SINGAPORE-COUNTRY REPORT

by

Ms. Susanna H.S. Leong,
Assistant Professor, Department of Business Policy,
Faculty of Business,
National University of Singapore, Singapore

I. Introduction

Singapore is a small Southeast Asian city-state with an area of 648 sq km and a population of almost four million.[1] She is an island city-state without any natural resources. However, over the last 36 years Singapore has achieved remarkable economic success. By 1997, Singapore's per capita GDP is the highest in Asia and fourth highest in the world, after Switzerland, Japan and Norway.[2] This is the result of rapid sustained growth in the last decade and is derived essentially from the government's efforts in directing Singapore into high value-added, high technology and more capital-and knowledge-intensive economic activities.

The government's general policy to re-structure of the Singapore's economy into a knowledge-based one has also brought about several significant legal reforms over the last few years particularly in the area of intellectual property laws.

Singapore is a member of the World Trade Organisation ("WTO") with the status of an "advanced developing country" and thus obliged to comply with TRIPs by 2000. At present, Singapore is also a member of the following conventions:

(a) Paris Convention for Protection of Industrial Property 1883 as of February 23, 1995;
(b) The Patent Cooperation Treaty 1978 as of February 23, 1995;
(c) The Budapest Treaty 1997 as of February 23, 1995;
(d) The Convention Establishing the World Intellectual Property Organization 1970 as of December 10, 1990;
(e) The Berne Convention for the Protection of Literary and Artistic Works 1886 as of December 21, 1998;
(f) Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks as of March 18, 1999;

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[1] Of whom 3.2 million are citizens of Singapore or permanent citizens.
[2] Tim Huxley, *Defending the Lion City – The Armed Forces of Singapore*, Allen & Unwin, 2000, at P xix.

(g) Protocol relating to the Madrid Agreement concerning the International Registration of Marks 1989 as of October 31, 2000.

As result of Singapore's membership to these international conventions and TRIPs, numerous legislative changes have since taken place. In 1994, parliament passed its first Patents Act.[3] In February 1998, the Copyright Act was amended primarily to confer rights on performers, create rental rights for computer programmes and sound recordings, expand the remedies for infringement of copyright and establish border enforcement measures to prevent infringing intellectual property materials from entering Singapore.[4] Within the same year, the Singapore government repealed the old 1970 Trade Marks Act, enacted a new Trade Marks Act[5] and the Geographical Indications Act.[6] In January 1999, the Layout-Designs of Integrated Circuits Act[7] was passed while in August 1999, the Copyright Act was amended again.[8] This time, the amendments dealt specifically with the challenges posed by electronic commerce. Most recently, on August 25, 2000, the new Registered Designs Act 2000[9] was passed establishing a new system of registration for industrial designs in Singapore.

Thus, intellectual property laws have become an important component in the Singapore legal infrastructure and intellectual property awareness is now a buzzword in the market. To increase the level of "intellectual property literacy," the government has expanded much resource in the education and training of professionals as well as the general public through initiatives and programmes undertaken by public governmental bodies and institutions of higher learning. It is the main object of this paper to report on the current status of the various education initiatives and training programmes conducted here in Singapore with respect to the study of intellectual property laws and issues.

II. Governmental Bodies

The Intellectual Property Office of Singapore ("IPOS")

IPOS is a new statutory board under the Ministry of Law. It is tasked to spearhead a national effort to build intellectual property as a strategic and competitive resource. At the launch of IPOS on April 3, 2001, the Chairman of IPOS and deputy executive

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3 Chapter 221, The Statutes of the Republic of Singapore.
4 Act 6 of 1998 - Copyright (Amendment) Act 1998.
5 Act 46 of 1998.
6 Act 44 of 1998.
7 Act 3 of 1999.
8 Act 38 of 1999 - Copyright (Amendment) Act 1999.
9 Act 25 of 2000.

chairman of the National Science and Technology Board, Professor Hang Chang Chieh said that IPOS' vision is to foster a creative Singapore where ideas and intellectual efforts are valued, developed and exploited. It is also the aim of IPOS to be the key resource center for business, research and the arts communities, and to promote public awareness and effective use of IP rights.[10]

IPOS' Public Education & Awareness Campaign

IPOS' Public Education & Awareness Campaign[11] emphasizes public education awareness and knowledge (P.E.A.K.) in intellectual property. The strategies adopted by IPOS in the promotion of intellectual property awareness include:

- Seminars, workshops and talks
- Press releases, websites, brochures and multi-media
- Road shows and exhibitions

The following seminars, workshops and talks were conducted by IPOS in the year 2000 to promote intellectual property awareness:

- WIPO Asian Regional Workshop: Benefits of Global Industrial Property Protection Systems for Countries, February 14 to 16, 2000 (co-organized by IPOS, WIPO and JPO)
- Association for the Protection of Industrial Property (AIPPI) Symposium 2000: Capitalizing your IP Rights, July 13 and 14, 2000
- A Talk on Inventions & Intellectual Property, September 15, 2000 (Jointly organized by IPOS and NCTB)
- Workshop on Procedures under the Madrid Protocol, September 21 and 22, 2000
- Seminars on Patents, April 3 to 5, 2000

Besides conducting regular seminars and talks on intellectual property, IPOS also tries to encourage better understanding of the Trade Marks regime the publication of a multi-media CD ROM on Trade Marks in March 2000. Through the launch of its websites, IPOS Web Site; Epatents Web Site; SurfIP Web Site, IPOS hopes to assist the public in all matters pertaining to intellectual property rights for example filing of

[10] Business Times (Singapore), April 3, 2001.

[11] *IPOS Public Education & Awareness Campaign – Strategies, Contents & Implementation*, presented at the Fourth WIPO MFA Joint Training Course, Demystifying Intellectual Property through Education, Communication & Public Outreach, Singapore, November 27 – December 6, 2000.

application forms and legislation updates. In terms of reaching out to the public, IPOS has embarked on a series of road shows and exhibitions. IPOS officers have conducted road shows to more than 60 primary schools to educate students on the need to respect Copyright materials. In November 2000, IPOS together with the National Science and Technology Board and the Trade Development Board staged the first public exhibition on intellectual property. The exhibition seeks to acknowledge and raise the awareness of the various form of intellectual property including patents, as well as the need to protect and respect intellectual property rights.[12]

IPOS future plans with respect of reaching out to the public and increasing their awareness in intellectual property includes conducting multimedia radio talk shows, more road shows for secondary, tertiary and technical institutions and other intellectual property education and training programmes.[13]

Training Course and Qualifying Examinations for Registered Patent Agents in Singapore

In November 2000, IPOS, NSTB, NUS Faculty of Law and the Law Society signed a memorandum of Understanding to create a pool of trained patent agents here in Singapore. A registry of patent agents will be established and administered by IPOS. To be registered as a qualified patent agent in Singapore, the candidate needs to pass professional examinations conducted by IPOS. The patent agent qualifying course is a two-year training programme. Phase One of the training involves 16-week law course leading to a Graduate Certificate in Intellectual Property Law. Staff from the Faculty of Law, NUS, shall conduct this part of the course. This followed by a nine-month drafting course and is organized by a European patent agent organization: The *Fédération Internationale des Conseils en Propriété Industrielle*. Upon completion of the two-year programme, the candidate will have to do a one-year attachment with practicing patent agents here and overseas.

[12] Tricia Dang, Manager of the National Science and Technology Board, Business Times (Singapore), November 16, 2000.

[13] See Appendix for seminars organized or shall be organized by IPOS in 2001.

III. Institutions of Higher Learning

Intellectual Property Education for Law Students

At the National University of Singapore ("NUS"), Faculty of Law, intellectual property courses are offered at the undergraduate and postgraduate levels. The topics covered include:

- Law of patents
- Law of passing-off
- Law of registered trademarks
- Law of confidence/trade secrets
- Law of industrial designs
- Law of copyright

In the mid-1990s, the intellectual property course offered at the undergraduate level has undergone some substantial changes. The course structure for the basic intellectual property course for law undergraduates has been changed. Instead of offering one single course on intellectual property, three independent courses of six months duration each are now being offered. These three intellectual property courses are:

- Intellectual Property Rights in Inventions and Innovation
- Law of Copyright
- Law of Unfair Competition

In order to enhance the element of research in the teaching of intellectual property and to encourage greater research activities, Directed Research in Intellectual Property was introduced. This is a six months course culminating in a dissertation on a selected topic in intellectual property laws.

Intellectual Property Education for Non-Law Students

The Faculty of Law at NUS also conducts intellectual property courses for non-lawyers. The courses are:

- Principles of Intellectual Property Law
- Business and Law of Biotechnology

At the NUS Business School, intellectual property courses are also offered to business students at the postgraduate level. For students in the Master of Science in Technology Management, an elective course Legal Aspects of Technology Management

is offered to them. Two new courses on intellectual property laws, Managing Corporate Intellectual Property Rights and Intellectual Property & Technology Management, shall be offered to students in the Master of Business Administration and in the Asia-Pacific Executive Master of Business Administration programmes for academic year 2002 and 2003 respectively.

At the Singapore Management University, intellectual property courses are offered to business and accounting undergraduate students. The courses are:

- IT and the Law
- Intellectual Property Laws

At the Nanyang Technological University of Singapore, an elective course on Law of Information and Technology is offered to undergraduate accountancy and business students.

At the Temasek Business School, Temasek Polytechnic of Singapore, intellectual property is taught to students pursuing a Diploma in Law and Management. Graduates of the course are employed in law offices, Courts, legal departments of statutory boards and corporations. They assist lawyers in legal work like drafting of documents, legal research and the day-to-day management and administration.

IV. Private Sectors and Professional Bodies

Education and training initiatives from the private sector are mainly on the *ad hoc* basis.

Private sectors

- Microsoft

Microsoft is sponsoring an Intellectual Property Panel in the up-coming Internet and Development in Asia, Internet Political Economy Forum 2001, to be held on September 14 and 15, 2001 in Singapore.

Professional Bodies

- The Academy of Law;
- The Law Society of Singapore;

- The Subordinate Courts of Singapore;
- Association for the Protection of Industrial Property (AIPPI).

These professional bodies frequently organize public seminars, workshops, symposiums and forums on issues in intellectual property laws.

Conclusion

Education and training in intellectual property laws is growing in importance in Singapore. This is evident from all the education and training initiatives by various bodies, both governmental and non-governmental, and the courses offered at the various tertiary institutions. Indeed, it is true that only through "a strategy of education, collaboration and communication"[14] that the wider issues of economic, social and cultural benefits of intellectual property protection can understood and their significance appreciated by the public at large.

[Appendix follows]

[14] A Model Plan of Action for Intellectual Property Outreach Programmes - Education, Collaboration, Communication, WIPO.

Appendix

IPOS Seminars in 2001:

Maximising Returns from Corporate Intellectual Property - Importance of Technology & Market Intelligence

Date: 15/05/2001, 3 - 5 p.m.
Venue: Institute of Materials Research & Engineering (IMRE), Auditorium 3, 3 Research Link, Singapore 117602

Experiences of a Technology Start-up & Tax Issues in Licensing

Date: 25/05/2001, 3 - 5 p.m.
Venue: The YWCA, Fort Canning Lodge, 6 Fort Canning Road, Faith & Hope Room

BroadcastAsia2001 International Conference, Session 1: Intellectual Property Rights

Date: 18/06/2001
Venue: Singapore Expo

Designs Workshop For Paralegals

Date: 29/06/2001, 9 am to 12.30 p.m.
Venue: PSB Building, 2 Bukit Merah Central

Telecommunication Law: Coping with the Telecoms Industry in Singapore
(A workshop organised by the IP Committee of The Law Society of Singapore)

Date: 13/07/2001, 2.30 to 5.30 p.m. (Registration will begin at 2.00 p.m.)
Venue: Mandarin Court D, 4th Floor Main Tower, Mandarin Hotel, 333 Orchard Road

BioMedical Asia 2001

Date: 19/09/2001 - 21/09/2001
Venue: Ballrooms 1, 2 & 3, Level 2, SICEC