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PATENTS

Singapore



LEXOLOGY

Patents

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Generated on: May 22, 2026

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PATENT ENFORCEMENT PROCEEDINGS

Lawsuits and courts

What legal or administrative proceedings are available for enforcing patent rights against an infringer? Are there specialised courts in which a patent infringement lawsuit can or must be brought?

Part 13 of the Singapore [Patents Act 1994](#) deals with patent infringement claims in Singapore.

Patent infringement claims must be commenced in the General Division of the High Court, and such claims will be heard by a specialist Intellectual Property (IP) Court in Singapore. The IP Court comprises IP judges (who are High Court judges). Where necessary, these IP judges will also appoint a court assessor to assist them with complex technical matters.

Law stated - 23 March 2026

Trial format and timing

What is the format of a patent infringement trial?

The trial for a patent infringement suit will usually be fixed before an IP judge. Issues in dispute will be decided by a judge. There are no jury trials in Singapore.

The trial system in Singapore is adversarial. This means that witnesses must be put on the stand and be cross-examined by the opposing counsel. Before the trial, the witnesses will file and exchange their witness statements. These witness statements will be their evidence-in-chief. The witnesses must be called to the stand to swear in their evidence and make themselves available for cross-examination, for the witness statements to be admissible in court. Otherwise, their witness statements will be inadmissible.

Generally, the trial will follow the following format:

- the claimant's opening statements, followed by the cross-examination and re-examination of the claimant's witness(es);
- the defendant's opening statement followed by the cross-examination and re-examination of the defendant's witness(es);
- the defendant's closing submissions; and
- the claimant's closing submission.

This format, however, can be rearranged if the judge hearing the matter decides that it should proceed in an alternative way. A full patent infringement claim typically lasts between 18 and 36 months from the time the writ is served to the date of judgment. Depending on the number of witnesses, trial hearings may last up to a month for complex cases.

Patent cases will almost always require expert witnesses. Under the [Rules of Court 2021](#), no expert evidence may be used in court unless the court approves it. In patent infringement proceedings, given that expert evidence will contribute materially to the determination of any issue that relates to scientific, technical or other specialised knowledge, it is unlikely that the court will disallow the use of expert evidence.

Parties will also be required to consider and, as far as possible, agree on one common expert. However, given that expert evidence will usually be the key determinant in patent infringement matters and since the parties' positions on technical issues are usually diametrically opposed, it is often difficult for parties to a patent infringement claim to agree on a common expert (although it has been done in some cases, see *Ng Say Keong (trading as S&K Solid Wood Doors v Jia Le Aluminium Pte Ltd & Anor* [2025] SGHC 243).

For the assessment of damages, parties may be directed to agree on a single expert where possible (*Wave Studio v General Hotel Management* [2022] SGHC 142).

A party may not rely on expert evidence from more than one expert for any issue, except with the court's approval. The object of this rule is to enable the parties to save costs and expenses of engaging separate experts with respect of technical questions.

To assist the court, the court may appoint a court expert (ie, a court assessor) in addition to or in place of the parties' common expert or all the experts. The judge may also direct the parties' experts to give a presentation on the technical issues as well as a summary of their expert evidence.

It is common for the court to direct that the parties agree on the list of issues to be referred for expert evidence and the common set of agreed or assumed facts that the experts are to rely on. Further, the court may order the parties, their solicitors and the experts to meet before, during or after the making of the expert reports to try to narrow any dispute and so that the parties can agree in writing on all or some of the conclusions on the issues referred to the experts. However, the contents of discussions at such meetings shall not be used in court unless the parties otherwise agree. With the court's approval, the parties may also seek further clarification on expert reports.

There is a simplified process for certain IP claims, which aims to facilitate faster and more cost-effective dispute resolution. The simplified process is applicable if:

- the dispute involves an IP right where the monetary relief claimed by each party in the action does not or is not likely to exceed S\$500,000; or
- where all parties agree to the application of the process.

A claimant may opt for the simplified process by filing a form to elect and a form to abandon any claim for monetary relief of more than S\$500,000. A defendant who makes a counterclaim and disagrees with the application of the simplified process may write to the court to object. Alternatively, if a defendant wishes for the simplified process to apply, the defendant may make an application to court if they file and serve a form to abandon any claim for monetary relief of more than S\$500,000 or makes no counterclaim.

The court has the ultimate discretion to apply or disapply the simplified process. The court will have regard to whether a party can only afford to bring or defend the claim under the simplified process, the complexity of the issues involved, whether the estimated length of the trial is likely to exceed two days and any other relevant matter.

Under the simplified process, the court will actively manage the case file. The court will give directions on all matters necessary for the case to proceed expeditiously and, if practicable, give directions to ensure that the trial is completed within two days.

If a matter under the simplified process proceeds to trial, the total costs ordered against a party must not exceed S\$50,000 in relation to the trial of the originating claim.

Law stated - 23 March 2026

Proof requirements

What are the burdens of proof for establishing infringement, invalidity and unenforceability of a patent?

The party who asserts infringement or invalidity bears the legal burden of proof. The standard of proof is the civil standard of proof in Singapore, this being the balance of probabilities.

However, the legal burden of proof is statutorily reversed in patent infringement proceedings that involve a process for obtaining a new product. In such proceedings, the alleged infringer bears the burden of proving that the product is not made by that process if the product is new, or if a substantial likelihood exists that the product is made by that process and the patentee has been unable, through reasonable efforts, to determine the process actually used. In considering whether a party has discharged the burden imposed upon them by this section, the court shall not require the defendant to disclose any manufacturing or commercial secret if it appears to the court that it would be unreasonable to do so.

Law stated - 23 March 2026

Standing to sue

Who may sue for patent infringement? Under what conditions can an accused infringer bring a lawsuit to obtain a judicial ruling or declaration on the accusation?

Proprietors, co-proprietors and exclusive licensees of patents have locus standi to sue for patent infringement.

A joint proprietor of a patent does not require the concurrence of the other co-proprietors to bring proceedings in respect of an act alleged to infringe the patent if the other co-proprietors are made parties to the proceedings.

An exclusive licensee of a patent has the same right as the proprietor of the patent to sue for patent infringement committed after the date of the licence, without a need to make the proprietor of the patent a party to the action.

If the accused infringer is being threatened with infringement proceedings and believes that the threats are baseless, the accused infringer may claim against the patent proprietor for groundless threat of infringement. The accused infringer may seek relief by way of any or all of the following:

- a declaration that the threats are unjustifiable;
- an injunction against the continuance of threats; and
- damages for loss sustained due to the threats.

This is unless the proprietor is able to prove that the acts in respect of which proceedings were threatened constitute (or would have constituted) patent infringement and the said patent is not invalid.

Law stated - 23 March 2026

Inducement, and contributory and multiple party infringement

To what extent can someone be liable for inducing or contributing to patent infringement? Can multiple parties be jointly liable for infringement if each practises only some of the elements of a patent claim, but together they practise all the elements?

A party may be contributorily liable for infringement under the common law doctrine of joint tortfeasorship. A person may be liable as a joint tortfeasor in two ways.

The first is where one party conspires with the primary party or induces the commission of the infringement. The party must be shown to have induced the infringement, or there must be evidence of an agreement or understanding to do so. The mere assistance of infringement by selling or offering to sell or dispose of an article with the knowledge that it is going to be used to infringe is insufficient to constitute a conspiracy to infringe (*Trek Technology (Singapore) Pte Ltd v FE Global Electronics Pte Ltd* [2005] SGHC 90).

The second is where two or more parties join in a common design. Two persons who agree on common action in the course of and to further a tort are joint tortfeasors. In establishing the existence of a common design, it is not necessary for the parties to have mapped out a plan – a tacit agreement will suffice (*Rohm and Haas Electronic Materials CMP Holdings Inc v NexPlanar Corp* [2017] SGHC 310).

Law stated - 23 March 2026

Joinder of multiple defendants

Can multiple parties be joined as defendants in the same lawsuit? If so, what are the requirements? Must all of the defendants be accused of infringing all of the same patents?

Under the Rules of Court 2021, the court may add or remove one or more claimants or defendants, give permission for a defendant to issue a third-party notice or give directions for the originating process to be served on any person who may have an interest in the action.

There are no specific rules regarding the joinder of multiple defendants in the same lawsuit. The Rules of Court 2021 simply require that there is cost-effective work, efficient use of court resources and fair and practical results suited to the needs of the parties (*Yeo Su Lan v Hong Thomas and others* [2023] SGHC 44).

The court is also likely to have regard to the specific rules under the old Rules of Court 2014 in determining whether the joinder of multiple defendants is appropriate. Under the old Rules, the action against the defendants should raise common questions of law or fact, and all rights to relief claimed in the action should arise out of the same transaction. Joining the defendants to the suit should also ensure that the matters in the cause be effectually and

completely determined, or that it is just and convenient for the court to determine a question or issue connected with any relief or remedy claimed in the proceedings.

Consequently, if there are multiple defendants for the same infringing product, then it is likely that the court will allow the joinder of these multiple defendants.

Even if the claimant does not join these defendants in the same lawsuit, the court may, on its own volition, consolidate the lawsuits if it is of the opinion that there is some common question of law in the actions or if the reliefs claimed in the actions concern or arise out of the same factual situation.

Law stated - 23 March 2026

Infringement by foreign activities

To what extent can activities that take place outside the jurisdiction support a charge of patent infringement?

The act of infringement must be done in Singapore. Where the sale or offers for sale are online, the court will look at whether the website provided an avenue for the user in Singapore to purchase the infringing product, such that there would be an "offer to dispose" in Singapore (*Trek Technology (Singapore) Pte Ltd v FE Global Electronics Pte Ltd* [2005] SGHC 90).

Law stated - 23 March 2026

Infringement by equivalents

To what extent can "equivalents" of the claimed subject matter be shown to infringe?

Singapore does not recognise the doctrine of equivalents.

In *Lee Tat Cheng v Maka GPS Technologies Pte Ltd* [2018] SGCA 18, the Court of Appeal expressly rejected the doctrine of equivalents articulated by the UK Supreme Court in *Actavis UK Limited v Eli Lilly and Company* [2017] UKSC 48. The Court of Appeal took the position that the purposive approach to claim construction is sufficient to strike the right balance between the need to afford fair protection to the patentee and the need to provide a reasonable degree of certainty to third parties who, in the conduct of their business, rely on patent claims as delimiting the scope of patent protection.

Law stated - 23 March 2026

Discovery of evidence

What mechanisms are available for obtaining evidence from an opponent, from third parties or from outside the country for proving infringement, damages or invalidity?

Production of documents (general discovery)

The primary method for obtaining documentary evidence from an opponent is discovery. Under the Rules of Court 2021, parties are required to disclose all documents that the party in question will be relying on and all known adverse documents (including documents that the party ought reasonably to know are adverse to their case) in their possession or control. Parties may agree on the discovery of a broader scope of documents. The court may also order a broader scope of discovery where it could aid in disposing fairly of the proceedings.

The duty to disclose all documents falling within the scope of the court's order is a continuing obligation, and there are severe consequences if a party withholds relevant documents. If any party fails to comply, the court may:

- order that the action be dismissed or that the defence be struck out and judgment be entered accordingly;
- draw an adverse inference or make any such order as the court deems fit;
- punish that party for contempt of court if the order has been served on that party's solicitor, but it is open to that party to show that that party was not notified or did not know about the order; or
- order that that party may not rely on any document that is within the scope of the order unless the court approves it.

The rules of discovery apply to patent proceedings. However, specifically for patent proceedings, there are exempted categories of documents that a party need not disclose. These are:

- documents relating to the infringement of a patent by a product or process if, before serving a list of documents, the party against whom the allegation of infringement is made has served on the other party full particulars of the product or process alleged to infringe, including, if necessary, drawings or other illustrations;
- documents relating to any ground on which the validity of a patent is put in issue, except documents that came into existence within the period beginning two years before the earliest claimed priority date and ending two years after that date; and
- documents relating to the issue of commercial success.

Production of requested documents (specific discovery)

In addition to general discovery, if a party believes that the other party is withholding certain documents, that party can apply for specific discovery of those particular documents or class of documents. The party applying for such discovery would be required to properly identify the requested documents and show that these requested documents are material to the issues in the case. The practice is to first write to the other party to request the specific documents before invoking the formal court process.

The overriding principle underpinning discovery is that discovery must be necessary for disposing fairly of the proceedings or for saving costs. The courts will not allow a "fishing expedition" by the applicant, and the document or class of documents must be shown by the applicant to offer a real probability of evidential materiality such that it would yield information relevant to the pleaded claim and the defence to it.

Production before action (pre-action discovery)

Under the Rules of Court 2021, the Court may order the production of documents and information before the commencement of proceedings or against a non-party to identify possible parties to any proceedings or to enable a party to trace the party's property or for any other lawful purpose, in the interests of justice. A non-party is entitled to all reasonable costs arising out of such an application.

Law stated - 23 March 2026

Litigation timetable

What is the typical timetable for a patent infringement lawsuit in the trial and appellate courts?

Typically, it takes at least one-and-a-half to two years from the commencement of patent infringement proceedings to obtain a first instance decision. The timeline may be extended if interlocutory applications are made.

At the pleadings stage, the claimant must serve on the defendant the originating claim, statement of claim and particulars of infringement. The particulars of infringement must state which of the claims in the specification of the patent are alleged to be infringed and must give at least one instance of each type of infringement alleged. Within 14 days of the service of the statement of claim and particulars of infringement, the defendant must file and serve a notice of intention to contest or not contest.

While it is not necessary, it is common for a defendant to put the validity of the patent in issue as a complete defence to infringement. The defendant must give prior notice of their intention to put in issue the validity of the patent within 14 days of the service of the statement of claim.

If the defendant does not challenge the validity of the patent, their defence (and counterclaim, if applicable) must be served within 21 days of service of the statement of claim. However, if the defendant challenges the validity of the patent, the defendant will have 42 days of service of the statement of claim to file their defence as well as the particulars of objections to the validity of the patent.

The claimant will thereafter have to file their defence to the counterclaim within 14 days of the service of the defence and counterclaim. If the claimant wishes to file a reply to the defendant's defence, the court's approval is required.

After the pleadings stage, the parties will attend the first case conference with the court. At this case conference, one of the key topics of discussion is whether it is appropriate for witness statements to be filed before discovery. For patent proceedings, it is usually not possible for witness statements to be filed before discovery.

After the pleadings are filed, the parties will proceed to the interlocutory phase of the proceedings. At this stage, the parties will be preparing and gathering evidence for the trial. This includes the discovery process as well as the conduct of experiments. It is also usually at this point that the court will decide whether the proceedings should be bifurcated (ie, for liability and damages to be decided in separate hearings). For complex patent proceedings, it is common for the court to bifurcate the trial such that issues relating to liability are dealt with first and separately from the assessment of damages.

Under the Rules of Court 2021, all interlocutory applications are to be consolidated into a single omnibus application called the Single Application Pending Trial (SAPT). There are limited exceptions to this new rule. Some applications are statutorily exempted from the SAPT. For all other instances, if any party wishes to file an application outside of a SAPT, either before or after its submission, the party must write to the court to seek permission, and explain why the said application cannot be filed as part of the SAPT. The court does not grant these permissions frequently.

After the interlocutory phase of the proceedings and before the trial, the parties will begin to exchange their witness statements, known as affidavits of evidence-in-chief. At this juncture, the court will deal with whether the issues of claim construction will be considered separately from or together with infringement or validity, or both, and in general how the trial of the matter should be conducted.

Following judgment, the parties have a right of appeal to the Court of Appeal. An appeal may take roughly six to 12 months to be heard and decided by the Court of Appeal. The appellant must file a notice of appeal within 28 days of the date of the lower court's judgment.

Law stated - 23 March 2026

Litigation costs

What is the typical range of costs of a patent infringement lawsuit before trial, during trial and for an appeal? Are contingency fees permitted?

Costs involved in patent disputes in Singapore can be very significant. The costs incurred by a party in patent litigation will differ depending on the complexity of each case, the number of patents being asserted, the number of interlocutory applications taken out by the parties and the legal issues involved in the dispute.

Contingency fee arrangements are prohibited in Singapore by virtue of [section 107\(1\)\(b\) of the Legal Professional Act](#).

Law stated - 23 March 2026

Court appeals

What avenues of appeal are available following an adverse decision in a patent infringement lawsuit? Is new evidence allowed at the appellate stage?

Parties have a right of appeal to the Court of Appeal for patent cases decided by the General Division of the High Court. Parties are entitled to appeal on all issues, including findings of facts. When filing the appeal, the party must therefore indicate whether they are appealing against the whole or part of the judgment or order.

To introduce new evidence, the party seeking to do so must apply for permission from the Court of Appeal. Under the Rules of Court 2021, the Court of Appeal has the power to receive further evidence by oral examination in court, by affidavit, by deposition taken before an examiner or a commissioner or in any other manner as may be allowed, but no such further evidence may be given except on special grounds. Generally, the court

would consider whether the following requirements are cumulatively satisfied in determining whether additional evidence should be adduced on appeal:

- non-availability: the evidence could not have been obtained with reasonable diligence for use at trial;
- relevance and materiality: the evidence must be such that, if given, it would probably have an important influence on the result of the case, though it need not be decisive; and
- credibility or reliability: the evidence must be credible, though it need not be incontrovertible (*Anan Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] SGCA 41).

In any case, the courts will also balance the above against considerations such as proportionality and prejudice in deciding whether new evidence shall be permitted.

Nonetheless, specifically for patent infringement suits where the existence of a patent affects the public interest, the courts have observed that the above requirements may be relaxed (*Martek Biosciences Corp v Cargill International Trading Pte Ltd* [2010] SGCA 51).

Law stated - 23 March 2026

Competition considerations

To what extent can enforcement of a patent expose the patent owner to liability for a competition violation, unfair competition or a business-related tort?

It is unlikely that in seeking to enforce a patent, a patentee will be exposed to liability for competition law violations, unfair competition or business-related torts.

Law stated - 23 March 2026

Alternative dispute resolution

To what extent are alternative dispute resolution techniques available to resolve patent disputes?

In Singapore, alternative dispute resolution mechanisms such as mediation, arbitration and neutral evaluation are available.

Under the [Intellectual Property \(Dispute Resolution\) Act 2019](#) (IPDRA), disputes concerning intellectual property rights, including patent disputes, are arbitrable in Singapore. The IPDRA has also clarified that disputes concerning intellectual property rights, including patent rights, are arbitrable regardless of whether such rights are registered or whether they subsist in Singapore. The IPDRA further provides that an arbitral award on IP disputes only takes effect on the parties to the arbitration and not on third parties.

Parties may also choose to submit their disputes to mediation. The parties can choose from mediation providers, which include the WIPO Arbitration and Mediation Center's Singapore Office, the Singapore Mediation Centre and the Singapore International Mediation Centre.

SCOPE AND OWNERSHIP OF PATENTS**Types of protectable inventions**

Can a patent be obtained to cover any type of invention, including software, business methods and medical procedures?

Pursuant to section 13(1) of the Patents Act 1994, a "patentable invention" is one that is new, involves an inventive step and is capable of industrial application.

Discoveries are not inventions (*Merck & Co Inc v Pharmaforte Singapore Pte Ltd* [2000] 2 SLR(R) 708 at [65]).

In addition to the above, the Registry of Patents has, in its [Examination Guidelines for Patent Applications](#) (the Guidelines), taken the view that the following are also not inventions: scientific theories and mathematical methods; aesthetic creations (including written works, photographs, paintings, sculptures, music, speeches and other artistic works); schemes, rules or methods for performing a mental act, playing a game or doing business; and presentations of information.

According to the Guidelines, software that is characterised only by source code and not by any technical features is unlikely to be considered an invention. The Guidelines, however, take the position that computer-implemented inventions are patentable subject matter. To determine whether or not the claims define a patentable "invention", the examiner will need to identify the "actual contribution" of the invention. It must be established that said computer (or such other technical feature), as defined in the claims, is integral to the invention in order for the actual contribution to comprise said computer (or such other technical feature).

Accordingly, claims relating to a computer-implemented business method would be considered by the Registry to be an invention if the various technical features (eg, servers, databases and user devices) interact with the steps of the business method to a material extent and in such a manner as to address a specific problem.

Methods of medical treatment are not patentable pursuant to section 16(2) of the Patents Act 1994, which provides that an invention of a method of treatment of the human or animal body by surgery or therapy or of diagnosis practised on the human or animal body is not taken to be capable of industrial application.

The Registry of Patents has also recently released its [Supplemental Guidance for the Examination of AI-related Patent Applications](#) (the Supplemental Guidelines), which provides guidance as to whether certain AI-related patent applications are patentable subject matters. The Supplemental Guidelines also provides a set of hypothetical examples pertaining to AI patent applications that are accompanied by non-binding assessments on whether the subject matters would be considered patentable or not.

Patent ownership

Who owns the patent on an invention made by a company employee, an independent contractor, multiple inventors or a joint venture? How is patent ownership officially recorded and transferred?

As a general rule, the patent for an invention shall be granted to the inventor or joint inventors (section 19(2)(a) of the Patents Act 1994).

This rule is subject to two exceptions (section 19(2)(b) and (c) of the Patents Act 1994):

- the patent may be granted to any person or persons who, by virtue of any enactment or rule of law, or any foreign law or treaty or international convention, or by virtue of an enforceable term of any agreement entered into with the inventor before the making of the invention, was or were at the time of the making of the invention entitled to the whole of the property in it (other than equitable interests) in Singapore; and
- the patent may be granted to the successor-in-title of the inventor, or of the person who is entitled to the invention under the first exception.

In relation to employees' inventions, section 49(1) of the Patents Act 1994 may operate as a rule of law falling within the scope of the first exception. Pursuant to section 49(1), an invention made by an employee is taken to belong to the employer if:

- the invention was made in the course of the normal duties of the employee or in the course of duties falling outside the employee's normal duties, but specifically assigned to the employee, and the circumstances in either case were such that an invention might reasonably be expected to result from the carrying out of the employee's duties; or
- the invention was made in the course of the duties of the employee and, at the time of making the invention, because of the nature of the employee's duties and the particular responsibilities arising from the nature of the employee's duties, the employee had a special obligation to further the interests of the employer's undertaking. The foregoing is subject to contrary agreement.

In regard to independent contractors, multiple inventors and joint ventures, the right to the grant of the patent would depend on whether any of the exceptions apply.

A person who applies for a patent is taken to be the person who is entitled to the grant of the patent (section 19(3) of the Patents Act 1994). Upon publication of the patent application, the name and address of the applicant(s) will be entered in the register of patents (Rule 55(2) of the [Patents Rules](#)).

A patent or a patent application is personal property and may be transferred in accordance with section 41 of the Patents Act 1994. If transferred by way of an assignment, section 41(6) provides that the assignment of a patent or patent application shall be void unless it is in writing and signed by or on behalf of the assignor. An application to register the assignment with the Registrar shall be made on Form CM6 (Rule 57(1)(a) of the Patents Rules).

Law stated - 23 March 2026

DEFENCES

Patent invalidity

How and on what grounds can the validity of a patent be challenged? Is there a special court or administrative tribunal in which to do this?

The validity of a patent may be challenged in revocation proceedings, which typically arise in one of two circumstances. First, pursuant to section 80 of the Patents Act, any person may apply to the Intellectual Property Office of Singapore (IPOS) or the General Division of the High Court to revoke a patent. Second, in response to an action for patent infringement commenced at the General Division of the High Court, a defendant may raise the invalidity of a patent as a complete defence to infringement and counterclaim for revocation of the patent.

The validity of a patent may also be challenged in re-examination proceedings. Pursuant to section 38A of the Patents Act, any person may file a request for IPOS to conduct a re-examination of the specification of a patent, which may result in the patent being unconditionally revoked or partially invalidated such that it should be revoked unless the specification is amended to the satisfaction of IPOS within a specified time.

The grounds on which a patent may be invalidated are set out in section 80 of the Patents Act. These are:

- the invention is not a patentable invention within the meaning of section 13 of the Patents Act – in other words, it is not new, does not involve an inventive step, is not capable of industrial application or is in respect of an invention the publication or exploitation of which would be generally expected to encourage offensive, immoral or antisocial behaviour;
- the patent was granted to a person who was not entitled to it;
- the specification of the patent does not disclose the invention clearly and completely for it to be performed by a person skilled in the art – for example, where the patent specification is not clear and complete enough to enable the person skilled in the art to perform the invention across the whole breadth of the claim without an undue burden ("classical insufficiency"), or where the person skilled in the art does not know how to determine whether a particular product or process is within or outside the scope of the claim, even after employing the common general knowledge and applying the normal process of claim construction ("insufficiency by uncertainty");
- the matter disclosed in the specification of the patent extends beyond that disclosed in the application for the patent as filed;
- an amendment or correction had been made to the specification of the patent or the application for the patent that should not have been allowed;
- the patent was obtained fraudulently, on any misrepresentation or any non-disclosure or inaccurate disclosure of any prescribed material information; and
- the patent is one of two or more patents for the same invention having the same priority date and filed by the same party or their successor in title.

Law stated - 23 March 2026

Absolute novelty requirement

Is there an "absolute novelty" requirement for patentability, and if so, are there any exceptions?

Yes. An invention must be new for it to be patentable. Pursuant to section 14(1) of the Patents Act, an invention is novel if it does not form part of the state of the art. Further, pursuant to section 14(2) of the Patents Act, the state of the art is taken to comprise all matter (whether a product, a process, information about either or anything else) that has at any time before the priority date of that invention been made available to the public (whether in Singapore or elsewhere) by written or oral description, by use or in any other way.

There are exceptions under which, for a period of 12 months immediately preceding the filing for the patent, the disclosure of matter constituting an invention will be disregarded. Pursuant to section 14(4) of the Patents Act, these are:

- where the disclosure of matter was obtained unlawfully or in breach of confidence;
- where the disclosure was made in breach of confidence;
- where the disclosure is an inventor-originated disclosure made at an international exhibition or before a learned society; and
- where the disclosure is an inventor-originated disclosure made in circumstances that do not fall under the above, but excluding an inventor's or joint inventors' own published applications unless such publication was erroneous.

Law stated - 23 March 2026

Obviousness or inventiveness test

What is the legal standard for determining whether a patent is "obvious" or "inventive" in view of the prior art?

Pursuant to section 15 of the Patents Act, an invention is taken to involve an inventive step if it is not obvious to a person skilled in the art, having regard to any matter that forms part of the state of the art as at the priority date of the invention. Whether a claimed invention involves an inventive step is generally determined with reference to the four-step *Windsurfing* approach, under which the court will:

- identify the inventive concept embodied in the patent-in-suit;
- assume the mantle of the normally skilled but unimaginative person in the art at the priority date and impute to them what was, at that date, common general knowledge in the art in question;
- identify what, if any, differences exist between the prior art and the alleged invention; and
- ask whether, viewed without any knowledge of the alleged invention, those differences constitute steps that would have been obvious to the skilled person or whether they require any degree of invention.

Law stated - 23 March 2026

Patent unenforceability

Are there any grounds on which an otherwise valid patent can be deemed unenforceable owing to misconduct by the inventors or the patent owner, or for some other reason?

There is no provision under the Patents Act that provides that an otherwise valid patent would be deemed unenforceable owing to misconduct by the inventors or the patent owner.

However, an otherwise valid patent may be unenforceable if:

- the allegedly infringing act occurred before the patent was in force;
- the allegedly infringing act falls under the statutory exceptions to infringement under section 66(2) of the Patents Act. The main categories of exceptions are where:
 - the act is done privately and for non-commercial purposes;
 - the act is done for experimental purposes relating to the subject matter of the invention;
 - the act consists of the use of a patented product or process by aircraft and ships that had temporarily or accidentally entered into Singapore's airspace or territorial waters (as the case may be) or by exempted aircraft or ships; and
 - the parallel importation into Singapore, with the consent of the foreign patentee or their licensee, of any patented product or any product obtained by means of a patented process or to which a patented process has been applied;
- the claim for patent infringement is barred by the principles of res judicata because the relevant subject matter had already been decided in previous proceedings before a court of competent jurisdiction, or ought to have been raised in those proceedings;
- the action for patent infringement is time-barred under the Limitation Act 1959 (2020 Rev Ed) because it was brought after the expiration of six years from the date on which the infringing acts occurred; or
- the allegedly infringing act constitutes prior use in good faith before the priority date of the patent pursuant to section 71 of the Patents Act.

Law stated - 23 March 2026

Prior user defence

Is it a defence if an accused infringer has been privately using the accused method or device prior to the filing date or publication date of the patent? If so, does the defence cover all types of inventions? Is the defence limited to commercial uses?

Yes. Pursuant to section 71 of the Patents Act, a person who in Singapore before the priority date of the invention does in good faith an act that would constitute an infringement of the patent if it were in force, or makes in good faith effective and serious preparations to do such an act, has the right to continue to do that act or to do that act (as the case may be), despite the grant of the patent. This defence under section 71 of the Patents Act covers all types of

inventions and is not limited to commercial uses (save that the defence does not extend to an accused infringer granting a licence to another person to do the otherwise infringing act).

Further, pursuant to section 66(2) of the Patents Act, an act that would constitute an infringement of a patent is not an infringement of a patent if it is done privately and for purposes that are not commercial. This defence under section 66(2) of the Patents Act covers all types of inventions but is limited to non-commercial uses.

Law stated - 23 March 2026

REMEDIES

Monetary remedies for infringement

What monetary remedies are available against a patent infringer? When do damages start to accrue? Do damage awards tend to be nominal, provide fair compensation or be punitive in nature? How are royalties calculated?

The monetary remedies available against a patent infringer are damages in respect of the infringement or an account of profits derived by the patent infringer from the infringement. The patent proprietor must elect between damages or an account of profits and cannot claim both reliefs for the same infringement. The underlying rationale for the election between these heads of reliefs is to prevent double recovery since the patent proprietor is not entitled to claim more than what they had lost.

Damages start to accrue from the time that a patent is infringed. However, the patent proprietor's right to bring an action and claim damages is restricted to the part of the wrong that was committed in the past six years.

Damages are generally intended to be compensatory. The principle underlying an award of damages for patent infringement is to put the patent proprietor in the same position as they would have been had they not suffered the wrong. Whether or not an award of damages is nominal depends on the evidence brought by the patent proprietor to prove the damage suffered. As the law stands, an award of punitive damages is not available in patent litigation proceedings in Singapore.

The measure of damages based on royalties may be based on what the patent proprietor would have charged the defendant for a licence based on the "accepted royalty rate". Where the patent proprietor cannot show a normal or established licence royalty or a rate of profit, the patent proprietor may have to adduce evidence in the form of expert opinion or practice in the trade to support a finding of a reasonable royalty.

Law stated - 23 March 2026

Injunctions against infringement

To what extent is it possible to obtain a temporary injunction or a final injunction against future infringement? Is an injunction effective against the infringer's suppliers or customers?

While there have not been many reported cases in Singapore in relation to interim injunctions in patent litigation proceedings, a party may apply for an interim injunction in a patent case. An application for an interim injunction in patent litigation follows similar principles as those in civil cases. The applicant must show that there is a serious question to be tried, that damages are not an adequate remedy and that the balance of convenience lies in favour of granting an injunction. The applicant may be required to undertake to the court to compensate the defendant in the event that their claim fails and the interim injunction has caused the defendant loss.

It may also be possible to obtain a final injunction to restrain the defendant from any apprehended act of infringement. The standard form of a final injunction is one that restrains the defendant "from making, disposing of, offering to dispose of, using, importing and/or keeping whether for disposal or otherwise products which infringe the patent in issue, and/or using or offering for use in Singapore processes which infringe the patent in issue". While the court retains discretion as to whether a final injunction should be granted, if the court eventually finds that the patent-in-suit has been infringed, the court will generally grant the final injunction.

Law stated - 23 March 2026

Banning importation of infringing products

To what extent is it possible to block the importation of infringing products into the country? Is there a specific tribunal or proceeding available to accomplish this?

The [Intellectual Property \(Border Enforcement\) Act 2018](#) (IPBE Act) was enacted in 2018 to amend the Copyright Act, the Geographical Indications Act 2014, the Registered Designs Act and the Trade Marks Act. The IPBE Act implements a phased approach to enhance border enforcement measures for goods that may infringe copyright, geographical indications, registered designs and trademarks. The IPBE Act presently does not address border enforcement measures for goods that may infringe patents. Accordingly, if a patent proprietor wishes to block the importation of infringing products into Singapore, they would need to apply for an injunction.

Law stated - 23 March 2026

Attorneys' fees

Under what conditions can a successful litigant recover costs and attorneys' fees?

Generally, an unsuccessful party pays the successful party's party-and-party costs (P&P costs). P&P costs are not the legal fees a party pays to their lawyers (namely, solicitor-and-client costs (S&C costs)) and are generally far lower than S&C costs. The general principle is that a successful party will be able to recover costs that were reasonably incurred and are reasonable in amount. Costs are awarded at the discretion of the court, and in exercising its discretion, the court must have regard to all relevant circumstances, which include:

- efforts made by the parties at amicable resolution;
- the complexity of the case and the difficulty or novelty of the questions involved;
- the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor;
- the urgency and importance of the action to the parties;
- the number of solicitors involved in the case for each party;
- the conduct of the parties;
- the principle of proportionality; and
- the stage at which the proceedings were concluded.

The court may disallow or reduce a successful party's costs or order that party to pay costs if:

- that party has failed to establish any claim or issue that they have raised in any proceedings, thereby unnecessarily increasing the amount of time taken, the costs or the complexity of the proceedings;
- that party has done or omitted to do anything unreasonably;
- that party has not discharged their duty to consider amicable resolution of the dispute or to make an offer of amicable resolution; or
- that party has failed to comply with any order of court, relevant pre-action protocol or any practice direction.

In appropriate cases, the court also has the discretion to order costs to be assessed on an indemnity basis, namely, all costs except those that have been unreasonably incurred or are unreasonable in amount.

Law stated - 23 March 2026

Wilful infringement

Are additional remedies available against a deliberate or wilful infringer? If so, what is the test or standard to determine whether the infringement is deliberate? Are opinions of counsel used as a defence to a charge of wilful infringement?

There are no additional remedies available against a deliberate or wilful infringer. Damages may be awarded to a patent proprietor who proves their case of deliberate or wilful patent infringement. The actions of a deliberate or wilful infringer may also be taken into account by the court in determining the appropriate order for costs.

Law stated - 23 March 2026

Time limits for lawsuits

What is the time limit for seeking a remedy for patent infringement?

The limitation period of six years for an action founded on a tort applies. Where the infringement of the patent in question is ongoing, a fresh cause of action accrues every day. However, the patent proprietor's right to bring an action is restricted to the part of the wrong that was committed in the past six years.

Law stated - 23 March 2026

Patent marking

Must a patent holder mark its patented products? If so, how must the marking be made? What are the consequences of failure to mark? What are the consequences of false patent marking?

There are no mandatory requirements for a patent proprietor to mark patented products. However, under Singapore law, a defendant may try to rely on the defence of "innocent infringement". As such, marking the patented products is recommended as it informs the public of the existence of a patent granted for the products and prevents a defendant from seeking to rely on the defence of innocent infringement. Under section 69(2) of the Patents Act, a person is not taken to have been aware or to have had reasonable grounds for supposing by reason only of the application to a product of the word "patent" or "patented", or any word or words expressing or implying that a patent has been obtained for the product unless the number of the patent accompanied the word or words.

Under section 99 of the Patents Act, it is an offence to falsely represent that an article disposed of for value is a patented product, and the perpetrator is liable on conviction to a fine not exceeding S\$10,000 or to imprisonment for a term not exceeding 12 months, or both.

Law stated - 23 March 2026

LICENSING

Voluntary licensing

Are there any restrictions on the contractual terms by which a patent owner may license a patent?

Section 51(1)(b) and (c) of the Patents Act 1994 contain restrictions on licence terms that are anticompetitive. Under section 51(1)(b), any condition or term of such a licence is void insofar as it purports to require the licensee to acquire from the licensor or the licensor's nominee, or prohibit the licensee from acquiring from any specified person, or from acquiring except from the licensor or the licensor's nominee, anything other than the product that is the patented invention or (if it is a process) other than any product obtained directly by means of the process or to which the process has been applied. Under section 51(1)(c), any condition or term of such a licence is void insofar as it purports to prohibit the licensee from using articles (whether patented products or not) that are not supplied by, or any patented process that does not belong to, the licensor or the licensor's nominee, or to restrict the right of the licensee to use any such articles or process.

In addition to the above, the [Competition and Consumer Commission of Singapore's Guidelines on the Treatment of Intellectual Property Rights](#) provide that agreements (including IP licensing agreements) that have the object or effect of appreciably preventing, restricting or distorting competition within Singapore will fall within the scope of the prohibition in section 34 of the [Competition Act 2004](#).

Law stated - 23 March 2026

Compulsory licences

**Are any mechanisms available to obtain a compulsory licence to a patent?
How are the terms of such a licence determined?**

The mechanism for granting a compulsory licence is found in section 55 of the Patents Act 1994. Section 55(1) provides that any interested person may apply to the General Division of the High Court for a grant of a licence on the ground that the grant is necessary to remedy an anticompetitive practice.

As provided in section 55(2), the grant of a licence is necessary to remedy an anticompetitive practice if:

- there is a market for the patented invention in Singapore;
- that market is not being supplied or is not being supplied on reasonable terms; and
- the court is of the view that the proprietor of the patent has no valid reason for failing to supply that market with the patented invention, whether directly or through a licensee, on reasonable terms.

If the court is satisfied that the licence is necessary, the court may make an order for the grant of a licence in accordance with the application upon such terms as the court thinks fit (section 55(3)). Two statutory requirements must also be complied with. First, a compulsory licence is non-exclusive, and may not be assigned otherwise than in connection with the goodwill of the business in which the patented invention is used (section 55(4)). Second, where a compulsory licence is granted, the licensee must pay remuneration to the licensor, at a sum as may be agreed between the parties, or as may be determined by a method agreed between the parties or, in default of the agreement, as is determined by the court on the application of either party (section 55(6)).

Law stated - 23 March 2026

PATENT OFFICE PROCEEDINGS

Patenting timetable and costs

How long does it typically take, and how much does it typically cost, to obtain a patent?

It typically takes about two to four years from the date the application is filed to obtain a patent. This is dependent on factors such as complexity of the invention, amendments made in the application and the search and examination processes.

The official fees involved in a patent application may range from S\$1,840 to S\$2,470, which varies from case to case depending on the search and examination option chosen.

Law stated - 23 March 2026

Expedited patent prosecution

Are there any procedures to expedite patent prosecution?

The [currently available acceleration programmes](#) to expedite patent prosecution in Singapore are the ASEAN Patent Examination Co-operation (ASPEC), the Patent Prosecution Highway and the Collaborative Search and Examination with Indonesia and Viet Nam. There are no additional official fees for proceeding under any of the acceleration programmes.

ASPEC is the regional patent work-sharing programme between the IP offices of nine participating ASEAN member states (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Vietnam). Applicants may use the search and examination reports of participating IP offices to accelerate the patenting process in any one of the other participating IP offices.

The Patent Prosecution Highway is a programme between certain IP offices where the examination process of a patent application in one IP office can be accelerated by referencing the examination results from another IP office.

The Collaborative Search and Examination is a programme between the IP offices of Singapore and Viet Nam, and the IP offices of Singapore and Indonesia to speed up the patent search and examination process in these countries.

Law stated - 23 March 2026

Patent application contents

What must be disclosed or described about the invention in a patent application? Are there any particular guidelines that should be followed or pitfalls to avoid in deciding what to include in the application?

According to sections 25(3)–(5) of the Patents Act:

- every application for a patent must contain a specification containing a description of the invention, a claim or claims and any drawing referred to in the description or any claim, and an abstract;
- the specification must disclose the invention in a manner that is clear and complete for the invention to be performed by a person skilled in the art; and
- the claim or claims must define the matter for which the applicant seeks protection, be clear and concise, be supported by the description and relate to one invention or to a group of inventions that are so linked as to form a single inventive concept.

Law stated - 23 March 2026

Prior art disclosure obligations**Must an inventor disclose prior art to the patent office examiner?**

There is no general requirement for an inventor to disclose prior art to the patent office. However, certain search and examination options require the submission of the final international search results of the application or the final search results of a corresponding application, and a copy of each of the documents referred to in the final international search results or final search results.

Law stated - 23 March 2026

Pursuit of additional claims**May a patent applicant file one or more later applications to pursue additional claims to an invention disclosed in its earlier-filed application? If so, what are the applicable requirements or limitations?**

Yes. Section 26(11) of the Patents Act provides for the filing of a new application by the original applicant or a successor in title in respect of any part of the matter contained in the earlier application before the conditions for grant under section 30(c) of the Patents Act have been met, or before the earlier application is refused, withdrawn, treated as or taken to be withdrawn, or treated as abandoned or as having been abandoned. The new application is filed with a declaration of priority under section 17(2) of the Patents Act in respect of one or more earlier relevant applications and must not include any subject matter extending beyond that disclosed in the earlier application as filed, or be directed to a same invention as its earlier application.

Law stated - 23 March 2026

Patent office appeals**Is it possible to appeal an adverse decision by the patent office in a court of law?**

Yes, it is possible to do so. Section 90(1) of the Patents Act provides that an appeal may be made to the court from any decision of the Registrar under the Patents Act or the Patents Rules, except any of the following decisions:

- a decision falling within section 25(7);
- a decision under section 27(3) to omit any matter from a specification;
- a decision to give directions under section 33(1) or (2);
- a decision under section 38A(4) not to grant a request for re-examination;
- a decision under section 38A not to revoke a patent; or
-

a decision under the rules that is excepted by the rules from the right of appeal conferred by this section.

Law stated - 23 March 2026

Oppositions or protests to patents

Does the patent office provide any mechanism for opposing the grant of a patent?

There are no procedures available for opposing the grant of a patent.

Notwithstanding, under section 32 of the Patents Act, where an application for a patent has been published, third-party observations may be made in writing to the Registrar with respect to the patentability of the invention, stating reasons for the observations.

Any person may also, on application to the Registrar, seek to revoke a patent on (but only on) any of the following grounds as set out in section 80(1) of the Patents Act:

- the invention is not patentable;
- the patent was granted to a person who was not entitled (either alone or with other persons) to be granted that patent;
- the specification of the patent does not disclose the invention clearly and completely for it to be performed by a person skilled in the art;
- the matter disclosed in the specification of the patent extends beyond that disclosed in the application for the patent, as filed;
- an amendment or a correction has been made to the specification of the patent or the application for the patent that should not have been allowed;
- the patent was obtained fraudulently, on any misrepresentation, or on any non-disclosure or inaccurate disclosure of any prescribed material information, whether or not the person under a duty to provide the information knew or ought reasonably to have known of such information or the inaccuracy; and
- the patent is one of two or more patents for the same invention having the same priority date and filed by the same party or the party's successor in title.

Law stated - 23 March 2026

Priority of invention

Does the patent office provide any mechanism for resolving priority disputes between different applicants for the same invention? What factors determine who has priority?

Singapore operates on a first-to-file system. The relevant considerations for priority are set out in section 17 of the Patents Act.

Section 17(1) of the Patents Act provides that, for the purposes of the Act: "the priority date of an invention to which an application for a patent relates and also of any matter (whether

or not the same as the invention) contained in the application is, except as provided by the provisions of this Act, the date of filing the application".

Section 17(2) of the Patents Act provides that:

Where in or in connection with an application for a patent (called in this section the application in suit) a declaration is made, whether by the applicant or any predecessor in title of the applicant, complying with the relevant requirements of the rules and specifying one or more earlier relevant applications for the purposes of this section made by the applicant or a predecessor in title of the applicant, and the application in suit has a date of filing, within the period mentioned in subsection (3)(a) or (b), then –

- a. if an invention to which the application in suit relates is supported by matter disclosed in the earlier relevant application or applications, the priority date of that invention, instead of being the date of filing the application in suit, is the date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them; and
- b. the priority date of any matter contained in the application in suit which was also disclosed in the earlier relevant application or applications is the date of filing the relevant application in which that matter was disclosed or, if it was disclosed in more than one relevant application, the earliest of them.

If there is a priority dispute, under section 20 of the Patents Act, any person may, at any time before a patent has been granted for the invention, refer to the Registrar the question of whether the person is entitled to be granted (either alone or with any other persons) a patent for that invention or has or would have any right in or under any patent so granted or any application for such a patent, or any of two or more co-proprietors of an application for a patent for that invention may so refer the question whether any right in or under an application should be transferred or granted to any other person.

The validity of a patent for the invention may also be challenged through a revocation action.

Law stated - 23 March 2026

Modification and re-examination of patents

Does the patent office provide procedures for modifying, re-examining or revoking a patent? May a court amend the patent claims during a lawsuit?

Under section 38(1) of the Patents Act 1994, the Registrar may, on an application made by the proprietor, allow the patent specification to be amended subject to such conditions as the Registrar thinks fit. This is subject to section 84(4) of the Patents Act 1994, which precludes amendments that result in the specification disclosing additional matter or extending the protection conferred by the patent. Based on the Registry's [Circular No. 1/2016 on Updated Guidelines on the Assessment of Patent Post-Grant Amendments](#), the Registrar will additionally assess post-grant amendments based on the following criteria:

- whether relevant matters are sufficiently disclosed;

- whether there was any unreasonable delay in seeking amendments; and
- whether the patentee has gained an unfair advantage by delaying amendments that are known to be needed.

Under section 38A of the Patents Act 1994, any person may, at any time after a patent is granted, file a request for the Registrar to conduct a re-examination of the specification of a patent. The procedure for doing so is set out within section 38A of the Patents Act 1994 and Rule 52A of the Patents Rules.

Sections 80 to 81 of the Patents Act 1994 govern patent revocation. Under section 80, the General Division of the High Court or the Registrar may, on the application of any person, by order revoke a patent based on the grounds contained in section 80(1). Section 81 relates to the Registrar's power to revoke patents on the Registrar's initiative, should the Registrar find that an invention for which a patent has been granted formed part of the state of the art.

In any proceedings before the court or the Registrar in which the validity of a patent is put in issue, the court or the Registrar may, subject to section 84 of the Patents Act 1994, allow the proprietor to amend the patent specification of the patent in such manner as the court or Registrar thinks fit (section 83(1) of the Patents Act 1994). Such amendments are subject to opposition (section 83(2) of the Patents Act 1994).

Law stated - 23 March 2026

Patent duration

How is the duration of patent protection determined?

As prescribed under section 36 of the Patents Act, a patent shall take effect on the date of grant and shall continue in force until the end of the period of 20 years beginning with the date of filing the application for the patent, subject to the payment of renewal fees.

Law stated - 23 March 2026

UPDATE AND TRENDS

Key developments of the past year

What are the most significant developing or emerging trends in the country's patent law?

In recent years, a significant issue discussed by the courts has been how challenges to the validity of independent claims may affect dependent claims in a patent.

In an earlier decision in *Sunseap Group v Sun Electric Pte Ltd* [2019] SGCA 4 (*Sunseap*), the Court of Appeal observed that a patent should be revoked if "all the independent claims in a patent have found to be invalid" because "it follows that the dependent claims must also fall". It remains to be seen how this can be applied as a general principle.

In *Ila Technologies Pte Ltd v Element Six Technologies Ltd* [2023] SGCA 5 (*Ila*), the Court of Appeal did not make a ruling on the correctness of the observation in *Sunseap* as the outcome of the appeal did not run on its application. The Court of Appeal stated that it will

leave further consideration of observation in *Sunseap* to an appropriate future case. The Court of Appeal has yet to issue a further decision regarding *Sunseap*.

Further, in *Ila*, the Court of Appeal recognised for the first time in Singapore that "insufficiency by uncertainty" is a ground for revocation in Singapore. This insufficiency arises when the person skilled in the art is unable to determine whether a particular product or process is within or outside the scope of the claim. On the facts, the Court of Appeal found that, since the only independent claim (Claim 1) was invalid for insufficiency, the patent as a whole was invalid for insufficiency as well. This was because the rest of the claims defined the scope of their monopoly by reference to Claim 1. This decision highlights how a claim of insufficiency by uncertainty can be used as a powerful knockout argument in patent validity and infringement proceedings.

Following these decisions, patent drafters and patent litigators are likely to exercise more caution in drafting or relying on dependent claims moving forward. Further, patent drafters are also likely to be a lot more careful in drafting patent claims to ensure that there is certainty in the drafted claims and that the claims do not leave the "skilled person" in doubt when reading the claims.

Law stated - 23 March 2026