

## ASEAN Patent Examination Co-operation (ASPEC) Programme

### 1 ASEAN Patent Examination Co-operation (ASPEC)

- 1.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent cooperation project. It is a programme for IP Offices from participating ASEAN member states (“AMS”) to utilise the search and examination (“S&E”) results from another participating AMS IP Office as reference in its own S&E work.
- 1.2 There are 9 participating AMS IP Offices and they are from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.
- 1.3 The participating AMS IP Office may consider the S&E documents it receives under the ASPEC. It is not obliged to adopt any of the findings or conclusions reached by the other IP Office. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.
- 1.4 When an ASPEC request is filed at a participating AMS IP Office in accordance with the requirements at that Office, processes at the Office will be advanced out of turn from the time of filing the ASPEC request until grant.
- 1.5 The objectives of the programme are:
  - **Reduced work and faster turnaround time.** Reference to earlier work could help an examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.
  - **Better search and examination** – The other patent authorities might have access to databases unavailable to the examiner (e.g. specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these search and examination results could provide the examiner with information on and assessment of prior art which he or she would otherwise not have access to.

### 2 Date of Commencement

The programme commenced on 15 Jun 2009 and will continue to be reviewed regularly.

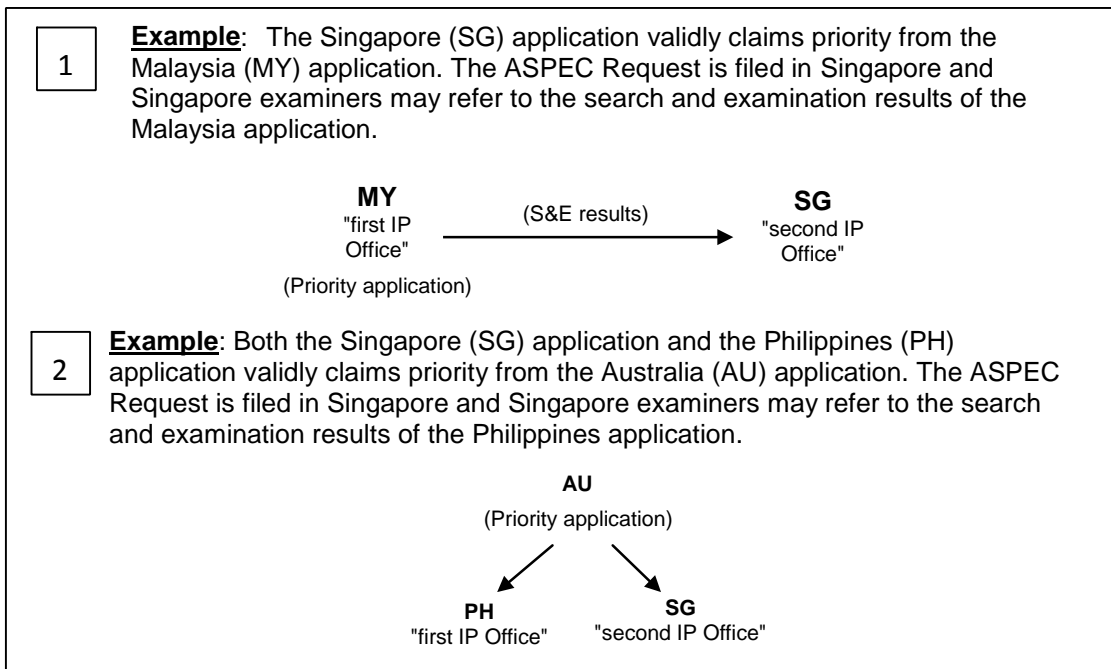
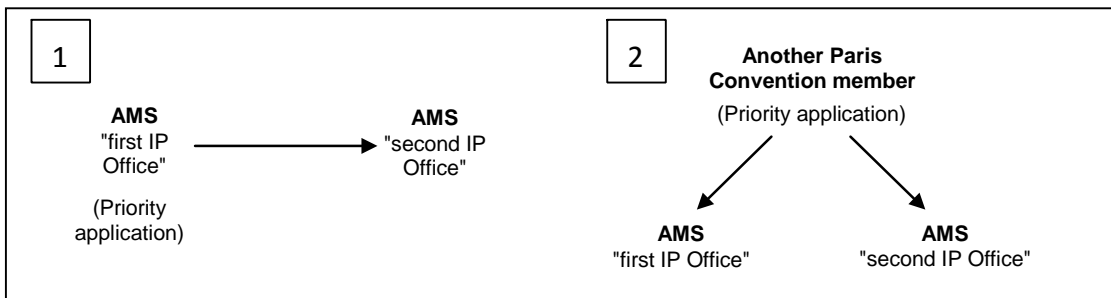
### 3 Requirement for requesting ASPEC

3.1 A patent application in a participating AMS IP Office where the ASPEC Request Form is filed ("second IP Office") is required to be a corresponding patent application in the other participating AMS IP Office ("first IP Office"). The ASPEC Request relies on S&E documents of this corresponding application. A patent application in the first IP Office is a corresponding application if it is:

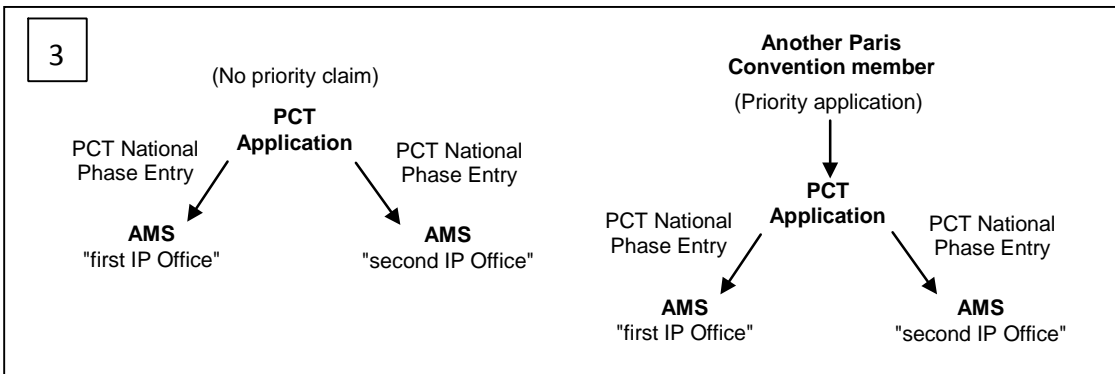
1. linked by a Paris Convention priority claim to the patent application in the second IP Office, and vice-versa, or
2. the patent applications in both the first IP Office and second IP Office have the same priority claim from another Paris Convention member country, or
3. the patent applications in both the first IP Office and second IP Office are national phase entry applications from the same PCT application.

The diagrams below show the types of corresponding patent applications and further if the ASPEC Request Form is filed with MyIPO.

#### (a) Corresponding Patent Applications – Paris Convention Priority Link



**(b) Corresponding Patent Applications – Applications Linked through a PCT Application**



**Example:** Both the Singapore (SG) application and the Philippines (PH) application validly claims priority from the Australia (AU) application. The ASPEC Request is filed in Singapore and Singapore examiners may refer to the search and examination results of the Philippines application.

**Example:** Both the Singapore (SG) application and the Philippines (PH) application are national phase entry applications from the same PCT application. The ASPEC Request is filed in Singapore and Singapore examiners may refer to the search and examination results of the Philippines application.

3.2 All documents for the purposes of ASPEC must be in English. An overview of the requirements and procedures for requesting ASPEC in the participating AMS IP Offices can be found in the **Annex**.

**4 Procedures for requesting ASPEC**

- 4.1 The patent applicant is to file a duly completed ASPEC Request Form in the second IP Office and it shall be accompanied by the following documents:
- (a) a copy of the search report and the examination report (“minimum documents”) of a corresponding application from the first IP Office, and

- (b) a copy of the claims referred to in the minimum documents submitted, with at least one claim determined by the first IP Office to be allowable/patentable.

A copy of the form can be obtained at: <http://www.myipo.gov.my> .

- 4.2 The ASPEC Request Form may be accompanied by a claim correspondence table showing relatedness of the claims examined in the corresponding application to the claims in the current application, a copy of the written opinion(s) and the list of prior art, if available (“additional documents”).
- 4.3 The ASPEC Request Form and the documents referred to in paragraphs 4.1 and 4.2 may be filed at any time before the final decision of grant or refusal.
- 4.4 For avoidance of doubt, a copy of the patent grant without the minimum documents will not qualify for the ASPEC.
- 4.5 All subsequent correspondences with MyIPO must be marked with the phrase “ASPEC requested”.

## **5 Cited documents**

A copy of each of the documents cited in the minimum documents is not required at the time of filing the ASPEC Request Form. MyIPO may, however, require the applicant to furnish a copy of any document cited in the minimum documents subsequently.

## **6 Translations**

- 6.1 The documents in paragraph 4 must be accompanied by an English translation if they are not originally in English, at the time of filing the ASPEC Request Form.
- 6.2 The documents in paragraph 5 may be filed in their original language. However, MyIPO may subsequently request for an English translation of a document or a part of a document if a patent family member in English is not available.
- 6.3 The English translation of any document must be verified by a translator or by the patent agent appointed to act on behalf of the patent applicant before MyIPO, if it is requested.

## **7 Mode of Submission**

The ASPEC Request Form, the minimum documents, the additional documents, the cited documents, and the translations are to be filed on paper via one of the following modes:

- (i) by hand,
- (ii) post, or
- (iii) facsimile transmission.

## **8 Enquiries**

For enquiries relating to the ASPEC programme, please contact Mr Abd Rahman Ramli via telephone 603 2299 8814, email [rahman@myipo.gov.my](mailto:rahman@myipo.gov.my) or Ms Azyani Aziz via telephone 603 2299 8472, email [azyani@myipo.gov.my](mailto:azyani@myipo.gov.my) with the subject heading "ASPEC Programme".

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)

DATE: 15 June 2009

REVISION DATE: 2 July 2014

## ANNEX

### Overview of the Requirements, Procedures and Services at the Participating AMS IP Offices in relation to the ASPEC Programme

The tables below provide an overview of the requirements, procedures and services at the ASPEC participating AMS IP Offices acting as either AMS "first IP Office" or AMS "second IP Office". Reference should be made to the respective AMS IP Office for further information relating to the information contained in the tables below.

#### Requirements and Services at the AMS First IP Offices

AMS First IP Office	Are Search & Examination Reports Issued in English	Are English translation (and verification) services of non-English ASPEC documents <sup>1</sup> provided for at the AMS First IP Office
Brunei Darussalam	Yes	Not applicable
Cambodia	Yes	Not Applicable
Indonesia	No	No
Lao PDR	No	No
Malaysia	Yes	Not Applicable
Philippines	Yes	Not Applicable
Singapore	Yes	Not Applicable
Thailand	No	Yes
Viet Nam	No	Yes, upon request

#### Requirements and Procedures at the AMS Second IP Offices

AMS Second IP Office	When can the ASPEC Request be filed by the applicant at the AMS Second IP Office	Will the AMS Second IP Office request the AMS First IP Office for English translation of nonEnglish ASPEC documents <sup>1</sup>
Brunei Darussalam	At any time before the final decision of grant or refusal	No
Cambodia		
Indonesia		
Lao PDR		
Malaysia		
Philippines		
Singapore		
Thailand		
Viet Nam		

<sup>1</sup> ASPEC documents refer to the minimum documents [paragraph 4.1 (a)], the additional documents [paragraph 4.2] and the cited documents [paragraph 5].