

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
AND
THE HUNGARIAN PATENT OFFICE
ON THE PROVISION OF PATENT EXAMINATION
SERVICES**

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

This Memorandum of Understanding (MOU) has the following arrangement:

Preamble

Article 1 : Basic Obligations

Article 2 : Provision of personnel

Article 3 : Subject matter required to be searched

Article 4 : Extent of examination and written opinion

Article 5 : Contents of reports

Article 6 : Time limits

Article 7 : Language of correspondence

Article 8 : Quality Review

Article 9 : Charges & Limits of Annual Activity

Article 10: Entry into force and application of the Memorandum of Understanding

Article 11: Duration and renewal of the Memorandum of Understanding

Article 12: Amendment

Article 13: Termination of the Memorandum of Understanding

Schedule

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

**THIS MEMORANDUM OF UNDERSTANDING made between the INTELLECTUAL
PROPERTY OFFICE OF SINGAPORE of the one part and
THE HUNGARIAN PATENT OFFICE of the other part.**

PREAMBLE

The INTELLECTUAL PROPERTY OFFICE OF SINGAPORE and THE HUNGARIAN PATENT OFFICE,

DESIROUS to appoint THE HUNGARIAN PATENT OFFICE, an Examiner within the meaning of Section 2(1) of the Singapore Patents Act, to whom questions relating to patents including search and examination of applications for a patent and patents may be referred.

For the purposes of this Memorandum of Understanding:

- (a) "Act" means the Singapore Patents Act, as may from time to time be amended, supplemented and replaced;
- (b) "Office" means THE HUNGARIAN PATENT OFFICE
- (c) "Registrar" refers to the Registrar of Patents, Singapore;

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (d) "Registry" means the Singapore Registry of Patents, a department within the Intellectual Property Office of Singapore;
- (e) "PCT Regulations" means the Regulations under the Patent Cooperation Treaty, published by the World Intellectual Property Organization, as the same may from time to time be amended, supplemented or replaced, and "PCT Rule" means a rule of the PCT Regulations.
- (f) "Schedule" means the Schedule of Charges and Limits of Annual Activity, attached hereto and referred to in Article 9 below.
- (g) "Singapore Patents Rules" means the rules made under Section 115 of the Act, as the same may from time to time be amended, supplemented or replaced, and "Singapore Patents Rule" means a rule of the Singapore Patents Rules;
- (h) "section" means a section of the Act;

All other terms and expressions used in this Memorandum of Understanding which are also used in the Act and the Singapore Patents Rules have, for the purposes of this Memorandum of Understanding, the same meaning as in the Act and Singapore Patents Rules.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

ARTICLE 1

Basic obligations

- (1) The Office shall carry out the following work:
 - (a) To conduct search and examination in accordance with the requirements of section 29,
 - (b) To conduct re-examination pursuant to a patent under section 80,
 - (c) To provide an opinion as to whether the amendment of the patent should be allowed where opposition has been filed under section 38 to the proposed amendment of a patent, and,
 - (d) To conduct search and examination in accordance with the requirements of section 38A.

- (2) In carrying out the work specified in paragraph (1) of this Article, the Office shall comply with the Act, the Singapore Patents Rules and the patent decisions of the Singapore courts, and be guided, to the extent appropriate and necessary, by the following:
 - (a) The Guidelines for International Search and for International Preliminary Examination to be Carried Out under the Patent Cooperation Treaty, and
 - (b) The guidelines issued by the Registry.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

ARTICLE 2

Provision of personnel

The Office shall make available a sufficient number of technically qualified staff, corresponding to the work undertaken by the Office, for the purpose of fulfilling all of its obligations under this Memorandum of Understanding.

ARTICLE 3

Subject matter required to be searched

- (1) The Office shall discover as much of the relevant prior art as its resources permit and shall, in any case, consult the following:
 - (a) The documents specified in Singapore Patents Rule 40 in respect of each request for a search report, search and examination report forwarded to it by the Registry and,
 - (b) Any additional documentation that the Office is aware of and considers to be relevant.

- (2) In respect of an application for a patent or each patent which is the subject of a request for a search report or search and examination report under section 29(2)(a) or (b), where the Office identifies that such application relates to two or more inventions that are not so linked as to form a single inventive concept, it shall proceed to search only the first invention specified in the claims of the application, and indicate in the report the findings.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

ARTICLE 4

Extent of examination and written opinion

- (1) In respect of each application for a patent or each patent which is the subject of a request for an examination report or search and examination report under section 29 or of section 38A as the case may be, the Office shall determine, without prejudice to the obligations set out in Article 1, the following:
- (a) Whether the conditions specified in sections 13 and 25(4) and (5) have been complied with;
 - (b) Whether the application or patent as the case may be, discloses any additional matter referred to in section 84(1); and
 - (c) Whether the application or patent as the case may be, discloses any matter extending beyond that disclosed in the application as filed,
- taking into consideration all the relevant prior art, if any, that the Office is aware of or that has been discovered in the search.
- (1A) For avoidance of doubt, paragraphs 1(b) and 1(c) of this Article shall only apply to patent applications or patents with a date of filing on or after 1 July 2004 only.
- (1B) Further, in the case of a request for a search and examination report under section 38A, the Office is required to consider any observations and documents forwarded by the Registry to the Office in relation to the patent.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (2) Where the Office did not issue the search report in respect of the patent application, the Registry shall forward all documents to be considered in establishing an examination report together with the request for an examination report. The Office may, in order to establish the examination report, request the Registry to produce verified English translations of non-English documents, corresponding to the original text of any such documents mentioned in that search report.
- (3) Where the Office is of the view that:
- (a) the description, claims, or drawings are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on —
 - (i) the novelty or inventive step of the claimed invention; or
 - (ii) whether the claimed invention is capable of industrial application;
 - (b) (in respect of an application for a patent or each patent which is the subject of a request for an examination report or search and examination report under section 29 (5) or (6)), the invention defined in any claim —
 - (i) does not appear novel;
 - (ii) does not appear to involve an inventive step; or
 - (iii) does not appear to be capable of industrial application;
 - (c) The conditions specified in sections 13 and 25(4) and (5) have not been complied with;
 - (d) The application or patent as the case may be, discloses —
 - (i) any additional matter referred to in section 84(1); or

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (ii) any matter extending beyond that disclosed in the application as filed, or
- (e) (in respect of an application for a patent or each patent which is the subject of a request for an examination report or search and examination report under section 29 (5) or (6)), a claim relates to an invention in respect of which no search has been completed, and it has decided not to carry out the examination in respect of that claim,

the Office shall provide at least one written opinion to that effect in accordance with Singapore Patents Rule 46(1) or one written opinion in accordance with Singapore Patents Rule 52A(5), as the case may be, and shall state fully the reasons for its opinion.

**ARTICLE 5
Contents of reports**

- (1) The search report shall be in accordance with PCT Rules 43.2, 43.3, 43.5, 43.6, 43.7 and 44.2. One copy of each patent document, which is cited in the report, shall accompany the report.
- (2) The examination report shall be in accordance with PCT Rules 70.2, 70.4, 70.5, 70.6, 70.7, 70.10, 70.11, 70.12 and 70.13. Additionally the report shall contain a statement on the question of whether the claimed invention is or seems to be unpatentable according to section 13(2) and indicate:

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (a) Whether the conditions specified in sections 13 and 25(4) and (5) have been complied with;
 - (b) Whether the application or patent as the case may be, discloses any additional matter referred to in section 84(1); and
 - (c) Whether the application or patent as the case may be, discloses any matter extending beyond that disclosed in the application as filed.
- (2A) For avoidance of doubt, paragraphs 2(b) and 2(c) of this Article shall only apply to patent applications or patents with a date of filing on or after 1 July 2004 only.
- (3) The search and examination report under section 29 or section 38A shall be in accordance with paragraphs (1) and (2) of this Article EXCEPT that for a search and examination report under section 38A, PCT Rule 44.2 shall not apply.
- (4) A written opinion shall be issued in accordance with paragraph (2) or (3) of this Article. In issuing the written opinion, the Office shall also indicate its ground or grounds corresponding to those found under Singapore Patents Rule 46(1) or 52A(5), as the case may be.
- (5) A re-examination report under section 80 shall, in addition to providing advice as to whether the patent should be revoked on any of the grounds specified in the section, include an opinion as to whether any amendments which may have been proposed, would be allowable

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

under section 84 and whether, if allowed, they would remove any ground of revocation found to exist.

ARTICLE 6

Time limits

- (1) The Office shall transmit to the Registry a search report within three (3) months from its date of receipt of a request by the Registry for such report.

- (2) In respect of a request for a search and examination report or examination report made pursuant to section 29, the Office shall establish and transmit to the Registry a search and examination report or an examination report within the period prescribed in Singapore Patents Rule 46(8) or (10) as the case may be, and in connection with the said request, the Office shall transmit to the Registry:
 - (a) In the case of a request for a search and examination report, a first written opinion within four (4) months from its date of receipt of the request made by the Registry for such report;

 - (b) in the case of a request for an examination report, a first written opinion within two (2) months from its date of receipt of the request made by the Registry for such report;

 - (c) In the case where the applicant responds to a first written opinion and the Office is of the view that sufficient time remains for the applicant to respond and for the report to be established and sent

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

to the Registry, a further written opinion within one month (1) from its date of receipt of a copy of the applicant's response, from the Registry;

- (d) in the case where the applicant responds to a first written opinion and the Office is of the view that there is insufficient time remaining for the applicant to respond and for the report to be established and sent to the Registry, the report as soon as possible after its date of receipt of a copy of the applicant's response, from the Registry. In any event, the report shall be transmitted within the period prescribed in Singapore Patent Rule 46(8) or (10) as the case may be; and
 - (e) in the case where the applicant does not file a response to a written opinion within the periods prescribed in Singapore Patent Rule 46(4) or (5), the report as soon as possible and in any event, before the expiration of the periods prescribed in Singapore Patent Rule 46(8) or (10) as the case may be, after receipt of advice from the Registry that the applicant has not filed a response to a written opinion.
- (3) In respect of a request for search and examination report made pursuant to section 38A, the Office shall establish and transmit to the Registry such report within the period prescribed in Singapore Patents Rule 52A(11), and in connection with the said request, the Office shall transmit to the Registry:

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (a) a written opinion within three (3) months from its date of receipt of the request made by the Registry for such report;
 - (b) in the case where the proprietor of the patent responds to the written opinion, the report to be issued within one (1) month from its date of receipt of a copy of the patentee's response, from the Registry; and
 - (c) in the case where the proprietor of the patent does not file a response to the written opinion within the period prescribed in Singapore Patents Rule 52A(8), the report as soon as possible and in any event, before the expiration of the period prescribed in Singapore Patents Rule 52A(11), after receipt of advice from the Registry that he has not filed a response to a written opinion.
- (4) In respect of a request from the Registry for a re-examination report made pursuant to section 80 or an opinion whether to allow any proposed amendments to the specification of a patent filed under section 38, the Office shall transmit its response to such requests within three (3) months from the date of its receipt of the request.

ARTICLE 7

Language of correspondence

For the purpose of all correspondence including reports and written opinions issued under sections 29, 31(1), 38, 38A, and 80, the Registry and the Office shall use the English language.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

ARTICLE 8

Quality Review

- (1) The Registry shall from time to time, and at its discretion initiate quality reviews on the Office's performance of the work carried out in this Memorandum of Understanding.
- (2) For the purposes of this Article, "quality review" refers to a review on:
 - a) "Timeliness" - whether reports and opinions are issued within the periods mentioned in Article 6, and
 - b) "Consistency" - whether reports and opinions are issued in accordance with the legislation, decisions and guidelines stated in Article 1(2).
- (3) Quality reviews may involve the Registry sending to the Office not more than 8 requests a calendar year for search and/or examination (referred to as "TEST CASES"). The said review may also include a customer satisfaction survey conducted by the Registry with patent applicants.
- (4) The Registry and the Office shall bear their own costs arising from each quality review. For the avoidance of doubt, the Office shall bear the costs of the reports and opinions issued for the TEST CASES, the costs of providing one set of prior art documents cited in a report for each TEST CASE, and the costs of transmitting the documents from the Office to the Registry for each TEST CASE.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (5) Upon the completion of each quality review, the Registry shall assess the results and shall inform the Office accordingly whether the TEST CASES meet the requirements of timeliness and consistency under this Memorandum of Understanding, and any other feedback.
- (6) If the Registry informs the Office that it is of the opinion that it has not performed satisfactorily under a quality review, the Office shall inform the Registry of its plans as well as a time frame to which it will take steps to ensure timeliness and consistency thereby fulfilling its obligations under this Memorandum of Understanding.

ARTICLE 9

Charges & Limits of Annual Activity

Subject to Article 12(2), the parties have attached hereto a Schedule of Charges and Limits of Annual Activity. The parties agree to the contents of the said Schedule and agree that the Schedule shall form an integral part of this Memorandum of Understanding. The charges include the costs of providing one copy of each prior art document cited in a report, and the costs of sending documents from the Office to the Registry.

ARTICLE 10

Entry into force and application of the Memorandum of Understanding

- (1) This Memorandum of Understanding shall take effect on **1 Sep 2009**.
- (2) This Memorandum of Understanding shall apply to:

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (a) any work sent by the Registry to the Office on or after **1 Sep 2009**;
and
- (b) unless expressly stated otherwise, to applications for a patent, or a patent in force under the Act, regardless of its date of filing.

ARTICLE 11

Duration and renewal of the Memorandum of Understanding

- (1) This Memorandum of Understanding shall remain in effect until **1 Sep 2014**. EXCEPT that all the provisions herein shall continue to apply to work sent by the Registry to the Office up to 30 August 2014, until such work is completed.
- (2) By **1 Sep 2013** at the latest, the parties to this Memorandum of Understanding shall indicate to each other whether they wish to renegotiate a renewal of this Memorandum of Understanding.

ARTICLE 12

Amendment

- (1) Without prejudice to paragraphs (2) and (3) of this Article and unless otherwise stated, amendments may be made to this Memorandum of Understanding at any time PROVIDED such amendments have been agreed between the parties in writing.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (2) The charges set out in the Schedule shall be fixed and firm for a period of three (3) years from the date of this Memorandum of Understanding. Subject to the aforesaid, any party proposing to modify the charges set out in the Schedule must notify the proposed changes to the other party, in writing, at least (6) six months before such proposal is intended to take effect, unless both parties consent in writing to a shorter period. Notwithstanding anything to the contrary, the proposal shall not take effect unless the parties mutually agree in writing to such modification.
- (3) Any party proposing to modify the limitation of annual activity set out in the Schedule must notify the proposed changes to the other party, in writing, at least (4) four months before such proposal is intended to take effect, unless both parties consent in writing to a shorter period. Notwithstanding anything to the contrary, the proposal shall not take effect unless the parties mutually agree in writing to such modification.

ARTICLE 13

Termination of the Memorandum of Understanding

- (1) This Memorandum of Understanding shall terminate before **1 Sep 2014** if:
- (a) the Registry gives the Office written notice to terminate this Memorandum of Understanding; or
 - (b) if the Office gives the Registry written notice to terminate this Memorandum of Understanding.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

- (2) The termination of this Memorandum of Understanding under paragraph (1) shall take effect no earlier than twelve (12) months after the date on which the other party receives the notice, unless both parties consent in writing to a shorter period.
- (3) Notwithstanding the aforesaid, all the provisions of this Memorandum of Understanding shall continue to apply to work sent by the Registry to the Office up to the effective date of termination, until such work is completed.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

IN WITNESS WHEREOF the parties hereto set their hands the day and year first below written.

(Signature)

PRESIDENT of THE HUNGARIAN
PATENT OFFICE

THE HUNGARIAN PATENT OFFICE

SIGNED in SINGAPORE by MIKLÓS
BENDZSEL, PRESIDENT of THE
HUNGARIAN PATENT OFFICE for and
on behalf of THE HUNGARIAN PATENT
OFFICE on

(date)

(Schedule follows)

(Signature)

DIRECTOR GENERAL of the
INTELLECTUAL PROPERTY OFFICE OF
SINGAPORE

INTELLECTUAL PROPERTY OFFICE OF
SINGAPORE

SIGNED in SINGAPORE by LIEW
WOON YIN, DIRECTOR GENERAL of
the INTELLECTUAL PROPERTY OFFICE
OF SINGAPORE for and on behalf of
the INTELLECTUAL PROPERTY OFFICE
OF SINGAPORE on

(date)

July 30, 2009

**MEMORANDUM OF UNDERSTANDING BETWEEN
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AND
THE HUNGARIAN PATENT OFFICE**

**THE SCHEDULE
(REFERRED TO IN ARTICLE 9)**

CHARGES & LIMITS OF ANNUAL ACTIVITY

Subject Matter	Limitation on Annual Activity	EUR	Invoice generation and Provision to Registry
Search	(Not applicable)	-	Upon provision of search report
Search & Examination	For each 12 months' period that this MOU is in force, the Registry shall provide, and the Office shall handle, no less than 500 and no more than 2000 requests (See Note 1), both numbers inclusive		Upon provision of search and examination report
Examination			Upon provision of examination report
Re-examination			Upon provision of re-examination report
Consideration of amendments	(Not applicable)		Upon provision of 'opinion
Post Grant Search and Examination			Upon provision of post grant search and examination report

Note 1: "Requests" has the same meaning has "first actions".