amended the Trade Marks Act to pave the way for Singapore to ratify the Singapore Treaty on the Law of Trademarks. This WIPO treaty, which was the outcome of a diplomatic conference held in Singapore, established standard procedures for trade mark registration and licensing.⁶⁶ The treaty came into force in March 2009, after ratification by ten members.
- Statutes (Miscellaneous Amendments) Act 2007.⁶⁷ This made amendments to the Patents Act to bring Singapore’s patent system in line with certain changes made to regulations under the Patent Cooperation Treaty. Minor amendments relating to composition of offences was also made to the Plant Varieties Protection Act.

2008

- Patents (Amendment) Act 2008.⁶⁸ The Explanatory Statement to the Patents (Amendment) Bill 2008⁶⁹ explains that the main purposes of this amendment include:
 - (a) to restrict the application of Part X to certain contracts and licences relating to patented products or patented inventions;
 - (b) to implement certain measures under the [TRIPS Agreement] as amended by the Protocol thereto concluded in Geneva on 6 December 2005 (the Protocol);
 - (c) to give effect to the Decision adopted by the General Council of the [WTO] on 30 August 2003 on the implementation of paragraph 6 of the Declaration on the TRIPS Agreement and Public

65 Act 3 of 2007.

66 See generally the Second Reading speech by the then Deputy Prime Minister and Minister for Law, at *Singapore Parliamentary Debates, Official Report* (22 January 2007) vol 82 at col 1003 (S Jayakumar, Deputy Prime Minister and Minister for Law).

67 Act 2 of 2007.

68 Act 18 of 2008.

69 No 15/2008.

Health adopted in Doha on 14 November 2001 (Doha Declaration Implementation Decision); and

(*d*) to expressly empower a court that has terminated a right under section 56 to make such consequential orders as the court thinks necessary.

Item (*a*) limits the application of Part X of the Patents Act⁷⁰ to contracts entered into after 23 February 1995 and before 1 December 2008 (the commencement date of the 2008 amendment). Part X sets out provisions avoiding certain contract licence terms (tie-in and tie-up clauses). This makes sense because there are now provisions in the Competition Act,⁷¹ which came into force on 30 January 2006, that also deal with restrictive terms. Items (*b*) and (*c*) concern amendments to the TRIPS Agreement, which was intended to make it easier for countries to produce, under a compulsory licence, pharmaceuticals for use in countries facing a national emergency and so on. Item (*d*) concerns an amendment to the provision dealing with use of patented inventions for Government service.

2009

- Copyright (Amendment) Act 2009.⁷² The amendments made in 2009 were mainly concerned with opening up the jurisdiction of the Copyright Tribunal, by expanding the range of licence types over which it has jurisdiction.

2011

- Anti-Counterfeiting Trade Agreement (“ACTA”). This is a multinational agreement outside of the WTO and WIPO. Its general goal is to raise further international standards relating to enforcement of IP rights, especially pertaining to the Internet. Singapore is a founding member of ACTA. ACTA creates TRIPS-Plus obligations such as more robust border measures for IP rights, stronger civil and criminal liability regimes, and additional provisions for copyright protection in the digital environment. It is thought that Singapore’s statutory IP framework is already largely compliant with ACTA.⁷³

70 Cap 221, 2005 Rev Ed.

71 Cap 50B, 2006 Rev Ed.

72 Act 23 of 2009.

73 Note, however, that the European Union Parliament voted against adopting the Anti-Counterfeiting Trade Agreement in July 2012.

2012

- Questions and statements in Parliament relating to IP.

The year 2012 began with questions raised in Parliament over online piracy transactions and the need for more effective remedies. In response, the Minister for Law, K Shanmugam, recognised that online copyright infringement was a transnational issue and it was a challenge to assess the extent of copyright infringement and its economic impact. The Minister said, “Studies offer different conclusions on the impact of online infringement on the creative industries. Some have argued that the sales of books, music and movies have declined due to availability of infringing copies on the Internet. Others have found that sales may actually have been boosted due to increased awareness of the products amongst consumers due to their availability over the Internet.”⁷⁴ The Minister also noted that the Ministry of Law would continue monitoring the position, and that “[w]e would need to ensure that our [IP] regime remains robust enough to deal with the changing digital environment, whilst preserving the legitimate use of the Internet by the public”.⁷⁵ Speaking at another Parliamentary sitting, the Minister offered the following assessment of the importance of IP to Singapore:⁷⁶ “The value of intangible assets for S&P 500 companies, of which IP is a major component, is about 80%. Thirty years ago, it was just 17%. And over the last decade, patent and trade mark filings have increased by over 40% worldwide. Worldwide royalty and licensing revenue have more than doubled to over US\$200bn. These trends will continue. Singapore must try and ride on this trend.” Singapore’s strengths were said to be a “well-developed legal and financial system and a work force that is comfortable with science and technology”.⁷⁷ However, at the same time, the challenge was “that as a small domestic market, there are difficulties in creating a marketplace and generating the demand for IP services”.⁷⁸ The Minister explained that an IP steering committee was to be set up to develop an “IP Hub

74 *Singapore Parliamentary Debates, Official Report* (17 February 2012) vol 88 (K Shanmugam, Minister for Law).

75 *Singapore Parliamentary Debates, Official Report* (17 February 2012) vol 88 (K Shanmugam, Minister for Law), in response to a question raised by Chen Show Mao.

76 *Singapore Parliamentary Debates, Official Report* (6 March 2012) vol 88 (K Shanmugam, Minister for Law).

77 *Singapore Parliamentary Debates, Official Report* (6 March 2012) vol 88 (K Shanmugam, Minister for Law).

78 *Singapore Parliamentary Debates, Official Report* (6 March 2012) vol 88 (Mr K Shanmugam, Minister for Law).

Masterplan”. The committee is to look into two key areas: developing a vibrant market for IP transactions and commercialisation; and building world-class IP capabilities and infrastructure. Turning to the question of the scale of online piracy in Singapore, the Minister explained that, whilst copyright infringement was a matter of interference with private rights, in “recent years, owners of copyright have indicated that digital piracy is increasingly taking place online and that the traditional approach to addressing piracy would no longer be sufficient for a number of reasons”.⁷⁹ This was the context in which the Government set up “an inter-agency working group last year to look into the various issues concerning copyright, including that of online piracy in Singapore and has also been assessing the measures employed in other countries”.⁸⁰

- Ongoing public consultations by IPOS on possible amendments to Singapore’s IP laws.
 - (a) Second public consultation on changes to patent law. The consultation documents explained:⁸¹

[T]he current Patent Self-Assessment system allows patents to be granted even if there are objections raised in the patent examination report. IPOS is looking into enhancing the patent system to only grant patents which have fully positive examination reports (the positive grant system). In general,

79 *Singapore Parliamentary Debates, Official Report* (6 March 2012) vol 88 (Mr K Shanmugam, Minister for Law). Indeed, see Victoria Barker, “Singapore Tops Pay-TV Piracy in Region”, *AsiaOne News* (30 November 2012) <<http://www.asiaone.com/News/Latest%2BNews/Singapore/Story/A1Story20121130-386728.html>> (accessed 30 November 2012) for a news report on Singapore ranking 24 out of at least 48 international markets, in terms of global infringement by volume (pay-television piracy). See also Irene Tham, “Media Panel Wants Piracy Sites Blocked”, *The Straits Times* (29 November 2012) for a news report about a recommendation by a high-level media industry to block pirate websites in Singapore that blatantly infringe copyright by allowing users to download film or music for free.

80 *Singapore Parliamentary Debates, Official Report* (6 March 2012) vol 88 (Mr K Shanmugam, Minister for Law). The Minister, after citing data submitted by rightsholders, acknowledged that there was evidence that online piracy is not insignificant in Singapore. That said, it should be stressed that this was based on data submitted by the rightsholders. The Minister explained that the Government was aware of the concerns of the industry, the IP Hub and other players, as well as the concerns of the other side, over the impact of any rules or regulations. In short, the Minister underscored the need for a balanced approach, after a careful review of the facts.

81 Intellectual Property Office of Singapore, “Second Public Consultation to Seek Feedback on Proposed Changes to Singapore’s Patent Laws” <<http://www.ipos.gov.sg/Portals/0/IP%20legislation/1IPOSInvitetothePublicConsultationLetter2Dec2011.pdf>> (accessed 23 November 2012).

this would mean that a patent application [that] has outstanding patentability objections would not be able to proceed to grant. This would raise the overall quality of patents granted in Singapore, and further strengthen businesses' and investors' confidence in our IP regime. This is part of IPOS' efforts towards building a business-friendly IP regime, and enhancing Singapore's reputation as a leading IP services hub in the region.

(b) Public consultation on proposed changes to the patents laws (consequential to the proposed changes to the Health Products Act).⁸²

(c) Public consultation on exemptions to prohibition against circumvention of technological protection measures.⁸³
The consultation letter explained:

IPOS is conducting a public consultation on the exemptions to prohibition against circumvention of technological protection measures ... A technological protection measure is defined in the Copyright Act as any technology, device or component that, in the normal course of its operation, prevents or limits any unauthorised use of a copyright work or subject matter. Section 261C of the Copyright Act ... prohibits the circumvention of technological protection measures applied to copyright works and subject matter. For example, the act of bypassing passwords used to restrict access to copyright works would be prohibited ... The purpose of this public consultation is to determine whether there are specific classes of copyright works or subject matter for which this prohibition may present adverse effects on users who intend to carry out non-infringing uses of the copyright works or subject matter ... If the Minister is satisfied that the non-infringing use of copyright works or subject matter is being adversely affected by Section 261C, he may issue an order to exempt the relevant copyright works or subject matter (protected by technological protection measures) from the effect of Section 261C. The Copyright (Excluded Works) Order 2008 sets out the classes of copyright works or subject matter which are currently exempted for the period of 2009 to 2012 ... In preparation

82 Health Products Act (Cap 122D, 2008 Rev Ed). Intellectual Property Office of Singapore, "Public Consultation on the Proposed Changes to the Patent Laws (Consequential to the Proposed Changes to the Health Products Act)" <<http://www.ipos.gov.sg/Portals/0/IP%20legislation/IPOSPublicConsultNoticeHSAchanges1%20%281%29.pdf>> (accessed 23 November 2012). This consultation closed on 5 Feb 2012.

83 Intellectual Property Office of Singapore, "Public Consultations on Exemptions to Prohibition against Circumvention of Technological Protection Measures" <<http://www.ipos.gov.sg/Portals/0/IP%20legislation/EWOLetterforWebsite1.pdf>> (accessed 23 November 2012). This consultation closed on 18 April 2012.

for the next Copyright (Excluded Works) Order, [which] will be issued by the end of 2012, feedback is sought on whether:

- (a) The existing list of excluded works should continue to be exempted from the prohibition against circumvention of technological protection measures as applied to them;
- (b) There are any other specified copyright works or subject matter; or specified classes of copyright works or subject matter, which should be exempted from the prohibition against circumvention of technological protection measures as applied to them.

(d) Public consultation on proposed amendments to Singapore's patents Rules in relation to the positive grant system and miscellaneous amendments to Singapore's IP Acts and Rules.⁸⁴ This consultation is a follow-up to earlier consultations on reforms to the patent application procedure concerned with a move away from self-assessment to a form of positive grant system.

- IPOS and IP Academy.

On 1 April 2012 it was announced that the IP Academy, which was established in 2003, has become a subsidiary of IPOS. According to the press release, the "strategic alignment is part of a wider plan to building world-class IP capabilities and infrastructure so as to anchor Singapore as an IP hub of Asia" and that "with the new alignment, there will be greater synergies between IPOS and [the IP Academy] in expanding the scope of IP training provided, bridging gaps and ensuring continuing education for IP professionals, businesses and research organisations in Singapore and the region".⁸⁵

84 Intellectual Property Office of Singapore, "Public Consultation on Proposed Amendments to Singapore's Patents Rules in Relation to Positive Grant System and Miscellaneous Amendments to Singapore's Intellectual Property Acts and Rules" <<http://www.ipos.gov.sg/Portals/0/IP%20legislation/CoverLetter21Mar2012.pdf>> (accessed 30 November 2012). This consultation closed on 18 April 2012. See also below on the Patents (Amendment) Bill 2012 and the Intellectual Property (Miscellaneous Amendments) Bill 2012.

86 Intellectual Property Office of Singapore, "IPA Becomes Part of IPOS to Build World-Class IP Capabilities and Infrastructure", press release (2 April 2012) <<http://www.ipos.gov.sg/News/Readnews/tabid/873/articleid/7/category/Press%20Releases/parentId/80/year/2012/Default.aspx>> (accessed 23 November 2012). See also Channel NewsAsia, "S'pore Aims to be Asian IP Hub", *Channel NewsAsia* (25 April 2012) <<http://www.channelnewsasia.com/stories/singaporelocalnews/view/1197364/1/.html>> (accessed 23 November 2012) where it is said that a Government committee has been set up to plan Singapore's intellectual property strategy. The goal is to accelerate Singapore's transition into a knowledge-based economy and to create high-value jobs in Singapore.

- Patents (Amendment) Bill 2012.⁸⁶ The Explanatory Statement to this Bill states that the provisions are intended to make amendments in four main areas of the Patents Act. These are:
 - (a) to modify certain procedures relating to applications for and grants of patents;
 - (b) to provide for the registration of foreign patent agents;
 - (c) to make certain changes that will follow as a result of the impending transfer of the regulatory regime for certain medicinal products from the Medicines Act (Cap 176) to the Health Products Act (Cap 122D); and
 - (d) to streamline certain registry procedures and processes.

One significant change is the move away from a self-assessment grant system to a “positive grant” assessment system. Under the self-assessment system, a patent could be granted even in the face of a negative search and examination report. The goal is to raise the overall quality of patents granted in Singapore. Another significant change is to allow foreign patent agents to handle off-shore patent work in Singapore.

- Intellectual Property (Miscellaneous Amendments) Bill 2012.⁸⁷ The Explanatory Statement to the Bill states that the Bill seeks to amend the Plant Varieties Protection Act, the Registered Designs Act and the Trade Marks Act “mainly to streamline certain registry procedures and processes under those Acts”.

⁸⁶ No 13/2012. Read for the first time on 14 May 2012; passed on 10 July 2012.

⁸⁷ No 14/2012. Read for the first time on 14 May 2012; passed on 10 July 2012.