

The Intellectual Property Office of Singapore to Act
as International Searching Authority and International
Preliminary Examining Authority for International
Applications Received by the USPTO

Effective April 1, 2016, the Intellectual Property Office of Singapore (IPOS) may act as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) for international applications filed with the United States Patent and Trademark Office (USPTO) as a Receiving Office (RO/US), provided that: (1) the applications are submitted in the English language; and (2) the IPOS is chosen as a competent authority by the applicants of said applications. The IPOS also will act as an IPEA if these requirements are met, and the IPOS acted as the ISA.

The arrangement between the IPOS and the USPTO is intended to end on March 30, 2019. The arrangement may be continued by mutual written consent, in which case notice will be provided.

The USPTO will collect the search fees from the applicants, and will transmit the search fees to the IPOS. The search fee for the IPOS acting as an ISA for international applications received by the USPTO is \$1,578 effective April 1, 2016. Any other fees necessary for search or examination or incidental thereto will be paid by applicants directly to the IPOS.

All correspondence between the IPOS and the USPTO or the applicants will be in English.

With this addition, U.S. applicants may now elect the USPTO, the European Patent Office (EPO),¹ the Korean Intellectual Property Office, IP Australia,² Rospatent, the Israel Patent Office (ILPO),³ the Japan Patent Office (JPO),⁴ or the IPOS as the ISA or IPEA.

¹The use of the EPO is not restricted. However, the EPO will issue a declaration under PCT Rule 17(2)(a) that no ISR will be established whenever an application relates only to a business method as such. In applications containing claims relating to business methods where the subject matter of the application also contains technical features, the EPO will perform a search for those parts of the application which are more than mere business methods. The announcement appears in the Official Gazette at 1414 O.G. 61 on March 10, 2015. The EPO will act as an IPEA only if it also acted as the ISA.

²The use of IP Australia is restricted. IP Australia will not act as an ISA if it has received more than 250 international applications from the USPTO during a fiscal quarter, as indicated in the Official Gazette at 1409 O.G. 302 on December 30, 2014. IP Australia will act as an IPEA only if it also acted as the ISA.

³The use of the ILPO is restricted. The ILPO will not act as an ISA for applications with one or more claims relating to a business method as defined by certain International Patent Classification classes nor will the ILPO act as an ISA where it has received more than 75 international applications from the USPTO during a fiscal quarter, as indicated in the Official Gazette at 1408 O.G. 52 on November 4, 2014. For the definition of what the ILPO considers to be precluded subject matter in the field of business methods, see Annex B of the Agreement between the Israel Patent Office and the United States Patent and Trademark Office (http://www.uspto.gov/patents/law/notices/ilpo_isa-ipea.pdf). The ILPO will act as an IPEA only if it also acted as the ISA.

⁴The use of the JPO is restricted. The JPO will act as an ISA for applications only where the claims of the application are directed to the field of green technology as defined by certain International Patent Classification classes and where the JPO has not received more than 5,000 international applications from

The concluded arrangement between the USPTO and the IPOS for the establishment of the IPOS as an ISA and IPEA is set forth in the following separate document.

3/25/2016

Date

Michelle K. Lee

Michelle K. Lee

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

the USPTO during the 3 year period from July 1, 2015 to June 30, 2018, and not more than 300 applications per quarter during the first year, and not more than 475 application per quarter during the second and third years, as indicated in the Official Gazette at 1417 O.G. 63 on August 4, 2015. For the definition of what the JPO considers to be the field of green technology, see Annex A of the Agreement between the Japan Patent Office and the United States Patent and Trademark Office at 1417 O.G. 67, August 4, 2015. The JPO will act as an IPEA only if it also acted as the ISA.

Arrangement between the United States Patent and Trademark Office and the Intellectual Property Office of Singapore Concerning Action of the Intellectual Property Office of Singapore as an International Searching Authority and Preliminary Examining Authority under the Patent Cooperation Treaty for International Applications Received by the United States Patent and Trademark Office

Whereas an Agreement exists between the Intellectual Property Office of Singapore (hereinafter "IPOS") and the International Bureau of the World Intellectual Property Organization (hereinafter "International Bureau") in relation to the functioning of the IPOS as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty (hereinafter "the Agreement between the IPOS and the International Bureau"); and

Whereas the United States Patent and Trademark Office (hereinafter "USPTO") desires to have the IPOS carry out the tasks as one of the International Searching Authorities and International Preliminary Examining Authorities under the Patent Cooperation Treaty, and the IPOS is willing to do so,

The USPTO and the IPOS (hereinafter "the Participants") have reached the following understandings:

1. (1) The IPOS intends to act as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty for international applications filed with the USPTO as Receiving Office insofar as the following conditions are met:

- (i) the international applications are submitted in the English language;
- (ii) The IPOS is chosen as a competent authority by the applicants of said applications.

(2) Consistent with paragraph (1), the IPOS intends to act as an International Preliminary Examining Authority only where the IPOS had acted as the International Searching Authority.

(3) The USPTO intends to inform the International Bureau, pursuant to the Patent Cooperation Treaty (hereinafter "PCT") Rules 35 and 59 that the IPOS is competent for the international searching and international preliminary examination under this arrangement in paragraphs (1) and (2).

2. The IPOS intends to conduct the international search and international preliminary examination pursuant to the provisions of the Agreement between the IPOS and the International Bureau, and intends to promptly notify the USPTO of any relevant amendment to said Agreement between the IPOS and the International Bureau.
3. The language of correspondence between the IPOS and both the USPTO and the applicants is English.
4. Conduct of technical and procedural matters including transfer of fees and exchange of documents is as specified in Annex A of this arrangement.
5. The IPOS, upon request and on payment, intends to furnish the applicants with copies of the documents cited in the international search reports and the international preliminary examination reports.
6. (1) The fees and charges levied by IPOS in relation to its function are intended to be those set out in Annex C of the Agreement between the IPOS and the International Bureau, depending on the version of the Agreement in force, as represented by Annexes D and E of the PCT Applicant's Guide.

(2) The USPTO intends to collect the search fees from the applicants in the U.S. Dollar (USD) amount specified in Annex D of the PCT Applicant's Guide and intends to transfer said amount in USD to the bank account in Singapore, which has been communicated for this use.

(3) The USPTO intends to transfer the search fee to said bank account in Singapore, by the end of the next month following the month in which the search fee is received, and intends to promptly notify the IPOS of the international filing date, the international application number, and the date on which the search fee was received.

(4) Any fee for copies of documents cited in the international search report, additional international search fee, international preliminary examination fee, additional preliminary examination fee, or any necessary fee for search or preliminary examination is expected to be paid by the applicant to the IPOS in the amount and in the currency set out in Annex D or E of the PCT Applicant's Guide.
7. (1) This Arrangement comes into effect upon April 1, 2016.

(2) The USPTO and the IPOS intend that this Arrangement end on March 30, 2019 or upon the termination of the Agreement between the IPOS and the International Bureau if such termination is earlier. The USPTO and the IPOS may continue this Arrangement

by mutual written consent upon any renewal of the said Agreement between the IPOS and the International Bureau.

8. This Arrangement may be modified with the written consent of both the USPTO and the IPOS.
9. (1) This Arrangement may be discontinued by either Participant by written notice to the other Participant, however each Participant should endeavour to provide six months advanced notice of its intent to discontinue this Arrangement.

(2) The IPOS intends to act as the competent International Searching Authority and the International Preliminary Examining Authority in accordance with this Arrangement upon international applications insofar as these applications are received by the USPTO within six months after the receipt of the notice under the preceding paragraph.
10. (1) The Participants intend, where relevant, to apply the provisions under the Patent Cooperation Treaty, and the Regulations and the Administrative Instructions under the Treaty, to matters which are not provided for in this Arrangement.

(2) This Arrangement does not give rise to legal obligations under international or domestic law. The IPOS and the USPTO intend to resolve any differences which arise regarding this Arrangement through consultations and negotiations.
11. Annex A is part of this Arrangement.
12. The Participants recognize that if there is a change regarding the information in Section 1 (Contact Details) of Annex A, the Participant making the change intends to notify the other Participant.

Arrangement between the United States Patent and Trademark Office and the Intellectual Property Office of Singapore Concerning Action of the Intellectual Property Office of Singapore as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty for Certain International Applications Received by the United States Patent and Trademark Office

Annex A

Outline of Technical and Procedural Matters

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1 Contact details

- 1.1 Language of communication: English
- 1.2 Contact details for IPOS's PCT Section ("IPOS/PCT"):
- Phone number: (65) 6339 8616
Fax number: (65) 6339 0252 (General)
(65) 6339 9230 (Patents)
E-mail: pct@ipos.gov.sg
- 1.3 Postal address for the IPOS:
- Intellectual Property Office of Singapore
IP101, 51 Bras Basah Road, #01-01, Manulife Centre, Singapore 189554
- 1.4 Postal address for the USPTO:
- Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America
- 1.5 Contact details for the receiving office of the USPTO:
- Phone number: +1 703 756 1403
Fax number: +1 571 273 3201
E-mail: Harvey.Phillips@uspto.gov

2 Payment procedure and fees for ISA/IPEA services

For the most up to date information on the amount of fees applicable for ISA service please refer to PCT Applicants Guide International Phase Annex D 'SG' and for the IPEA information refer to PCT Applicants Guide International Phase Annex E 'SG'.

2.1 Classification of fees:

Search fee: 1,632 USD (equivalent amount of 2,240 SGD) with reference to the PCT Applicant's Guide Annex D
Preliminary examination fee: 830 SGD
Handling fee: 285 SGD

These fees may be subject to change. Current fees can be found at:
<http://www.wipo.int/pct/en/fees/index.html>

2.2 Procedure for remitting fees:

Search fee: U.S. applicant ⇒ USPTO ⇒ IPOS
Preliminary examination fee: U.S. applicant ⇒ IPOS
Handling fee: U.S. applicant ⇒ IPOS
Additional fees: U.S. applicant ⇒ IPOS

* The method for payment of fees by US applicants to the IPOS is by Bank Transfer

2.3 Acceptable currency for fee payment:

USD for fee payment by the USPTO to the IPOS
SGD for fees paid to the IPOS by U.S. applicant

2.4 The IPOS's bank account details for fee remittance:

Beneficiary Name:	Intellectual Property Office of Singapore
Beneficiary Address:	51 Bras Basah Road Manulife Centre #04-01 Singapore 189554
Beneficiary Bank:	Development Bank of Singapore Ltd
Beneficiary Bank Address:	12 Marina Boulevard Level 3 MBFC Tower 3 Singapore 18982
Beneficiary Bank Account Number:	003-900067-7
Swift Code:	DBSSSGSG
Instructions to payer:	a) Payment must be effected in full. b) All charges by Payee's Agent & Beneficiary Bank must be borne by Payer. c) Indicate the IPOS Contact Officer's name under 'Payment Details' in the Telegraphic Transfer Application Form and send a copy of the bank's Transaction Advice to the IPOS Contact Officer.
IPOS Contact Officer	Ms Lim May Yen

* Any expenses required by the bank(s) in connection with the remittance are to be borne by the applicant. Therefore, whenever there is a shortfall in the fee received by the IPOS due to the various expenses required by the bank(s), and the shortfall is not paid within the payment deadline, the IPOS intends to proceed with necessary procedures concerning unpaid prescribed fees. The IPOS does not intend to bear any responsibility with respect to payment problems with the bank(s), which have arisen due to the applicant, for any reason whatsoever.

**Upon the transfer of the search fee, the USPTO intends to send a remittance report to the IPOS by e-mail to the contact details indicated in paragraph 1.2. The remittance report should include, at the minimum, the international application number(s) and the international filing date(s) to identify the case, as well as the date on which the search fee was received by USPTO.

2.5 Additional Search Fees

If the IPOS considers that the international application does not comply with requirement of unity of invention as set forth in the PCT regulations, the IPOS intends to invite the applicant to pay additional fees (PCT Article 17(3)(a)). The applicant may pay the additional fees direct to the IPOS (PCT Rule 40.2(b)) in a currency and mode acceptable to the IPOS within one month from the date of the invitation (PCT Rule 40.1(ii)).

Where the international application lacks unity of invention under PCT Article 34(3)(a) and the IPOS invites the applicant to pay an additional fee or to restrict the claims, the additional fee is to be paid directly to the IPOS (PCT Rule 68.3(b)) within one month from the date of the invitation (PCT Rule 68.2).

2.6 Responsibility for the cost of remitting fees or refunds:

Remittance fee:	sending party (U.S. applicant or the USPTO)
Postal fee:	sending party (all postage is to be prepaid)
Refund:	receiving party (U.S. applicant or the USPTO)

2.7 Refund procedure

A. Refund to U.S. applicant

- i .Refund of payment under PCT Rules 16.3, 40.2, 44.3, 57.4, 58.3, 68.3, and of overpayment should be commenced upon request of the applicant.
- ii .The IPOS determines whether the paid fee exceeds the required amount.
- iii .If a refund is due to the U.S. applicant, the IPOS remits the refund check (in SGD) to the U.S. Applicant.
- iv .Currency conversion fees for refunds are intended to be borne by the U.S. applicant.

* Any expenses required by the bank in connection with the remittance are to be borne by the applicant. Therefore the applicants are strongly recommended to consult with the IPOS before requesting for refund, since where the amount of refund is less than bank expenses, the applicant cannot receive any refunds.

B. Refund to the USPTO

- i .The IPOS determines whether the paid fee exceeds the required amount.
- ii .If so, the IPOS notifies the USPTO.

iii. The USPTO intends to deduct that amount from its next monthly payment to the IPOS. If the refund is not executed as intended, the IPOS intends to ask the USPTO for assistance by contacting Matthew Lee at telephone number 01-571-272-6343 or email address matthew.lee@uspto.gov with any questions related to the above.

iv. Currency conversion fees for refunds of the international search fee paid by the applicant to the USPTO and transmitted to the IPOS are intended to be borne by the USPTO.

3 Procedure for transmitting documents between the USPTO and the IPOS

3.1 Transmission of search copy:

Transmission frequency: once a week or as soon as possible after the receiving office completes its formality examination.

The USPTO and the IPOS intend to allow the International Bureau (IB) to prepare and transmit search copies electronically via ePCT ('eSearchCopy') to the IPOS on behalf of the USPTO.

The USPTO intends to notify the IB regarding information on the payment of the search fee for electronically sending the Search Copy to the IPOS.

Any sequence listing in electronic form (with reference to the PCT Applicant's Guide Annex D 'SG') which is furnished by the applicant for the purposes of the international search (PCT Rule 13 ter.) to the USPTO is to be promptly sent by the USPTO either directly, or via the IB, to the IPOS (PCT Rule 23.1(c)).

3.2 Notice of the receipt of search copy:

The IPOS notifies the USPTO through electronic transmission, postal service, courier service or facsimile within 15 working days of receiving the search copy.

3.3 Sending of RO forms to the IPOS

Where the USPTO issues any RO forms after receiving the international application, the USPTO intends to promptly send, either directly or via the IB, the copies of the RO forms (such as PCT/RO/106, 107, and 111) and attached documents (such as replacement sheets, if needed) to the IPOS. (Electronic transmission is preferred where possible.)

4 Direct contact between U.S. applicants and the IPOS

4.1 Submission procedure and method of making a demand:

The IPOS intends to act as a competent IPEA for any international application filed with the USPTO which meets the following conditions mentioned in the ISA/IPEA agreement between the IPOS and the IB:

(a) The international search was performed by the IPOS;

(b) The applicant chooses the IPOS as the competent IPEA; and

(c) The applicant of the international application submits the Demand (form PCT/IPEA/401) within the deadline stipulated under PCT Rule 54bis.

Paper-based demands (form PCT/IPEA/401) are to be submitted from the applicant to the IPEA/SG directly by registered mail or via courier service. E-mail or facsimile submissions are not acceptable. Postal address for the IPOS: as at paragraph 1.3 of Annex A.

*Applicants that register for ePCT private services may submit the demand to the IPOS using the 'Submit Chapter II Demand' Action through which the IB intends to forward the Demand to IPEA/SG under PCT Rule 59.3(b).

4.2 Procedure for notifying applicants that a demand has been received:

The IPOS notifies applicants through electronic transmission or postal service within 21 working days of receiving the demand.

4.3 Payment procedure for examination and handling fees:

The applicant pays the international preliminary examination fee and handling fee to IPOS in SGD (Rule 57.1, 58.1 (c)), where the modes of payment acceptable by the IPOS include telegraphic transfer (to the designated bank account indicated in 2.4), electronic transfer (to the designated bank account indicated in 2.4), bank draft and international postal order.

5 Procedure for transmitting documents between US applicants and the IPOS

5.1 Transmission of various notices and invitations from the IPOS to U.S. applicants:

To be sent via the postal service to the postal address specified in the request or the demand.

5.2 Response of U.S. applicants to the IPOS's invitations:

US applicants should respond via e-mail or postal service within the period specified in the invitation.

Time frame for responding to an invitation: normally one month from the mailing date.

Time frame for responding to written opinions (of the international preliminary examining authority): normally two months from the mailing date (time limits can be extended at the examiner's discretion as long as the due date for an international preliminary examination report is not affected, or shortened at the examiner's discretion if the due date is affected).

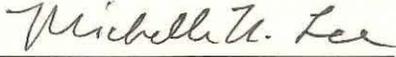
5.3 Method of communication between the IPOS and U.S. applicants

Language: English

Method: email (preferred), postal service, facsimile

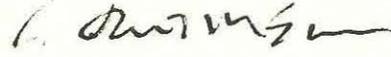
For the United States Patent
and Trademark Office (USPTO)

For the Intellectual Property
Office of Singapore (IPOS)



Michelle Lee
Michelle Lee
Under Secretary of Commerce for
Intellectual Property and
Director of the USPTO

Date:



Tan Yih San
Tan Yih San
Chief Executive of the IPOS

Date: